
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 7

**The Welfare Reform (Northern Ireland) Order
2015 (Commencement No. 14 and Savings
and Transitional Provisions) Order 2019**

Appointed day – coming into force of universal credit provisions and abolition of income-related employment and support allowance and income-based jobseeker’s allowance

2.—(1) The day appointed for the coming into force of the UC provisions, in so far as they are not already in force, in relation to the case of a claim referred to in paragraph (2) and any award that is made in respect of the claim, is the day appointed in accordance with paragraph (3).

(2) The claims referred to are—

- (a) a claim for universal credit that is made on or after 1st February 2019 in respect of a period that begins on or after 1st February 2019 where, on the date that the claim is made, the claimant (in the case of UC joint claimants, either claimant) resides outside Northern Ireland;
- (b) a claim for universal credit that is made on or after 1st February 2019 in respect of a period that begins on or after 1st February 2019 where, on the date that the claim is made, the claimant resides in a postcode district in Northern Ireland that has not been included in the Lists of Relevant Districts referred to by one of the UC Commencement Orders.

(3) The day appointed in relation to the case of a claim referred to in paragraph (2), and any award that is made in respect of the claim, is the first day of the period in respect of which the claim is made.

(4) Article 4(6) of the No. 8 Order applies for the purposes of paragraph (3) as it applies for the purposes of Article 4(5) of the No. 8 Order.

(5) The day appointed for the coming into force of 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), in so far as they are not already in force, in relation to the case of a claim referred to in paragraph (6), and any award that is made in respect of the claim, is the day appointed in accordance with paragraph (7).

(6) The claims referred to are—

- (a) a claim for universal credit that is made on or after 1st February 2019 in respect of a period that begins on or after 1st February 2019 where, on the date that the claim is made, the claimant (in the case of UC joint claimants, either claimant) resides outside Northern Ireland;
- (b) a claim for an employment and support allowance or a jobseeker’s allowance that is made on or after 1st February 2019 in respect of a period that begins on or after 1st February 2019 where, on the date that the claim is made, the claimant (in the case of a claim for a jobseeker’s allowance by a joint-claim couple, or a claim for either allowance by a person who would form part of UC couple for the purposes of universal credit, either member of the couple) resides outside Northern Ireland;
- (c) a claim for universal credit that is made on or after 1st February 2019 in respect of a period that begins on or after 1st February 2019 where, on the date on which the claim is made,

Status: Point in time view as at 31/01/2019. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 14 and Savings and Transitional Provisions) Order 2019, Section 2. (See end of Document for details)

the claimant resides in a postcode district in Northern Ireland that has not been included in the Lists of Relevant Districts referred to by one of the UC Commencement Orders;

- (d) a claim for an employment and support allowance or a jobseeker's allowance that is made on or after 1st February 2019 in respect of a period that begins on or after 1st February 2019 where, on the date on which the claim is made, the claimant resides in a postcode district in Northern Ireland that has not been included in the Lists of Relevant Districts referred to by one of the UC Commencement Orders;
- (e) a claim for an employment and support allowance or a jobseeker's allowance other than one referred to in sub-paragraphs (b) and (d) that is made or treated as made during the relevant period by a UC single claimant or by either of two UC joint claimants who has or have made a claim for universal credit under sub-paragraph (a) and (c).

(7) The day appointed in relation to the case of a claim referred to in paragraph (6), and any award that is made in respect of the claim, is the first day of the period in respect of which the claim is made.

(8) Paragraphs (4), (5), (6) and (7) of Article 6 of the No. 8 Order apply in relation to a claim for universal credit referred to in paragraph (6)(a) or (c) (and any award that is made in respect of the claim) as they apply to a claim for universal credit referred to in sub-paragraph (a) or (b) of Article 6(2) of the No. 8 Order (and any award that is made in respect of the claim).

(9) Article 7(8) of the No. 8 Order applies for the purposes of paragraph (7) as it applies for the purposes of Article 6(3) of the No. 8 Order.

(10) Article 24 of the No. 8 Order applies as though the reference in paragraph (1) of that Article to Article 4(3) and (4)(a) of that Order included a reference to paragraphs (1) and (2).

(11) No claim may be made for universal credit on or after 1st February 2019 by a UC single claimant who is, or UC joint claimants each of whom is, a frontier worker.

(12) Articles 10 to 23 of the No. 8 Order apply in connection with the coming into force of the provisions referred to in Article 6(1)(a) to (c) of the No. 8 Order, in relation to the case of a claim referred to in paragraph (6), and any award made in respect of the claim, as they apply in connection with the coming into force of those provisions in relation to the case of a claim referred to in Article 6(2) of the No. 8 Order and any award that is made in respect of the claim.

(13) In this Article—

- (a) “claimant”—
 - (i) 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⁾;
 - (ii) 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 Order that remove references to an income-based jobseeker's allowance), save as mentioned in paragraph (6)(b);
 - (iii) in relation to universal credit, has the same meaning as in Part 2 of the Order, save as mentioned in paragraph (2) and (6)(a);
- (b) “relevant period” means, in relation to a claim for universal credit within paragraph (6)(a) or (c), any UC claim period, and any period subsequent to any UC claim period in respect of which the claimant is entitled to an award of universal credit in respect of the claim;
- (c) “UC claim period” means a period when—
 - (i) a claim for universal credit within paragraph (6)(a) or (c) has been made but a decision has not yet been made on the claim; or

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

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

- (ii) a decision has been made that the claimant is not entitled to universal credit and—
 - (aa) the Department is considering whether to revise that decision under Article 10 of the Social Security (Northern Ireland) Order 1998(3), whether on an application made for that purpose or on the Department’s own initiative; or
 - (bb) the claimant has appealed against that decision to the Appeal Tribunal(4)and that appeal, or any subsequent appeal to the Commissioner or a court, has not yet been finally determined;
- (d) the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016(5) apply for the purpose of deciding—
 - (i) whether a claim for universal credit is made; and
 - (ii) the date on which such a claim is made;
- (e) the Claims and Payments Regulations 1987 apply, subject to sub-paragraphs (f) and (g), for the purpose of deciding—
 - (i) whether a claim for an employment and support allowance or a jobseeker’s allowance is made; and
 - (ii) the date on which the claim is made or treated as made;
- (f) subject to sub-paragraph (g)—
 - (i) a person makes a claim for an employment and support allowance or a jobseeker’s allowance if he or she takes any action which results in a decision on a claim being required under the Claims and Payments Regulations 1987; and
 - (ii) 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;
- (g) where, by virtue of—
 - (i) regulation 6(1D)(b) or (c) of the Claims and Payments Regulations 1987(6), in the case of a claim for an employment and support allowance; or
 - (ii) regulation 6(4ZA) to (4ZD) and (4A)(a)(i) and (b) of those Regulations(7), in the case of a claim for a jobseeker’s allowance,

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

Commencement Information

II Art. 2 in operation at 31.1.2019

(3) S.I. 1998/1506 (N.I. 10).

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

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

(6) 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.

(7) Regulation 6 (4ZA) to (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.

Status:

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Changes to legislation:

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