
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 312

The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010

PART 1
GENERAL

Citation and commencement

1. These Regulations may be cited as the Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010 and come into operation on 1st October 2010 except for regulations 24 and 25(3) which come into operation on 31st January 2011.

Commencement Information

II Reg. 1 in operation at 1.10.2010, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations—

“the Act” means the Welfare Reform Act (Northern Ireland) 2007;

“benefit week” has the same meaning as in the Employment and Support Regulations;

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(1);

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“contributory allowance” means an employment and support allowance to which a person is entitled by virtue of these Regulations which was based on an award of incapacity benefit or severe disablement allowance to which the person was entitled;

“conversion decision”, in relation to a notified person, has the meaning given in regulation 5(2);

“effective date”, in relation to a conversion decision, is to be construed in accordance with regulation 13;

“the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations (Northern Ireland) 2008(2);

(1) S.R. 1987 No. 465

(2) S.R. 2008 No. 280

“income-related allowance” means an employment and support allowance to which a person is entitled by virtue of these Regulations which was based on an award of income support to which the person was entitled;

“notified person” has the meaning given in regulation 4(2);

“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995(3);

“relevant deduction”, in relation to a person, includes such of the following deductions as fall to be made in relation to the person—

- (a) any deduction made under any of the following provisions of the Claims and Payments Regulations—
 - (i) regulation 34ZA(4) (deductions of mortgage interest which shall be made from benefit and paid to qualifying lenders),
 - (ii) regulation 34ZB(5) (deductions of mortgage interest which may be made from benefit and paid to qualifying lenders in other cases), or
 - (iii) regulation 34A(6) (deductions which may be made from benefits and paid to third parties);
- (b) any deduction in respect of overpayment recovery or recovery of social fund loans made under any of the following provisions of the Administration Act—
 - (i) section 69(7) (overpayments – general),
 - (ii) section 72(8) (income support and other payments), or
 - (iii) section 74(9) (recovery of social fund awards).

(2) A requirement under these Regulations to give a notice (or to notify) is a requirement to give notice in writing; and for that purpose a message sent by electronic communication (within the meaning of section 4(1) of the Electronic Communications Act (Northern Ireland) 2001(10)) shall be treated as a notice given in writing.

(3) For the purposes of these Regulations, the conversion phase, in relation to any person entitled to an existing award or awards(11), is the period which—

- (a) begins in accordance with regulation 4(4); and
- (b) ends in accordance with regulation 5(6).

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- (3) *S.I. 1995/3213 (N.I. 22)*; paragraph 1 was amended by paragraph 28 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)), paragraph 8 of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)) and paragraph 4 of Schedule 3 to the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.))
 - (4) Regulation 34ZA was inserted by regulation 2 of *S.R. 1992 No. 271* and amended by regulation 12(1) of *S.R. 2003 No. 191* and regulation 2(2) of *S.R. 2010 No. 129*
 - (5) Regulation 34ZB was inserted by regulation 12(2) of *S.R. 2009 No. 191* and amended by regulation 2(2) of *S.R. 2010 No. 129*
 - (6) Regulation 34A was inserted by regulation 2(2) of *S.R. 1988 No. 67* and amended by regulation 7(b) of *S.R. 1988 No. 141*, regulation 3(7) of *S.R. 1988 No. 369*, regulation 3 of *S.R. 1992 No. 271*, regulation 2(2) of *S.R. 2001 No. 22* and regulation 2(9) of *S.R. 2002 No. 297*
 - (7) Section 69 was amended by Article 33(1) of, and paragraph 31 of Schedule 2 to, the Jobseekers (Northern Ireland) Order 1995 (*S.I. 1995/2705 (N.I. 15)*), section 2(2) and (4) of the Social Security (Overpayments) Act 1996 (c. 51), paragraph 62(1) and (3) of Schedule 6 to the Social Security (Northern Ireland) Order 1998, paragraph 10 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002, paragraph 8 of Schedule 4 to the Tax Credits Act 2002, paragraph 110 of Schedule 24 to the Civil Partnership Act 2004 (c. 33), section 41(3) of, and paragraph 4(6) of Schedule 3 to, the Welfare Reform Act (Northern Ireland) 2007 and section 135(4) of the Health and Social Care Act 2008 (c. 14)
 - (8) Section 72 was amended by paragraph 11 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002, paragraph 4(8) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 and regulation 2 of *S.R. 2008 No. 413*
 - (9) Section 74 was amended by paragraph 186 of Schedule 9 to the Children (Northern Ireland) Order 1995 (*S.I. 1995/755 (N.I. 2)*), Article 33(2) of, and paragraph 34 of Schedule 2 to, the Jobseekers (Northern Ireland) Order 1995 and paragraph 113 of Schedule 24 to the Civil Partnership Act 2004
 - (10) *2001 c. 9 (N.I.)*; section 4(1) was amended by paragraph 170 of Schedule 17 to the Communications Act 2003 (c. 21)
 - (11) “Existing award” is defined in paragraph 11 of Schedule 4 to the Welfare Reform Act (Northern Ireland) 2007

Changes to legislation: *There are currently no known outstanding effects for the The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010, PART 1. (See end of Document for details)*

(4) In these Regulations any reference to Step 1, 2 or 3, in relation to any person, is to be construed in accordance with regulation 8.

(5) The Interpretation Act (Northern Ireland) 1954⁽¹²⁾ shall apply to these Regulations as it applies to an Act of the Assembly.

Commencement Information

I2 Reg. 2 in operation at 1.10.2010, see [reg. 1](#)

Persons to whom these Regulations apply

3. [^{F1}Regulations 4 to 22 of these] Regulations apply to any person who, on or after 1st October 2010, is entitled to an existing award or awards.

Textual Amendments

F1 Words in [reg. 3](#) substituted (1.11.2010) by [The Employment and Support Allowance \(Transitional Provisions and Housing Benefit\) \(Existing Awards\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/347\)](#), regs. 1(2), **2(2)**

Commencement Information

I3 Reg. 3 in operation at 1.10.2010, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010, PART 1.