

Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, Paragraph 3 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

EMPLOYMENT AND SUPPORT ALLOWANCE: ADDITIONAL CONDITIONS

[^{F1}PART 1 CONTRIBUTORY ALLOWANCE]

Textual Amendments

- F1** Sch. 1 Pt. 1 heading repealed (27.9.2017 for specified purposes, 15.11.2017 and 13.12.2017 for specified purposes, 17.1.2018 and further specified dates for specified purposes, 16.5.2018 and further specified dates for specified purposes, 5.9.2018 and further specified dates for specified purposes, , 1.2.2019 for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 1](#); S.R. 2017/190, art. 6, [Sch. 2](#) (with arts. 7, 8, 10-25, [Sch. 3](#)); S.R. 2017/216, [art. 4](#) (with art. 5); S.R. 2018/1, [art. 4](#) (with art. 5); S.R. 2018/97, [art. 4](#) (with art. 5); S.R. 2018/138, [art. 4](#) (with art. 5); S.R. 2019/7, [art. 2\(5\)-\(7\)](#) (with art. 2(8)-(12))

Conditions relating to national insurance

- 3.—**(1) For the purposes of paragraphs 1 and 2—
- (a) “benefit year” means a period which is a benefit year for the purposes of Part 2 of the Contributions and Benefits Act or such other period as may be prescribed for the purposes of this Part of this Schedule;
 - (b) “Class 1 contributions”, “Class 2 contributions” and “primary Class 1 contributions” have the same meaning as in the Contributions and Benefits Act (see section 1 of that Act);
 - (c) “earnings” shall be construed in accordance with sections 3, 4 and 112 of that Act;
 - (d) “earnings factor” shall be construed in accordance with sections 22 and 23 of that Act;
 - (e) “lower earnings limit” and “upper earnings limit” shall be construed in accordance with section 5 of that Act and references to the lower or upper

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earnings limit of a tax year are to whatever is (or was) the limit in force for that year under that section;

(f) “relevant benefit year” is the benefit year which includes the beginning of the period of limited capability for work which includes the relevant benefit week;

(g) “tax year” means the 12 months beginning with 6th April in any year.

(2) Regulations may provide for sub-paragraph (1)(f) to have effect in prescribed circumstances with prescribed modifications in the case of—

(a) a person who has previously ceased to be entitled to [^{F1}an employment and support allowance];

(b) a person who has made a claim for an employment and support allowance in connection with which he failed to satisfy one or both of the conditions in paragraphs 1 and 2.

Textual Amendments

F1 Words in Sch. 1 para. 3(2)(a) substituted (2.5.2016 for specified purposes, 27.9.2017 for specified purposes, 15.11.2017 and 13.12.2017 for specified purposes, 17.1.2018 and further specified dates for specified purposes, 16.5.2018 and further specified dates for specified purposes, 5.9.2018 and further specified dates for specified purposes, 1.2.2019 for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 3 para. 21\(f\)](#); [S.R. 2016/215](#), art. 2(2)(c)(vi); [S.R. 2017/190](#), art. 6 (with arts. 7, 8, 10-25, Sch. 3); [S.R. 2017/216](#), art. 4 (with art. 5); [S.R. 2018/1](#), art. 4 (with art. 5); [S.R. 2018/97](#), art. 4 (with art. 5); [S.R. 2018/138](#), art. 4 (with art. 5); [S.R. 2019/7](#), art. 2(5)-(7) (with art. 2(8)-(12))

Modifications etc. (not altering text)

C1 Sch. 1 para. 3(1)(f) modified (27.10.2008) by [Employment and Support Allowance Regulations \(Northern Ireland\) 2008 \(S.R. 2008/280\)](#), regs. 1(1), **13(1)**

C2 Sch. 1 para. 3(1)(f) modified by [Employment and Support Allowance Regulations \(Northern Ireland\) 2008 \(S.R. 2008/280\)](#), reg. 13 (as substituted (28.6.2010) by [Social Security \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/200\)](#), reg. 9(7))

C3 Sch. 1 para. 3(1)(f) modified (27.9.2017 and further specified dates for specified purposes) by [The Employment and Support Allowance Regulations \(Northern Ireland\) 2016 \(S.R. 2016/219\)](#), regs. 1(2), **14(1)**

Commencement Information

I1 Sch. 1 para. 3 wholly in operation at 27.10.2008; Sch. 1 para. 3 not in operation at Royal Assent see s. 60(1); Sch. 1 para. 3(2) in operation for certain purposes at 1.7.2008 and wholly in operation at 27.10.2008 by [S.R. 2008/276](#), **art. 2(2)(c)**, Sch. Pt. 1; Sch. 1 para. 3 in operation at 27.10.2008 in so far as not already in operation by [S.R. 2008/276](#), **art. 2(2)(d)**, Sch. Pt. 2

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(3)(za) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(2\)](#)
- s. 1(3B) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(3\)](#)
- s. 14(5) added by [2010 c. 13 \(N.I.\) s. 25\(2\)](#)
- s. 14(5) amendment to earlier affecting provision 2010 c. 13 (N.I.), s. 25(2) by [S.I. 2015/2006 \(N.I.\) art. 60\(7\)](#)
- s. 14(5) words substituted by [S.R. 2016/76 Sch. 6 para. 56\(b\)](#)
- Sch. 1 para. 6(1)(da) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(a\)](#)
- Sch. 1 para. 6(2A) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(b\)](#)
- Sch. 2 para. 4B inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(4\)](#)
- Sch. 3 para. 12(4)(5) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)