STATUTORY RULES OF NORTHERN IRELAND

2016 No. 176

HOUSING
RATES
SOCIAL SECURITY

The Employment and Support Allowance (Amendment of Linking Rules) Regulations (Northern Ireland) 2016

Made - - - - 17th March 2016

Laid before Parliament 22nd March 2016
Coming into operation in accordance with regulation 1(2)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 122(1)(d) 131(1) and 133(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Article 10(1)(a) and 39(2) of the Social Security (Northern Ireland) Order 1998(**2**), and sections 2(4), 4(2)(a) and (6), 24(1) and (2)(b) and 28(2) and paragraphs 1, 4 and 9 of Schedule 2 and paragraphs 1(1), and 7(1) and 8 of Schedule 4 to, the Welfare Reform Act (Northern Ireland) 2007(**3**).

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Employment and Support Allowance (Amendment of Linking Rules) Regulations (Northern Ireland) 2016.

(2) These Regulations come into operation on 28th November 2016 immediately after the commencement of the Employment and Support Allowance (Duration of Contributory Allowance) (Consequential Amendments) Regulations (Northern Ireland) 2016(**5**).)

(**1**) 1992 c. 7. Section 133(1) cited for the meaning given to 'prescribed'.
(**2**) S.I. 1998/1506 (N.I. 10). Those powers are vested in the Department for Social Development by virtue of Article 8(b) of S.R. 1999 No. 481.
(**3**) 2007 c. 2 (N.I.). Section 24(1) cited for the meaning given to 'prescribed'.
(**4**) S.I. 2015/2006 (N.I. 1).
(**5**) S.R. 2016 No.XXX.

(3) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

2. In regulation 3(5F)(a) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**7**) (revision of decisions) omit "and (2)".

Amendment of the Housing Benefit Regulations

3. In Schedule 4 to the Housing Benefit Regulations (Northern Ireland) 2006(**8**) (applicable amounts)—

(a) in paragraph 28(1)(b) for "104" substitute "12";

(b) insert "and" at the end of paragraph 28(1)(c);

(c) omit paragraph 28(1)(d); and

(d) for paragraph 29(1)(c) substitute—

"(c) at the date on which the relevant person again becomes entitled to an employment and support allowance which is not income-related, regulation 145(1) of the Employment and Support Allowance Regulations applies to the relevant person; and".

Amendment of the Employment and Support Allowance Regulations

4.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(**9**) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2(1) (interpretation) omit the definition of "work or training beneficiary".

(3) In regulation 5(2)(**10**) (the assessment phase – previous claimants)—

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

(b) omit sub-paragraph (b)(**11**); and

(c) in sub-paragraphs (c)(i) and (d)(i)(**12**) omit "or (2)".

(4) In regulation 7(1A)(**13**) (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) omit "or (2)".

(5) In regulation 145 (linking rules) omit paragraphs (2) to (5).

(6) Omit regulations—

(a) 148(**14**) (work or training beneficiaries);

(b) 149(**15**) (linking rules – limited capability for work); and

---

(**6**) 1954 c. 33 (N.I.).
(**7**) S.R. 1999 No. 162. Paragraph (5F) was inserted by regulation 7(2) of S.R. 2010 No. 200.
(**8**) S.R. 2006 No. 405. Paragraphs 28 and 29 of Schedule 4 were added along with paragraphs 27, 30 and 31, by paragraph 1(5)(c) of Schedule 4 to S.R. 2010 No. 312.
(**9**) S.R. 2008 No. 280; relevant amending Regulations are S.R. 2008 No. 478, S.R. 2010 Nos.200 and 347, S.R. 2011 Nos. 135 and 357, S.R. 2012 No. 160 and S.R. 2016 No. XXX.
(**10**) Regulation 5(2) was amended by regulation 9(4) of S.R. 2010 No. 200 and regulation 2(2) of S.R. 2012 No. 160.
(**11**) Sub-paragraph (b) was amended by regulation 9(4)(b)(iv) and (v) of S.R. 2010 No. 200.
(**12**) Sub-paragraphs (c) and (d) were inserted by regulation 2(2) of S.R. 2012 No. 160.
(**13**) Regulation 7(1A) was inserted by regulation 2(3)(b) of S.R. 2012 No. 160.
(**14**) Regulation 148 was substituted in relation to certain cases by regulation 6(2) of S.R. 2010 No. 347 and amended by regulation 21(12) S.R. 2011 No. 357.
(**15**) Regulation 149 was substituted in relation to certain cases by regulation 6(3) of S.R. 2010 No. 347 and amended by regulation 14(8) of S.R. 2011 No. 135.