

SCHEDULES

SCHEDULE 1 **N.I.**

Article 36

Universal credit: supplementary regulation-making powers

Entitlement of joint claimants **N.I.**

1. Regulations may provide for circumstances in which joint claimants may be entitled to universal credit without each of them meeting all the basic conditions referred to in Article 9.

Commencement Information

I1 Sch. 1 para. 1 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(iv)

Linking periods **N.I.**

2. Regulations may provide for periods of entitlement to universal credit which are separated by no more than a prescribed number of days to be treated as a single period.

Commencement Information

I2 Sch. 1 para. 2 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(iv)

Couples **N.I.**

3.—(1) Regulations may provide—

- (a) for a claim made by members of a couple jointly to be treated as a claim made by one member of the couple as a single person (or as claims made by both members as single persons);
- (b) for claims made by members of a couple as single persons to be treated as a claim made jointly by the couple.

(2) Regulations may provide—

- (a) where an award is made to joint claimants who cease to be entitled to universal credit as such by ceasing to be a couple, for the making of an award (without a claim) to either or each one of them—
 - (i) as a single person, or
 - (ii) jointly with another person;
- (b) where an award is made to a single claimant who ceases to be entitled to universal credit as such by becoming a member of a couple, for the making of an award (without a claim) to the members of the couple jointly;
- (c) for the procedure to be followed, and information or evidence to be supplied, in relation to the making of an award under this paragraph.

Status: Point in time view as at 27/09/2017.

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Commencement Information

I3 Sch. 1 para. 3 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(iv)

Calculation of capital and income **N.I.**

4.—(1) Regulations may for any purpose of this Part provide for the calculation or estimation of—

- (a) a person's capital,
- (b) a person's earned and unearned income, and
- (c) a person's earned and unearned income in respect of an assessment period.

(2) Regulations under sub-paragraph (1)(c) may include provision for the calculation to be made by reference to an average over a period, which need not include the assessment period concerned.

(3) Regulations under sub-paragraph (1) may—

- (a) specify circumstances in which a person is to be treated as having or not having capital or earned or unearned income;
- (b) specify circumstances in which income is to be treated as capital or capital as earned income or unearned income;
- (c) specify circumstances in which unearned income is to be treated as earned, or earned income as unearned;
- (d) provide that a person's capital is to be treated as yielding income at a prescribed rate;
- (e) provide that the capital or income of one member of a couple is to be treated as that of the other member.

(4) Regulations under sub-paragraph (3)(a) may in particular provide that persons of a prescribed description are to be treated as having a prescribed minimum level of earned income.

(5) In the case of joint claimants the income and capital of the joint claimants includes (subject to sub-paragraph (6)) the separate income and capital of each of them.

(6) Regulations may specify circumstances in which capital and income of either of joint claimants is to be disregarded in calculating their joint capital and income.

Commencement Information

I4 Sch. 1 para. 4 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(iv)

Responsibility for children etc. **N.I.**

5.—(1) Regulations may for any purpose of this Part specify circumstances in which a person is or is not responsible for a child or qualifying young person.

(2) Regulations may for any purpose of this Part make provision about nominations of the responsible carer for a child (see Article 24(6)(b)(ii)).

Commencement Information

I5 Sch. 1 para. 5 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(iv)

PROSPECTIVE

Vouchers **N.I.**

6.—(1) This paragraph applies in relation to an award of universal credit where the calculation of the amount of the award includes, by virtue of any provision of this Part, an amount in respect of particular costs which a claimant may incur.

(2) Regulations may provide for liability to pay all or part of the award to be discharged by means of provision of a voucher.

(3) But the amount paid by means of a voucher may not in any case exceed the total of the amounts referred to in sub-paragraph (1) which are included in the calculation of the amount of the award.

(4) For these purposes a voucher is a means other than cash by which a claimant may to any extent meet costs referred to in sub-paragraph (1) of a particular description.

(5) A voucher may for these purposes—

- (a) be limited as regards the person or persons who will accept it;
- (b) be valid only for a limited time.

Work-related requirements **N.I.**

7. Regulations may provide that a claimant who—

- (a) asserts a right to reside in the United Kingdom under the EU Treaties, and
- (b) would otherwise fall within Article 24, 25 or 26,

is to be treated as not falling within that Article.

Commencement Information

16 Sch. 1 para. 7 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(iv)

PROSPECTIVE

Good reason **N.I.**

8. Regulations may for any purpose of this Part provide for—

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

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SCHEDULE 2 **N.I.**

Article 37

Universal credit: amendments

The Education Reform (Northern Ireland) Order 1989 (NI 20) **N.I.**

1. In Article 131 of the Education Reform (Northern Ireland) Order 1989 (charges and remissions policies), in paragraph (3)(b), for “or an income-related employment and support allowance (payable under Part 1 of the Welfare Reform Act (Northern Ireland) 2007)” substitute “ an income-related employment and support allowance (payable under Part 1 of the Welfare Reform Act (Northern Ireland) 2007) or universal credit in such circumstances as may be prescribed for the purposes of this sub-paragraph ”.

Commencement Information

I7 Sch. 2 para. 1 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(i)

The Child Support (Northern Ireland) Order 1991 (NI 23) **N.I.**

2. In the Child Support (Northern Ireland) Order 1991, in paragraph 5 of Schedule 1 (maintenance assessments), as it has effect apart from section 1 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, in sub-paragraph (4) after “Where” insert “ universal credit (in such circumstances as may be prescribed), ”.

Commencement Information

I8 Sch. 2 para. 2 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(i)

The Social Security Administration (Northern Ireland) Act 1992 (c. 8) **N.I.**

3. The Social Security Administration (Northern Ireland) Act 1992 is amended as follows.

Commencement Information

I9 Sch. 2 para. 3 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(v)(aa)

I10 Sch. 2 para. 3 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(1)(2)(g)(ii)

4. In section 1 (entitlement to benefit dependent on claim), in subsection (4), before paragraph (a) insert—

“(za) universal credit;”.

Commencement Information

I11 Sch. 2 para. 4 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(v)(aa)

I12 Sch. 2 para. 4 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 4(1)(2)(g)(ii)

5. In section 5 (regulations about claims and payments)—

(a) in subsection (2), before paragraph (a) insert—

“(za) universal credit;”;

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(b) in subsection (5), after “in relation to” insert “ universal credit or ”.

Commencement Information

I13 Sch. 2 para. 5 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(v)(aa)

PROSPECTIVE

F16.

Textual Amendments

F1 Sch. 2 para. 6 repealed (6.4.2018) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(1), **15(12)(f)(i)**; S.R. 2018/66, art. 2(1) (with art. 2(2)(3))

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7. In section 72 (income support and other payments), in subsection (2)(b), after “by way of” insert “ universal credit or ”.

8. In section 72A (payments of benefit where maintenance payments collected by the Department), in subsection (7), after “applies are” insert “ universal credit, ”.

Commencement Information

I14 Sch. 2 para. 8 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(ii)

PROSPECTIVE

9. In section 74 (recovery of social fund awards), in subsection (6)(d), after “receiving” insert “ universal credit, ”.

10. In section 100 (failure to maintain - general), in subsection (1)(b), after “neglect” insert “ universal credit, ”.

Commencement Information

I15 Sch. 2 para. 10 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(ii)

11. In section 101 (recovery of expenditure on benefit from person liable for maintenance), in subsections (1), (4), (5) and (6)(a) and (b), after “income support” insert “ or universal credit ”.

Commencement Information

I16 Sch. 2 para. 11 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(ii)

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12. In section 103 (reduction of expenditure on income support etc), in subsection (1)(a), after “income support” insert “ or universal credit ”.

Commencement Information

I17 Sch. 2 para. 12 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(ii)

13. In section 115CA (interpretation of Part 6), in subsection (1), after paragraph (hi) insert—
“(hj) Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”.

Commencement Information

I18 Sch. 2 para. 13 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(v)(bb)

I19 Sch. 2 para. 13 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 4(1)(2)(g)(ii)

14. In section 116B (supply of other government information for fraud prevention and verification), in subsection (3)(b) after “Welfare Reform Act (Northern Ireland) 2007” insert “ , Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ”.

Commencement Information

I20 Sch. 2 para. 14 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(v)(bb)

I21 Sch. 2 para. 14 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 4(1)(2)(g)(ii)

15. In section 118 (regulations as to notification of death), in subsection (1), after “Welfare Reform Act (Northern Ireland) 2007” insert “ , Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ”.

Commencement Information

I22 Sch. 2 para. 15 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(v)(bb)

I23 Sch. 2 para. 15 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 4(1)(2)(g)(ii)

16. In section 119 (information from personal representatives), in subsection (1), after “receipt of” insert “ universal credit ”.

Commencement Information

I24 Sch. 2 para. 16 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(ii)

17. In section 122 (duties of employers; statutory sick pay etc.), in subsection (1), before paragraph (a) insert—

“(za) universal credit;”.

Commencement Information

I25 Sch. 2 para. 17 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(ii)

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18. In section 124 (duties of employers; statutory maternity pay etc.), in subsection (1), before paragraph (a) insert—

“(za) universal credit;”.

Commencement Information

I26 Sch. 2 para. 18 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(ii)

19. After section 139C insert—

“139D Effect of alterations affecting universal credit

(1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) below shall have effect where—

- (a) an award of universal credit is in force in favour of any person (“the recipient”), and
- (b) an alteration—
 - (i) in any element of universal credit,
 - (ii) in the recipient's benefit income,
 - (iii) in any amount to be deducted in respect of earned income under Article 13(3)(a) of the Welfare Reform (Northern Ireland) Order 2015,
 - (iv) in any component of a contribution-based jobseeker's allowance,
 - (v) in any component of a contributory employment and support allowance, or
 - (vi) in such other matters as may be prescribed,

affects the computation of the amount of universal credit to which he is entitled.

(2) Where, as a result of the alteration, the amount of universal credit to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of universal credit payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Department; and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of universal credit as before, the award shall continue in force accordingly.

(4) Subsection (5) below applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—

- (a) in relation to any of the items referred to in subsection (1)(b)(i) to (vi) above, the amount of the alteration which he proposes to make by an order under section 150, 150A or 152 of the Great Britain Administration Act or by or under any other enactment, and
- (b) the date on which he proposes to bring the alteration into force (“the proposed commencing date”).

(5) If, in a case where this subsection applies, an award of universal credit is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—

- (a) may provide for the universal credit to be paid as from the proposed commencing date at a rate determined by reference to the amounts of the items referred to in subsection (1)(b)(i) to (vi) above which will be in force on that date, or

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(b) may be expressed in terms of the amounts of those items in force at the date of the award.

(6) In this section—

“alteration”—

- (a) in relation to any element of universal credit, means its alteration by or under any enactment;
- (b) in relation to a person's benefit income, means the alteration of any of the applicable sums by any enactment or by an order under section 132, 132A or 133 above to the extent that any such alteration affects the amount of his benefit income;
- (c) in relation to any component of a contribution-based jobseeker's allowance or a contributory employment and support allowance, means its alteration by or under any enactment;
- (d) in relation to any other matter, has such meaning as may be prescribed;

“applicable sums” means sums to which an order made under section 132, 132A or 133 above corresponding to an order made under section 150, 150A or 152 (as the case may be) of the Great Britain Administration Act may apply;

“benefit income”, in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act or personal independence payment;

“the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

“component”—

- (a) in relation to contribution-based jobseeker's allowance, means any of the sums specified in regulations under the Jobseekers (Northern Ireland) Order 1995 which are relevant in calculating the amount payable by way of a jobseeker's allowance;
- (b) in relation to a contributory employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 which are relevant in calculating the amount payable by way of such an allowance;

“element”, in relation to universal credit, means any of the amounts specified in regulations under Articles 14 to 17 of the Welfare Reform (Northern Ireland) Order 2015 which are included in the calculation of an award of universal credit.”

Commencement Information

I27 Sch. 2 para. 19 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(v)(cc)**

I28 Sch. 2 para. 19 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)(2)(g)(ii)**

PROSPECTIVE

20. After section 140B insert—

Status: Point in time view as at 27/09/2017.

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“140C Implementation of increases in universal credit due to attainment of a particular age

(1) This section applies where—

- (a) an award of universal credit is in force in favour of a person (“the recipient”), and
- (b) an element has become applicable, or applicable at a particular rate, because he or some other person has reached a particular age (“the qualifying age”).

(2) If, as a result of the recipient or other person reaching the qualifying age, the recipient becomes entitled to an increased amount of universal credit, the amount payable to or for him under the award shall, as from the day on which he becomes so entitled, be that increased amount, without any further decision of the Department; and the award shall have effect accordingly.

(3) Subsection (2) above does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to—

- (a) a benefit under the Contributions and Benefits Act, or
- (b) personal independence payment.

(4) Subsection (2) above does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to universal credit, other than—

- (a) the question whether the element concerned, or any other element, becomes or ceases to be applicable, or applicable at a particular rate, in the recipient's case, and
- (b) the question whether, in consequence, the amount of his universal credit falls to be varied.

(5) In this section, “element”, in relation to universal credit, means any of the amounts specified in regulations under Articles 14 to 17 of the Welfare Reform (Northern Ireland) Order 2015 which are included in the calculation of an award of universal credit.”

21. In section 145 (adjustments between National Insurance Fund and Consolidated Fund)—

- (a) in subsection (1)(a)(iii), after “Act” insert “ , universal credit ”;
- (b) in subsection (6)(a) after “income-related employment and support allowance” insert “ , universal credit ”.

Commencement Information

I29 Sch. 2 para. 21 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(v)(dd)

I30 Sch. 2 para. 21 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 4(1)(2)(g)(ii)

22. In section 149 (functions of Social Security Advisory Committee in relation to regulations etc), subsection (5) in the definition of “the relevant enactments”—

- (a) in paragraph (af), for the words from “and 59 to 61” to “to that Act” substitute “ , 60 and 61 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; ”;
- (b) after paragraph (aj) insert—

“(ak) the provisions of Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”.

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Commencement Information

I31 Sch. 2 para. 22 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(v)(dd)

23.—(1) Section 155 (reciprocal agreements with countries outside the United Kingdom) is amended as follows.

(2) In subsection (3)(a), after “the Welfare Reform Act (Northern Ireland) 2007” insert “, Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ”.

(3) In subsection (4) at the end of paragraphs (aa), (ab) and (ac) omit the word “and”.

(4) In subsection (4) at the end of paragraph (ad) insert—

“(ae) to Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”.

(5) In subsection (5), before paragraph (a) insert—

“(za) universal credit;”.

Commencement Information

I32 Sch. 2 para. 23 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(v)(dd)

I33 Sch. 2 para. 23 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 4(1)(2)(g)(ii)

24. In section 156 (payment of travelling expenses), in paragraphs (a) and (b)(i), after “the Welfare Reform Act (Northern Ireland) 2007” insert “, Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ”.

Commencement Information

I34 Sch. 2 para. 24 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(v)(dd)

I35 Sch. 2 para. 24 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 4(1)(2)(g)(ii)

25. In section 158B (information about postal redirection) in subsection (5)(b), after “1995” insert “, Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ”.

Commencement Information

I36 Sch. 2 para. 25 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(v)(dd)

I37 Sch. 2 para. 25 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 4(1)(2)(g)(ii)

26. In section 163 (certain benefits to be inalienable), in subsection (1), before paragraph (a) insert—

“(za) universal credit;”.

Commencement Information

I38 Sch. 2 para. 26 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(ii)

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27. In section 167(1) (interpretation), in the definition of “benefit”, after “includes” insert “universal credit.”

Commencement Information

I39 Sch. 2 para. 27 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(ii)

The Children (Northern Ireland) Order 1995 (NI 2) N.I.

28. In the Children (Northern Ireland) Order 1995, in the following provisions, after “in receipt” insert “of universal credit (except in such circumstances as may be prescribed),”

- (a) Article 18(9) (provision of services to children in need, their families and others);
- (b) Article 18C(7)(b) (direct payments);
- (c) Article 24(3) (recoupment of cost of providing services etc);
- (d) Article 39(4) (liability to contribute).

Commencement Information

I40 Sch. 2 para. 28 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(i)

The Jobseekers (Northern Ireland) Order 1995 (NI 15) N.I.

29. In Article 4 of the Jobseekers (Northern Ireland) Order 1995, in paragraph (3C) (as inserted by section 11(5) of the Welfare Reform Act (Northern Ireland) 2010), in the definition of “benefit”, before sub-paragraph (a) insert—

“(za) universal credit;”

Commencement Information

I41 Sch. 2 para. 29 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(i)

PROSPECTIVE

The Deregulation and Contracting Out (Northern Ireland) Order 1996 (NI 11) N.I.

30. In Article 17 of the Deregulation and Contracting Out (Northern Ireland) Order 1996 (social security: amendments following certain orders), at the end of paragraph (2) add “the Welfare Reform Act 2012”.

The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12) N.I.

31. The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 is amended as follows.

Commencement Information

I42 Sch. 2 para. 31 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(i)

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32. In Article 2 (interpretation), in the definition of “benefit”, after “means” insert “ universal credit,”.

Commencement Information

I43 Sch. 2 para. 32 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(i)

33. In the table in Schedule 2 (calculation of compensation payment), in the section relating to compensation for earnings lost during the relevant period, at the top of the second column insert “ Universal credit ”.

Commencement Information

I44 Sch. 2 para. 33 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(i)

The Social Security (Northern Ireland) Order 1998 (NI 10) N.I.

34. The Social Security (Northern Ireland) Order 1998 is amended as follows.

Commencement Information

I45 Sch. 2 para. 34 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(v)(ee)

I46 Sch. 2 para. 34 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(1)(2)(g)(iii)

35. In Article 4 (use of computers), in paragraph (2)—

- (a) in sub-paragraph (i), the final “or” is repealed;
- (b) after sub-paragraph (j) insert—

“or

(k) Part 2 of the Welfare Reform (Northern Ireland) Order 2015.”

Commencement Information

I47 Sch. 2 para. 35 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(v)(ff)

I48 Sch. 2 para. 35 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 4(1)(2)(g)(iii)

36. In Article 9 (decisions by the Department)—

- (a) in paragraph (3), after sub-paragraph (a) insert—
 - “(aa) universal credit;”;

- (b) in paragraph (4), for “or Part 1 of the Welfare Reform Act (Northern Ireland) 2007” substitute “, Part 1 of the Welfare Reform Act (Northern Ireland) 2007 or Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ”.

Commencement Information

I49 Sch. 2 para. 36 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(v)(gg)

I50 Sch. 2 para. 36 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 4(1)(2)(g)(iii)

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37. In Article 12 (regulations with respect to decisions), in paragraph (3) in the definition of “the current legislation”, for “and Part 1 of the Welfare Reform Act (Northern Ireland) 2007” substitute “, Part 1 of the Welfare Reform Act (Northern Ireland) 2007 and Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ”.

Commencement Information

I51 Sch. 2 para. 37 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(v)(hh)

38. In Article 27 (restriction on entitlement in cases of error), in paragraph (7), in the definition of “benefit” for sub-paragraph (f) substitute—

“(f) universal credit;”.

Commencement Information

I52 Sch. 2 para. 38 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(iii)

39. In Article 28 (correction of errors in decisions etc.), in paragraph (3)—

(a) in sub-paragraph (f), the final “or” is repealed;

(b) after sub-paragraph (g) insert—

“(h) Part 2 of the Welfare Reform (Northern Ireland) Order 2015.”

Commencement Information

I53 Sch. 2 para. 39 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(v)(hh)

40. In Article 39 (interpretation), in paragraph (1), after the definition of “appeal tribunal” insert—

““claimant”, in relation to a couple jointly claiming universal credit, means the couple or either member of the couple;”.

Commencement Information

I54 Sch. 2 para. 40 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(iii)

41.—(1) Schedule 2 (decisions against which no appeal lies) is amended as follows.

(2) After paragraph 6(b)(iv) insert—

“or

(v) section 139D(1)(b) of that Act (universal credit).”

(3) After paragraph 7 insert—

“Increases in universal credit due to attainment of particular ages

7A. A decision as to the amount of benefit to which a person is entitled, where it appears to the Department that the amount is determined by the recipient's entitlement to an increased amount of universal credit in the circumstances referred to in section 140C(2) of the Administration Act.”

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

Commencement Information

- I55** Sch. 2 para. 41(1) in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(1)(2)(g)(iii)
I56 Sch. 2 para. 41(2) in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(g)(iii)

PROSPECTIVE

42. In Schedule 3 (decisions against which an appeal lies), after paragraph 3 insert—

“**3A.** A decision as to the amount of a relevant benefit that is payable to a person by virtue of regulations under section 5B, 6, 7 or 8 of the Social Security Fraud Act (Northern Ireland) 2001.”

The Immigration and Asylum Act 1999 (c. 33) **N.I.**

43. In section 115(2) of the Immigration and Asylum Act 1999 (exclusion from benefits of persons subject to immigration control), after “support allowance)” insert “ , to universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ”.

Commencement Information

- I57** Sch. 2 para. 43 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(v)(hh)
I58 Sch. 2 para. 43 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 4(1)(2)(g)(i)

The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4) **N.I.**

44. In section 60 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (discretionary financial assistance with housing), in subsection (1)(a), after “housing benefit” insert “ or universal credit ”.

Commencement Information

- I59** Sch. 2 para. 44 in operation at 10.7.2017 by S.R. 2017/118, art. 2
I60 Sch. 2 para. 44 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 4(1)(2)(g)(i)

The Social Security Fraud Act (Northern Ireland) 2001 (c. 17) **N.I.**

45. The Social Security Fraud Act (Northern Ireland) 2001 is amended as follows.

Commencement Information

- I61** Sch. 2 para. 45 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(v)(ii)

46. In section 5A (definitions), in subsection (1)—

(a) in the definition of “disqualifying benefit”, before paragraph (a) insert—

“(za) any benefit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 or Part 1 of the Welfare Reform Act 2012 (universal credit);”;

(b) in the definition of “sanctionable benefit”, before paragraph (a) insert—

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

“(za) any benefit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 (universal credit);”.

Commencement Information

I62 Sch. 2 para. 46 in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(2\)\(c\)\(v\)\(ii\)](#)

47.—(1) Section 5B (loss of benefit in case of conviction, penalty or caution for benefit offence) is amended as follows.

(2) In subsection (5), for “(6)” substitute “ (5A) ”.

(3) After subsection (5) insert—

“(5A) The Department may by regulations provide that, where the sanctionable benefit is universal credit, the benefit shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or more of the following applied—

- (a) the amount payable were reduced in such manner as may be prescribed;
- (b) the benefit were payable only if there is compliance by the offender with such obligations with respect to the provision of information as may be imposed by the regulations;
- (c) the benefit were payable only if the circumstances are otherwise such as may be prescribed;
- (d) any amount of the benefit payable in prescribed circumstances were recoverable by the Department.”

(4) In subsection (7), after paragraph (c) insert—

“(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Department.”

Commencement Information

I63 Sch. 2 para. 47(1)-(3) in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(2\)\(c\)\(v\)\(ii\)](#)

48.—(1) Section 6 (loss of benefit for commission of benefit offence) is amended as follows.

(2) In subsection (2), for “(3)” substitute “ (2A) ”.

(3) After subsection (2) insert—

“(2A) The Department may by regulations provide that, where the sanctionable benefit is universal credit, the benefit shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or more of the following applied—

- (a) the amount payable were reduced in such manner as may be prescribed;
- (b) the benefit were payable only if there is compliance by the offender with such obligations with respect to the provision of information as may be imposed by the regulations;
- (c) the benefit were payable only if the circumstances are otherwise such as may be prescribed;
- (d) any amount of the benefit payable in prescribed circumstances were recoverable by the Department.”

(4) In subsection (4), after paragraph (c) insert—

Status: Point in time view as at 27/09/2017.

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“(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Department.”

Commencement Information

I64 Sch. 2 para. 48(1)-(3) in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(2\)\(c\)\(v\)\(ii\)](#)

PROSPECTIVE

49.—(1) Section 7 (effect of offence on joint-claim jobseeker's allowance) is amended as follows.

(2) In subsection (3)—

(a) for “but” at the end of paragraph (a) substitute “ and ”;

(b) after paragraph (a) insert—

“(aa) shall be payable in the couple's case as if any amount of the allowance payable in prescribed circumstances were recoverable by the Department; but”.

(3) In subsection (4), after paragraph (c) insert—

“(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Department.”

(4) In the opening words to subsections (7) and (8) the words “by virtue of any regulations” are repealed.

50.—(1) Section 8 (effect of offence on benefits for members of offender's family) is amended as follows.

(2) In subsection (1), before paragraph (a) insert—

“(za) universal credit;”.

(3) In subsection (2), for “or” at the end of paragraph (b) substitute “ and ”.

(4) After subsection (2) insert—

“(2A) In relation to cases in which the benefit is universal credit, the provision that may be made by virtue of subsection (2) is provision that, in the case of the offender's family member, any universal credit shall be payable, during the whole or a part of any period comprised in the relevant period, as if one or more of the following applied—

(a) the amount payable were reduced in such manner as may be prescribed;

(b) the benefit were payable only if there is compliance by the offender or the offender's family member, or both of them, with such obligations with respect to the provision of information as may be imposed by the regulations;

(c) the benefit were payable only if the circumstances are otherwise such as may be prescribed;

(d) any amount of the benefit payable in prescribed circumstances were recoverable by the Department.”

(5) In subsection (4), after paragraph (c) insert—

“(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Department.”

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

Commencement Information

I65 Sch. 2 para. 50 in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(2\)\(c\)\(v\)\(ii\)](#)

51. In section 9(3) (power to supplement and mitigate loss of benefit provisions) after paragraph (bc) insert—

“(bd) any benefit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 (universal credit);”.

Commencement Information

I66 Sch. 2 para. 51 in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(2\)\(c\)\(v\)\(ii\)](#)

52.—(1) In section 10 (loss of benefit regulations), subsection (3) is amended as follows.

(2) In paragraph (c)—

(a) for “5B(7)” substitute “ 5B(5A), (7) ”;

(b) for “6(4)” substitute “ 6(2A), (4) ”;

(c) for “8(4)” substitute “ 8(2A), (4) ”.

(3) In paragraph (d) at the end insert “ or (aa) ”.

Commencement Information

I67 Sch. 2 para. 52(1)(2) in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(2\)\(c\)\(v\)\(ii\)](#)

VALID FROM 15/05/2019

The State Pension Credit Act (Northern Ireland) 2002 (c. 14) N.I.

53. In section 4 of the State Pension Credit Act (Northern Ireland) 2002 (exclusions), after subsection (1) insert—

“(1A) A claimant is not entitled to state pension credit if he is a member of a couple the other member of which has not attained the qualifying age.”

The Welfare Reform Act (Northern Ireland) 2007 (c. 2) N.I.

54. In Schedule 1 to the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance: additional conditions), in paragraph 1(5), before paragraph (a) insert—

“(za) universal credit;”.

Commencement Information

I68 Sch. 2 para. 54 in operation at 27.9.2017 by [S.R. 2017/190](#), [art. 4\(1\)\(2\)\(g\)\(i\)](#)

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

SCHEDULE 3 **N.I.**

Article 39(3)

Abolition of benefits: consequential amendments

PROSPECTIVE

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) **N.I.**

1. The Social Security Contributions and Benefits (Northern Ireland) Act 1992 is amended as follows.

PROSPECTIVE

2. In section 22 (earnings factors), in subsections (2)(a) and (5), for “a contributory” substitute “an”.

PROSPECTIVE

3. In section 146 (interpretation of Part 10), in subsection (2)—
- (a) in the definition of “qualifying employment and support allowance”, for “a contributory allowance” substitute “an employment and support allowance”;
 - (b) in the appropriate place insert—
 - ““couple” means—
 - (a) a man and woman who are married to each other and are members of the same household;
 - (b) a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
 - (c) two people of the same sex who are civil partners of each other and are members of the same household; or
 - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners otherwise than in prescribed circumstances;”;
 - (c) after subsection (2) insert—
 - “(2A) For the purposes of this Part, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.”

PROSPECTIVE

The Social Security Administration (Northern Ireland) Act 1992 (c. 8) **N.I.**

4. The Social Security Administration (Northern Ireland) Act 1992 is amended as follows.

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

PROSPECTIVE

5. In section 71 (overlapping benefits), in subsections (1) and (4)(c), for “a contributory” substitute “an”.

PROSPECTIVE

6. In section 139A(5) for the definition of “applicable sums” substitute—
““applicable sums” means sums to which an order made under [F²section 132, 132A, 132B] or 133 corresponding to an order made under [F³section 150, 150A, 151A] or 152 (as the case may be) of the Great Britain Administration Act may apply;”.

Textual Amendments

- F2** Words in Sch. 3 para. 6 substituted (coming into operation in accordance with art. 1(b) of the amending S.R.) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(b), 4(a)
- F3** Words in Sch. 3 para. 6 substituted (coming into operation in accordance with art. 1(b) of the amending S.R.) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(b), 4(b)

PROSPECTIVE

7. In section 139B (effect of alterations affecting state pension credit), for “a contributory”, wherever occurring, substitute “an”.

PROSPECTIVE

8. In section 139C (effect of alteration of rates of an employment and support allowance), in subsection (6) in the definition of “applicable sums” for “section 139 above” substitute “section 139A(5) above”.

PROSPECTIVE

9. In section 139D (as inserted by Schedule 2 to this Order) (effect of alterations affecting universal credit), for “a contributory”, wherever occurring, substitute “an”.

PROSPECTIVE

10. In section 158B (information about postal redirection) in subsection (7), for “subsections (1) and (2)” substitute “subsection (1)”.

Status: Point in time view as at 27/09/2017.

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PROSPECTIVE

The Social Security (Northern Ireland) Order 1998 (NI 10) **N.I.**

11. In Schedule 1 to the Social Security (Northern Ireland) Order 1998, in paragraph 4(1)(a), for “, Article 22 of the Child Support Order or paragraph 6 of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000” substitute “ or Article 22 of the Child Support Order ”.

PROSPECTIVE

The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4) **N.I.**

12. In section 60 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (discretionary financial assistance with housing)—

- (a) in subsection (1), omit the words “by regulations make provision conferring a power on relevant authorities to”;
- (b) in subsection (1)(b), for “such an authority” substitute “ the Department ”;
- (c) for subsection (2) substitute—

“(2) The Department may by regulations—

- (a) prescribe the circumstances in which it may make discretionary housing payments;
 - (b) confer a discretion on the Department (subject to any provision made by virtue of paragraph (c) or (d))—
 - (i) as to whether or not to make discretionary housing payments in a particular case; and
 - (ii) as to the amount of the payments and the period for or in respect of which they are made;
 - (c) impose a limit on the amount of the discretionary housing payment that it may make in any particular case;
 - (d) restrict the period for or in respect of which it may make discretionary housing payments;
 - (e) prescribe the form and manner in which claims for discretionary housing payments are to be made and about the procedure to be followed in dealing with and disposing of such claims;
 - (f) impose conditions on persons claiming or receiving discretionary housing payments requiring them to provide to the Department such information as may be prescribed;
 - (g) prescribe the circumstances in which it is entitled to cancel the making of further such payments or to recover a payment already made; or
 - (h) require or authorise the Department to review the decisions made by the Department with respect to the making, cancellation or recovery of discretionary housing payments.”;
- (d) in subsection (5), omit the words “or different relevant authorities”;
 - (e) for subsection (6) substitute—

Status: Point in time view as at 27/09/2017.

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“(6) In this section “prescribed” means prescribed by or determined in accordance with regulations made by the Department.”

PROSPECTIVE

The Social Security Fraud Act (Northern Ireland) 2001 (c. 17) N.I.

13. The Social Security Fraud Act (Northern Ireland) 2001 is amended as follows.

PROSPECTIVE

14. In section 5B (loss of benefit for conviction etc.), in subsection (5), for “to (10)” substitute “and (8) ”.

PROSPECTIVE

15. In section 6 (loss of benefit for commission of benefit offences), in subsection (2), for “to (5)” substitute “and (4A) ”.

PROSPECTIVE

16. In section 10 (loss of benefit regulations), in subsection (3)(c), for the words from “section” to the end substitute “ section 5B(5A) or (8), 6(2A) or (4A) or 8(2A) or (4A) ”.

The Welfare Reform Act (Northern Ireland) 2007 (c. 2) N.I.

17. The Welfare Reform Act (Northern Ireland) 2007 is amended as follows.

Commencement Information

I69 [Sch. 3 para. 17](#) in operation at 27.9.2017 for specified purposes by [S.R. 2017/190](#), [art. 6](#) (with [arts. 7, 8, 10-25](#), [Sch. 3](#))

18. In section 1 (employment and support allowance), in subsection (3)(d), at the end insert “and ”.

Commencement Information

I70 [Sch. 3 para. 18](#) in operation at 27.9.2017 for specified purposes by [S.R. 2017/190](#), [art. 6](#) (with [arts. 7, 8, 10-25](#), [Sch. 3](#))

19. In section 2 (amount of contributory allowance), in subsection (1), for “In the case of a contributory allowance, the amount payable” substitute “ The amount payable by way of an employment and support allowance ”.

Status: Point in time view as at 27/09/2017.

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Commencement Information

- I71** Sch. 3 para. 19 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(vi)**
I72 Sch. 3 para. 19 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 6** (with arts. 7, 8, 10-25, Sch. 3)

20. In section 27 (financial provisions)—

- (a) in subsection (1), for the words from “so much of” to the end substitute “ any sums payable by way of employment and support allowance ”;
- (b) in subsection (2), for “contributory” substitute “ employment and support ”.

Commencement Information

- I73** Sch. 3 para. 20 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 6** (with arts. 7, 8, 10-25, Sch. 3)

21. In each of the following provisions, for “a contributory allowance” substitute “ an employment and support allowance ”

- (a) section 1A(1), (3), (4), (5) and (6) (as inserted by Article 57 of this Order);
- (b) section 1B(1) (as inserted by Article 58 of this Order);
- (c) section 3(2)(d);
- (d) section 18(4);
- (e) section 20(1)(a), (2), (3)(a), (b) and (c), (4), (5)(a), (b) and (c), (6) and (7)(a), (b) and (c);
- (f) in Schedule 1, paragraphs 1(5)(d) and 3(2)(a);
- (g) in Schedule 2, paragraphs 6 and 7(2)(d).

Commencement Information

- I74** Sch. 3 para. 21(c)-(g) in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(vi)**
I75 Sch. 3 para. 21 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 6** (with arts. 7, 8, 10-25, Sch. 3)

SCHEDULE 4 **N.I.**

Article 40

Housing credit element of state pension credit

PART 1 **N.I.**

Amendments to State Pension Credit Act (Northern Ireland) 2002

The State Pension Credit Act (Northern Ireland) 2002 (c. 14) **N.I.**

1. The State Pension Credit Act (Northern Ireland) 2002 is amended as follows.
2. In section 1 (entitlement), in subsection (2)(c) at the end insert—
“or
(iii) the conditions in section 3A(1) and (2) (housing credit).”
3. In section 1, in subsection (3)—
 - (a) after paragraph (b) insert—
“or
(c) to a housing credit, calculated in accordance with section 3A, if he satisfies the conditions in subsections (1) and (2) of that section,”;
 - (b) for the words from “(or to both” to the end substitute “ (or to more than one of them, if he satisfies the relevant conditions). ”
4. After section 3 insert—

“3A Housing credit

- (1) The first of the conditions mentioned in section 1(2)(c)(iii) is that the claimant is liable to make payments in respect of the accommodation he occupies as his home.
- (2) The second of the conditions mentioned in section 1(2)(c)(iii) is that the claimant's capital and income are such that the amount of the housing credit payable (if he were entitled to it) would not be less than a prescribed amount.
- (3) Where the claimant is entitled to a housing credit, the amount of the housing credit shall be an amount calculated in or determined under regulations (which may be zero).
- (4) For the purposes of subsection (1)—
 - (a) the accommodation must be in Northern Ireland;
 - (b) the accommodation must be residential accommodation;
 - (c) it is immaterial whether the accommodation consists of the whole or part of a building and whether or not it comprises separate and self-contained premises.
- (5) Regulations may make provision as to—
 - (a) the meaning of “payments in respect of accommodation” for the purposes of this section (and, in particular, as to the extent to which such payments include mortgage payments);

Status: Point in time view as at 27/09/2017.

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- (b) circumstances in which a claimant is to be treated as liable or not liable to make such payments;
 - (c) circumstances in which a claimant is to be treated as occupying or not occupying accommodation as his home (and, in particular, for temporary absences to be disregarded);
 - (d) circumstances in which land used for the purposes of any accommodation is to be treated as included in the accommodation.
- (6) Regulations under this section may make different provision for different areas.”
5. In section 7 (fixing of retirement provision for assessed income period), at the end insert—
 “(10) Regulations may prescribe circumstances in which subsection (3) does not apply for the purposes of determining the amount of a housing credit to which the claimant is entitled.”
6. In section 12 (polygamous marriages), in subsection (2)(b), after “savings credit” insert “ or housing credit ”.
7. In section 17 (interpretation), in subsection (1), after the definition of “guarantee credit” insert—
 ““housing credit” shall be construed in accordance with sections 1 and 3A;”.
8. In Schedule 2 (consequential amendments etc.), paragraph 9(d)(i) is repealed.

PART 2 **N.I.**

Amendments to other Acts

The Social Security Administration (Northern Ireland) Act 1992 (c. 8) **N.I.**

9. The Social Security Administration (Northern Ireland) Act 1992 is amended as follows.
10. In section 5 (regulations about claims and payments), in subsection (5), before “subsection” insert “ or housing credit (within the meaning of the State Pension Credit Act (Northern Ireland) 2002) ”.
- ^{F4}11.

Textual Amendments

F4 Sch. 4 para. 11 repealed (6.4.2018) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(1), **15(12)(f)(ii)**; S.R. 2018/66, art. 2(1) (with art. 2(2)(3))

The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4) **N.I.**

12. In section 60 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (discretionary financial assistance with housing), in subsection (1)(a), after “universal credit” insert “ or housing credit (within the meaning of the State Pension Credit Act (Northern Ireland) 2002) ”.

SCHEDULE 5 **N.I.**

Article 41

Universal credit and other working age benefits

General **N.I.**

- 1.—(1) In this Schedule “relevant benefit” means—
- (a) jobseeker's allowance, or
 - (b) employment and support allowance.
- (2) In this Schedule “work-related requirement” means—
- (a) a work-related requirement within the meaning of this Part,
 - (b) a work-related requirement within the meaning of the Jobseekers Order, or
 - (c) a work-related requirement within the meaning of Part 1 of the Welfare Reform Act (Northern Ireland) 2007.
- (3) In this Schedule “sanction” means a reduction of benefit under—
- (a) Article 31 or 32,
 - (b) Article 8J or 8K of the Jobseekers Order (as inserted by Article 55(4) of this Order), or
 - (c) section 11J of the Welfare Reform Act (Northern Ireland) 2007 (as inserted by Article 63(2) of this Order).

Commencement Information

I76 Sch. 5 para. 1 in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(2\)\(c\)\(vii\)](#)

Dual entitlement **N.I.**

- 2.—(1) Regulations may make provision as to the amount payable by way of a relevant benefit where a person is entitled to that benefit and universal credit.
- (2) Regulations under sub-paragraph (1) may in particular provide for no amount to be payable by way of a relevant benefit.
- (3) Regulations may, where a person is entitled to a relevant benefit and universal credit—
- (a) make provision as to the application of work-related requirements;
 - (b) make provision as to the application of sanctions.
- (4) Provision under sub-paragraph (3)(a) includes in particular—
- (a) provision securing that compliance with a work-related requirement for a relevant benefit is to be treated as compliance with a work-related requirement for universal credit;
 - (b) provision disapplying any requirement on the Department to impose, or a person to comply with, a work-related requirement for a relevant benefit or universal credit.
- (5) Provision under sub-paragraph (3)(b) includes in particular—
- (a) provision for the order in which sanctions are to be applied to awards of a relevant benefit and universal credit;
 - (b) provision to secure that the application of a sanction to an award of a relevant benefit does not result in an increase of the amount of an award of universal credit.

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

Commencement Information

I77 Sch. 5 para. 2 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(vii)

Movement between working-age benefits **N.I.**

3. Regulations may provide—

- (a) in a case where a person ceases to be entitled to universal credit and becomes entitled to a relevant benefit, for a sanction relating to the award of universal credit to be applied to the award of the relevant benefit;
- (b) in a case where a person ceases to be entitled to a relevant benefit and becomes entitled to universal credit, for a sanction relating to the award of the relevant benefit to be applied to the award of universal credit;
- (c) in a case where a person ceases to be entitled to one relevant benefit and becomes entitled to the other, for a sanction relating to the award of the former to apply to the award of the latter.

Commencement Information

I78 Sch. 5 para. 3 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(vii)

PROSPECTIVE

Hardship payments **N.I.**

4. Regulations under Article 33 (hardship payments) may be made in relation to a person whose award of universal credit is reduced by virtue of regulations under paragraph 2(3)(b) or 3(b) as in relation to a person whose award is reduced under Article 31 or 32.

PROSPECTIVE

Earnings tapers **N.I.**

5. In Article 6 of the Jobseekers Order (amount payable by way of a jobseeker's allowance), in paragraph (1)(b)—

- (a) after “making” insert—
 - “(i) deductions in respect of earnings calculated in the prescribed manner (which may include multiplying some or all earnings by a prescribed percentage), and
 - (ii)”;
- (b) “earnings,” (before “pension payments”) is repealed.

6.—(1) Section 2 of the Welfare Reform Act (Northern Ireland) 2007 (amount of contributory allowance) is amended as follows.

- (2) In subsection (1)(c), after “making” insert—

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

“(i) deductions in respect of earnings calculated in the prescribed manner (which may include multiplying some or all earnings by a prescribed percentage), and

(ii)”.

(3) At the end insert—

“(6) In subsection (1)(c)(i) the reference to earnings is to be construed in accordance with sections 3, 4 and 112 of the Contributions and Benefits Act.”

Commencement Information

I79 Sch. 5 para. 6 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(vii)

SCHEDULE 6 **N.I.**

Article 42

Migration to universal credit

General **N.I.**

1.—(1) Regulations may make provision for the purposes of, or in connection with, replacing existing benefits with universal credit.

(2) In this Schedule “existing benefit” means—

- (a) a benefit abolished under Article 39(1);
- (b) any other prescribed benefit.

(3) In this Schedule “appointed day” means the day appointed for the coming into operation of Article 6.

Commencement Information

I80 Sch. 6 para. 1 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(viii)

Claims before the appointed day **N.I.**

2.—(1) The provision referred to in paragraph 1(1) includes—

- (a) provision for a claim for universal credit to be made before the appointed day for a period beginning on or after that day;
- (b) provision for a claim for universal credit made before the appointed day to be treated to any extent as a claim for an existing benefit;
- (c) provision for a claim for an existing benefit made before the appointed day to be treated to any extent as a claim for universal credit.

(2) The provision referred to in paragraph 1(1) includes provision, where a claim for universal credit is made (or is treated as made) before the appointed day, for an award on the claim to be made in respect of a period before the appointed day (including provision as to the conditions of entitlement for, and amount of, such an award).

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

Commencement Information

181 Sch. 6 para. 2 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(viii)

Claims on or after the appointed day **N.I.**

- 3.—(1) The provision referred to in paragraph 1(1) includes—
- (a) provision permanently or temporarily excluding the making of a claim for universal credit on or after the appointed day by—
 - (i) a person to whom an existing benefit is awarded, or
 - (ii) a person who would be entitled to an existing benefit on making a claim for it;
 - (b) provision temporarily excluding the making of a claim for universal credit on or after the appointed day by any other person;
 - (c) provision excluding entitlement to universal credit temporarily or for a particular period;
 - (d) provision for a claim for universal credit made on or after the appointed day to be treated to any extent as a claim for an existing benefit;
 - (e) provision for a claim for an existing benefit made on or after the appointed day to be treated to any extent as a claim for universal credit.
- (2) The provision referred to in paragraph 1(1) includes provision, where a claim for universal credit is made (or is treated as made) on or after the appointed day, for an award on the claim to be made in respect of a period before the appointed day (including provision as to the conditions of entitlement for, and amount of, such an award).

Commencement Information

182 Sch. 6 para. 3 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(viii)

Awards **N.I.**

- 4.—(1) The provision referred to in paragraph 1(1) includes—
- (a) provision for terminating an award of an existing benefit;
 - (b) provision for making an award of universal credit, with or without application, to a person whose award of existing benefit is terminated.
- (2) The provision referred to in sub-paragraph (1)(b) includes—
- (a) provision imposing requirements as to the procedure to be followed, information to be supplied or assessments to be undergone in relation to an award by virtue of that sub-paragraph or an application for such an award;
 - (b) provision as to the consequences of failure to comply with any such requirement;
 - (c) provision as to the terms on which, and conditions subject to which, such an award is made, including—
 - (i) provision temporarily or permanently disapplying, or otherwise modifying, conditions of entitlement to universal credit in relation to the award;
 - (ii) provision temporarily or permanently disapplying, or otherwise modifying, any requirement under this Part for a person to be assessed in respect of capability for work or work-related activity;

Status: Point in time view as at 27/09/2017.

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- (d) provision as to the amount of such an award;
 - (e) provision that fulfilment of any condition relevant to entitlement to an award of an existing benefit, or relevant to the amount of such an award, is to be treated as fulfilment of an equivalent condition in relation to universal credit.
- (3) Provision under sub-paragraph (2)(d) may secure that where an award of universal credit is made by virtue of sub-paragraph (1)(b)—
- (a) the amount of the award is not less than the amount to which the person would have been entitled under the terminated award, or is not less than that amount by more than a prescribed amount;
 - (b) if the person to whom it is made ceases to be entitled to universal credit for not more than a prescribed period, the gap in entitlement is disregarded in calculating the amount of any new award of universal credit.

Commencement Information

183 Sch. 6 para. 4 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(viii)

Work-related requirements and sanctions **N.I.**

- 5.—(1) The provision referred to in paragraph 1(1) includes—
- (a) provision relating to the application of work-related requirements for relevant benefits;
 - (b) provision relating to the application of sanctions.
- (2) The provision referred to in sub-paragraph (1)(a) includes—
- (a) provision that a claimant commitment for a relevant benefit is to be treated as a claimant commitment for universal credit;
 - (b) provision that a work-related requirement for a relevant benefit is to be treated as a work-related requirement for universal credit;
 - (c) provision for anything done which is relevant to compliance with a work-related requirement for a relevant benefit to be treated as done for the purposes of compliance with a work-related requirement for universal credit;
 - (d) provision temporarily disapplying any provision of this Part in relation to work-related requirements for universal credit.
- (3) The provision referred to in sub-paragraph (1)(b) includes—
- (a) provision for a sanction relevant to an award of a relevant benefit to be applied to an award of universal credit;
 - (b) provision for anything done which is relevant to the application of a sanction for a relevant benefit to be treated as done for the purposes of the application of a sanction for universal credit;
 - (c) provision temporarily disapplying any provision of this Part in relation to the application of sanctions.
- (4) In this paragraph—
- “relevant benefit” means—
- (a) jobseeker's allowance,
 - (b) employment and support allowance, and
 - (c) income support;

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

“work-related requirement” means—

- (d) for universal credit, a work-related requirement within the meaning of this Part;
- (e) for jobseeker's allowance, a requirement imposed—
 - (i) by virtue of regulations under Article 10 or 19A of the Jobseekers Order,
 - (ii) by a jobseeker's direction (within the meaning of Article 21A of that Order),
 - (iii) by virtue of regulations under section 2A, 2AA or 2D of the Administration Act, or
 - (iv) by a direction under section 2F of that Act;
- (f) for employment and support allowance, a requirement imposed—
 - (i) by virtue of regulations under section 8, 9, 11, 12 or 13 of the Welfare Reform Act (Northern Ireland) 2007,
 - (ii) by a direction under section 15 of that Act,
 - (iii) by virtue of regulations under section 2A, 2AA or 2D of the Administration Act, or
 - (iv) by a direction under section 2F of that Act;
- (g) for income support, a requirement imposed—
 - (i) by virtue of regulations under section 2A, 2AA or 2D of the Administration Act, or
 - (ii) by a direction under section 2F of that Act;

“sanction” means a reduction of benefit under—

- (h) Article 31 or 32,
- (i) Article 21, 21A or 21B of the Jobseekers Order,
- (j) section 11, 12 or 13 of the Welfare Reform (Northern Ireland) Act 2007, or
- (k) section 2A, 2AA or 2D of the Administration Act.

Commencement Information

184 Sch. 6 para. 5 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(viii)

Supplementary **N.I.**

6. Regulations under paragraph 1(1) may secure the result that any gap in entitlement to an existing benefit (or what would, but for the provisions of this Part, be a gap in entitlement to an existing benefit) is to be disregarded for the purposes of provision under such regulations.

Commencement Information

185 Sch. 6 para. 6 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(viii)

7. Regulations under paragraph 1(1) may amend or modify the application of any statutory provision.

Commencement Information

186 Sch. 6 para. 7 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(viii)

SCHEDULE 7 **N.I.**

Article 54

Jobseeker's allowance in interim period: consequential amendments

The Jobseekers (Northern Ireland) Order 1995 (NI 15) **N.I.**

1. The Jobseekers (Northern Ireland) Order 1995 is amended as follows.

Commencement Information

I87 Sch. 7 para. 1 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 3(1)(2)(g)

2. [^{F5}In Article 2 (interpretation), in paragraph (2), before the definition of “jobseeking period” insert—

““jobseeker's direction” has the meaning given by Article 21A;”.]

Textual Amendments

F5 Sch. 7 para. 2 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which “the amending provisions” are brought into force by secondary legislation) by *The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006)*, art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, art. 9 (with arts. 10-25)

Commencement Information

I88 Sch. 7 para. 2 in operation at 27.9.2017 by S.R. 2017/190, art. 3(1)(2)(h)

- 3.—[^{F6}(1) Article 10 (attendance etc.) is amended as follows.

(2) In paragraph (1A)(a) (as originally enacted), for “the Department, or any other Department” substitute “ an employment officer ”.

- (3) In paragraph (2), for sub-paragraphs (a) to (c) substitute—

“(a) provide for entitlement to a jobseeker's allowance to cease at such time as may be determined in accordance with any such regulations if, when a person fails to comply with such regulations, that person (or, if that person is a member of a joint-claim couple, either member of the couple) does not make prescribed contact with an employment officer within a prescribed period of the failure;”]

Textual Amendments

F6 Sch. 7 para. 3 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which “the amending provisions” are brought into force by secondary legislation) by *The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006)*, art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, art. 9 (with arts. 10-25)

Commencement Information

I89 Sch. 7 para. 3 in operation at 1.6.2016 for specified purposes by S.R. 2016/234, art. 2(2)(a)(ii)

I90 Sch. 7 para. 3 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 3(1)(2)(h)

4. In Articles 18(3)(b) and 19(4) for “good cause” substitute “ a good reason ”.

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

Commencement Information

I91 Sch. 7 para. 4 in operation at 27.9.2017 by S.R. 2017/190, art. 3(1)(2)(h)

PROSPECTIVE

F75.

Textual Amendments

F7 Sch. 7 para. 5 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), Sch. 12 Pt. 4; S.R. 2017/190, art. 9 (with arts. 10-25)

- 6. [^{F8}Article 22 (exemptions from Article 21) is amended as follows—
 - (a) in the heading, after “21” insert “ and 21A ”;
 - (b) in paragraph (1), for “prevent payment” substitute “ authorise reduction ”;
 - (c) in paragraph (2), for “21” substitute “21A” and for “(5)” substitute “ (2)(c) to (g) ”;
 - (d) in paragraph (3), for “21(6)(b) or (d)” substitute “21(2)(b) or (d)” and for “ just cause ” substitute “good reason”.]

Textual Amendments

F8 Sch. 7 para. 6 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), Sch. 12 Pt. 4; S.R. 2017/190, art. 9 (with arts. 10-25)

Commencement Information

I92 Sch. 7 para. 6 in operation at 27.9.2017 by S.R. 2017/190, art. 3(1)(2)(h)

7. Articles 22C and 22D (sanctions for violent conduct etc. in connection with claim) are repealed.

Commencement Information

I93 Sch. 7 para. 7 in operation at 27.9.2017 by S.R. 2017/190, art. 3(1)(2)(h)

8. [^{F9}In Article 24 (members of the forces), in paragraph (2), for “Article 21(6)(b)” substitute “ Article 21(2)(b) ”.]

Textual Amendments

F9 Sch. 7 para. 8 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation)

Status: Point in time view as at 27/09/2017.

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by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Commencement Information

I94 Sch. 7 para. 8 in operation at 27.9.2017 by S.R. 2017/190, **art. 3(1)(2)(h)**

9. [^{F10}In Article 36 (regulations and orders), after paragraph (2) insert—

“(2A) The Statutory Rules (Northern Ireland) Order 1979 shall not apply to any order under Article 2(2) in relation to employment officers.”]

Textual Amendments

F10 Sch. 7 para. 9 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Commencement Information

I95 Sch. 7 para. 9 in operation at 27.9.2017 by S.R. 2017/190, **art. 3(1)(2)(h)**

10.—(1) [^{F11}Schedule 1 (supplementary) is amended as follows.]

(2) In paragraph 8(b), for “entered into a jobseeker's agreement” substitute “ accepted a claimant commitment ”.

(3) [^{F12}In paragraph 8B, in sub-paragraph (3)—

(a) for the first “entered into a jobseeker's agreement” substitute “ accepted a claimant commitment ”;

(b) for “11(10)” substitute “ 11(9) ”;

(c) for “entered into a jobseeker's agreement which is in force for” substitute “ accepted a claimant commitment during ”.]

(4) [^{F13}In paragraph 10, after sub-paragraph (5) insert—

“(6) References in sub-paragraphs (1) and (2) to an income-based jobseeker's allowance include a payment by way of such an allowance under Article 21C.”]

Textual Amendments

F11 Sch. 7 para. 10(1) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

F12 Sch. 7 para. 10(3) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

F13 Sch. 7 para. 10(4) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

Commencement Information

- I96** Sch. 7 para. 10(1) in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 3(1)(2)(h)**
- I97** Sch. 7 para. 10(4) in operation at 27.9.2017 by S.R. 2017/190, **art. 3(1)(2)(h)**

PROSPECTIVE

The Social Security (Northern Ireland) Order 1998 (NI 10) N.I.

^{F14}**11.**

Textual Amendments

- F14** Sch. 7 para. 11 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **art. 2(2)**, **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

The Social Security Fraud Act (Northern Ireland) 2001 (c. 17) N.I.

12.—(1) Section 7 of the Social Security Fraud Act (Northern Ireland) 2001 (effect of offence on claim) is amended as follows.

- (2) In subsection (2)—
 - (a) at the beginning insert “ Except in prescribed circumstances ”;
 - (b) in paragraph (b), for sub-paragraph (i) substitute—
 - “(i) is a person whose failure sanctionable under Article 21, 21A or 21B of the Jobseekers Order has given rise to a reduction under that Article; or”.
- (3) Subsection (5) is repealed.

Commencement Information

- I98** Sch. 7 para. 12 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(3)(a)(iv)**
- I99** Sch. 7 para. 12 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 3(1)(2)(h)**

PROSPECTIVE

The Welfare Reform Act (Northern Ireland) 2010 (c. 13) N.I.

13. The Welfare Reform Act (Northern Ireland) 2010 is amended as follows.

PROSPECTIVE

14.—(1) Section 25 (well-being of children) is amended as follows.

- (2) In subsection (1)—

Status: Point in time view as at 27/09/2017.

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- (a) for “(the jobseeker's agreement)” substitute “ (as substituted by Article 50 of the Welfare Reform (Northern Ireland) Order 2015 (the claimant commitment)) ”;
- (b) in the inserted paragraph (4A), for “preparing a jobseeker's agreement for a claimant” substitute “ considering whether to invite a claimant to accept a claimant commitment ”.

15.—^{F15}(1) Section 26 (contracting out) is amended as follows.

(2) In subsection (2), in Article 22E inserted into the Jobseekers Order—

(a) for paragraph (2)(a) and (b) substitute—

“(a) any function under Article 10 (attendance etc);

(b) any function under Article 11 or 12 in relation to a claimant commitment;”;

(b) after paragraph (2)(d) insert—

“(e) functions under Article 21 or 21A;”;

(c) in paragraph (4)(a), “or 19A” is repealed.

(3) In subsection (3), for paragraphs (a) to (d) substitute—

“(a) Article 10(1)(a), (1A) and (2);

(b) Articles 11 and 12 (in all places);

(c) Article 18(3)(b)(ii);

(d) Articles 21 and 21A (in all places);”.]

Textual Amendments

F15 Sch. 7 para. 15 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), [art. 2\(2\)](#), [Sch. 12 Pt. 4](#); [S.R. 2017/190](#), [art. 9](#) (with [arts. 10-25](#))

Commencement Information

I100 Sch. 7 para. 15(1) in operation at 27.9.2017 for specified purposes by [S.R. 2017/190](#), [art. 3\(1\)\(2\)\(h\)](#)

I101 Sch. 7 para. 15(2)(c) in operation at 27.9.2017 by [S.R. 2017/190](#), [art. 3\(1\)\(2\)\(h\)](#)

SCHEDULE 8 N.I.

Article 76(8)

Social fund discretionary payments: consequential amendments

1. The Administration Act is amended as follows.

Commencement Information

I102 [Sch. 8 para. 1](#) in operation at 28.11.2016 for specified purposes by [S.R. 2016/411](#), [art. 2\(2\)\(b\)](#) (with [art. 4](#))

2. In section 74(4) (recovery of funeral payments out of social fund), after “Payments” insert “ out of the social fund ”.

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

Commencement Information

I103 Sch. 8 para. 2 in operation at 28.11.2016 for specified purposes by S.R. 2016/411, art. 2(2)(b) (with art. 4)

3. In section 75 (recovery of Great Britain payments), in paragraph (c), for the words from “under subsection” to the end substitute “ under section 69(8) ”.

Commencement Information

I104 Sch. 8 para. 3 in operation at 28.11.2016 for specified purposes by S.R. 2016/411, art. 2(2)(b) (with art. 4)

I105 Sch. 8 para. 3 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 3(1)(2)(i)

4. In Part 1 of Schedule 4 (persons employed in social security administration), under the heading “Former statutory bodies”, after the entry for “A social fund officer” insert—

“The social fund Commissioner. A social fund inspector. A member of any staff employed in connection with the social fund.”

Commencement Information

I106 Sch. 8 para. 4 in operation at 31.3.2017 by S.R. 2016/411, art. 3(2)(b)

SCHEDULE 9 **N.I.**

Article 96

Personal independence payment: amendments

The Child Support (Northern Ireland) Order 1991 (NI 23) **N.I.**

1. In Article 10 of the Child Support (Northern Ireland) Order 1991 (role of the courts with respect to maintenance for children), in paragraph (8)(a), at the beginning insert “ an allowance under Part 5 of the Welfare Reform (Northern Ireland) Order 2015 (personal independence payment) or ”.

Commencement Information

I107 Sch. 9 para. 1 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) **N.I.**

2. The Social Security Contributions and Benefits (Northern Ireland) Act 1992 is amended as follows.

Commencement Information

I108 Sch. 9 para. 2 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(h)(i)

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

PROSPECTIVE

3. In section 30B (incapacity benefit: rate), in subsection (4), after paragraph (a) insert—
“(aa) is entitled to the daily living component of personal independence payment at a rate designated by regulations under this paragraph, or”.

4.—(1) Section 64 (entitlement to attendance allowance) is amended as follows.

(2) In subsection (1), for “the care component of a disability living allowance” substitute “ an allowance within subsection (1A) ”.

(3) After subsection (1) insert—

“(1A) The following allowances are within this subsection—

(a) personal independence payment;

(b) the care component of a disability living allowance.”

Commencement Information

I109 Sch. 9 para. 4 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(h)(i)

5. In section 146 (Christmas bonus for pensioners: interpretation), in subsection (1), after paragraph (ba) insert—

“(bb) personal independence payment;”.

Commencement Information

I110 Sch. 9 para. 5 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

The Social Security Administration (Northern Ireland) Act 1992 (c. 8) N.I.

6. The Social Security Administration (Northern Ireland) Act 1992 is amended as follows.

Commencement Information

I111 Sch. 9 para. 6 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(h)(i)

7.—(1) Section 1 (entitlement to benefit dependent on claim) is amended as follows.

(2) In subsection (3)—

(a) before paragraph (a) insert—

“(za) for personal independence payment by virtue of Article 87 of the Welfare Reform (Northern Ireland) Order 2015; or”;

(b) paragraph (b) and the “or” preceding it are repealed.

(3) In subsection (4), after paragraph (ac) insert—

“(ad) personal independence payment.”

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

Commencement Information

I112 Sch. 9 para. 7(1)(3) in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(h)(i)**

I113 Sch. 9 para. 7(2) in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

8. In section 5(2) (regulations about claims for and payments of benefit), after paragraph (ac) insert—

“(ad) personal independence payment;”.

Commencement Information

I114 Sch. 9 para. 8 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(h)(i)**

9. In section 69(11) (overpayments), after paragraph (ac) insert—

“(ad) personal independence payment;”.

Commencement Information

I115 Sch. 9 para. 9 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

10. In section 71 (overlapping benefits - general), after subsection (5) insert—

“(6) Personal independence payment is to be treated for the purposes of this section as if it were benefit as defined in section 121 of the Contributions and Benefits Act.”

Commencement Information

I116 Sch. 9 para. 10 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

11. In section 115CA (interpretation of Part 6), in subsection (1), after paragraph (hj) (inserted by Schedule 2 to this Order) insert—

“(hk) Part 5 of that Order;”.

Commencement Information

I117 Sch. 9 para. 11 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

12. In section 116B (supply of other government information for fraud prevention and verification), in subsection (3)(b), after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “ , Part 5 of that Order ”.

Commencement Information

I118 Sch. 9 para. 12 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

13. In section 116C (supply of information to the Housing Executive), in subsection (6)(b), after “Welfare Reform Act (Northern Ireland) 2007” insert “ , Part 5 of the Welfare Reform (Northern Ireland) Order 2015 ”.

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

Commencement Information

I119 Sch. 9 para. 13 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

14. In section 118 (regulations as to notifications of deaths), in subsection (1), after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “, Part 5 of that Order”.

Commencement Information

I120 Sch. 9 para. 14 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

15. In section 139 (effect in alteration in the component rates of income support), in subsection (5), in the definition of “benefit income”, after “income support,” insert—

“(aa) personal independence payment;”.

Commencement Information

I121 Sch. 9 para. 15 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

16. In section 139A (effect of alteration of rates of a jobseeker's allowance), in subsection (5), in the definition of “benefit income”, after “Contributions and Benefits Act,” insert—

“(aa) personal independence payment;”.

Commencement Information

I122 Sch. 9 para. 16 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

17. In section 139B (effect of alterations affecting state pension credit), in subsection (6), in the definition of “benefit income”, after “Contributions and Benefits Act” insert “ or personal independence payment”.

Commencement Information

I123 Sch. 9 para. 17 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

18. In section 139C (effect of alteration of rates of an employment and support allowance), in subsection (6), in the definition of “benefit income”, after “Contributions and Benefits Act” insert “ or personal independence payment”.

Commencement Information

I124 Sch. 9 para. 18 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

19. In section 140 (implementation of increases in income support due to attainment of particular ages), in subsection (3), after “entitlement to” insert “ personal independence payment or to”.

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

Commencement Information

I125 Sch. 9 para. 19 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

20. In section 140A (implementation of increases in income-based jobseeker's allowance due to attainment of particular ages), in subsection (3), after “Contributions and Benefits Act;” insert—
 “(aa) personal independence payment;”.

Commencement Information

I126 Sch. 9 para. 20 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

21. In section 140B (implementation of increases in employment and support allowance due to attainment of particular ages), in subsection (3), for the words from “a benefit” to the end substitute—
 “(a) a benefit under the Contributions and Benefits Act; or
 (b) personal independence payment.”

Commencement Information

I127 Sch. 9 para. 21 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

22. In section 145 (adjustments between National Insurance Fund and Consolidated Fund), in subsection (1)(a)(iii), after “universal credit” (inserted by Schedule 2 to this Order) insert “, personal independence payment ”.

Commencement Information

I128 Sch. 9 para. 22 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

23. In section 149 (functions of Social Security Advisory Committee in relation to legislation and regulations), in subsection (5), after paragraph (ak) (inserted by Schedule 2 to this Order) insert—
 “(al) Part 5 of that Order;”.

Commencement Information

I129 Sch. 9 para. 23 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

24.—(1) Section 155 (reciprocal agreements) is amended as follows.
 (2) In subsection (3)(a), after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “, Part 5 of that Order ”.
 (3) In subsection (4), after paragraph (ae) (inserted by Schedule 2 to this Order) insert—
 “(af) to Part 5 of that Order;”.

Commencement Information

I130 Sch. 9 para. 24 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

25. In section 156 (payment of travelling expenses), in paragraphs (a) and (b)(i), after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “, Part 5 of that Order”.

Commencement Information

I131 Sch. 9 para. 25 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

26. In section 158B (information about postal redirection), in subsection (5)(b), after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “, Part 5 of that Order”.

Commencement Information

I132 Sch. 9 para. 26 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

27. In section 160 (control of pneumoconiosis), in subsection (1)(c) for “benefit as defined in section 121 of the Contributions and Benefits Act” substitute “personal independence payment, or benefit as defined in section 121 of the Contributions and Benefits Act,”.

Commencement Information

I133 Sch. 9 para. 27 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

28. In section 163 (inalienability), in subsection (1), after paragraph (ac) insert—
“(ad) personal independence payment;”.

Commencement Information

I134 Sch. 9 para. 28 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

29. In section 167 (interpretation), in subsection (1), in the definition of “benefit”, for “, state pension credit and an employment and support allowance” substitute “state pension credit, an employment and support allowance and personal independence payment”.

Commencement Information

I135 Sch. 9 para. 29 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(5)(h)(ii)

I136 Sch. 9 para. 29 in operation at 20.6.2016 in so far as not already in operation by S.R. 2016/215, art. 3(2)

30. In Schedule 5 (regulations not requiring prior submission to Social Security Advisory Committee), before paragraph 1 insert—

“Personal independence payment

A1. Regulations under Article 83(3) or 84(3) of the Welfare Reform (Northern Ireland) Order 2015.”

Commencement Information

I137 Sch. 9 para. 30 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

The Road Traffic (Northern Ireland) Order 1995 (NI 18) **N.I.**

31. In Article 25 of the Road Traffic (Northern Ireland) Order 1995 (payments in respect of applicants for exemption from wearing seat belts), in paragraph (2), after sub-paragraph (a) insert—

“(aa) those in receipt of personal independence payment;”.

Commencement Information

I138 Sch. 9 para. 31 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12) **N.I.**

32. The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 is amended as follows.

Commencement Information

I139 Sch. 9 para. 32 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

33. In Article 2(2) (interpretation), in the definition of “benefit”, after “employment and support allowance” insert “ , personal independence payment ”.

Commencement Information

I140 Sch. 9 para. 33 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

34. In Schedule 2 (calculation of compensation payment), in the table—

(a) in the section relating to compensation for cost of care incurred during the relevant period, in the second column, after the entry for attendance allowance insert—

“Daily living component of personal independence payment”;

(b) in the section relating to compensation for loss of mobility during the relevant period, in the second column, after the entry for mobility allowance insert—

“Mobility component of personal independence payment”.

Commencement Information

I141 Sch. 9 para. 34 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

The Social Security (Northern Ireland) Order 1998 (NI 10) **N.I.**

35. The Social Security (Northern Ireland) Order 1998 is amended as follows.

Commencement Information

I142 Sch. 9 para. 35 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(h)(iii)

36. In Article 4(2) (use of computers), after sub-paragraph (k) (inserted by Schedule 2 to this Order) insert—

“or

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

(l) Part 5 of that Order.”

Commencement Information

I143 Sch. 9 para. 36 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

37. In Article 9 (decisions by the Department)—

(a) in paragraph (3), after sub-paragraph (ba) insert—

“(baa) personal independence payment;”;

(b) in paragraph (4), after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “ or Part 5 of that Order ”.

Commencement Information

I144 Sch. 9 para. 37 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(5)(h)(iv)

I145 Sch. 9 para. 37 in operation at 20.6.2016 in so far as not already in operation by S.R. 2016/215, art. 3(2)

38. In Article 12(3) (regulations with respect to decisions), in the definition of “the current legislation”, after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “ and Part 5 of that Order ”.

Commencement Information

I146 Sch. 9 para. 38 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(h)(v)

39. In Article 27(7) (restrictions on entitlement to benefit in cases of error), in the definition of “benefit”—

(a) after sub-paragraph (de) insert—

“(df) personal independence payment;”;

(b) in sub-paragraph (e) for “to (de)” substitute “ to (df) ”.

Commencement Information

I147 Sch. 9 para. 39 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(5)(h)(vi)

I148 Sch. 9 para. 39 in operation at 20.6.2016 in so far as not already in operation by S.R. 2016/215, art. 3(2)

40. In Article 28(3) (correction of errors in decisions etc.), after sub-paragraph (h) (inserted by Schedule 2 to this Order) insert—

“or

(i) Part 5 of that Order.”

Commencement Information

I149 Sch. 9 para. 40 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(h)(vii)

41. In Schedule 3 (decisions against which an appeal lies), in paragraph 3—

(a) in paragraph (f), the final “or” is repealed;

(b) after paragraph (g) insert—

Status: Point in time view as at 27/09/2017.

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- “(h) regulations made under Article 90(1) or 91(1) of the Welfare Reform (Northern Ireland) Order 2015;
(i) Article 92 of that Order.”

Commencement Information

I150 Sch. 9 para. 41 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

The Immigration and Asylum Act 1999 (c. 33) N.I.

42. In section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits), in subsection (2), after “Welfare Reform (Northern Ireland) Order 2015” (inserted by Schedule 2 to this Order) insert “, to personal independence payment under Part 5 of that Order”.

Commencement Information

I151 Sch. 9 para. 42 in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

The Social Security Fraud Act (Northern Ireland) 2001 (c. 17) N.I.

43. The Social Security Fraud Act (Northern Ireland) 2001 is amended as follows.

Commencement Information

I152 Sch. 9 para. 43 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(h)(vii)

44. In section 5A (definitions) in the definition of “disqualifying benefit”, after paragraph (c) insert—

- “(ca) any benefit under Part 5 of the Welfare Reform (Northern Ireland) Order 2015 or Part 4 of the Welfare Reform Act 2012 (personal independence payment);”.

Commencement Information

I153 Sch. 9 para. 44 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(h)(vii)

45. In section 9 (power to supplement and mitigate loss of benefit provisions), in subsection (3), after paragraph (bd) (inserted by Schedule 2 to this Order) insert—

- “(be) any benefit under Part 5 of the Welfare Reform (Northern Ireland) Order 2015 or Part 4 of the Welfare Reform Act 2012 (personal independence payment);”.

Commencement Information

I154 Sch. 9 para. 45 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(h)(vii)

SCHEDULE 10 **N.I.**

Article 98

Personal independence payment: transitional

General **N.I.**

1.—(1) Regulations under Article 98 may in particular make provision for the purposes of, or in connection with, replacing disability living allowance with personal independence payment.

(2) In this Schedule “the appointed day” means the day appointed for the coming into operation of Article 82.

Commencement Information

I155 Sch. 10 para. 1 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(i)

Claims before the appointed day **N.I.**

2.—(1) The provision referred to in paragraph 1(1) includes—

- (a) provision for a claim for personal independence payment to be made before the appointed day for a period beginning on or after that day;
- (b) provision for a claim for personal independence payment made before the appointed day to be treated to any extent as a claim for disability living allowance;
- (c) provision for a claim for disability living allowance made before the appointed day to be treated to any extent as a claim for personal independence payment.

(2) The provision referred to in paragraph 1(1) includes provision, where a claim for personal independence payment is made (or treated as made) before the appointed day, for an award on the claim to be made in respect of a period before the appointed day (including provision as to the conditions of entitlement for, and the amount of, such an award).

Commencement Information

I156 Sch. 10 para. 2 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(i)

Claims on or after the appointed day **N.I.**

3.—(1) The provision referred to in paragraph 1(1) includes—

- (a) provision permanently or temporarily excluding the making of a claim for personal independence payment on or after the appointed day by—
 - (i) a person to whom disability living allowance is awarded, or
 - (ii) a person who would be entitled to an award of disability living allowance on making a claim for it;
- (b) provision temporarily excluding the making of a claim for personal independence payment on or after the appointed day by any other person;
- (c) provision excluding entitlement to personal independence payment temporarily or for a particular period;
- (d) provision for a claim for personal independence payment made on or after the appointed day to be treated to any extent as a claim for disability living allowance;

Status: Point in time view as at 27/09/2017.

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(e) provision for a claim for disability living allowance made on or after the appointed day to be treated to any extent as a claim for personal independence payment.

(2) The provision referred to in paragraph 1(1) includes provision, where a claim for personal independence payment is made (or treated as made) on or after the appointed day, for an award on the claim to be made in respect of a period before the appointed day (including provision as to the conditions of entitlement for, and the amount of, such an award).

Commencement Information

I157 Sch. 10 para. 3 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(i)

Awards of existing allowance **N.I.**

4.—(1) The provision referred to in paragraph 1(1) includes—

- (a) provision for terminating an award of disability living allowance;
- (b) provision for making an award of personal independence payment, with or without application, to a person whose award of disability living allowance is terminated.

(2) The provision referred to in sub-paragraph (1)(b) includes—

- (a) provision imposing requirements as to the procedure to be followed, information to be supplied or assessments to be undergone in relation to an award by virtue of that sub-paragraph or an application for such an award;
- (b) provision as to the consequences of failure to comply with any such requirement;
- (c) provision as to the terms on which, and conditions subject to which, such an award is made, including—
 - (i) provision temporarily or permanently disapplying, or otherwise modifying, conditions of entitlement to personal independence payment in relation to the award;
 - (ii) provision temporarily or permanently disapplying, or otherwise modifying, any requirement under this Part for a person to be assessed in respect of any of the questions mentioned in Article 85(1) or (2);
- (d) provision as to the amount of such an award.

Commencement Information

I158 Sch. 10 para. 4 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(i)

Supplementary **N.I.**

5. Regulations under Article 98—

- (a) may secure the result that any gap in entitlement to disability living allowance is to be disregarded for the purposes of provision under the regulations;
- (b) may make provision about cases in which provision made by regulations under Article 85(2) (required period condition) is to apply with modifications;
- (c) may, for the purposes of provision made by virtue of sub-paragraph (b), provide for a period of entitlement to disability living allowance to be taken into account in determining whether a person meets “the required period condition” for the purposes of Article 83(1) or (2) or 84(1) or (2).

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

Commencement Information

I159 Sch. 10 para. 5 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(i)

SCHEDULE 11 **N.I.**

Article 107(6)

Power to require consideration of revision before appeal

The Child Support (Northern Ireland) Order 1991 (NI 23) **N.I.**

1. The Child Support (Northern Ireland) Order 1991 is amended as follows.

Commencement Information

I160 Sch. 11 para. 1 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

2. In Article 22 (appeals to appeal tribunals), as substituted by section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (and subsequently amended), after paragraph (2) insert—

“(2A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal against a decision mentioned in paragraph (1)(a) or (b) only if the Department has considered whether to revise the decision under Article 18.

(2B) The regulations may in particular provide that that condition is met only where—

- (a) the consideration by the Department was on an application,
- (b) the Department considered issues of a specified description, or
- (c) the consideration by the Department satisfied any other condition specified in the regulations.

(2C) Regulations may make provision that, where in accordance with regulations under paragraph (2A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under Article 18.”

Commencement Information

I161 Sch. 11 para. 2 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

3. In Article 22 (appeals to appeal tribunals), as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, after paragraph (3) insert—

“(3A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal against a decision only if the Department has considered whether to revise the decision under Article 18.

(3B) The regulations may in particular provide that that condition is met only where—

- (a) the consideration by the Department was on an application,
- (b) the Department considered issues of a specified description, or
- (c) the consideration by the Department satisfied any other condition specified in the regulations.

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

(3C) Regulations may make provision that, where in accordance with regulations under paragraph (3A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under Article 18.”

Commencement Information

I162 Sch. 11 para. 3 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

4. In Article 47A (pilot schemes) (as inserted by section 32 of the Child Maintenance Act (Northern Ireland) 2008) at the end insert—

“(6) This Article does not apply to regulations under—

- (a) paragraph (2A) of Article 22 as substituted by section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000;
- (b) paragraph (3A) of Article 22 as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000.”

Commencement Information

I163 Sch. 11 para. 4 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

5. In Article 48 (regulations and orders), in paragraph (2)(a), after “Article 14(5)(b),” insert “22(2A), 22(3A) ”.

Commencement Information

I164 Sch. 11 para. 5 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12) N.I.

6. The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 is amended as follows.

Commencement Information

I165 Sch. 11 para. 6 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

7.—(1) Article 13 (appeals against certificates) is amended as follows.

(2) After paragraph (2) insert—

“(2A) Regulations may provide that, in such cases or circumstances as may be prescribed, an appeal may be made under this Article only if the Department has reviewed the certificate under Article 12.

(2B) The regulations may in particular provide that that condition is met only where—

- (a) the review by the Department was on an application,
- (b) the Department considered issues of a specified description, or
- (c) the review by the Department satisfied any other condition specified in the regulations.”

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

(3) In paragraph (5)(c) after “any such appeal” insert “ (or, where in accordance with regulations under paragraph (2A) there is no right of appeal, any purported appeal) ”.

Commencement Information

I166 Sch. 11 para. 7 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

8.—(1) Article 28 (regulations and orders) is amended as follows.

(2) In paragraph (1) after “regulations made under Article” insert “ 13(2A) or ”.

(3) After that paragraph insert—

“(1A) Regulations under Article 13(2A) must be laid before the Assembly after being made and take effect on such date as may be specified in the regulations, but shall (without prejudice to the validity of anything done thereunder or to the making of new regulations) cease to have effect upon the expiration of a period of six months from that date unless at some time before the expiration of that period the regulations are approved by a resolution of the Assembly.”

Commencement Information

I167 Sch. 11 para. 8 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

PROSPECTIVE

The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4) N.I.

9. The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 is amended as follows.

PROSPECTIVE

10.—(1) Paragraph 6 of Schedule 7 (housing benefit: appeal to appeal tribunal) is amended as follows.

(2) In sub-paragraph (4), after paragraph (b) insert—

“or where regulations under sub-paragraph (5A) so provide.”

(3) After sub-paragraph (5) insert—

“(5A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal in relation to a decision only if the relevant authority which made the decision has considered whether to revise the decision under paragraph 3.

(5B) The regulations may in particular provide that that condition is met only where—

- (a) the consideration by the relevant authority was on an application,
- (b) the relevant authority considered issues of a specified description, or
- (c) the consideration by the relevant authority satisfied any other condition specified in the regulations.

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

(5C) Regulations may provide that, where in accordance with regulations under subparagraph (5A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under paragraph 3.”

PROSPECTIVE

11. In paragraph 20(4) of Schedule 7 (regulations subject to confirmatory procedure) for “or (4)” substitute “, (4) or (5A)”.

The Mesothelioma, etc., Act (Northern Ireland) 2008 (c. 9) N.I.

12. The Mesothelioma, etc., Act (Northern Ireland) 2008 is amended as follows.

Commencement Information

I168 Sch. 11 para. 12 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

13. In section 4(2) (regulations regarding reconsideration) after “and” insert “ may prescribe ”.

Commencement Information

I169 Sch. 11 para. 13 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

14.—(1) Section 5 (appeals to appeal tribunal) is amended as follows.

(2) After subsection (1) insert—

“(1A) Regulations may provide that, in such cases or circumstances as may be prescribed, a person may appeal against a determination made on a claim only if the Department has decided whether to reconsider the determination under section 4.

(1B) The regulations may in particular provide that that condition is met only where—

- (a) the decision of the Department was on an application,
- (b) the Department considered issues of a specified description, or
- (c) the decision of the Department satisfied any other condition specified in the regulations.”

(3) In subsection (4)(c) after “an appeal under subsection (1)(a)” insert “ (or, where in accordance with regulations under subsection (1A) there is no right of appeal, any purported appeal) ”.

Commencement Information

I170 Sch. 11 para. 14 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

15. In section 10(2) (Assembly control) after “section 1” insert “ or 5(1A) ”.

Commencement Information

I171 Sch. 11 para. 15 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

SCHEDULE 12 **N.I.**

Article 140

Repeals

PART 1 **N.I.**

Abolition of benefits superseded by universal credit

Commencement Information

I172 Sch. 12 Pt. 1 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3)

<i>Short Title</i>	<i>Extent of Repeal</i>
The Dogs (Northern Ireland) Order 1983 (NI 8)	Article 7(10)(c) to (g).
The Education Reform (Northern Ireland) Order 1989 (NI 20)	In Article 131(3)(b), the words from “income support,” to “Part 1 of the Welfare Reform Act (Northern Ireland) 2007) or”.
The Child Support (Northern Ireland) Order 1991 (NI 23)	In Article 2(2), the definitions of— (a) “income support”; (b) “income-based jobseeker's allowance”; (c) “income-related employment and support allowance”. In paragraph 5(4) of Schedule 1, as it has effect apart from section 1 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, the words from “income support” to “support allowance”.
The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)	In section 22— (a) in subsections (2)(a) and (5), “contribution-based”; (b) subsection (8). In section 44A(7), “contributory”. In section 121(1), the definition of “contribution-based jobseeker's allowance”. Sections 122 to 133. Section 146(3). Section 171(6) and (6A). In Schedule 3, in paragraph 5(6B), “or 4(2)(b)”.
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	Section 1(4)(b). Sections 2A to 2H. In section 5— (a) subsection (2)(b) and (e); (b) in subsection (5), “or housing benefit”. Section 5A(1) to (5). In section 5B(2)(b), from “or was verified” to the end.

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

In section 13A—

(a) in subsection (1)(a), the words from “income support” to “employment and support allowance”;

(b) in subsection (1)(b), the words from “or the applicable amount” to “employment and support allowance”;

(c) in subsection (1), in the words after paragraph (b), the words from “or the applicable amount” to “employment and support allowance”;

(d) in subsection (4), in the definition of “qualifying associate”, “income support, an income-based jobseeker’s allowance,”, “or an income-related employment and support allowance,”, “Part VII of the Contributions and Benefits Act”, “the Jobseekers (Northern Ireland) Order 1995,” and “or Part 1 of the Welfare Reform Act (Northern Ireland) 2007”;

(e) in subsection (4), in the definition of “relevant benefits”, paragraph (b).

Section 69(11)(b).

Section 69ZH(1)(c) and (d) (as inserted by Article 109 of this Order).

Section 69A.

In section 71(1) and (4)(b), “contribution-based”.

In section 72—

(a) in subsection (1)(b), “income support, an income-based jobseeker’s allowance,” and “or an income-related employment and support allowance”;

(b) in subsection (2)(b), “income support, an income-based jobseeker’s allowance,” and “or an income-related employment and support allowance”;

(c) subsection (3);

(d) in subsection (4) “or (3)” and paragraph (b) and the preceding “and”.

Section 73 (and the preceding cross-heading).

In section 74(6)(d), “income support or an income-based jobseeker’s allowance”.

In the heading to Part 5, “Income support and”.

In section 100—

(a) in subsection (1)(b), the words from “income support” to “support allowance”;

(b) in subsection (3) the words “Subject to subsection (4) below,”;

(c) subsection (3)(b) and the preceding “or”;

(d) subsection (4).

In section 101(1), (4), (5), (6)(a) and (b), “income support or”.

In section 103(1)(a), “income support or”.

In section 103A—

(a) subsection (3)(b) and (c);

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

(b) subsections (6) and (7).

Sections 104A and 104AA.

In section 105—

(a) in subsection (1)(ab), “or 104AA”;

(b) in subsection (3), “or 104A”.

In section 109A—

(a) in subsection (1), “or the Housing Executive”, “69A or 73” and “or the Executive”;

(b) in subsection (1A) (as inserted by Article 115 of this Order), “or the Housing Executive” in both places and “69A or 73”;

(c) in subsection (2), “or the Housing Executive” and “or the Executive”;

(d) in subsection (5), “or the Housing Executive” and “or the Executive”;

(e) subsections (7A) and (7B).

In section 109B—

(a) in subsection (1), “or the Housing Executive”;

(b) in subsection (3), “or the Housing Executive”;

(c) in subsection (3)(c), “or the Housing Executive”;

(d) in subsection (4)(a) (as substituted by Article 109 of this Order), “or the Housing Executive”;

(e) in subsection (4A) (as so substituted), the words from “(and, where ” to the end;

(f) in subsection (6), “or the Housing Executive” in both places.

In section 110—

(a) in subsection (1), the words “, the Department of the Environment or the Housing Executive”;

(b) in subsection (2)(a), “(other than proceedings to which paragraph (b) applies)” (as substituted by Article 113 of this Order);

(c) subsection (2)(b) and the preceding “and”;

(d) in subsection (3)(a), “or of the Department of the Environment” and “or (b)”;

(e) subsection (3)(b) and the preceding “and”.

Section 110ZA.

Section 110A.

Section 115CA(6).

Section 116B(3)(c) and the preceding “or”.

Sections 116C and 116D.

In section 119(1)—

(a) “income support, an income-based jobseeker's allowance”;

(b) “an income-related employment and support allowance”.

Sections 126 to 128H.

Section 139.

In section 139B—

(a) in subsection (1)(b)(iii), “contribution-based”;

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

(b) in subsection (6), in the definitions of “alteration” and “component”, “contribution-based”.

In section 139D (as inserted by Schedule 2 to this Order)—

(a) in subsection (1)(b)(iv), “contribution-based”;

(b) in subsection (6), in the definitions of “alteration” and “component”, “contribution-based”.

Sections 140 and 140A.

In section 140B(5), “or 4(2)(a)”.

In section 149(5), in the definition of “the relevant enactments”, paragraph (aj).

Section 155(5)(a) and (d).

Section 155A(5).

Section 158A(3)(b) and (d) and “or” immediately preceding paragraph (d).

In section 158B—

(a) subsection (2);

(b) in subsections (3) to (6), “or (2)” in every place.

Section 163(1)(b).

In section 165, subsections (7), (7A) and (8).

Section 166(2)(aa) and (aaa).

In section 167(1) in the definition of “the Department”—

(a) in paragraph (a), “to 116D”; and

(b) in paragraph (b), “2E, 2F, 2G (except in the second reference in subsection (11)(c))” and “, 116C and 116D”.

In section 167(1) the definitions of—

(a) “contribution-based jobseeker's allowance”;

(b) “contributory employment and support allowance”;

(c) “income-based jobseeker's allowance”;

(d) “income-related benefit”;

(e) “income-related employment and support allowance”.

In Schedule 7, paragraph 3(3).

The Social Security (Amendment) Article 3(2) and (3).
(Northern Ireland) Order 1993
(NI 8)

The Children (Northern Ireland) In Article 2(2)—
Order 1995 (NI 2) (a) the definition of “income-based jobseeker's allowance”;
(b) the definition of “income-related employment and support allowance”.

In Article 18—

(a) in paragraph (9), the words from “of income support” to the end;

(b) paragraph (10).

In Article 18C(7)(b), the words from “of income support” to the end.

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

- In Article 24(3), the words from “of income support” to the end.
- In Article 39(4), the words from “income support” to the end.
- In Article 183—
- (a) in paragraph (1), “to (4)”;
 - (b) paragraph (4).
- The Jobseekers (Northern Ireland) Order 1995 (NI 15)
- In Article 2(2)—
- (a) in the definition of “claimant”, the words from “except” to the end;
 - (b) the definitions of “contribution-based jobseeker's allowance”, “income-based conditions”, “income-based jobseeker's allowance”, “income-related employment and support allowance”, “joint-claim couple” and “joint-claim jobseeker's allowance” and “the nominated member”.
- Article 3(2A) to (2D) and (4).
- In Article 4—
- (a) paragraph (1)(d) and the preceding “and”;
 - (b) in paragraph (3C), in the definition of “benefit”, in subparagraph (d), “contribution-based”;
 - (c) in paragraph (3C), in the definition of “benefit”, subparagraph (e) and the preceding “and”.
- Articles 5 to 5B.
- In Article 6—
- (a) in paragraph (1), “contribution-based”;
 - (b) paragraphs (3), (3A) and (6) to (11A).
- Article 6A.
- In Article 7—
- (a) in the heading and in paragraph (1), “contribution-based”;
 - (b) in paragraph (2), “contribution-based”, in the first two places;
 - (c) in paragraph (3), “contribution-based”.
- Article 15.
- Articles 17 to 19.
- In Article 19A(10), the definition of “claimant”.
- Article 20.
- Article 25.
- Articles 27 and 28.
- Article 30.
- Article 31(6)(c) and (d) and (7).
- Article 32.
- Article 37(1)(b).
- In Article 38—
- (a) in paragraphs (1) and (2), “contribution-based”;

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

(b) paragraph (4).

Article 39.

In Schedule 1—

- (a) in paragraph 6(1), “contribution-based”;
- (b) paragraphs 8 and 8A;
- (c) paragraphs 9 to 10;
- (d) in paragraph 11(1), “contribution-based”;
- (e) in paragraph 16(1) and (2)(d), “contribution-based”;
- (f) paragraph 18(b) and (c).

In Schedule 2 paragraphs 12 to 18, 36(4), 51(3) and (4).

The Social Security Administration (Fraud) (Northern Ireland) Order 1997 (NI 11) Article 3.
Article 4(1).

Article 5 (and the preceding cross-heading).

Articles 6 to 9.

Article 15.

In Schedule 1, paragraph 2.

The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12) In Schedule 2, in the second column of the table, the reference to income support.

The Social Security (Northern Ireland) Order 1998 (NI 10) Article 9(3)(c).

In Article 9(4), the words from “, other than” to the end.

In Article 15(12), “or under paragraph 8 of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000”.

Article 34 (and the preceding cross-heading).

In Article 39(1) the definition of “claimant” as inserted by the Welfare Reform and Pensions (Northern Ireland) Order 1999.

Article 73(8)(d).

Article 74(7).

In Article 76(1A)(a), the words “, income support”.

In Schedule 2—

- (a) paragraph 1 (and the preceding heading);
- (b) paragraph 5A (and the preceding heading);
- (c) paragraph 6(b)(i);
- (d) paragraph 7 (and the preceding heading).

In Schedule 3—

- (a) in paragraph 3(f), “, 7”;
- (b) in paragraph 5, “or 69A”.

In Schedule 6, paragraphs 73, 75, 76, 108, 109 and 114.

The Immigration and Asylum Act 1999 (c. 33) In section 115—
(a) in subsection (2) the words from “, to income-related allowance” to “support allowance”;

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

- (b) subsection (2)(a).
- The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)
- Articles 54 and 55.
Article 69(3)(a).
In Schedule 7, paragraphs 2, 3(3) and (4), 5 to 7, 10 to 12, 15 and 16.
In Schedule 8, paragraph 27(2), (4), (5) and (7).
In Schedule 9, paragraphs 55, 56, 58, 59 and 61.
- The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)
- Section 59.
In section 60(1)(a), “housing benefit or”.
Sections 61 and 62.
In section 69(2) the definition of “the Housing Executive”.
In Schedule 6, paragraph 3.
Schedule 7.
- The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)
- Section 1(5).
Section 2(2).
In section 4(2)(a)(ii), “or 104AA”.
Section 4(4).
Section 5.
In section 5A, in the definition of “sanctionable benefit”, in paragraph (a) “other than joint claim jobseeker's allowance”.
In section 5B—
(a) in subsection (2)(b)(i), “or the Northern Ireland Housing Executive”;
(b) in subsection (2)(b)(ii), “or an authority which administers housing benefit or council tax benefit”;
(c) subsections (6), (7), (9) and (10).
In section 6—
(a) subsections (3), (4), (4B) and (5);
(b) in subsection (10), “7 or” in both places;
(c) in subsection (10)(a), “, 8”.
Section 7.
In section 8—
(a) subsection (1)(a), (b), (bc) and (c); and
(b) subsections (3), (4), (4B) and (5).
In section 9(2), “, 7”.
In section 10(3)—
(a) paragraph (b);
(b) paragraph (d).
In section 12, the definitions of—
(a) “income-based jobseeker's allowance”, “joint-claim jobseeker's allowance” and “joint-claim couple”;

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

	(b) “income-related allowance”.
	Section 13.
The Social Security Act (Northern Ireland) 2002 (c. 10)	Section 5. Section 6(2) and (3). In Schedule 1, paragraphs 6, 7, 8(a), 9 and 10.
The State Pension Credit Act (Northern Ireland) 2002 (c. 14)	Section 15(1)(b). In section 17(1), the definition of “working tax credit”. In Schedule 2, paragraphs 2 to 4 and 24 to 26.
The Housing Support Services (Northern Ireland) Order 2002 (NI 8)	Article 8.
The Audit and Accountability (Northern Ireland) Order 2003 (NI 5)	In Schedule 2, paragraphs 4 and 5.
The Income Tax (Earnings and Pensions) Act 2003 (c. 1)	In Schedule 6, paragraphs 200 and 233 to 235.
The Civil Partnership Act 2004 (c. 33)	In Schedule 24, paragraphs 96 to 99, 102(3), 107 and 131 to 137.
The Pensions (Northern Ireland) Order 2005 (NI 1)	Article 213.
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	In section 1— (a) in subsection (2), in the opening words, “either”; (b) in subsection (2)(a), “Part 1 of” and “that Part of”; (c) subsection (2)(b) and the preceding “or”; (d) subsection (3)(e); (e) in subsection (3)(f), the words from “(and” to “allowance”); (f) in subsection (3A), “Part 1 of”; (g) in subsection (6), the definition of “joint-claim jobseeker's allowance”; (h) subsections (6A) and (7). In section 1A (as inserted by Article 57 of this Order)— (a) in the heading, “contributory”; (b) in subsections (1) (in both places), (3)(a) and (4), “Part 1 of”. Section 1B(2) (as inserted by Article 58 of this Order). In section 2, in the heading, “contributory”. In section 3, in the heading, “contributory”. Sections 4 to 6. Section 23. In section 24(1), the definitions of “contributory allowance”, “income-related allowance” and “income support”. In section 26(3)(a), “or 4(4)(c) or (5)(c)”.

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

Section 27(3).

Sections 29 to 36.

Section 38(2).

Sections 42 to 44.

In section 57(1) the definition of “the Housing Executive”.

In Schedule 1—

(a) the heading to Part 1;

(b) paragraph 1(5)(e) and the preceding “and”;

(c) Part 2.

In Schedule 2—

(a) in the headings to paragraphs 6 and 7, “Contributory allowance.”;

(b) paragraph 8;

(c) paragraph 11(b) and (c);

(d) paragraph 12.

In Schedule 3, paragraphs 1, 2(2) and (8), 3(9) and (10), 4(3), (8)(b), (10)(b), (14), (16) and (28)(b) and (c) and 12(4) and (5).

Schedule 4.

In Schedule 5, paragraphs 2, 3, 4 and 6.

The Pensions Act (Northern Ireland) 2008 (c. 1) In Schedule 1, paragraph 23.

The Child Maintenance Act (Northern Ireland) 2008 (c. 10) Section 35(2).

The Welfare Reform Act (Northern Ireland) 2010 (c. 13) Section 2.

Section 3(1) and (2).

Sections 4 and 5.

Section 8(2)(a).

Section 9.

Section 28(1) and (2).

Section 29.

Section 30(3).

Schedule 2.

In Schedule 3, paragraph 2.

Part 1 of Schedule 4.

In Part 3 of Schedule 4, the entries relating to—

(a) section 2B of the Social Security Administration (Northern Ireland) Act 1992;

(b) paragraph 5A of Schedule 2 to the Social Security (Northern Ireland) Order 1998;

(c) Article 69(3)(b) of the Welfare Reform and Pensions (Northern Ireland) Order 1999;

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

(d) the Civil Partnership Act 2004.

The Welfare Reform (Northern Ireland) Order 2015

Article 58(2).

Article 64(1).

Article 65.

Article 75.

Article 107(9)(e).

Article 109(5).

Article 110(3).

Article 113.

Article 114.

Article 120(6)(c) to (e) and (7)(b).

In Article 121—

(a) in paragraph (3), “, housing benefit” in all three places;

(b) paragraph (7)(l) and (m).

In Schedule 7, paragraphs 4 and 10(2).

In Schedule 9, paragraphs 13, 15, 19 and 20.

In Schedule 11, paragraphs 9 to 11.

PART 2 **N.I.**

Entitlement to jobseeker's allowance without seeking employment

Commencement Information

1173 Sch. 12 Pt. 2 in operation at 17.2.2016 by S.R. 2016/46, art. 3(6)(b)

Short Title

The Welfare Reform Act (Northern Ireland) 2010 (c. 13)

Extent of Repeal

Section 4(2)(a), (3) and (4).

Section 8(2)(b).

In section 26(2), in the inserted Article 22E of the Jobseekers (Northern Ireland) Order 1995—

(a) paragraph (1);

(b) in paragraph (2)(c), “or 20A”;

(c) paragraph (2)(d);

(d) in paragraph (3)(a), “13A, 13C,” and “or 20B”;

(e) in paragraph (4)(a), “13A”.

In section 26—

(a) in subsection (3)(d), the words from “(as” to “Schedule 1)”;

(b) in subsection (3)(e), the words from “(as” to “Schedule)”;

(c) subsection (5).

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

Schedule 1.

In Part 3 of Schedule 4, the entries relating to—

- (a) Articles 17A and 19A(10) of the Jobseekers (Northern Ireland) Order 1995;
- (b) paragraphs 3(2), (3) and (4)(b), 4, 5(1), 13 and 14 of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999;
- (c) paragraph 6(3) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007.

PART 3 **N.I.**

Jobseeker's allowance: responsibilities for interim period

Commencement Information

I174 Sch. 12 Pt. 3 in operation at 27.9.2017 for specified purposes by [S.R. 2017/190](#), [art. 3\(1\)\(2\)\(j\)](#)

<i>Short Title</i>	<i>Extent of repeal</i>
The Jobseekers (Northern Ireland) Order 1995 (NI 15)	In Article 2(2), the definition of “jobseeker's agreement”. Article 10(2)(ca) and (d), (2A) and (3). Article 19A(5)(d) to (f) and (6) to (9). Article 22(4) to (6). Articles 22A to 22D. In Article 37(1)(c), “22D(6)”.
The Social Security (Northern Ireland) Order 1998 (NI 10)	In Schedule 3, in paragraph 3(d), “or 22A”. In Schedule 6, paragraphs 105, 106 and 110.
The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)	In Schedule 7, paragraphs 9, 13 and 14. In Schedule 8, paragraph 27(3)(b) and (5).
The Welfare Reform Act (Northern Ireland) 2010 (c. 13)	Section 1(4) and (5). Section 20. Section 26(3)(d) and (e) and (4). Section 27. In Part 3 of Schedule 4, the entries relating to Articles 10(3) and 11(13) of the Jobseekers (Northern Ireland) Order 1995.

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

PART 4 N.I.

Jobseeker's allowance: responsibilities after introduction of universal credit

Commencement Information

I175 Sch. 12 Pt. 4 in operation at 27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation by S.R. 2017/190, art. 9 (with arts. 10-25)

<i>Short Title</i>	<i>Extent of repeal</i>
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	Section 69ZH(1)(b) (as inserted by Article 109 of this Order).
The Jobseekers (Northern Ireland) Order 1995 (NI 15)	In Article 2(2)— (a) in the definition of “employment”, “except in Article 9.”; (b) the definition of “employment officer” (as inserted by Article 50(2) of this Order); (c) the definition of “jobseeker's direction” (as inserted by Schedule 7 to this Order); (d) the definition of “training”. Article 19A, so far as not otherwise repealed. Article 19B. Articles 21 to 21C (as substituted by Article 52(1) of this Order). Article 22(1) to (3), (7) and (8). Article 22E, so far as not otherwise repealed. Article 24(2). Article 36(2A) (as inserted by Schedule 7 to this Order) and (4). In Article 37(1)— (a) in sub-paragraph (a)(i), “8, 9.”; (b) sub-paragraph (ab) (as inserted by Article 52(2) of this Order); (c) in sub-paragraph (c), “8B or”. In Schedule 1, paragraph 8B.
The Social Security (Northern Ireland) Order 1998 (NI 10)	In Schedule 3, paragraph 8 (and the preceding heading). In Schedule 6, paragraphs 103, 104 and 111.
The Welfare Reform Act (Northern Ireland) 2010 (c. 13)	Section 1(1) to (3). Section 23. Section 26(1) to (3).
The Welfare Reform (Northern Ireland) Order 2015	Article 50(2), (4) and (5). Article 51.

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

Article 52(1) and (2).

In Schedule 7, paragraphs 2, 3, 5, 6, 8, 9, 10(1), (3) and (4), 11 and 15.

PART 5 N.I.

Employment and support allowance: responsibilities after introduction of universal credit

Commencement Information

I176 Sch. 12 Pt. 5 in operation at 27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation by S.R. 2017/190, art. 9 (with arts. 10-25)

<i>Short Title</i>	<i>Extent of repeal</i>
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	Section 1C (as inserted by Article 60 of this Order). Section 16A (as inserted by Article 62 of this Order). Section 24(3A) and (3B). Section 26(3)(b).
The Welfare Reform Act (Northern Ireland) 2010 (c. 13)	Section 3(3) to (5). Section 8, so far as not otherwise repealed. Section 10.
The Welfare Reform (Northern Ireland) Order 2015	Article 60(3) to (5). Articles 61 and 62. Article 64(2).

PART 6 N.I.

Industrial injuries arising before 5th July 1948

Commencement Information

I177 Sch. 12 Pt. 6 in operation at 31.10.2016 by S.R. 2016/234, art. 3(3)

<i>Short Title</i>	<i>Extent of repeal</i>
The Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 (NI 9)	In Article 2(2), the definition of "death benefit". In Article 4(3)(b), the words from the beginning to "disease, or".

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)	<p>In section 3(2), the words “other than those of Schedule 8”.</p> <p>In section 121(1)—</p> <p>(a) in the definition of “industrial injuries benefit”, the words “, other than under Schedule 8 to this Act”; and</p> <p>(b) the definition of “Old Cases payments”.</p> <p>In section 133(1), the definition of “industrial injuries regulations”.</p> <p>In section 133(2)(g) the words “or the industrial injuries regulations”.</p> <p>In section 146(2)—</p> <p>(a) in the definition of “attendance allowance”, paragraph (d); and</p> <p>(b) in the definition of “unemployability supplement or allowance”, paragraph (b)(i).</p> <p>In Schedule 6, paragraph 8(1)(b) and (2)(b).</p> <p>In Schedule 7, in paragraph 20(2), the words from “, and in particular” to the end.</p>
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	<p>Section 144(4) and (5).</p> <p>In section 149(5)(a) the words “and Old Cases payments”.</p> <p>Section 161.</p> <p>Section 164(3).</p> <p>In section 167(1)—</p> <p>(a) in the definition of “industrial injuries benefit”, the words “, other than under Schedule 8”; and</p> <p>(b) the definition of “Old Cases payments”.</p> <p>Schedule 6.</p>

PART 7 N.I.

Social fund: ending of discretionary payments

Commencement Information

- I178** Sch. 12 Pt. 7 in operation at 28.11.2016 for specified purposes by S.R. 2016/411, art. 2(3) (with art. 4)
- I179** Sch. 12 Pt. 7 in operation at 31.3.2017 for specified purposes by S.R. 2016/411, art. 3(3)

Short Title

Extent of repeal

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)	<p>In section 134—</p> <p>(a) in subsection (1), the “and” preceding paragraph (b);</p> <p>(b) subsections (3) and (5).</p> <p>Sections 135 and 136.</p>
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Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	Section 10. Section 69ZA. Section 74(1) to (3D) and (5) to (8). Section 147. In Schedule 4, in Part 1— (a) the heading “The social fund”; (b) under that heading, the entries relating to the social fund Commissioner, a social fund inspector and a member of any staff employed in connection with the social fund.
The Children (Northern Ireland) Order 1995 (NI 2)	In Schedule 9, paragraph 186.
The Jobseekers (Northern Ireland) Order 1995 (NI 15)	Article 33(2). In Schedule 2, paragraph 34.
The Social Security (Northern Ireland) Order 1998 (NI 10)	Article 9(1)(b). In Article 10(1), “Subject to Article 36(3),”. In Article 11(1), “and Article 36(3)”. Articles 36 to 38. Article 66(2). Article 67. Article 71. In Schedule 6, paragraphs 53, 54 and 80.
The Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 7, the entry relating to the social fund Commissioner appointed under Article 37 of the Social Security (Northern Ireland) Order 1998.
The Civil Partnership Act 2004 (c. 33)	In Schedule 24, paragraph 113.
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	Section 50. In Schedule 7, paragraphs 1(3), 2(3) and (4) and 4.
The Welfare Reform (Northern Ireland) Order 2015	Articles 77 and 78. Article 110(2) and (4).

PROSPECTIVE

PART 8 N.I.

Disability living allowance

Short Title

Extent of repeals

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

The Child Support (Northern Ireland) Order 1991 (NI 23)	In Article 10(8)(a), the words “or a disability living allowance”.
The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)	In section 30B(4)— (a) in paragraph (aa) (as inserted by paragraph 3 of Schedule 9 to this Order), the word “or”; (b) paragraph (b). Section 64(1A)(b). In section 146(2), paragraph (b) of the definition of “attendance allowance”.
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	In Schedule 5, paragraph 1.
The Finance Act 1994 (c. 9)	In Schedule 7A— (a) in paragraph 3(2)(a), the words “a disability living allowance by virtue of entitlement to the mobility component or of”; (b) in paragraph 3(3), the words “disability living allowance or”; (c) paragraph 3(4)(b).
The Value Added Tax Act 1994 (c. 23)	In Part 2 of Schedule 7A, in note 6 to Group 3, subparagraph (2)(b). In Part 2 of Schedule 8, in Group 12— (a) in item 14, the words “disability living allowance by virtue of entitlement to the mobility component or of”; (b) in note (6), in paragraph (b), the words “mobility component of the disability living allowance or”; (c) in note (7), paragraph (a).
The Road Traffic (Northern Ireland) Order 1995 (NI 18)	Article 25(2)(a)(ii).
The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12)	In Schedule 2, in the second column of the table— (a) the entry for the care component of disability living allowance; (b) the entry for the mobility component of disability living allowance.
The Social Security (Northern Ireland) Order 1998 (NI 10)	In Schedule 3, paragraph 3(b).
The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)	Article 64.
The Immigration and Asylum Act 1999 (c. 33)	In section 115(2)(b), the words “disability living allowance or”.
The Capital Allowances Act 2001 (c. 2)	Section 268D(2)(a).
The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)	In section 5A, paragraph (d)(iii) of the definition of “sanctionable benefit”.

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

The Income Tax (Earnings and Pensions) Act 2003 (c. 1)	In section 677(1), in Part 1 of Table B, the entry relating to disability living allowance.
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	Sections 48, 49 and 54(2). In Schedule 3— (a) paragraph 4(28)(a); (b) paragraph 10(5)(b). In Schedule 7, paragraph 1(2).
The Pensions Act (Northern Ireland) 2008 (c. 1)	In Schedule 1, paragraph 39.
The Welfare Reform Act (Northern Ireland) 2010 (c. 13)	Section 13.

PROSPECTIVE

PART 9 **N.I.**

Powers to require information relating to claims and awards

<i>Short Title</i>	<i>Extent of repeal</i>
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	Section 119A and the preceding cross-heading.
The Social Security Administration (Fraud) (Northern Ireland) Order 1997 (NI 11)	Article 10.
The Social Security (Northern Ireland) Order 1998 (NI 10)	Article 22(4). Article 70.
The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)	In Schedule 8, paragraph 32(2)(c).
The State Pension Credit Act (Northern Ireland) 2002 (c. 14)	In Schedule 1, paragraphs 3(b) and 8.
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	Section 44(3).

Status: Point in time view as at 27/09/2017.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

PART 10 **N.I.**

Recovery of benefit payments

Commencement Information

I180 Sch. 12 Pt. 10 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 3(1)(2)(k) (with art. 3(3))

<i>Short Title</i>	<i>Extent of repeal</i>
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	In section 69— (a) subsection (7); (b) in subsection (8)(b), “or (7)”; (c) subsection (10A); (d) subsection (11)(aa) and (ac).
The Jobseekers (Northern Ireland) Order 1995 (NI 15)	Article 33(1).
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	In Schedule 3, paragraph 4(6).

PROSPECTIVE

PART 11 **N.I.**

Loss of benefit

<i>Short Title</i>	<i>Extent of repeal</i>
The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)	In section 5B— (a) in subsection (11A)(c) (as inserted by Article 117(4) of this Order), “or (c)”; (b) in subsection (13), in the definition of “disqualifying event”, the words from “or the caution” to the end. In section 5C, subsection (4)(a)(ii) and the preceding “or”. In sections 7(8)(a) and 8(8)(a), “or M being cautioned in relation to the offence to which the old agreement relates”. In section 10(3), the word “or” immediately preceding paragraph (d). In section 12, the definition of “cautioned”.
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	Section 45.
The Welfare Reform Act (Northern Ireland) 2010 (c. 13)	In Schedule 3, paragraphs 1(4) and 6(3).

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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)

PART 12 **N.I.**

Information-sharing

Commencement Information

I181 Sch. 12 Pt. 12 in operation at 17.2.2016 by S.R. 2016/46, art. 3(6)(c)

<i>Short Title</i>	<i>Extent of repeal</i>
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	In section 115D— (a) in subsection (2), the words “subject to subsection (2A),” “social security,” and “or employment or training”; (b) subsection (2ZA); (c) subsection (2A). In section 115E— (a) in subsection (1), the words “social security,” and “or employment or training”; (b) subsection (1A); (c) in subsection (2), “(subject to subsection (2A))”; (d) subsection (2A). Sections 116 and 116ZA.
The Welfare Reform and Pensions Act 1999 (c. 30)	In Schedule 11, paragraph 17.
The Tax Credits Act 2002 (c. 21)	In Schedule 5, paragraph 12.
The Employment Act 2002 (c. 22)	In Schedule 6, paragraphs 7, 8, 12(a) and (b) and 14(b) and (c).
The Commissioners for Revenue and Customs Act 2005 (c. 11)	In Schedule 4, paragraph 49.
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	In Schedule 3, paragraph 4(12).
The Child Maintenance Act (Northern Ireland) 2008 (c. 10)	In Schedule 4, paragraph 2(4) and (6).

Status:

Point in time view as at 27/09/2017.

Changes to legislation:

The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 07 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.