
Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, Paragraph 6 is up to date with all changes known to be in force on or before 28 March 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 3

CONSEQUENTIAL AMENDMENTS RELATING TO PART 1

The Jobseekers (Northern Ireland) Order 1995 (NI 15)

- 6.—(1) The Jobseekers Order is amended as follows.
- (2) In Article 2 (interpretation)—
- (a) in paragraph (2), after the definition of “income-based jobseeker’s allowance” insert—
- ““income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance);”;
- (b) in paragraph (3), for “capable of work” substitute “ limited capability for work ”.
- (3) In Article 3 (the jobseeker’s allowance), in paragraph (2) (conditions of entitlement), for sub-paragraph (f) substitute—
- “(f) does not have limited capability for work;”.
- (4) In Article 5 (income-based conditions), in paragraph (1)—
- (a) in sub-paragraph (b), for “or state pension credit” substitute “ , state pension credit or an income-related employment and support allowance ”;
- (b) after sub-paragraph (dd) insert—
- “(de) is not a member of a couple the other member of which is entitled to an income-related employment and support allowance;”.
- (5) In Article 5A (conditions for claims by joint-claim couples), in paragraph (1), after sub-paragraph (cc) insert—
- “(cd) that neither member of the couple is entitled to an income-related employment and support allowance;”.
- (6) In Schedule 1 (supplementary provisions), for paragraph 2, and the italic cross-heading immediately preceding it, substitute—

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“Limited capability for work

2.—(1) The question whether a person has, or does not have, limited capability for work shall be determined, for the purposes of this Order, in accordance with the provisions of Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance).

(2) References in Part 1 of the Welfare Reform Act (Northern Ireland) 2007 to the purposes of that Part shall be construed, where the provisions of that Part have effect for the purposes of this Order, as references to the purposes of this Order.”.

Commencement Information

- II** [Sch. 3 para. 6](#) wholly in operation at 27.10.2008; [Sch. 3 para. 6](#) not in operation at Royal Assent see [s. 60\(1\)](#); [Sch. 3 para. 6\(1\)\(2\)](#) 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. 3 para. 6](#) 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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Changes and effects yet to be applied to :

- [Sch. 3 para. 6\(3\) repealed by 2010 c. 13 \(N.I.\) Sch. 4 Pt. 3](#)

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](#)