STATUTORY RULES OF NORTHERN IRELAND

2012 No. 377

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2012

Made - - - -	*15th October 2012*
Coming into operation	*5th November 2012*

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), 171(3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 [F1], Articles 14(1) to (3) and 36(2) of, and paragraph 11(2) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995 [F2], and now vested in it [F3], and sections 17(1), (2) and (3)(b), 25(2) and 28(2) of the Welfare Reform Act (Northern Ireland) 2007 [F4].

Annotations:

F1 1992 c. 7

F2 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)

F3 *See* Article 8(b) of S.R.
1999 No. 481

F4 2007 c. 2 (N.I.)

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2012 and shall come into operation on 5th November 2012.

(2) The Interpretation Act (Northern Ireland) 1954 [F5] shall apply to these Regulations as it applies to an Act of the Assembly.

Annotations:

F5 1954 c. 33 (N.I.)

Amendment of the Income Support Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987 [F6] are amended in accordance with paragraphs (2) to (4).

(2) In regulation (2)(1) [F7] (interpretation) after the definition of "the Contributions and Benefits Act" insert—

""the Contributions Regulations" means the Social Security (Contributions) Regulations 2001 [F8];".

(3) In regulation 29 [F9] (calculation of earnings derived from employed earner's employment and income other than earnings) after paragraph (2A) [F10] insert—

"(2B) Earnings derived by a claimant as a member of any territorial or 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, 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 exceeding 14 days, over a period of 14 days;

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

(2C) The period over which earnings to which paragraph (2B) applies are to be taken into account shall begin on the date on which the payment is treated as paid under regulation 31.".

(4) In Schedule 8 (sums to be disregarded in the calculation of earnings) for paragraph 15A [F11] substitute—

"**15A.**—(1) Where earnings to which sub-paragraph (2) applies (in aggregate with the claimant's other income (if any) calculated in accordance with this Part) exceed the applicable amount (as specified in Part IV and Schedule 2) less 10 pence, the amount of those earnings corresponding to that excess.

(2) This sub-paragraph applies to earnings, in so far as they exceed the amount disregarded under paragraph 7, derived by the claimant from employment as a member of any territorial or 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.".

Annotations:

F6 S.R. 1987 No. 459 ; relevant amending Regulations are S.R. 1988 No. 431 , S.R. 1990 No. 131 , S.R. 1993 No. 373 , S.R. 1996 No. 405 , S.R. 1997 No. 22 , S.R. 1998 No. 81 , S.R. 2000 No. 241

, S.R.
2006 No. 359
and S.R.
2008 No. 112

F7 The definition of "the Contributions and Benefits Act" was inserted by regulation 4(2)(a) of S.R.
1993 No. 373

F8 S.I
.
2001 No. 1004

F9 Regulation 29
was amended by regulation 6(a) of S.R.
1988 No. 431
,
regulation 10
of S.R.
1990 No. 131
,
regulation 5(1)
of S.R.
1997 No. 22
,
regulation 2(5)(a)
of S.R.
2008 No. 112
and in other ways that are not relevant to these Regulations

F10 Paragraph (2A) was inserted by regulation 5(1)(b) of S.R.
1997 No. 22
and amended by regulation 8 of S.R.
1998 No. 81
and regulation 3(5) and the Schedule to, S.R.
2000 No. 241

F11 Paragraph 15A
was inserted by regulation 5(11)(c) of S.R.
1996 No. 405
and amended by regulation 5(8) of S.R.
2006 No. 359

Amendment of the Jobseeker's Allowance Regulations

3.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996 [F12] are amended in accordance with paragraphs (2) and (3).

(2) In regulation 50 (persons temporarily absent from Northern Ireland) after paragraph (6C) [F13] insert—

"(6D) For the purposes of the Order, a person shall be treated as being in Northern Ireland during any period of temporary absence from Northern Ireland not exceeding 15 days where—

(a) the absence is for the purpose of taking part in annual continuous training as a member of any territorial or reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations; and

(b) the person or the person's partner was entitled to a jobseeker's allowance immediately before the period of absence began.".