
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**

Transitional provision where the Department determines that claims for universal credit may not be made: effect on claims for employment and support allowance and jobseeker's allowance

8.—(1) Where a person makes a claim for an employment and support allowance or a jobseeker's allowance at a time when they would not be able to make a claim for universal credit by virtue of a determination under regulation 2A of the 2016 Transitional Regulations (claims for universal credit may not be made in an area or category of case), or by virtue of regulation 40 of those Regulations (restriction on claims for universal credit during the interim period)⁽¹⁾ and where the amending provisions would otherwise have come into force in relation to the claim by virtue of Article 6(2)(c) or any corresponding provision in any order made under Article 2(2) of the 2015 Order other than this Order, then—

- (a) in relation to a claim for an employment and support allowance, Part 1 of the 2007 Act and the Welfare Reform Act (Northern Ireland) 2010⁽²⁾ are to apply as though the amending provisions and the provisions referred to in Article 9(1)(c), (d) and (f) had not come into force in relation to the claim;
- (b) in relation to a claim for a jobseeker's allowance, the 1995 Order, the 1992 Act⁽³⁾ and the 1998 Order are to apply as though the amending provisions and the provisions referred to in Article 9(1)(a), (b) and (e) had not come into force in relation to the claim.

(2) Paragraph (1) does not apply in relation to a claim for an employment and support allowance ("ESA") or a jobseeker's allowance ("JSA") where the claim is made or treated as made—

- (a) where the claimant of ESA or JSA has made a claim for universal credit ("UC") within Article 6(2)(a) or (b) (whether or not the claim for UC is made jointly with another person), during the "relevant period" in relation to that claim or award as referred to in Article 7(3); or
- (b) where the claimant of ESA or JSA has made a claim for UC within any provision of an order made under Article 2(2) of the 2015 Order, apart from this Order, that corresponds to Article 6(2)(a) or (b) (whether or not the claim for UC is made by the claimant of ESA or JSA and another person as joint claimants), during the "relevant period" in relation to that claim as referred to in the provision of that order that corresponds to Article 7(3).

(3) For the purposes of this Article, paragraphs (5) to (7) of Article 7 apply for the purposes of determining—

- (a) whether a claim for ESA or JSA is made; and
- (b) the date on which the claim is made or treated as made.

(1) Regulation 40 was inserted by regulation 3(3) of [S.R. 2017 No. 79](#).
(2) [2010 c. 13 \(N.I.\)](#).
(3) [1992 c. 8](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
