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STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 51**

**The Employment and Support Allowance (Consequential  
Amendments and Transitional and Savings  
Provisions) Regulations (Northern Ireland) 2017**

**Citation and commencement**

1. These Regulations may be cited as the Employment and Support Allowance (Consequential Amendments and Transitional and Savings Provisions) Regulations (Northern Ireland) 2017 and come into operation on 3rd April 2017.

**Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008**

2.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008<sup>(1)</sup> are amended in accordance with paragraphs (2) to (5).

(2) In regulation 7 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arises does not apply)<sup>(2)</sup>—

- (a) in the heading omit “or the work-related activity component”;
- (b) in paragraph (1) for “sections 2(2)(a) and (3)(a) and 4(4)(a) and (5)(a)” substitute “sections 2(2)(a) and 4(4)(a)”; and
- (c) in paragraph (1B)—
  - (i) in sub-paragraph (a)(i) for “sections 2(2), 2(3), 4(4) or 4(5)” substitute “sections 2(2) and 4(4)”; and
  - (ii) in sub-paragraph (d)(i) for “sections 2(2), 2(3), 4(4) or 4(5)” substitute “sections 2(2) or 4(4)”.

(3) In regulation 67(3) (prescribed amounts)—

- (a) omit “work-related activity component and the”; and
- (b) for “are” substitute “is”.

(4) In Schedule 4 (amounts)—

- (a) in Part 1 (prescribed amounts), in paragraph 1, in column (1)—
  - (i) in sub-paragraph 1(a) omit “or (3)” and “or (5)”;
  - (ii) in sub-paragraph 2(a) omit “or (5)”;
  - (iii) in sub-paragraph 3(c), (f) and (g) omit “or (5)”; and
- (b) in Part 3 (weekly amount of premiums specified in Part 2) in paragraph 11(1)—

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(1) S.R. 2008 No. 280; relevant amending Regulations are S.R. 2008 No. 478, S.R. 2012 No. 160 and S.R. 2016 No. 67 and 175  
(2) Regulation 7(1) was amended by regulation 12 of S.R. 2008 No. 478, regulation 2(3)(a) of S.R. 2012 No. 160, regulation 6 of S.R. 2016 No. 67 and regulation 8(2) of S.R. 2016 No. 175. Regulation 7(1B) was inserted by regulation 2(3)(b) of S.R. 2012 No. 160.

- (i) in paragraph (a)—
  - (aa) in columns “Premium” and “Amount” omit sub-paragraph (i);
  - (bb) in column “Premium” for sub-paragraph (iii) substitute—
    - “(iii) is not entitled to the support component;”;
- (ii) in paragraph (b)—
  - (aa) in columns “Premium” and “Amount” omit sub-paragraph (i);
  - (bb) in column “Premium” for sub-paragraph (iii) substitute—
    - “(iii) is not entitled to the support component;”;
- (c) in Part 4 (the components)—
  - (i) in the heading, for “(THE COMPONENTS)” substitute “(THE COMPONENT)”; and
  - (ii) omit paragraph 12.
- (5) In Schedule 6 (housing costs)<sup>(3)</sup>—
  - (a) in paragraph 1(3)(a)(ii) omit “including a work-related activity component under section 2(3) of the Act (amount of contributory allowance: work-related activity component)”; and
  - (b) in paragraph 19(7)(d) for “which does not include an amount under section 4(2)(b) of the Act” substitute “and they are still in the assessment phase in accordance with regulation 4”.

### **Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2016**

**3.—(1)** The Employment and Support Allowance Regulations (Northern Ireland) 2016<sup>(4)</sup> are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation) after the definition of “member of Her Majesty’s forces” insert—

““member of the work-related activity group” means a claimant who has or is treated as having limited capability for work under either—

- (a) Part 5 of the Employment and Support Allowance Regulations (Northern Ireland) 2008 other than by virtue of regulation 30 of those regulations; or
- (b) Part 4 of these Regulations other than by virtue of regulation 26;”.

(3) In regulation 7 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arises does not apply)

- (a) in the heading omit “or the work-related activity component”;
- (b) in paragraph (1) omit “and (3)(a)”;
- (c) in paragraph (3)(a)(i) omit “or 2(3)” and after “of the Act” insert “or they are a member of the work-related activity group”; and
- (d) in paragraph (3)(d)(i) omit “or (3)” and after “of the Act” insert “or they are a member of the work-related activity group”.

(4) In regulation 62 (prescribed amounts)—

- (a) in paragraph (1)(a) and (b) omit “or (3)”; and

<sup>(3)</sup> Paragraph 1(3)(a) was substituted by regulation 8(4) of [S.R. 2016 No. 175](#)

<sup>(4)</sup> [S.R. 2016 No. 219](#)

(b) for paragraph (2) substitute—

“(2) Subject to regulation 63 the amount of the support component is £36.20.”.

**Consequential, transitional and savings provisions**

4.—(1) Schedule 1 contains amendments to secondary legislation as a consequence of the amendments made by these Regulations.

(2) Schedule 2 contains transitional and savings provisions.

Signed by authority of the Secretary of State for Work and Pensions

13th March 2017

*Penny Mordaunt*  
Minister of State  
Department for Work and Pensions