
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 1

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

Interpretation

2.—(1) In this Order—

“the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;

“the amending provisions” means the provisions referred to in Article 6(1)(a) to (c) of the No. 8 Order (day appointed for the abolition of income-related employment and support allowance and income-based jobseeker’s allowance);

“claimant”—

- (a) in relation to an employment and support allowance, has the same meaning as in Part 1 of the Welfare Reform Act (Northern Ireland) 2007⁽¹⁾, save as mentioned in Article 7(1) of the No. 8 Order as applied by Article 4(7) of this Order;
- (b) in relation to a jobseeker’s allowance, has the same meaning as in the Jobseekers (Northern Ireland) Order 1995⁽²⁾ (as it applies apart from the amendments made by Part 1 of Schedule 12 to the 2015 Order that remove references to an income-based jobseeker’s allowance), save as mentioned in Article 7(1) of the No. 8 Order as applied by Article 4(7) of this Order;

(c) in relation to universal credit, has the same meaning as in Part 2 of the 2015 Order⁽³⁾;

“the Claims and Payments Regulations 1987” means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987⁽⁴⁾;

“the Department” means the Department for Communities;

“employment and support allowance” means an employment and support allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007;

“joint claimants”, in relation to universal credit, has the same meaning as in Part 2 of the 2015 Order;

“List of the No. 4 Relevant Districts” means the List of the No. 4 Relevant Districts issued by the Department for Work and Pensions on 15th January 2018 ⁽⁵⁾;

“List of the No. 5 Relevant Districts” means the List of the No. 5 Relevant Districts issued by the Department for Work and Pensions on 15th January 2018;

(1) 2007 c.2 (N.I.).

(2) S.I. 1995/2705 (N.I. 15).

(3) See Article 46.

(4) S.R. 1987 No. 465.

(5) See the Explanatory Note for details of the internet publishing and availability of the lists of relevant districts; copies are also being published in the libraries of both Houses of Parliament.

“List of the No. 6 Relevant Districts” means the List of the No. 6 Relevant Districts issued by the Department for Work and Pensions on 15th January 2018;

“List of the No. 7 Relevant Districts” means the List of the No. 7 Relevant Districts issued by the Department for Work and Pensions on 15th January 2018;

“No. 4 relevant districts” means the postcodes specified in the table in the List of the No. 4 Relevant Districts;

“No. 5 relevant districts” means the postcodes specified in the table in the List of the No. 5 Relevant Districts;

“No. 6 relevant districts” means the postcodes specified in the table in the List of the No. 6 Relevant Districts;

“No. 7 relevant districts” means the postcodes specified in the table in the List of the No. 7 Relevant Districts;

“the No. 8 Order” means the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 8 and Transitional and Transitory Provisions) Order 2017(6);

“single claimant”, in relation to universal credit, has the same meaning as in Part 2 of the 2015 Order.

(2) For the purposes of this Order, the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016(7) apply for the purposes of deciding—

- (a) whether a claim for universal credit is made; and
- (b) the date on which such a claim is made.

(3) For the purposes of this Order, the Claims and Payments Regulations 1987 apply, subject to paragraphs (4) and (5), for the purposes of deciding—

- (a) whether a claim for an employment and support allowance or a jobseeker’s allowance is made; and
- (b) the date on which such claim is made or treated as made.

(4) Subject to paragraph (5), for the purposes of this Order—

- (a) a person makes a claim for an employment and support allowance or a jobseeker’s allowance if they take any action which results in a decision on a claim being required under the Claims and Payments Regulations 1987; and
- (b) it is irrelevant that the effect of any provision of those Regulations is that, for the purposes of those Regulations, the claim is made or treated as made at a date that is earlier than the date on which that action is taken.

(5) Where, by virtue of—

- (a) regulation 6(1D)(b) or (c) of the Claims and Payments Regulations 1987(8), in the case of a claim for an employment and support allowance; or
- (b) regulation 6(4ZA) to (4ZD) and (4A)(a)(i) and (b) of those Regulations(9), in the case of a claim for a jobseeker’s allowance,

(6) S.R. 2017 No. 190 (C. 11).

(7) S.R. 2016 No. 220.

(8) Regulation 6(1D) was inserted by regulation 13(6) of S.R. 2008 No. 286 and substituted by regulation 2(6)(c) of S.R. 2009 No. 240.

(9) Regulation 6(4ZA-4ZD) was inserted by regulation 2(5)(c) of S.R. 2000 No. 365 and amended by regulation 2(6)(d) of S.R. 2009 No. 240. Regulation 6(4A) was inserted by regulation 2(5)(c) of S.R. 1996 No. 354 and substituted by regulation 3(4)(d) of S.R. 1997 No. 156 and amended by regulation 2(4)(b)(i) and (ii) of S.R. 2000 No. 365, paragraph 2(4) of Schedule 2 to S.R. 2001 No. 175 and regulation 2(6)(e) of S.R. 2009 No. 240.

a claim for an employment and support allowance or a jobseeker's allowance is treated as made at a date earlier than the date on which the action referred to in paragraph (4)(a) is taken, the claim is treated as made on that earlier date.