
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 190

**The Welfare Reform (Northern Ireland) Order
2015 (Commencement No. 8 and Transitional
and Transitory Provisions) Order 2017**

Sanctions: transition from old style JSA in case of a continuing award

19.—(1) This Article applies where—

- (a) the amending provisions have come into force under Article 6(1) in relation to the case of a claim for universal credit referred to in Article 6(2) (and any award that is made in respect of the claim);
- (b) the person in question had an old style JSA award immediately before the appointed day which consisted of or included a contribution-based allowance (which allowance therefore continues as a new style JSA award);
- (c) immediately before the appointed day, payments under that award were reduced under Article 21 (as it applied both before and after substitution by the 2015 Order) (before substitution: circumstances in which a jobseeker's allowance is not payable; after substitution: higher-level sanctions) or 21A (other sanctions) of the 1995 Order, or under regulation 69B of the JSA Regulations 1996) (the period of a reduction under section 19B: Claimants ceasing to be available for employment etc.); and
- (d) if the old style JSA award was made to a joint-claim couple within the meaning of the 1995 Order and the reduction related to—
 - (i) in the case of a reduction under Article 21 as it applied before substitution by the 2015 Order, circumstances relating to only one member of the couple; or
 - (ii) in the case of a reduction under Article 21 as it applied after substitution by the 2015 Order, a sanctionable failure by only one member of the couple,the new style JSA award was made to that member of the couple.

(2) Where this Article applies—

- (a) the circumstances or failure which led to reduction of the old style JSA award (in either case “the relevant failure”) is to be treated, for the purposes of the JSA Regulations 2016, as—
 - (i) a failure which is sanctionable under Article 8J of the 1995 Order (higher-level sanctions), where the reduction was under Article 21 of the 1995 Order; or
 - (ii) a failure which is sanctionable under Article 8K of the 1995 Order (other sanctions), where the reduction was under Article 21A of the 1995 Order or regulation 69B of the JSA Regulations 1996;
- (b) the award (in its continuation as a new style JSA award) is to be reduced in relation to the relevant failure, in accordance with the provisions of this Article and Part 3 of the JSA Regulations 2016 (sanctions), as modified by this Article; and
- (c) the reduction is to be treated, for the purposes of the JSA Regulations 2016, as a reduction under Article 8J or, as the case may be, Article 8K of the 1995 Order.

Changes to legislation: There are currently no known outstanding effects for the The Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 8 and Transitional and Transitory Provisions) Order 2017, Section 19. (See end of Document for details)

(3) The reduction period for the purposes of the JSA Regulations 2016 is to be the number of days which is equivalent to the length of the period of reduction of a jobseeker’s allowance which is applicable to the person under regulation 69, 69A or 69B of the JSA Regulations 1996, minus the number of days (if any) in that period in respect of which the amount of a jobseeker’s allowance was reduced.

(4) Accordingly, regulation 19 of the JSA Regulations 2016 (general principles for calculating reduction periods) applies in relation to the relevant failure as if—

- (a) in paragraph (1), for the words “in accordance with regulations 20, 21 and 22”, there were substituted the words “in accordance with Article 19 of the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 8 and Transitional and Transitory Provisions) Order 2017”; and
- (b) in paragraph (3), for the words “in accordance with regulations 20, 21 and 22”, there were substituted the words “in accordance with Article 19 of the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 8 and Transitional and Transitory Provisions) Order 2017”.

Modifications etc. (not altering text)

- C1** Arts. 10-23 applied (13.11.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(Commencement No. 9 and Transitional and Transitory Provisions\) Order 2017 \(S.R. 2017/216\)](#), **art. 5**
- C2** Arts. 10-23 applied (15.1.2018) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(Commencement No. 10 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions \(Amendment\)\) Order 2018 \(S.R. 2018/1\)](#), **art. 5**
- C3** Arts. 10-23 applied (9.5.2018) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(Commencement No. 11 and Transitional and Transitory Provisions\) Order 2018 \(S.R. 2018/97\)](#), **art. 5**
- C4** Arts. 10-23 applied (19.7.2018) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(Commencement No. 12 and Transitional and Transitory Provisions and Commencement No. 9, 10 and 11 and Transitional and Transitory Provisions \(Amendment\)\) Order 2018 \(S.R. 2018/138\)](#), **art. 5**
- C5** Arts. 10-23 applied (31.1.2019) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(Commencement No. 14 and Savings and Transitional Provisions\) Order 2019 \(S.R. 2019/7\)](#), **art. 2(12)**

Commencement Information

- I1** Art. 19 in operation at made date

Changes to legislation:

There are currently no known outstanding effects for the The Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 8 and Transitional and Transitory Provisions) Order 2017, Section 19.