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STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 51**

**The Employment and Support Allowance (Consequential Amendments and Transitional and Savings Provisions) Regulations (Northern Ireland) 2017**

**Citation and commencement**

1. These Regulations may be cited as the Employment and Support Allowance (Consequential Amendments and Transitional and Savings Provisions) Regulations (Northern Ireland) 2017 and come into operation on 3rd April 2017.

**Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008**

2.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008 <sup>M1</sup> are amended in accordance with paragraphs (2) to (5).

(2) In regulation 7 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arises does not apply) <sup>M2</sup>—

- (a) in the heading omit “or the work-related activity component”;
- (b) in paragraph (1) for “sections 2(2)(a) and (3)(a) and 4(4)(a) and (5)(a)” substitute “ sections 2(2)(a) and 4(4)(a) ”; and
- (c) in paragraph (1B)—
  - (i) in sub-paragraph (a)(i) for “sections 2(2), 2(3), 4(4) or 4(5)” substitute “ sections 2(2) and 4(4) ”; and
  - (ii) in sub-paragraph (d)(i) for “sections 2(2), 2(3), 4(4) or 4(5)” substitute “ sections 2(2) or 4(4) ”.
- (3) In regulation 67(3) (prescribed amounts)—
  - (a) omit “work-related activity component and the”; and
  - (b) for “are” substitute “ is ”.
- (4) In Schedule 4 (amounts)—
  - (a) in Part 1 (prescribed amounts), in paragraph 1, in column (1)—
    - (i) in sub-paragraph 1(a) omit “or (3)” and “or (5)”;
    - (ii) in sub-paragraph 2(a) omit “or (5)”;
    - (iii) in sub-paragraph 3(c), (f) and (g) omit “or (5)”;
  - (b) in Part 3 (weekly amount of premiums specified in Part 2) in paragraph 11(1)—
    - (i) in paragraph (a)—
      - (aa) in columns “Premium” and “Amount” omit sub-paragraph (i);
      - (bb) in column “Premium” for sub-paragraph (iii) substitute—

- “(iii) is not entitled to the support component;”;
- (ii) in paragraph (b)—
- (aa) in columns “Premium” and “Amount” omit sub-paragraph (i);
- (bb) in column “Premium” for sub-paragraph (iii) substitute—
- “(iii) is not entitled to the support component;”; and
- (c) in Part 4 (the components)—
- (i) in the heading, for “(THE COMPONENTS)” substitute “ (THE COMPONENT) ”;
- and
- (ii) omit paragraph 12.
- (5) In Schedule 6 (housing costs) <sup>M3</sup>—
- (a) in paragraph 1(3)(a)(ii) omit “including a work-related activity component under section 2(3) of the Act (amount of contributory allowance: work-related activity component)”; and
- (b) in paragraph 19(7)(d) for “which does not include an amount under section 4(2)(b) of the Act” substitute “ and they are still in the assessment phase in accordance with regulation 4 ”.

#### Marginal Citations

- M1** S.R. 2008 No. 280; relevant amending Regulations are S.R. 2008 No. 478, S.R. 2012 No. 160 and S.R. 2016 No. 67 and 175
- M2** Regulation 7(1) was amended by regulation 12 of S.R. 2008 No. 478, **regulation 2(3)(a)** of S.R. 2012 No. 160, **regulation 6** of S.R. 2016 No. 67 and regulation 8(2) of S.R. 2016 No. 175. Regulation 7(1B) was inserted by regulation 2(3)(b) of S.R. 2012 No. 160.
- M3** Paragraph 1(3)(a) was substituted by regulation 8(4) of S.R. 2016 No. 175

### Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2016

3.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2016 <sup>M4</sup> are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation) after the definition of “member of Her Majesty's forces” insert—

““member of the work-related activity group” means a claimant who has or is treated as having limited capability for work under either—

- (a) Part 5 of the Employment and Support Allowance Regulations (Northern Ireland) 2008 other than by virtue of regulation 30 of those regulations; or
- (b) Part 4 of these Regulations other than by virtue of regulation 26;”.

(3) In regulation 7 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arises does not apply)

- (a) in the heading omit “or the work-related activity component”;
- (b) in paragraph (1) omit “and (3)(a)”;
- (c) in paragraph (3)(a)(i) omit “or 2(3)” and after “of the Act)” insert “ or they are a member of the work-related activity group ”; and

- (d) in paragraph (3)(d)(i) omit “or (3)” and after “of the Act)” insert “ or they are a member of the work-related activity group ”.
- (4) In regulation 62 (prescribed amounts)—
  - (a) in paragraph (1)(a) and (b) omit “or (3)”; and
  - (b) for paragraph (2) substitute—
    - “(2) Subject to regulation 63 the amount of the support component is £36.20.”.

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**Marginal Citations**

**M4** [S.R. 2016 No. 219](#)

**Consequential, transitional and savings provisions**

4.—(1) Schedule 1 contains amendments to secondary legislation as a consequence of the amendments made by these Regulations.

(2) Schedule 2 contains transitional and savings provisions.

Signed by authority of the Secretary of State for Work and Pensions

Department for Work and Pensions

*Penny Mordaunt*  
Minister of State

**Changes to legislation:**

There are currently no known outstanding effects for the The Employment and Support Allowance (Consequential Amendments and Transitional and Savings Provisions) Regulations (Northern Ireland) 2017.