STATUTORY RULES OF NORTHERN IRELAND

2012 No. 284

SOCIAL SECURITY

The Jobseeker's Allowance (Members of the Reserve Forces) Regulations (Northern Ireland) 2012

Made - - - -	*9th July 2012*
Coming into operation	*30th July 2012*

Approved by resolution of the Assembly on 3rd December 2012

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 8(4), 9(4), 10(2)(d), 14(1) to (3) and (4)(b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**1**), and now vested in it(**2**).

Citation and commencement

1. These Regulations may be cited as the Jobseeker's Allowance (Members of the Reserve Forces) Regulations (Northern Ireland) 2012 and shall come into operation on 30th July 2012.

Amendment of the Jobseeker's Allowance Regulations

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

(2) In regulation 1(2)(**4**) (citation, commencement and interpretation) after the definition of "concessionary payment" insert—

> ""the Contributions Regulations" means the Social Security (Contributions) Regulations 2001(**5**);".

(3) In regulation 14(1) (circumstances in which a person is to be treated as available) after sub-paragraph (t)(**6**) add—

> "(u) if he is engaged in annual continuous training as a member of any territorial or reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations, for a maximum of 15 days in any calendar year.".

(**1**) 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)
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 503, S.R. 1997 No. 22, S.R. 1998 No. 81, S.R. 1999 No. 107, S.R. 2000 No. 350, S.R. 2006 No. 234, S.R. 2008 No. 478 and S.R. 2012 No. 155
(**4**) Regulation 1(2) has amendments not relevant to these Regulations
(**5**) S.I. 2001/1004
(**6**) Sub-paragraph (t) was added by regulation 11(5)(a) of S.R. 2008 No. 478

(4) In regulation 19(1) (circumstances in which a person is to be treated as actively seeking employment) after sub-paragraph (w)(**7**) add—

"(x) in any week during which he is engaged for not less than 3 days in annual continuous training as a member of any territorial or reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations, for a maximum of 15 days in any calendar year.".

(5) In regulation 30(c)(**8**) (circumstances in which a claimant is to be regarded as having good cause for failing to comply with a notification under regulation 23) for "(q) to (t)" substitute "(q) to (u)".

(6) In regulation 94 (calculation of earnings derived from employed earner's employment and income other than earnings) after paragraph (2A)(**9**) 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, or which is equal to the duration of the training period, or

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

(2C) The period referred to in paragraph (2B) over which earnings are to be taken into account shall begin on the date on which they are treated as paid under regulation 96.".

(7) In Schedule 5 (sums to be disregarded in the calculation of earnings) for paragraph 19(**10**) substitute—

"**19.**—(1) In the case of a contribution-based jobseeker's allowance, where by reason of earnings to which sub-paragraph (3) applies (in aggregate with the claimant's other earnings (if any) calculated in accordance with this Part) the claimant would (apart from this paragraph) have a personal rate of less than 10 pence, the amount of such earnings but only to the extent that that amount exceeds the claimant's personal rate less 10 pence.

(2) In the case of an income-based jobseeker's allowance, where earnings to which sub-paragraph (3) applies (in aggregate with the claimant's other income (if any) calculated in accordance with this Part) exceed the applicable amount less 10 pence, the amount of those earnings corresponding to that excess.

(3) This sub-paragraph applies to earnings, in so far as they exceed the amount disregarded under paragraph 9, 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.

(4) In sub-paragraph (1), "personal rate" means the rate for the claimant calculated as specified in Article 6(1) of the Order.".

(8) In Schedule 5A(**11**) (sums to be disregarded in the calculation of earnings of members of joint-claim couples) omit paragraph 5.

(**7**) Sub-paragraph (w) was added by regulation 2(3) of S.R. 2012 No. 155
(**8**) Regulation 30(c) was amended by regulation 2(4) of S.R. 1999 No. 107, regulation 3(5)(b) of S.R. 2006 No. 234 and regulation 11(8)(b) of S.R. 2008 No. 478
(**9**) Paragraph (2A) was inserted by regulation 5(2)(b) of S.R. 1997 No. 22 and amended by regulation 8 of S.R. 1998 No. 81
(**10**) Paragraph 19 was substituted by regulation 2(20) of S.R. 1996 No. 503
(**11**) Schedule 5A was inserted by paragraph 58 of Schedule 2 to S.R. 2000 No. 350