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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 220**

The Universal Credit, Personal Independence Payment,  
Jobseeker's Allowance and Employment and Support Allowance  
(Claims and Payments) Regulations (Northern Ireland) 2016

**PART 2**

Claims

**Claims not required for entitlement to employment and support allowance in certain cases**

**6.—(1)** It is not to be a condition of entitlement to an employment and support allowance that a claim be made for it where—

- (a) the claimant has made and is pursuing an appeal against a relevant decision of the Department; and
- (b) the appeal relates to a decision to terminate or not to award an employment and support allowance for which a claim was made.

(2) In this regulation—

“appellate authority” means an appeal tribunal, a Commissioner, the Court of Appeal or the Supreme Court;

“relevant decision” means—

- (a) a decision that embodies the first determination by the Department that the claimant does not have limited capability for work; or
- (b) a decision that embodies the first determination by the Department that the claimant does not have limited capability for work since a previous determination by the Department or appellate authority that the claimant does have limited capability for work.

**Changes to legislation:**

There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016, Section 6.