

Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, Paragraph 4 is up to date with all changes known to be in force on or before 10 May 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 Administration (Northern Ireland) Act 1992 (c. 8)

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

(2) In section 1 (entitlement to benefit dependent on claim), in subsection (4) (definition of “benefit”), after “state pension credit;” insert—

“(ac) an employment and support allowance;”.

(3) In section 2AA (full entitlement to certain benefits conditional on work-focused interview for partner) in subsection (2) (benefits to which section applies), at the end add “; and

(f) an employment and support allowance.”.

(4) In section 5 (regulations about claims for and payments of benefit), in subsection (2) (benefits to which section applies), after paragraph (ab) insert—

“(ac) an employment and support allowance;”.

^{F1}(5)

(6) In section 69 (overpayments), in subsection (11) (benefits to which section applies), after paragraph (ab) insert—

“(ac) an employment and support allowance;”.

(7) In section 71 (overlapping benefits)—

(a) in subsection (1), after “contribution-based jobseeker's allowance” insert “ or a contributory employment and support allowance ”;

(b) in subsection (4), after paragraph (b) add “or

(c) a contributory employment and support allowance;”.

(8) In section 72 (income support and other payments)—

(a) in subsections (1)(b) and (2)(b), for “or state pension credit” substitute “ , state pension credit or an income-related employment and support allowance ”;

(b) in subsection (3)(b), for “or an income-based jobseeker's allowance”, in each place, substitute “ , an income-based jobseeker's allowance or an income-related employment and support allowance ”.

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(9) In section 72A (payment of benefit where maintenance payments collected by Department), in subsection (7) (benefits to which section applies), after “an income-based jobseeker's allowance” insert “, an income-related employment and support allowance”.

(10) In section 100 (failure to maintain)—

(a) in subsection (1)(b), for “or an income-based jobseeker's allowance” substitute “, an income-based jobseeker's allowance or an income-related employment and support allowance”;

(b) in subsection (4), after “an income-based jobseeker's allowance” insert “ or an income-related employment and support allowance”.

(11) In section 115CA (interpretation of Part 6), in subsection (1) (definition of “the relevant social security legislation”), after paragraph (hh) insert—

“(hi) Part 1 of the Welfare Reform Act (Northern Ireland) 2007;”.

^{F2}(12)

(13) In section 116B (supply of other government information for fraud prevention and verification), in subsection (3)(b), after “the Jobseekers (Northern Ireland) Order 1995” insert “, Part 1 of the Welfare Reform Act (Northern Ireland) 2007”.

(14) In section 116C (supply of information to the Housing Executive), in subsection (6)(b), after “the Jobseekers (Northern Ireland) Order 1995” insert “, Part 1 of the Welfare Reform Act (Northern Ireland) 2007”.

(15) In section 118 (regulations as to notification of death), in subsection (1), after “the State Pension Credit Act (Northern Ireland) 2002” insert “, Part 1 of the Welfare Reform Act (Northern Ireland) 2007”.

(16) In section 119 (personal representatives to give information about the estate of a deceased person who was in receipt of certain benefits), in subsection (1), after “state pension credit” insert “, an income-related employment and support allowance”.

(17) In section 122 (duties of employers: statutory sick pay), in subsection (1) (power to require employer to supply information in connection with making of claim for certain benefits by employee), at the end add—

“(f) an employment and support allowance.”.

(18) In section 124 (power to require employers to provide information in connection with claims to certain benefits), in subsection (1), after paragraph (a) insert—

“(aa) an employment and support allowance;”.

(19) In section 139B (effect of alterations affecting state pension credit)—

(a) before “or” at the end of subsection (1)(b)(iii) insert—

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“(iia) in any component of a contributory employment and support allowance,”;

(b) in subsection (6), in the definition of “component”, at the end add—

“(c) in relation to a contributory employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 which are relevant in calculating the amount payable by way of a contributory employment and support allowance;”.

(20) After section 139B insert—

“139C Effect of alteration of rates of an employment and support allowance

(1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) below shall have effect where—

(a) an award of an employment and support allowance is in force in favour of any person (“the recipient”), and

(b) an alteration—

(i) in any component of the allowance,

(ii) in the recipient's benefit income, or

(iii) in the recipient's war disablement or war widow's or widower's pension,

affects the computation of the amount of the employment and support allowance to which he is entitled.

(2) Where, as a result of the alteration, the amount of the employment and support allowance to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of the employment and support allowance payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Department; and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of an employment and support allowance as before, the award shall continue in force accordingly.

(4) Subsection (5) below applies where a statement mentioned in section 159C(4) of the Great Britain Administration Act is made.

(5) If, in a case where this subsection applies, an award of an employment and support allowance is made in favour of a person before the proposed commencing date (within the meaning of section 159C(4) of the Great Britain

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Administration Act) and after the date on which the statement is made, the award—

- (a) may provide for the employment and support allowance to be paid as from the proposed commencing date (within the meaning of that section) at a rate determined by reference to the amounts of the items referred to in subsection (1)(b)(i) to (iii) above which will be in force on that date, or
- (b) may be expressed in terms of the amounts of those items in force at the date of the award.

(6) In this section—

“alteration” means—

- (a) in relation to any component of an employment and support allowance, its alteration by or under any enactment;
- (b) in relation to a person's benefit income, the alteration of any of the applicable sums by any enactment or an order under section 132 or 133 above to the extent that any such alteration affects the amount of his benefit income;
- (c) in relation to a person's war disablement pension or war widow's or widower's pension, its alteration by or under any enactment;

“applicable sums” has the same meaning as in section 139 above;

“benefit income”, in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act;

“the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

“component”, in relation to an employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 which are relevant in calculating the amount payable by way of an employment and support allowance;

“war disablement pension” and “war widow's or widower's pension” have the same meaning as in section 139B above.”.

(21) After section 140A insert—

“140B Implementation of increases in employment and support allowance due to attainment of particular ages

(1) This section applies where—

- (a) an award of an employment and support allowance is in force in favour of a person (“the recipient”), and

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(b) a component has become applicable, or applicable at a particular rate, because he or some other person has reached a particular age (“the qualifying age”).

(2) If, as a result of the recipient or other person reaching the qualifying age, the recipient becomes entitled to an employment and support allowance of an increased amount, the amount payable to or for him under the award shall, as from the day on which he becomes so entitled, be that increased amount, without any further decision of the Department; and the award shall have effect accordingly.

(3) Subsection (2) above does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to a benefit under the Contributions and Benefits Act.

(4) Subsection (2) above does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to an employment and support allowance, other than—

(a) the question whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in the recipient's case, and

(b) the question whether, in consequence, the amount of his employment and support allowance falls to be varied.

(5) In this section, “component”, in relation to a recipient and his employment and support allowance, means any of the amounts determined in accordance with regulations made under section 2(1)(a) or 4(2)(a) of the Welfare Reform Act (Northern Ireland) 2007.”.

(22) In section 144 (destination of repayments, etc.), in subsection (1), after “Article 38 of the Jobseekers (Northern Ireland) Order 1995” insert “, section 27 of the Welfare Reform Act (Northern Ireland) 2007 ”.

(23) In section 145 (adjustments between National Insurance Fund and Consolidated Fund), in subsection (6)(a) after “state pension credit” insert “, income-related employment and support allowance ”.

(24) In section 149 (Social Security Advisory Committee), in subsection (5) in the definition of “the relevant enactments”, after paragraph (ai) insert—

“(aia) the provisions of Part 1 of the Welfare Reform Act (Northern Ireland) 2007;”.

(25) In section 155 (reciprocal agreements with countries outside the United Kingdom)—

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- (a) in subsection (3)(a), after “the State Pension Credit Act (Northern Ireland) 2002” insert “, Part 1 of the Welfare Reform Act (Northern Ireland) 2007”;
- (b) in subsection (4), after paragraph (ac) insert “and
 - (ad) to Part 1 of the Welfare Reform Act (Northern Ireland) 2007;”;
- (c) in subsection (5), after paragraph (ab) insert—
 - “(ac) employment and support allowance;”.

(26) In section 156 (payment of travelling expenses by Department), after “the State Pension Credit Act (Northern Ireland) 2002”, in both places, insert “, Part 1 of the Welfare Reform Act (Northern Ireland) 2007”.

(27) In section 163 (certain benefits to be inalienable), in subsection (1), after paragraph (ab) insert—

“(ac) an employment and support allowance;”.

(28) In section 167(1) (general interpretation)—

- (a) in the definition of “benefit”, for “and state pension credit” substitute “, state pension credit and an employment and support allowance”;
- (b) after the definition of “the Contributions and Benefits Act” insert—
 - ““contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance);”;
- (c) after the definition of “income-related benefit” insert—
 - ““income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance);”.

Textual Amendments

- F1** Sch. 3 para. 4(5) repealed (6.4.2018) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(1), **15(12)(e)**; S.R. 2018/66, art. 2(1) (with art. 2(2)(3))
- F2** Sch. 3 para. 4(12) repealed (17.2.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 12**; S.R. 2016/46, art. 3(6)(c)

Commencement Information

- I1** Sch. 3 para. 4 wholly in operation at 27.10.2008; Sch. 3 para. 4 not in operation at Royal Assent see s. 60(1); Sch. 3 para. 4(1)(2)(28) 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. 4(3)-(8)(11) 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. 4 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 :

- Sch. 3 para. 4(3) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- Sch. 3 para. 4(8)(b) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- Sch. 3 para. 4(10)(b) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- Sch. 3 para. 4(14)(16) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- Sch. 3 para. 4(28)(b)(c) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- Sch. 3 para. 4(28)(a) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 8](#)
- Sch. 3 para. 4(6) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 10](#)

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](#)