STATUTORY RULES OF NORTHERN IRELAND

2017 No. 216 (C. 13)

SOCIAL SECURITY

The Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 9 and Transitional and Transitory Provisions) Order 2017

Made - - - - 13th November 2017

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by Article 2(2), (3)(a) and (4) of the Welfare Reform (Northern Ireland) Order 2015(**1**).

Those powers are exercisable by the Secretary of State by virtue of Article 4(1)(a) and (b) of the Welfare Reform (Northern Ireland) Order 2015.

Citation

1. This Order may be cited as the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 9 and Transitional and Transitory Provisions) Order 2017.

Interpretation

2.—(1) In this Order—

"the 2015 Order" means the Welfare Reform (Northern Ireland) Order 2015;

"the amending provisions" means 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);

"claimant"—

(a) in relation to an employment and support allowance, has the same meaning as in Part 1 of the Welfare Reform Act (Northern Ireland) 2007(**2**), save as mentioned in Article 7(1) of the No. 8 Order as applied by Article 4(7) of this Order;

(b) in relation to a jobseeker's allowance, has the same meaning as in the Jobseeker's Order 1995(**3**) (as it applies apart from the amendments made by Part 1 of Schedule 12 to the

(**1**) S.I. 2015/2006 (N.I. 1)
.

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

(**3**) S.I. 1995/2705 (N.I. 15)
.

2015 Order that remove references to an income-based jobseeker's allowance), save as mentioned in Article 7(1) of the No. 8 Order as applied by Article 4(7) of this Order;

(c) in relation to universal credit, has the same meaning as in Part 2 of the 2015 Order(**4**);

"the Claims and Payments Regulations 1987" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**5**);

"the Department" means the Department for Communities;

"employment and support allowance" means an employment and support allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007;

"List of the No. 2 Relevant Districts" means the List of the No. 2 Relevant Districts issued by the Department on 15th November 2017(**6**);

"List of the No. 3 Relevant Districts" means the List of the No. 3 Relevant Districts issued by the Department on 15th November 2017;

"joint claimants", in relation to universal credit, has the same meaning as in Part 2 of the 2015 Order(**7**);

"No. 2 relevant districts" means the postcodes specified in the table in the List of the No. 2 Relevant Districts;

"No. 3 relevant districts" means the postcodes specified in the table in the List of the No. 3 Relevant Districts;

"the No. 8 Order" means the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 8 and Transitional and Transitory Provisions) Order 2017;

"single claimant", in relation to universal credit, has the same meaning as in Part 2 of the 2015 Order.

(2) For the purposes of this Order, the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016(**8**) apply for the purposes of deciding—

(a) whether a claim for universal credit is made; and

(b) the date on which such a claim is made.

(3) For the purposes of this Order, the Claims and Payments Regulations 1987 apply, subject to paragraph (4) and (5), for the purposes of deciding—

(a) whether a claim for an employment and support allowance or a jobseeker's allowance is made; and

(b) the date on which the claim is made or treated as made.

(4) Subject to paragraph (5), for the purposes of this Order—

(a) a person makes a claim for an employment and support allowance or a jobseeker's allowance if they take any action which results in a decision on a claim being required under the Claims and Payments Regulations 1987; and

(b) it is irrelevant that the effect of any provision of those Regulations is that, for the purposes of those Regulations, the claim is not made or treated as made at a date that is earlier than the date on which that action is taken.

(**4**) *See* Article 46.
(**5**) S.R. 1987 No. 465
.
(**6**) *See* the Explanatory Note for details of the internet publishing and availability of the List of the No 2 and No. 3 Relevant Districts; a copy is also being published in the libraries of both Houses of Parliament.
(**7**) *See* Article 46.
(**8**) S.R. 2016 No. 220
.

(5) Where, by virtue of—

(a) regulation 6(1D)(b) or (c) of the Claims and Payments Regulations 1987(**9**), in the case of a claim for an employment and support allowance; or

(b) regulation 6(4ZA) to (4ZD) and (4A)(a)(i) and (b) of those Regulations(**10**), 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 earlier than the date on which the action referred to in paragraph (4)(a) is taken, the claim is treated as made on that earlier date

Day appointed for the coming into force of the universal credit provisions

3.—(1) The day appointed for the coming into force of the provisions of the 2015 Order listed in Schedule 1 of the No. 8 Order, 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 15th November 2017 in respect of a period that begins on or after 15th November 2017 where, on the date on which the claim is made, the claimant resides in the No. 2 relevant districts;

(b) a claim for universal credit that is made on or after 13th December 2017 in respect of a period that begins on or after 13th December 2017 where, on the date on which the claim is made, the claimant resides in the No. 3 relevant districts;

(c) a claim for universal credit that is made on or after the date referred to in sub-paragraph (a) or (b) 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

(**9**) 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 .

(**10**) Regulation 6(4ZA-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 , regulation 2(6)(e) of S.R. 2009 No. 240 .

claimant or the joint claimants, the Department discovers that incorrect information has been given regarding such residence.

(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.

(5) Article 5 of the No. 8 Order applies in connection with a claim for universal credit where a single claimant, or, as the case may be, either or both of joint claimants, gives or give incorrect information regarding his or her (or their) residing in one of the No. 2 or No. 3 relevant districts, as it applies in connection with the giving of incorrect information regarding a claimant residing in one of the No. 1 relevant districts (as defined in the No. 8 Order).

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 15th November 2017 in respect of a period that begins on or after 15th November 2017 where, on the date on which the claim is made, the claimant resides in the No. 2 relevant districts;

(b) a claim for universal credit that is made on or after 13th December 2017 in respect of a period that begins on or after 13th December 2017 where, on the date on which the claim is made the claimant resides in the No. 3 relevant districts;

(c) a claim for universal credit that is made on or after the date referred to in either sub-paragraph (a) or (b), 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;

(d) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 15th November 2017 where, on the date on which the claim is made or treated as made, the claimant resides in the No. 2 relevant districts;

(e) a claim for an employment and support allowance or a jobseeker's allowance that is made or treated as made on or after 13th December 2017 where, on the date on which the claim is made or treated as made, the claimant resides in the No. 3 relevant districts;

(f) a claim for an employment and support allowance or a jobseeker's allowance other than one referred to in sub-paragraphs (d) or (e) 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 (c).

(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)(f), "relevant period" means, in relation to a claim for universal credit within sub-paragraphs (a) to (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.

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

(a) a claim for universal credit within either sub-paragraph (a) or (b) of paragraph (2), or within sub-paragraph (c)(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(**11**), whether on an application made for that purpose, or on the Department's own initiative; or

(c) the claimant has appealed against that decision to the Appeal Tribunal(**12**) and that appeal or any subsequent appeal to the Commissioner(**13**) 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-paragraph (c) 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.

Application of the No. 8 Order

5. Articles 10 to 23 of the No. 8 Order apply in connection with the coming into force of the amending provisions in relation to the case of a claim referred to in Article 4(2), and any award made in respect of the claim, as they apply in connection with coming into force of the amending provisions in relation to the case of a claim referred to in Article 6(2) of the No. 8 Order and any award made in respect of the claim.

Transitional provision: claims for housing benefit, income support or a tax credit

6. Article 24 of the No. 8 Order (prevention of claims for housing benefit, income support or a tax credit) 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 Article 3(1) and (2)(a) of this Order.

(**11**) S.I. 1998/1506 (N.I. 10)

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

(**13**) 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.