
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**

Day appointed for the abolition of income-related employment and support allowance and income-based jobseeker's allowance

6.—(1) The day appointed for the coming into force of—

- (a) Article 39(1)(a) and (b) and (2) of the 2015 Order (abolition of benefits);
- (b) paragraphs 17 to 21 of Schedule 3 to the 2015 Order (abolition of benefits: consequential provisions) and Article 39(3) of the 2015 Order in so far as it relates to those paragraphs: and
- (c) the repeals in Part 1 of Schedule 12 to the Order (abolition of benefits superseded by universal credit) that are referred to in Schedule 2,

in relation to the case of a claim referred to in paragraph (2) and any award that is made in respect of such a 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 27th September 2017 in respect of a period that begins on or after 27th September 2017 where, on the date on which the claim is made, the claimant resides in the No. 1 relevant districts;
- (b) a claim for universal credit that is made on or after 27th September 2017 in respect of a period that begins on or after 27th September 2017 where—
 - (i) in the case of a single claimant, the claimant gives incorrect information regarding the claimant residing in the No. 1 relevant districts and the claimant does not reside in those districts on the date on which the claim is made;
 - (ii) in the case of joint claimants, either or both of the joint claimants gives or give incorrect information regarding his or her (or their) residing in those districts and one or both of them does not or do not reside in those districts on the date on which the claim is made;

and after a decision is made that the single claimant is, or the joint claimants are, entitled to universal credit and one or more payments have been made in respect of the single claimant or the joint claimants, the Department discovers that incorrect information has been given regarding such residence;

- (c) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 27th September 2017 where, on the date on which the claim is made or treated as made, the claimant resides in the No. 1 relevant districts;
- (d) a claim for an employment and support allowance or a jobseeker's allowance other than one referred to in sub-paragraph (c) that is made or treated as made during the relevant period by a single claimant of universal credit or by either of two joint claimants of

universal credit who has or have made a claim for universal credit within sub-paragraph (a) or (b).

(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) In paragraph (1), the reference to the case of a claim for universal credit referred to in paragraph (2)(a) or (b) (and any award made in respect of the claim), includes a reference to—

- (a) a case where a notice under regulation 4 of the 2010 Transitional Regulations (the notice commencing the conversion phase in relation to an award of incapacity benefit or severe disablement allowance) is issued to a single claimant or in the case of joint claimants, either of those claimants, during the designated period;
- (b) where sub-paragraph (a) does not apply, a case where a conversion decision is made during that period in relation to an award of incapacity benefit or severe disablement allowance to which a single claimant or in the case of joint claimants, either of those claimants, is entitled; and
- (c) where sub-paragraphs (a) and (b) do not apply, a case where the effective date of a conversion decision in relation to such an award occurs during that period (where “effective date” has the same meaning as in the 2010 Transitional Regulations),

and any award of an employment and support allowance that is made consequent on a conversion decision that relates to the notice referred to in sub-paragraph (a), the conversion decision referred to in sub-paragraph (b) or the conversion decision referred to in sub-paragraph (c), as the case may be.

(5) For the purposes of paragraph (4), the designated period means—

- (a) in relation to a claim for universal credit referred to in paragraph (2)(a) or (b), any period when a decision has not yet been made on the claim; and
- (b) any period, subsequent to the period referred to in sub-paragraph (a) or (b), when the single claimant or joint claimants is or are entitled to an award of universal credit in respect of the claim.

(6) For the purposes of paragraph (1), the reference to the case of a claim for universal credit referred to in paragraph (2)(a) or (b) (and any award made in respect of the claim), includes a reference to an old style ESA award or an old style JSA award that exists (or, as a result of an act as referred to in paragraph (7), is later found to have existed at that time) immediately before the day appointed (as referred to in paragraph (3)) in relation to that claim.

(7) For the purposes of paragraph (6), the acts referred to are—

- (a) the revision of a decision that the claimant was not entitled to an old style ESA or old style JSA; or
- (b) an appeal to the Appeal Tribunal, a Commissioner or a court against such a decision.

Modifications etc. (not altering text)

- C1** Art. 6 applied in part (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(8)**
- C2** Art. 6(4)-(7) 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. 4(6)**
- C3** Art. 6(4)-(7) 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. 4(6)**

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 6. (See end of Document for details)*

- C4** Art. 6(4)-(7) 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. 4(6)**
- C5** Art. 6(4)-(7) 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. 4(6)**

Commencement Information

- I1** Art. 6 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 6.