
Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, Cross Heading: The Social Security (Northern Ireland) Order 1998 (NI 10) is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

CONSEQUENTIAL AMENDMENTS RELATING TO PART 1

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

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

(2) In Article 4 (use of computers), in paragraph (2) (meaning of “relevant statutory provision”), after sub-paragraph (i) add “; or

(j) Part 1 of the Welfare Reform Act (Northern Ireland) 2007.”.

(3) In Article 9 (which provides for any decision on a claim for a relevant benefit, or under or by virtue of a relevant statutory provision, to be made by the Department)

(a) in paragraph (3) (meaning of “relevant benefit”), after paragraph (b) insert—

“(ba) an employment and support allowance;”;

(b) in paragraph (4) (definition of “relevant statutory provision”), for “or the State Pension Credit Act (Northern Ireland) 2002” substitute “, the State Pension Credit Act (Northern Ireland) 2002 or Part 1 of the Welfare Reform Act (Northern Ireland) 2007.”.

(4) In Article 12 (regulations with respect to decisions), in paragraph (3), in the definition of “the current legislation”, for “and the State Pension Credit Act (Northern Ireland) 2002” substitute “, the State Pension Credit Act (Northern Ireland) 2002 and Part 1 of the Welfare Reform Act (Northern Ireland) 2007.”.

(5) In Article 27 (restrictions on entitlement to benefit in certain cases of error), in paragraph (7), in the definition of “benefit”—

(a) after paragraph (dd) insert—

“(de) an employment and support allowance;”;

(b) in paragraph (e), for “to (dd)” substitute “to (de)”.

(6) In Article 28 (correction of errors and setting aside of decisions), in paragraph (3) (definition of “relevant statutory provision”), at the end add “; or

(g) Part 1 of the Welfare Reform Act (Northern Ireland) 2007.”.

(7) In Article 31 (incapacity for work), after paragraph (1) insert—

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“(1A) Regulations may provide that a determination that a person is disqualified for any period in accordance with regulations under section 18(1) to (3) of the Welfare Reform Act (Northern Ireland) 2007 shall have effect for such purposes as may be prescribed as a determination that he is to be treated as not having limited capability for work for that period, and vice versa.”.

(8) In Schedule 2 (decisions against which no appeal lies), in paragraph 6(b) (alteration of rates of benefit), at the end add “, or

(iv) section 139C(1)(b) of that Act (employment and support allowance).”.

(9) In Schedule 3 (decisions against which an appeal lies), in paragraph 3 (payability of benefit), at the end add “; or

(g) section 18 of the Welfare Reform Act (Northern Ireland) 2007.”.

Commencement Information

- II** [Sch. 3 para. 10](#) wholly in operation at 27.10.2008; [Sch. 3 para. 10](#) not in operation at Royal Assent see [s. 60\(1\)](#); [Sch. 3 para. 10\(1\)\(3\)\(6\)](#) in operation for certain purposes at 1.7.2008 and wholly in operation at 27.7.2008 by [S.R. 2008/276](#), [art. 2\(2\)\(a\)](#); [Sch. 3 para. 10\(2\)](#) in operation at 27.7.2008 by [S.R. 2008/276](#), [art. 2\(2\)\(b\)](#); [Sch. 3 para. 10\(7\)](#) in operation for certain purposes at 1.7.2008 and wholly in operation at 27.10.2008 by [S.R. 2008/276](#), [art. 2\(2\)\(c\)](#), [Sch. Pt. 1](#); [Sch. 3 para. 10](#) in operation at 27.10.2008 in so far as not already in operation by [S.R. 2008/276](#), [art. 2\(2\)\(d\)](#), [Sch. Pt. 2](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(3)(za) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(2\)](#)
- s. 1(3B) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(3\)](#)
- s. 14(5) added by [2010 c. 13 \(N.I.\) s. 25\(2\)](#)
- s. 14(5) amendment to earlier affecting provision [2010 c. 13 \(N.I.\) s. 25\(2\)](#) by [S.I. 2015/2006 \(N.I.\) art. 60\(7\)](#)
- s. 14(5) words substituted by [S.R. 2016/76 Sch. 6 para. 56\(b\)](#)
- Sch. 1 para. 6(1)(da) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(a\)](#)
- Sch. 1 para. 6(2A) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(b\)](#)
- Sch. 2 para. 4B inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(4\)](#)
- Sch. 3 para. 12(4)(5) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)