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STATUTORY RULES OF NORTHERN IRELAND

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**2018 No. 138**

**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**

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

4.—(1) The day appointed for the coming into force of the amending provisions 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 5th September 2018 in respect of a period that begins on or after 5th September 2018 where, on the date on which the claim is made, the claimant resides in one of the No. 12 relevant districts;
- (b) a claim for universal credit that is made on or after 19th September 2018 in respect of a period that begins on or after 19th September 2018 where, on the date on which the claim is made, the claimant resides in one of the No. 13 relevant districts;
- (c) a claim for universal credit that is made on or after 3rd October 2018 in respect of a period that begins on or after 3rd October 2018 where, on the date on which the claim is made, the claimant resides in one of the No. 14 relevant districts;
- (d) a claim for universal credit that is made on or after 17th October 2018 in respect of a period that begins on or after 17th October 2018 where, on the date on which the claim is made, the claimant resides in one of the No. 15 relevant districts;
- (e) a claim for universal credit that is made on or after 31st October 2018 in respect of a period that begins on or after 31st October 2018 where, on the date on which the claim is made, the claimant resides in one of the No. 16 relevant districts;
- (f) a claim for universal credit that is made on or after 14th November 2018 in respect of a period that begins on or after 14th November 2018 where, on the date on which the claim is made, the claimant resides in one of the No. 17 relevant districts;
- (g) a claim for universal credit that is made on or after 5th December 2018 in respect of a period that begins on or after 5th December 2018 where, on the date on which the claim is made, the claimant resides in one of the No. 18 relevant districts;
- (h) a claim for universal credit that is made on or after the date referred to in any of sub-paragraphs (a) to (g), in respect of a period that begins on or after that date where—
  - (i) in the case of a single claimant, the claimant gives incorrect information regarding the claimant residing in a district as referred to in the sub-paragraph in question and the claimant does not reside in such a district 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 such a district and one or both of them does not or do not reside in such a district 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;

- (i) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 5th September 2018 where, on the date on which the claim is made or treated as made, the claimant resides in one of the No. 12 relevant districts;
- (j) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 19th September 2018 where, on the date on which the claim is made or treated as made, the claimant resides in one of the No. 13 relevant districts;
- (k) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 3rd October 2018 where, on the date on which the claim is made or treated as made, the claimant resides in one of the No. 14 relevant districts;
- (l) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 17th October 2018 where, on the date on which the claim is made or treated as made, the claimant resides in one of the No. 15 relevant districts;
- (m) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 31st October 2018 where, on the date on which the claim is made or treated as made, the claimant resides in one of the No. 16 relevant districts;
- (n) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 14th November 2018 where, on the date on which the claim is made or treated as made, the claimant resides in one of the No. 17 relevant districts;
- (o) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 5th December 2018 where, on the date on which the claim is made or treated as made, the claimant resides in one of the No. 18 relevant districts;
- (p) a claim for an employment and support allowance or a jobseeker's allowance other than one referred to in sub-paragraphs (i) to (o) 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 any of sub-paragraphs (a) to (h).

(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) For the purposes of paragraph (2)(p), "relevant period" means, in relation to a claim for universal credit within sub-paragraphs (a) to (h), 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.

(5) For the purposes of paragraph (4), a "UC claim period" is a period when—

- (a) a claim for universal credit within any of sub-paragraphs (a) to (g) of paragraph (2), or within sub-paragraph (h)(i) or (ii) of that paragraph, has been made but a decision has not yet been made on the claim, or
- (b) a decision has been made that the claimant is not entitled to universal credit and—

- (i) the Department is considering whether to revise that decision under Article 10 of the Social Security (Northern Ireland) Order 1998<sup>(1)</sup>, whether on an application made for that purpose, or on the Department's own initiative; or
- (ii) the claimant has appealed against that decision to the Appeal Tribunal<sup>(2)</sup> and that appeal or any subsequent appeal to the Commissioner<sup>(3)</sup> or to a court has not been finally determined.

(6) 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 (2) (and any award that is made in respect of the claim) as they apply in relation to a claim for universal credit referred to in sub-paragraphs (a) and (b) of Article 6(2) of the No. 8 Order (and any award that is made in respect of the claim).

(7) Paragraphs (1) and (2) of Article 7 of the No. 8 Order apply for the purposes of sub-paragraphs (i) to (o) of paragraph (2), as they apply for the purposes of Article 6(2)(c) of the No. 8 Order.

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

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(1) [S.I. 1998/1506 \(N.I. 10\)](#).

(2) See Article 39 of the Social Security (Northern Ireland) Order 1998 for the meaning of Appeal Tribunal.

(3) Commissioner means the Chief Social Security Commissioner or any other Social Security Commissioner and includes a tribunal of 2 or more Commissioners constituted under Article 16(7) of the Social Security (Northern Ireland) Order 1998.