STATUTORY RULES OF NORTHERN IRELAND

# 2000 No. 365

# HOUSING; RATES; SOCIAL SECURITY

## The Social Security (Joint Claims: Consequential Amendments) Regulations (Northern Ireland) 2000

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| *Made - - - -* | *20th November 2000* |
| *Coming into operation* | *19th March 2001* |

The Department for Social Development, in exercise of the powers conferred on it by sections 5(1)(*a*), (*b*), (*c*) and (*q*) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(**1**), sections 122(1)(*d*) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**) and sections 10(1), 11(3) and (6) and 74(1) of the Social Security (Northern Ireland) Order 1998(**3**) and now vested in it(**4**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**5**) in so far as regulation 3 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation should not be referred to it(**6**), hereby makes the following Regulations:

### Citation, commencement and interpretation

**1.**—(1) These Regulations may be cited as the Social Security (Joint Claims: Consequential Amendments) Regulations (Northern Ireland) 2000 and shall come into operation on 19th March 2001.

(2) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) 1992 c. 8
(**2**) 1992 c. 7
(**3**) S.I. 1998/1506 (N.I. 10)
(**4**) *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)
(**5**) *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 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
(**6**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992
(**7**) 1954 c. 33 (N.I.)

**Amendment of the Social Security (Claims and Payments) Regulations**

**2.**—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**8**) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation)—

(a) after the definition of "claim for benefit" there shall be inserted the following definition—

> ""employment officer" means an officer of the Department, an officer of any other Department, or such other person as may be designated for the purposes of Article 10(1) of the Jobseekers (Northern Ireland) Order 1995 by an order made by the Department;";

(b) after the definition of "the Jobseeker's Allowance Regulations"(**9**) there shall be inserted the following definition—

> ""joint-claim couple" and "joint-claim jobseeker's allowance" have the same meaning in these Regulations as they have in the Jobseekers Order by virtue of Article 2(2) of that Order(**10**);".

(3) In regulation 4 (making a claim for benefit)—

(a) in paragraph (1B)(**11**)—

(i) at the beginning of sub-paragraph (*a*) there shall be inserted "subject to paragraph (1BA),";

(ii) in sub-paragraph (*e*), after "making the claim" there shall be inserted "or, in the case of a claim for a jobseeker's allowance by a joint-claim couple, either member of that couple,";

(b) after paragraph (1B) there shall be inserted the following paragraph—

> "(1BA) In the case of a joint-claim couple, claiming a jobseeker's allowance jointly, paragraph (1B)(*a*) shall not apply to the extent that it is reasonably practicable for a member of a joint-claim couple to whom that paragraph applies to obtain assistance from the other member of that couple.";

(c) in paragraph (3B)(**12**), for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

> "(b) where there is no entitlement to a contribution-based jobseeker's allowance on a claim made—
>
> (i) by a member of a joint-claim couple, and he subsequently claims a joint-claim jobseeker's allowance with the other member of that couple, the claim made by the couple shall be treated as having been made on the date on which the member of that couple made the claim for a jobseeker's allowance in respect of which there was no entitlement to contribution-based jobseeker's allowance;
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> (ii) by one partner and the other partner wishes to claim income-based jobseeker's allowance, the claim made by that other partner shall be treated as having been made on the date on which the first partner made his claim;";

(**8**) S.R. 1987 No. 465; relevant amending Regulations are S.R. 1988 No. 141, S.R. 1996 No. 354 and S.R. 1997 Nos. 156 and 417
(**9**) Definition inserted by regulation 2(2)(*c*) of S.R. 1996 No. 354
(**10**) Article 2(2) was amended by paragraph 2 of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I.11))
(**11**) Paragraph (1B) was inserted by regulation 3(3)(*b*) of S.R. 1997 No. 156
(**12**) Paragraph (3B) was inserted by regulation 2(4)(*a*) of S.R. 1996 No. 354

(d) in paragraph (5)(**13**), after "he" there shall be inserted ", or if he is a member of a joint-claim couple, either member of that couple";

(e) in paragraph 6(*a*)(**14**), for "notice under regulation 23" there shall be substituted "notification under regulation 23 or 23A(**15**)";

(f) for paragraph (7A)(**16**), there shall be substituted the following paragraphs—

"(7A) In the case of a claim for income support, if a defective claim is received, the Department shall advise the person making the claim of the defect and of the relevant provisions of regulation 6(1A)(**17**) relating to the date of claim.

(7B) In the case of a claim for a jobseeker's allowance, if a defective claim is received, the Department shall advise—

(a) in the case of a claim made by a joint-claim couple, each member of the couple of the defect and of the relevant provisions of regulation 6(4ZA)(**18**) relating to the date of the claim;

(b) in any other case, the person making the claim of the defect and of the relevant provisions of regulation 6(4A)(**19**) relating to the date of claim.".

(4) In regulation 6 (date of claim)—

(a) after paragraph (4)(**20**) there shall be inserted the following paragraphs—

"(4ZA) Where a member of a joint-claim couple notifies the employment officer (by whatever means) that he wishes to claim a jobseeker's allowance jointly with the other member of that couple, the claim shall be treated as made on the relevant date specified in accordance with paragraphs (4ZB) to (4ZD).

(4ZB) Where each member of a joint-claim couple is required to attend under regulation 4(6)(*a*)—

(a) if each member subsequently attends for the purpose of jointly claiming a jobseeker's allowance at the time and place specified by the employment officer and complies with the requirements of paragraph (4AA)(*a*)(**21**), the claim shall be treated as made on whichever is the later of the first notification of intention to make that claim and the first day in respect of which the claim is made;

(b) if, without good cause, either member fails to attend for the purpose of jointly claiming a jobseeker's allowance at either the time or place so specified or does not comply with the requirements of paragraph (4AA)(*a*), the claim shall be treated as made on the first day on which a member of the couple attends at the specified place and complies with the requirements of paragraph (4AA)(*a*).

(4ZC) Where only one member of the couple is required to attend under regulation 4(6)(*a*)—

(a) subject to sub-paragraphs (*b*) and (*c*), the date on which the claim is made shall be the date on which a properly completed claim is received in an appropriate office or the first day in respect of which the claim is made, if

(**13**) Paragraph (5) was substituted by regulation 3(3)(*c*) of S.R. 1997 No. 156
(**14**) Paragraph (6) was substituted by regulation 2(4)(*b*) of S.R. 1996 No. 354
(**15**) Regulation 23A was inserted by paragraph 2 of Schedule 2 to S.R. 2000 No. 350
(**16**) Paragraph (7A) was inserted by regulation 3(3)(*e*) of S.R. 1997 No. 156
(**17**) Paragraph (1A) was inserted by regulation 3(4)(*b*) of S.R. 1997 No. 156
(**18**) Paragraph (4ZA) is inserted by regulation 2(4) of these Regulations
(**19**) Paragraph (4A) was inserted by regulation 3(4)(*d*) of S.R. 1997 No. 156
(**20**) Paragraph (4) was inserted by regulation 2(*c*) of S.R. 1988 No. 141
(**21**) Paragraph (4AA) was substituted by regulation 3(4)(*d*) of S.R. 1997 No. 156