STATUTORY RULES OF NORTHERN IRELAND

2001 No. 120

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Joint Claims Amendments) Regulations (Northern Ireland) 2001

Made - - - -	*16th March 2001*
Coming into operation	*19th March 2001*

The Department for Social Development, in exercise of the powers conferred by Articles 3(2C), 6(5), 7(3) and 36(2) of, and paragraph 8A(1) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**1**), sections 22(5), 122(1)(*d*), 132(4)(*b*) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**), and Articles 9(1)(*c*), 11, 13(1)(*b*) and 74(1) and (3) of, and paragraph 9 of Schedule 3 to, the Social Security (Northern Ireland) Order 1998(**3**), sections 5(1)(*j*) and 165 (1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(**4**), and now vested in it(**5**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**6**) in so far as regulation 6 is concerned, by this statutory rule, which contains only regulations made by virtue of, or consequential upon, Article 56 of, and Schedule 7 to, the Welfare Reform and Pensions (Northern Ireland) Order 1999(**7**) and which is made before the end of the period of six months beginning with the coming into operation of those provisions(**8**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations shall be cited as the Social Security (Joint Claims Amendments) Regulations (Northern Ireland) 2001 and shall, subject to paragraph (2), come into operation on 19th March 2001.

(**1**) S.I. 1995/2705 (N.I. 15); Article 3(2C) and paragraph 8A of Schedule 1 were inserted by Article 56 of, and Schedule 7 to, the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))
(**2**) 1992 c. 7; section 22(5) was amended by paragraph 5 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995
(**3**) S.I. 1998/1506 (N. I. 10)
(**4**) 1992 c. 8
(**5**) *See* Article 8(*b*) of, and Part II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)
(**6**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); consent function transferred from the Department of the Environment for Northern Ireland to the Department of Finance and Personnel; *see* Article 6(*b*) of, and Part II of Schedule 4 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999
(**7**) S.I. 1999/3147 (N.I. 11)
(**8**) *See* section 150(5)(*b*) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(2) Regulation 2(1) to (4) and (6) and (7) of these Regulations shall come into operation immediately after the Jobseeker's Allowance (Joint Claims) Regulations (Northern Ireland) 2000(**9**).

(3) The Interpretation Act (Northern Ireland) 1954(**10**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Jobseeker's Allowance Regulations

2.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**11**) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 3A(1)(**12**) (prescribed description of a joint-claim couple for the purposes of Article 3(4) of the Order), after "where at least one member" there shall be inserted "is aged 18 or over and".

(3) In regulation 3D(1)(**13**) (further circumstances in which a joint-claim couple may be entitled to a joint-claim jobseeker's allowance), for sub-paragraph (*c*) there shall be substituted the following sub-paragraph—

"(c) the other member satisfies the condition in Article 3(2)(*e*) and (*h*) of the Order but is not required to satisfy the other conditions in Article 3(2B)(*b*)(**14**) of the Order because, subject to paragraph (3), he is a person to whom any paragraph in Schedule A1(**15**) applies, and".

(4) In regulation 3E(2)(**16**) (entitlement of a member of a joint-claim couple to a jobseeker's allowance without a claim being made jointly by the couple), in both sub-paragraphs (*g*) and (*k*), for "more than 16 hours" there shall be substituted "16 hours or more".

(5) At the end of regulation 47(4)(*b*)(ii)(**17**) (jobseeking period), there shall be added "or on which the claimant is a member of a joint-claim couple and a joint-claim jobseeker's allowance is not payable or is reduced because he is subject to sanctions by virtue of Article 22A(**18**) of the Order".

(6) In Schedule A1 (categories of members of a joint-claim couple who are not required to satisfy the conditions in Article 3(2B)(*b*) of the Order)—

(a) in the heading, for "Regulation 3D(1)(*c*)(iii)" there shall be substituted "Regulation 3D(1)(*c*)";

(b) for paragraph 2(1) and (2) there shall be substituted the following sub-paragraphs—

"**2.**—(1) A member—

(a) who, at the date of claim, is aged 16 or over but under 19 and is receiving full-time education for the purposes of section 138 of the Benefits Act (meaning of child);

(b) who, at the date of claim, is a full-time student, or

(c) to whom (*a*) or (*b*) does not apply but to whom sub-paragraph (1A) or (2) does apply.

(**9**) S.R. 2000 No. 350
(**10**) 1954 c. 33 (N.I.)
(**11**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 358 and S.R. 2000 No. 350
(**12**) Regulation 3A was inserted by regulation 2(2) of S.R. 2000 No. 350
(**13**) Regulation 3D was inserted by regulation 2(2) of S.R. 2000 No. 350
(**14**) Article 3(2B) was inserted by Article 56 of, and paragraph 3(3) of Schedule 7 to, the Welfare Reform and Pensions (Northern Ireland) Order 1999
(**15**) Schedule A1 was inserted by regulation 2(4) of, and Schedule 1 to, S.R. 2000 No. 350
(**16**) Regulation 3E was inserted by regulation 2(2) of S.R. 2000 No. 350
(**17**) Sub-paragraph (*b*) was substituted by regulation 14(3) of S.R. 1996 No. 358
(**18**) Article 22A was inserted by Article 56 of, and paragraph 14 of Schedule 7 to, the Welfare Reform and Pensions (Northern Ireland) Order 1999

(1A) This sub-paragraph applies to a member who—

(a) as at the date of claim—

(i) had applied to an educational establishment to commence a full-time course of study commencing from the beginning of the next academic term or, as the case may be, the next academic year after the date of claim and that application has not been rejected, or

(ii) had been allocated a place on a full-time course of study commencing from the beginning of the next academic term or, as the case may be, the next academic year, and

(b) is either—

(i) aged 16 or over but under 19 and is receiving full-time education for the purposes of section 138 of the Benefits Act, or

(ii) a full-time student.

(2) This sub-paragraph applies to a member who has applied to an educational establishment to commence a full-time course of study (other than a course of study beyond a first degree course or a comparable course)—

(a) within one month of—

(i) the last day of a previous course of study, or

(ii) the day on which the member received examination results relating to a previous course of study, and

(b) who is either—

(i) aged 16 or over but under 19 and is receiving full-time education for the purposes of section 138 of the Benefits Act, or

(ii) a full-time student.".

(7) In the first column of paragraph 20M(4)(i) of Schedule 1(**19**) (applicable amounts), for "20I(3)" there shall be substituted "20I(4)".

Amendment of the Social Security (Credits) Regulations

3. In regulation 8A(5) of the Social Security (Credits) Regulations (Northern Ireland) 1975(**20**) (credits for unemployment)—

(a) after sub-paragraph (*c*) there shall be inserted the following sub-paragraph—

"(cc) a week in respect of which a joint-claim jobseeker's allowance was not payable or was reduced pursuant to Article 22A of that Order (denial or reduction of joint-claim jobseeker's allowance) because the person was subject to sanctions for the purposes of that Article, even though the couple of which he was a member satisfied the conditions for entitlement to that allowance;";

(b) after sub-paragraph (*d*) there shall be inserted the following sub-paragraph—

"(dd) a week in respect of which a joint-claim jobseeker's allowance was payable in respect of a joint-claim couple of which the person is a member only by virtue

(**19**) Paragraph 20M was inserted by regulation 2(5) of, and paragraph 53(4) of Schedule 2 to, S.R. 2000 No. 350

(**20**) S.R. 1975 No. 113; regulation 8A was inserted by regulation 2(6) of S.R. 1996 No. 430