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# **Welfare Reform Act (Northern Ireland) 2007**

## CHAPTER 2

### WELFARE REFORM ACT (NORTHERN IRELAND) 2007

#### PART 1

#### EMPLOYMENT AND SUPPORT ALLOWANCE

##### *Entitlement*

1. Employment and support allowance
2. Amount of contributory allowance
3. Deductions from contributory allowance: supplementary
4. Amount of income-related allowance
5. Advance award of income-related allowance
6. Amount payable where claimant entitled to both forms of allowance
7. Exclusion of payments below prescribed minimum

##### *Assessments relating to entitlement*

8. Limited capability for work
9. Limited capability for work-related activity
10. Report

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### *Conditionality*

11. Work-focused health-related assessments
12. Work-focused interviews
13. Work-related activity
14. Action plans in connection with work-focused interviews
15. Directions about work-related activity
16. Contracting out

### *Miscellaneous*

17. Income and capital: general
18. Disqualification
19. Pilot schemes
20. Relationship with statutory payments
21. Deemed entitlement for other purposes
22. Supplementary provisions
23. Recovery of sums in respect of maintenance

### *General*

24. Interpretation, etc. of Part 1
25. Regulations
26. Assembly control
27. Financial provisions relating to Part 1
28. Consequential amendments relating to Part 1
29. Transition relating to Part 1

## PART 2

### HOUSING BENEFIT

30. Local housing allowance
31. Loss of housing benefit following eviction for anti-social behaviour, etc.
32. Housing benefit for persons taking up employment
33. Section 32: supplemental
34. Sections 32 and 33: interpretation
35. Payment of housing benefit
36. Directions by Department
37. Minor and consequential amendments relating to Part 2

## PART 3

### SOCIAL SECURITY ADMINISTRATION: GENERAL

#### *Sharing of social security information*

38. Social security information

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- 39. Information relating to certain benefits
- 40. Unlawful disclosure of certain information

*Overpayment recovery*

- 41. Recovery of overpaid benefit

*Benefit fraud*

- 42. Housing Executive powers to investigate benefit fraud
- 43. Housing Executive powers to prosecute benefit fraud
- 44. Housing Executive functions relating to benefit: information
- 45. Loss of benefit for commission of benefit offences

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MISCELLANEOUS

*Benefits for bereaved persons*

- 46. Widowed mother's allowance
- 47. Widowed parent's allowance

*Disability living allowance: age conditions*

- 48. Care component of disability living allowance: persons under the age of 16
- 49. Mobility component of disability living allowance: persons under the age of 16

*Social fund*

- 50. Matters to which regard must be had in awarding budgeting loans
- 51. Allocations from Social Fund

*Compensation for pneumoconiosis etc.*

- 52. "Relevant employer"
- 53. "Dependant"

*Other*

- 54. Power to stop payment of allowances to care home residents
- 55. Medical examinations
- 56. Minor and consequential amendments relating to Part 4

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## PART 5

### GENERAL

57. Interpretation
58. Repeals
59. Transition
60. Commencement
61. Short title

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### SCHEDULES

#### SCHEDULE 1 — EMPLOYMENT AND SUPPORT ALLOWANCE: ADDITIONAL CONDITIONS

##### PART 1 — CONTRIBUTORY ALLOWANCE

###### *Conditions relating to national insurance*

1. (1) The first condition is that— (a) the claimant has...
2. (1) The second condition is that— (a) the claimant has...
3. (1) For the purposes of paragraphs 1 and 2—

###### *Condition relating to youth*

4. (1) The third condition is that— (a) the claimant was...

###### *“Relevant benefit week”*

5. In this Part of this Schedule, “relevant benefit week” means...

##### PART 2 — INCOME-RELATED ALLOWANCE

6. (1) The conditions are that the claimant—

#### SCHEDULE 2 — EMPLOYMENT AND SUPPORT ALLOWANCE: SUPPLEMENTARY PROVISIONS

###### *Limited capability for work*

1. Regulations may make provision— (a) for a person to be...

###### *Waiting days*

2. Except in prescribed circumstances, a person is not entitled to...

###### *Periods of less than a week*

3. Regulations may make provision in relation to—

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#### *Linking periods*

4. (1) Regulations may provide for circumstances in which a period...

#### *Presence in Northern Ireland*

5. Regulations may make provision for the purposes of this Part...

#### *Contributory allowance: entitlement in case of absence from Northern Ireland*

6. Regulations may provide that in prescribed circumstances a claimant who...

#### *Contributory allowance: modification in relation to employment on ships etc.*

7. (1) Regulations may modify any provision of this Part, so...

#### *Income-related allowance: entitlement in case of absence from Northern Ireland*

8. (1) Regulations may provide that in prescribed circumstances a claimant...

#### *Limited capability for work-related activity*

9. Regulations may make provision— (a) for a person to be...

#### *Effect of work*

10. Regulations may prescribe circumstances in which a person is to...

#### *Good cause for failure to comply with certain regulations*

- 10A (1) This paragraph applies to any regulations made under section...

#### *Treatment of allowance as “benefit”*

11. Regulations may provide for— (a) an employment and support allowance,...

#### *Attribution of reductions in cases where allowance taken to consist of two elements*

12. Where an employment and support allowance is taken by virtue...

#### *Treatment of information supplied as information relating to social security*

13. Information supplied in pursuance of regulations under any of sections...

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*Advance claims*

14. This Part shall have effect with prescribed modifications in relation...

SCHEDULE 3 — CONSEQUENTIAL AMENDMENTS RELATING TO  
PART 1

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

1. In Article 131 of the Education Reform (Northern Ireland) Order...

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

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

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

3. (1) The Contributions and Benefits Act is amended as follows....

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

4. (1) The Administration Act is amended as follows.

*The Children (Northern Ireland) Order 1995 (NI 2)*

5. (1) The Children (Northern Ireland) Order 1995 is amended as...

*The Jobseekers (Northern Ireland) Order 1995 (NI 15)*

6. (1) The Jobseekers Order is amended as follows.

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

7. In Article 25 of the Road Traffic (Northern Ireland) Order...

*The Pensions (Northern Ireland) Order 1995 (NI 22)*

8. In Schedule 2 to the Pensions (Northern Ireland) Order 1995...

*The Industrial Tribunals (Northern Ireland) Order 1996 (NI 18)*

9. (1) The Industrial Tribunals (Northern Ireland) Order 1996 is amended...

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

10. (1) The 1998 Order is amended as follows.

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

11. In section 115 of the Immigration and Asylum Act 1999...

*The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)*

12. In Article 69 of the Welfare Reform and Pensions (Northern...

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

13. (1) The 2000 Act is amended as follows.

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

14. (1) The Social Security Fraud Act (Northern Ireland) 2001 is...

SCHEDULE 4 — TRANSITION RELATING TO PART 1

*General power to provide for transition relating to Part 1*

1. (1) Regulations may make such provision as the Department considers...

*Pre-commencement claims*

2. Regulations may— (a) make provision for a claim for incapacity...

*Post-commencement claims*

3. Regulations may— (a) make provision excluding the making of a...

*Award of employment and support allowance for pre-commencement period*

4. Regulations may— (a) make provision for an employment and support...

*Matching of awards of employment and support allowance*

5. (1) For the purposes of this paragraph, an award of...
6. (1) For the purposes of this paragraph an award of...

*Treatment of existing awards*

7. (1) Regulations may— (a) make provision for converting existing awards...

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### *Transitional allowances*

8. Regulations may— (a) make provision for a person's continuing entitlement...
9. (1) Regulations may prescribe circumstances in which a person who...

### *Post-commencement up-rating of incapacity benefit and severe disablement allowance*

10. Regulations may provide for section 132 of the Administration Act...

### *Interpretation*

11. In this Schedule— “appointed day” means the day appointed for...

## SCHEDULE 5 — MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 2

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

1. The Administration Act is amended as follows.
2. In section 128E (information about attainment of standards), in subsection...
3. (1) Section 128F (enforcement notices) is amended as follows.
4. (1) Section 128G (enforcement determinations) is amended as follows.
5. In section 167(1) (interpretation), in the definition of “prescribe” at...

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

6. In Schedule 7 to the 2000 Act (housing benefit: revisions...

## SCHEDULE 6 — SCHEDULE TO BE INSERTED IN THE PNEUMOCONIOSIS, ETC., (WORKERS' COMPENSATION) (NORTHERN IRELAND) ORDER 1979

## SCHEDULE 7 — MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 4



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

1. (1) The Contributions and Benefits Act is amended as follows....

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

2. (1) The Administration Act is amended as follows.

*The Deregulation and Contracting Out (Northern Ireland) Order 1996 (NI 11)*

3. In Article 17 of the Deregulation and Contracting Out (Northern...

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

4. In Article 38(7) of the 1998 Order (principles applicable on...

SCHEDULE 8 — REPEALS

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