
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 190

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

Transition from new style JSA

14.—(1) This Article applies when a person makes, or is treated as making, a claim for a jobseeker’s allowance (whether or not as a member of a joint-claim couple) and the 1995 Order, as it has effect apart from the provisions of Part 1 of Schedule 12 to the 2015 Order that remove references to an income-based jobseeker’s allowance, applies in relation to the claim and the condition referred to in paragraph (2) is satisfied.

(2) The condition is that the person previously—

- (a) made, or was treated as having made, a claim for a jobseeker’s allowance and, under Article 6, the 1995 Order, as amended by the provisions of Part 1 of Schedule 12 to the 2015 Order that remove references to an income-based jobseeker’s allowance, applied in relation to the claim; or
- (b) (i) had an old style JSA award immediately before the appointed day in relation to a case of a claim for universal credit referred to in Article 6(2) (and any award made in respect of the claim), and
(ii) the old style JSA award consisted of or included a contribution-based jobseekers allowance (which allowance therefore continued as a new style JSA award).

(3) Where this Article applies, the JSA Regulations 1996 are to be read as if—

- (a) in regulation 11 (part-time students), the references in paragraph (2)(a) and (b) to a jobseeker’s allowance included a reference to new style JSA;
- (b) in regulation 14A (victims of domestic violence), for the purposes of paragraph (3)(b) of that regulation, a person had been treated as available for employment on a day (under paragraph (2) of that regulation) where regulation 15 of the JSA Regulations 2016 applied to that person on that day;
- (c) in regulation 17A(7) (further circumstances in which a person is to be treated as available: full-time students participating in a qualifying course), in paragraph (a) of the definition of “benefit”, the reference to a jobseeker’s allowance included a reference to new style JSA;
- (d) in regulation 19(1)(q) (circumstances in which a person is to be treated as actively seeking work), the reference to a jobseeker’s allowance included a reference to new style JSA;
- (e) in regulation 47 (jobseeking period)—
 - (i) the jobseeking period in relation to a claimant included any period that, under regulation 36 of the JSA Regulations 2016 (jobseeking period), forms part of the jobseeking period for the purposes of the 1995 Order; and
 - (ii) in paragraph (4), the reference to any day that is to be treated as a day in respect of which the claimant was entitled to a contribution-based jobseeker’s allowance included a reference to a day that, under regulation 36(3) of the JSA Regulations

2016 (jobseeking period), is to be treated as a day in respect of which the claimant was entitled to a jobseeker's allowance;

- (f) in regulation 55 (short periods of sickness), after paragraph (7) there were inserted⁽¹⁾—
- “(8) Where—
- (a) a person has been treated under regulation 45(1) of the Jobseeker's Allowance Regulations 2016 as capable of work or as not having limited capability for work for a certain period; and
- (b) these Regulations apply to that person with effect from a day (“the relevant day”) within that period,
- the person is to be treated for the part of that period that begins with the relevant day as capable of work or as not having limited capability for work.

(9) Where paragraph (8) applies to a person and the conditions in paragraph (1)(a) to (c) are fulfilled in relation to that person on any day within the part of a period referred to in paragraph (8), the requirement of paragraph (1) to treat the person as capable of work or as not having limited capability for work is to be regarded as satisfied with respect to the fulfilment of those conditions.

(10) For the purposes of paragraph (3), where paragraph (8) applies to a person, paragraph (3) is to apply to the person as though the preceding provisions of this regulation had applied to the person with respect to the person having been treated for a period, under regulation 45(1) of the Jobseeker's Allowance Regulations 2016 and paragraph (8), as capable of work or as not having limited capability for work.”;

- (g) in paragraphs 6(1) and 7(1) of Schedule 2 (housing costs), each reference to a jobseeker's allowance included a reference to new style JSA; and
- (h) in paragraph 13 of Schedule 2 —
- (i) in paragraph (a) of sub-paragraph (1) (apart from sub-paragraph (ii)(bb) of that paragraph), each of the references to a jobseeker's allowance included a reference to new style JSA; and
- (ii) in sub-paragraph (1)(b), the reference to a jobseeker's allowance included a reference to new style JSA.

(4) Where this Article applies, the 1995 Order is to be read as though, in Article 7 of the 1995 Order, the reference to a contribution-based jobseeker's allowance in paragraph (1) and the first reference to a contribution-based jobseeker's allowance in paragraph (2) included a reference to a new style JSA award.

(5) For the purposes of this Article, “joint-claim couple” has the meaning given in Article 3(4) of the 1995 Order.

⁽¹⁾ Paragraph (7) was added by regulation 2(2) of S.R. 2016 No. 2.