STATUTORY RULES OF NORTHERN IRELAND

2015 No. 184

SOCIAL SECURITY

The Social Security (Members of the Reserve Forces) (Amendment) Regulations (Northern Ireland) 2015

Made - - - - 26th March 2015

Coming into operation 6th April 2015

Approved by resolution of the Assembly on 15th June 2015

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(a), 132(3) and (4)(b) and 171(3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), Articles 8(4), 9(4), 14(1) to (3) and (4)(b), and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**2**), and now vested in it(**3**) and sections 17(1), (2) and (3)(b) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(**4**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Members of the Reserve Forces) (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 6th April 2015.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**6**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation) after the definition of "the Employment and Support Allowance Regulations"(**7**) insert —

> ""first year of training" means a period of one year beginning with and including a person's first day of training;".

(**1**) 1992 c.7

(**2**) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(**3**) *See* Article 8(b) of S.R. 1999 No. 481

(**4**) 2007 c. 2 (N.I.)

(**5**) 1954 c. 33 (N.I.)

(**6**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 2006 No. 359, S.R. 2008 No. 286 and S.R. 2012 No. 377

(**7**) The definition of the Employment and Support Allowance Regulations was inserted by regulation 12(2)(d) of S.R. 2008 No. 286

(3) In regulation 29 (calculation of earnings derived from employed earner's employment and income other than earnings) for paragraph (2B)(**8**) substitute—

"(2B) Earnings derived by a claimant as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations in respect of a period of annual continuous training for a maximum of 15 days in any calendar year or in respect of training in the claimant's first year of training as a member of a reserve force for a maximum of 43 days in that year, whether paid to the claimant alone or together with other earnings derived from the same source, are to be taken into account—

(a) in the case of a period of training which lasts for the number of days listed in column 1 of the Table, over a period of time which is equal to the number of days set out in the corresponding row in column 2 of that Table; or

(b) in any other case, over a period which is equal to the duration of the training period.

Table

Column 1 *Period of training in days*	*Column 2* *Period of time over which earnings are to be taken into account in days*
8 to 10	7
15 to 17	14
22 to 24	21
29 to 31	28
36 to 38	35
43	42"

(4) In Schedule 8 (sums to be disregarded in the calculation of earnings)—

(a) in paragraph 7(1)(d)(**9**) omit "territorial or"; and

(b) in paragraph 15A(2)(**10**)—

(i) omit "territorial or", and

(ii) after "in any calendar year" add—

"or in respect of training in the claimant's first year of training as a member of a reserve force for a maximum of 43 days in that year".

Amendment of the Jobseeker's Allowance Regulations

3.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**11**) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of "employment related course" insert—

(**8**) Paragraph (2B) was inserted by regulation 2(3) of S.R. 2012 No. 377
(**9**) Paragraph 7(1)(d) was amended by regulation 5(8) of S.R. 2006 No. 359
(**10**) Paragraph 15A was substituted by regulation 2(4) of S.R. 2012 No. 377
(**11**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 2006 No. 359 and S.R. 2012 Nos.284 and 377

""first year of training" means a period of one year beginning with and including a person's first day of training;".

(3) In regulation 14(1) (circumstances in which a person is to be treated as available) for sub-paragraph (u)(**12**) substitute—

"(u) if he is a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations, either—

(i) if he is engaged in his first year of training, for a maximum of 43 days in that year; or

(ii) if he is engaged in annual continuous training, for a maximum of 15 days in any calendar year.".

(4) In regulation 19(1) (circumstances in which a person is to be treated as actively seeking employment) for sub-paragraph (x)(**13**) substitute—

"(x) in any week during which he is engaged for not less than 3 days in training as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations, either—

(i) if he is engaged in his first year of training, for a maximum of 43 days in that year; or

(ii) if he is engaged in annual continuous training, for a maximum of 15 days in any calendar year.".

(5) In regulation 94 (calculation of earnings derived from employed earner's employment and income other than earnings) for paragraph (2B)(**14**) substitute—

"(2B) Earnings derived by a claimant as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations in respect of a period of annual continuous training for a maximum of 15 days in any calendar year or in respect of training in the claimant's first year of training as a member of a reserve force for a maximum of 43 days in that year, whether paid to the claimant alone or together with other earnings derived from the same source, are to be taken into account—

(a) in the case of a period of training which lasts for the number of days listed in column 1 of the Table, over a period of time which is equal to the number of days set out in the corresponding row in column 2 of that Table; or

(b) in any other case, over a period which is equal to the duration of the training period.

Table

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(**12**) Sub-paragraph (u) was added by regulation 2(3) of S.R. 2012 No. 284
(**13**) Sub-paragraph (x) was added by regulation 2(4) of S.R. 2012 No. 284
(**14**) Paragraph (2B) was inserted by regulation 2(6) of S.R. 2012 No. 284 and amended by regulation 3(3) of S.R. 2012 No. 377