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STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 190**

**The Welfare Reform (Northern Ireland) Order  
2015 (Commencement No. 8 and Transitional  
and Transitory Provisions) Order 2017**

**Provisions that apply in connection with the abolition of income-related employment and support allowance and income-based jobseeker's allowance under Article 6**

7.—(1) For the purposes of Article 6(2)(c), where a claim for an employment and support allowance or a jobseeker's allowance is made by a couple or a member of a couple, any reference in that paragraph to "the claimant" is a reference to each member of the couple.

(2) For the purposes of paragraph (1), "couple" has the same meaning as it has in Article 45 of the 2015 Order.

(3) For the purposes of Article 6(2)(d), "relevant period" means, in relation to a claim for universal credit within Article 6(2)(a) or (b), any UC claim period, and any period subsequent to any UC claim period in respect of which the claimant is entitled to an award of universal credit in respect of the claim.

(4) For the purposes of paragraph (3), a "UC claim period" is a period when—

- (a) a claim for universal credit within Article 6(2)(a), or within Article 6(2)(b)(i) or (ii), has been made but a decision has not yet been made on the claim; or
- (b) a decision has been made that the claimant is not entitled to universal credit and—
  - (i) the Department is considering whether to revise that decision under Article 10 of the 1998 Order, whether on an application made for that purpose, or on the Department's own initiative; or
  - (ii) the claimant has appealed against that decision to the Appeal Tribunal and that appeal or any subsequent appeal to the Commissioner or to a court has not been finally determined.

(5) For the purposes of Article 6(2)(c) and (d), the Claims and Payments Regulations 1987 apply, subject to paragraph (6) and (7), for the purposes of deciding—

- (a) whether a claim for an employment and support allowance or a jobseeker's allowance is made; and
- (b) the date on which the claim is made or treated as made.

(6) Subject to paragraph (7),—

- (a) a person makes a claim for an employment and support allowance or a jobseeker's allowance if they take any action which results in a decision on a claim being required under the Claims and Payments Regulations 1987; and
- (b) except as provided in paragraph (5), it is irrelevant that the effect of any provision of the Claims and Payments Regulations 1987 is that, for the purposes of those Regulations, the claim is not made or treated as made during the relevant period.

(7) Where, by virtue of—

- (a) regulation 6(1D)(b) or (c), in the case of a claim for an employment and support allowance(1); or
- (b) regulation 6(4ZA) to (4ZD) and (4A)(a)(i) and (b), in the case of a claim for a jobseeker's allowance(2),

a claim for an employment and support allowance or a jobseeker's allowance is treated as made at a date earlier than the date on which the action referred to in paragraph (6)(a) is taken, the claim is treated as made on that earlier date.

(8) For the purposes of Article 6(3)—

- (a) in the case of a claim for universal credit, where the time for making a claim is extended under regulation 25(2) of the Claims and Payments Regulations 2016 (time within which a claim for universal credit is to be made), the reference to the first day of the period in respect of which the claim is made is a reference to the first day of the period in respect of which the claim is, by reason of the operation of that provision, timeously made;
- (b) in the case of a claim for an employment and support allowance or a jobseeker's allowance, where the time for making a claim is extended under regulation 19 of, and Schedule 4 to, the Claims and Payments Regulations 1987 (time for claiming benefit)(3), the reference to the first day of the period in respect of which the claim is made is a reference to the first day of the period in respect of which the claim is, by reason of the operation of those provisions, timeously made.

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(1) Regulation 6(1D) was inserted by regulation 13(6) of S.R. 2008 No. 286 and substituted by regulation 2(6)(c) of S.R. 2009 No. 240.

(2) Regulation 6(4ZA-4ZD) was inserted by regulation 2(5)(c) of S.R. 2000 No. 365 and amended by regulation 2(6)(d) of S.R. 2009 No. 240. Regulation 6(4A) was inserted by regulation 2(5)(c) of S.R. 1996 No. 354 and substituted by regulation 3(4)(d) of S.R. 1997 No. 156 and amended by regulation 2(4)(b)(i) and (ii) of S.R. 2000 No. 365, paragraph 2(4) of Schedule 2 to S.R. 2001 No. 175, regulation 2(6)(e) of S.R. 2009 No. 240.

(3) Regulation 19 was substituted by regulation 3(7) of S.R. 1997 No. 156 and amended by regulation 2(3) of S.R. 1997 No. 417, regulation 2(5) of S.R. 2000 No. 365, paragraph 2(7) of Schedule 2 to S.R. 2001 No. 175, regulation 2(3) of S.R. 2002 No. 67, paragraph 2 of the Schedule to S.R. 2002 No. 323, regulation 2(2)(b) of S.R. 2002 No. 327, paragraph 1(3) of Schedule 2 to S.R. 2003 No. 274, regulation 2(2) of S.R. 2004 No. 304, regulation 2(3) of S.R. 2005 No. 122, regulation 2(2)(b) and (c) of S.R. 2005 No. 139, regulation 6(3) of S.R. 2005 No. 539, regulation 2(4) of S.R. 2007 No. 392 and regulation 2(2) of S.R. 2008 No. 410. Schedule 4 was amended by regulation 9 of S.R. 1988 No. 14, regulation 6(6) and 8 of, and Schedule 3 to, S.R. 1991 No. 488, regulation 26 of S.R. 1992 No. 7, regulation 2(13) of S.R. 1994 No. 456, regulation 2(22) of S.R. 1996 No. 354, regulation 2(6) of S.R. 1996 No. 432, regulation 3(8) of S.R. 1997 No. 156, regulation 2(5) of S.R. 2005 No. 122, regulation 2(10) of S.R. 2005 No. 299, regulation 13(17) of S.R. 2008 No. 286, regulation 2(3) of S.R. 2008 No. 410, regulation 3 of S.R. 2010 No. 378, regulation 4 of S.R. 2011 No. 130 and regulation 9(18) of S.R. 2015 No. 411.