

Status: Point in time view as at 16/05/2018. This version of this provision has been superseded.
Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, Section 18 is up to date with all changes known to be in force on or before 16 July 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)



2007 CHAPTER 2

PART 1

EMPLOYMENT AND SUPPORT ALLOWANCE

Miscellaneous

Disqualification

18.—(1) Regulations may provide for a person to be disqualified for receiving an employment and support allowance, or treated for such purposes as the regulations may provide as not having limited capability for work, if—

- (a) he has become someone who has limited capability for work through his own misconduct,
- (b) he remains someone who has limited capability for work through his failure without good cause to follow medical advice, or
- (c) he fails without good cause to observe any prescribed rules of behaviour.

(2) Regulations under subsection (1) shall provide for any such disqualification, or treatment, to be for such period not exceeding six weeks as may be determined in accordance with Chapter 2 of Part 2 of the 1998 Order.

(3) Regulations may prescribe for the purposes of subsection (1)—

- (a) matters which are, or are not, to be taken into account in determining whether a person has good cause for any act or omission;
- (b) circumstances in which a person is, or is not, to be regarded as having good cause for any act or omission.

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(4) Except where regulations otherwise provide, a person shall be disqualified for receiving [^{F1}an employment and support allowance] for any period during which he is—

- (a) absent from Northern Ireland; or
- (b) undergoing imprisonment or detention in legal custody.

Textual Amendments

- F1** Words in s. 18(4) substituted (2.5.2016 for specified purposes, 27.9.2017 for specified purposes, 15.11.2017 and 13.12.2017 for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 3 para. 21(d)**; [S.R. 2016/215](#), art. 2(2)(c)(vi); [S.R. 2017/190](#), art. 6 (with arts. 7, 8, 10-25, Sch. 3); [S.R. 2017/216](#), art. 4 (with art. 5)

Modifications etc. (not altering text)

- C1** S. 18(4)(b) excluded (27.10.2008) by [Employment and Support Allowance Regulations \(Northern Ireland\) 2008 \(S.R. 2008/280\)](#), regs. 1(1), **160(1)(3)**
- C2** S. 18(4)(b) excluded by [Employment and Support Allowance Regulations \(Northern Ireland\) 2008 \(S.R. 2008/280\)](#), reg. 160(3) (as substituted (25.3.2010) by [Social Security \(Persons Serving a Sentence of Imprisonment Detained in Hospital\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/58\)](#)), **reg. 5(3)(a)**
- C3** S. 18(4)(b) excluded (27.9.2017 and further specified dates for specified purposes) by [The Employment and Support Allowance Regulations\(Northern Ireland\) 2016 \(S.R. 2016/219\)](#), regs. 1(2), **96(1)**
- C4** S. 18(4)(b) excluded (27.9.2017 and further specified dates for specified purposes) by [The Employment and Support Allowance Regulations\(Northern Ireland\) 2016 \(S.R. 2016/219\)](#), regs. 1(2), **96(3)**

Commencement Information

- II** S. 18 wholly in operation at 27.10.2008; s. 18 not in operation at Royal Assent see s. 60(1); s. 18(1)(2)(4) 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**; s. 18 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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