STATUTORY RULES OF NORTHERN IRELAND

2017 No. 51

SOCIAL SECURITY

The Employment and Support Allowance (Consequential Amendments and Transitional and Savings Provisions) Regulations (Northern Ireland) 2017

Made - - - -	*13th March 2017*
Laid before Parliament	*14th March 2017*
Coming into operation	*3rd April 2017*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by Articles 3, 9(4) and (5) and 22(1) of the Welfare Reform and Work (Northern Ireland) Order 2016 [F1].

Those powers are exercisable by the Secretary of State by virtue of Article 4(1)(a) of the Welfare Reform (Northern Ireland) Order 2015 [F2].

Annotations:

F1 S.I. 2016/999 (N.I. 1). Article 3 is an interpretation provision and is cited for the meaning of "prescribed"

F2 S.I. 2015/2006 (N.I. 1); Article 4(1)(a) was amended by Article 4(2)(a) of S.I. 2016/999 (N.I. 1)

Citation and commencement

1. These Regulations may be cited as the Employment and Support Allowance (Consequential Amendments and Transitional and Savings Provisions) Regulations (Northern Ireland) 2017 and come into operation on 3rd April 2017.

Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008

2.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008 [F3] are amended in accordance with paragraphs (2) to (5).

(2) In regulation 7 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arises does not apply) [F4]—

(a) in the heading omit "or the work-related activity component";

(b) in paragraph (1) for "sections 2(2)(a) and (3)(a) and 4(4)(a) and (5)(a)" substitute " sections 2(2)(a) and 4(4)(a) "; and

(c) in paragraph (1B)—

(i) in sub-paragraph (a)(i) for "sections 2(2), 2(3), 4(4) or 4(5)" substitute " sections 2(2) and 4(4) "; and

(ii) in sub-paragraph (d)(i) for "sections 2(2), 2(3), 4(4) or 4(5)" substitute " sections 2(2) or 4(4) ".

(3) In regulation 67(3) (prescribed amounts)—

(a) omit "work-related activity component and the"; and

(b) for "are" substitute " is ".

(4) In Schedule 4 (amounts)—

(a) in Part 1 (prescribed amounts), in paragraph 1, in column (1)—

(i) in sub-paragraph 1(a) omit "or (3)" and "or (5)";

(ii) in sub-paragraph 2(a) omit "or (5)";

(iii) in sub-paragraph 3(c), (f) and (g) omit "or (5)"; and

(b) in Part 3 (weekly amount of premiums specified in Part 2) in paragraph 11(1)—

(i) in paragraph (a)—

(aa) in columns "Premium" and "Amount" omit sub-paragraph (i);

(bb) in column "Premium" for sub-paragraph (iii) substitute—

"(iii) is not entitled to the support component;";

(ii) in paragraph (b)—

(aa) in columns "Premium" and "Amount" omit sub-paragraph (i);

(bb) in column "Premium" for sub-paragraph (iii) substitute—

"(iii) is not entitled to the support component;"; and

(c) in Part 4 (the components)—

(i) in the heading, for "(THE COMPONENTS)" substitute " (THE COMPONENT) "; and

(ii) omit paragraph 12.

(5) In Schedule 6 (housing costs) [F5]—

(a) in paragraph 1(3)(a)(ii) omit "including a work-related activity component under section 2(3) of the Act (amount of contributory allowance: work-related activity component)"; and

(b) in paragraph 19(7)(d) for "which does not include an amount under section 4(2)(b) of the Act" substitute " and they are still in the assessment phase in accordance with regulation 4 ".

Annotations:

F3 S.R. 2008 No. 280; relevant amending Regulations are S.R. 2008 No. 478, S.R. 2012 No. 160 and S.R 2016 No. 67 and 175

F4 Regulation 7(1) was amended by regulation 12 of S.R. 2008 No. 478, **regulation 2(3)(a)** of S.R. 2012 No. 160, **regulation 6** of S.R. 2016 No. 67 and regulation 8(2) of S.R. 2016 No. 175. Regulation 7(1B) was inserted by regulation 2(3)(b) of S.R. 2012 No. 160.

F5 Paragraph 1(3)(a) was substituted by regulation 8(4) of S.R. 2016 No. 175

Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2016

3.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2016 [F6] are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation) after the definition of "member of Her Majesty's forces" insert —

""member of the work-related activity group" means a claimant who has or is treated as having limited capability for work under either—

(a) Part 5 of the Employment and Support Allowance Regulations (Northern Ireland) 2008 other than by virtue of regulation 30 of those regulations; or

(b) Part 4 of these Regulations other than by virtue of regulation 26;".

(3) In regulation 7 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arises does not apply) —

(a) in the heading omit "or the work-related activity component";

(b) in paragraph (1) omit "and (3)(a)";

(c) in paragraph (3)(a)(i) omit "or 2(3)" and after "of the Act)" insert " or they are a member of the work-related activity group "; and

(d) in paragraph (3)(d)(i) omit "or (3)" and after "of the Act)" insert " or they are a member of the work-related activity group ".

(4) In regulation 62 (prescribed amounts)—

(a) in paragraph (1)(a) and (b) omit "or (3)"; and

(b) for paragraph (2) substitute—

"(2) Subject to regulation 63 the amount of the support component is £36.20.".

Annotations:
F6 S.R. 2016 No. 219

Consequential, transitional and savings provisions

4.—(1) Schedule 1 contains amendments to secondary legislation as a consequence of the amendments made by these Regulations.

(2) Schedule 2 contains transitional and savings provisions.

Signed by authority of the Secretary of State for Work and Pensions

Penny Mordaunt
Minister of State

Department for Work and Pensions

SCHEDULE 1

Regulation 4(1)

Employment and Support Allowance: amendments to secondary legislation consequential on removal of work-related activity component

Amendment of the Income Support Regulations (Northern Ireland) 1987

1.—(1) The Income Support (General) Regulations (Northern Ireland) 1987 [F7] are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) after the definition of "the Macfarlane (Special Payments) (No. 2) Trust" insert—

""member of the support group" means a claimant who has or is treated as having limited capability for work-related activity under either—

(a) Part 6 of the Employment and Support Allowance Regulations (Northern Ireland) 2008; or

(b) Part 5 of the Employment and Support Allowance Regulations (Northern Ireland) 2016;

"member of the work-related activity group" means a claimant who has or is treated as having limited capability for work under either—

(a) Part 5 of the Employment and Support Allowance Regulations (Northern Ireland) 2008 other than by virtue of regulation 30 of those regulations; or

(b) Part 4 of the Employment and Support Allowance Regulations (Northern Ireland) 2016 other than by virtue of regulation 26 of those regulations;".

(3) In Schedule 3 (housing costs)—

(a) in paragraph 1 (housing costs)—

(i) in sub-paragraph (3)(d)(i)—

(aa) omit "or (3)", "or (5)" and "(components)";

(bb) after "Welfare Reform Act" insert " (component) or is a member of the work-related activity group ";

(ii) in sub-paragraph (3)(d)(ii) omit "including an amount of a work-related activity component under section 2(3) of that Act (amount of contributory allowance: work-related activity component)"; and

(b) in paragraph 18(7)(i) (non-dependant deductions) for the words from "which does not include" to the end substitute " and is not a member of the work-related activity group or a member of the support group. ".

Annotations:

F7 S.R. 1987 No. 459; relevant amending Regulations are S.R. 1991 No. 204, S.R. 1995 No. 301, S.R. 2008 No. 286, S.R. 2013 No. 67 and S.R. 2016 No. 175

Amendment of the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988

2.—(1) The Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988 [F8] are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation) after the definition of "mean daily temperature" insert—

""member of the support group" means a claimant who has or is treated as having limited capability for work-related activity under Part 6 of the Employment and Support Allowance Regulations (Northern Ireland) 2008;

"member of the work-related activity group" means a claimant who has or is treated as having limited capability for work under Part 5 of the Employment and Support Allowance Regulations (Northern Ireland) 2008 other than by virtue of regulation 30 of those regulations;".

(3) In regulation 1A(3)(e) (prescribed description of persons)—

(a) for ", P's applicable amount includes" substitute " and ";

(b) in head (i) before "one or more" insert " P's applicable amount includes "; and

(c) for head (ii) substitute—

"(ii) P is a member of the work-related activity group or is a member of the support group;".

Annotations:

F8 S.R. 1988 No. 368; relevant amending Regulation is S.R. 2010 No. 344

Amendment of the Jobseeker's Allowance Regulations (Northern Ireland) 1996

3.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996 [F9] are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2)(interpretation) after the definition of "maternity leave" insert—

""member of the work-related activity group" means a claimant who has or is treated as having limited capability for work under either—

(a) Part 5 of the Employment and Support Allowance Regulations (Northern Ireland) 2008 other than by virtue of regulation 30 of those regulations; or

(b) Part 4 of the Employment and Support Allowance Regulations (Northern Ireland) 2016 other than by virtue of regulation 26 of those regulations;".

(3) In Schedule 2 (housing costs)—

(a) in paragraph 1(3)(e) (housing costs)—

(i) in sub-paragraph (i)—

(aa) omit "or (3)" and "or (5)";

(bb) for "(components)" substitute " (component) ";

(ii) in sub-paragraph (ii) omit "including an amount of a work-related activity component under section 2(3) of that Act (amount of contributory allowance: work-related activity component)"; and

(b) in paragraph 17(7)(i)—

(i) omit "or (5)" and "(components)";

(ii) after "Welfare Reform Act" insert " (component) and is not a member of the work-related activity group ".

Annotations:

F9 S.R. 1996 No. 198; relevant amending Regulations are; S.R. 2008 Nos. 286 and 413, S.R. 2013 No. 67 and S.R. 2016 No. 175