STATUTORY RULES OF NORTHERN IRELAND

2000 No. 350

SOCIAL SECURITY

The Jobseeker's Allowance (Joint Claims) Regulations (Northern Ireland) 2000

Made - - - - 17th November 2000

Coming into operation 19th March 2001

The Department for Social Development, in exercise of the powers conferred by Articles 3(2C), (2D) and (4), 5(1)(*f*)(iii) and (2), 5A(1)(*e*)(ii), 6(5), 10(1A)(*a*) to (*c*) and (2), 11(1) and (10), 14(1), (2) and (4)(*a*) and (*b*), 15(2A), 19(1A), 21(8) and (10), 22(3), (4), (6) and (8), 22A(3), (5)(*b*), (6) and (8), 22B(3) to (8) and 36(2) of, and paragraphs 1, 4, 5 and 8A(1) and (2), 9, 9A to 9D and 10(1) to (4), 11(2), 12 and 15 of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**1**), sections 167D and 171(3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**) and Articles 69(1) and 73(4) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**3**), and now vested in it(**4**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations shall be cited as the Jobseeker's Allowance (Joint Claims) Regulations (Northern Ireland) 2000 and shall come into operation on 19th March 2001.

(2) In these Regulations, "the principal Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**5**).

(3) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) S.I.1995/2705 (N.I. 15); Articles 3(2C) and (2D), 5A, 10(1A), 15(2A), 19(1A), 22A, 22B, and paragraphs 8A and 9A to 9D of Schedule 1 were inserted, and Article 3(4) and paragraph 10 of Schedule 1 were amended, by Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(**2**) 1992 c. 7; section 167D was inserted by Article 8(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))

(**3**) S.I. 1999/3147 (N.I. 11)

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

(**5**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 Nos. 356, and 358, S.R. 1997 Nos. 22, 165, 435 and 541, S.R. 1998 Nos. 2, 182, 198 and 326, S.R. 1999 Nos. 391 and 428 and S.R. 2000 No. 9

(**6**) 1954 c. 33 (N.I.)

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) After Part I there shall be inserted the following Part—

"Part IA

Joint-Claim Couples

Prescribed description of a joint-claim couple for the purposes of Article 3(4)

3A.—(1) For the purposes of Article 3(4) of the Order (entitlement), a joint-claim couple shall include any joint-claim couple within the meaning given in Article 3(4) of the Order where at least one member was born after 19th March 1976, unless a member of the couple is treated as responsible for a child or young person under regulation 77(3) (circumstances in which a person is to be treated as responsible or not responsible for another), or the couple has care of a child or young person in one or more of the circumstances mentioned in regulation 78(4)(**7**) (circumstances in which a person is to be treated as being or not being a member of the household), or a child or young person is living with either member of the couple in the circumstances mentioned in regulation 78(8).

(2) In a case where a person would (but for these Regulations) be a member of more than one joint-claim couple, a joint-claim couple means the couple of which he is a member which that person nominates (or in default of such nomination, which the Department nominates), to the exclusion of any other couple of which he is a member.

Entitlement of a former joint-claim couple to a jobseeker's allowance

3B.—(1) Where a joint-claim couple cease to be a joint-claim couple because they become, or are treated as, responsible for one or more children—

(a) any claim made by both members of that couple for a jobseeker's allowance may be treated as a claim for a jobseeker's allowance made by either member of that couple;

(b) any award of a joint-claim jobseeker's allowance in respect of that couple may be terminated and may be replaced by a replacement award,

where the conditions specified in paragraph (2) have been complied with.

(2) The conditions specified in this paragraph are that a member of the couple—

(a) provides such evidence as the Department may require confirming that the couple are responsible for one or more children, and

(b) advises the Department as to which member of the couple is to be the claimant.

(3) The claim by a member of the couple for a jobseeker's allowance referred to in paragraph (1)(*a*) shall be treated as made on the date on which he and his partner were treated as having claimed a jobseeker's allowance as a joint-claim couple as determined in accordance with regulation 6 of the Claims and Payments Regulations(**8**).

(**7**) Regulation 78(4)(*a*) and (*b*) was substituted by regulation 8(4)(*a*) of S.R. 1998 No. 2

(**8**) Regulation 6 was amended by S.R. 1988 No. 141, S.R. 1989 No. 398, S.R. 1990 No. 137, S.R. 1992 No. 7 and S.R. 1997 No. 156

(4) In this regulation, "replacement award" shall have the meaning ascribed to it by paragraph 9A(**9**) of Schedule 1 to the Order (continuity of claims and awards: persons ceasing to be a joint-claim couple).

Entitlement of a new joint-claim couple to a jobseeker's allowance

3C.—(1) Paragraph (2) shall apply where a couple become a joint-claim couple because the child, or all the children, for which they were responsible have—

(a) died;

(b) ceased to be a child or children for whom they are responsible, or

(c) reached the age of 16 and are no longer receiving full-time education for the purposes of section 138 of the Benefits Act.

(2) In a case to which this paragraph applies—

(a) any claim made by either member of that couple for a jobseeker's allowance may be treated as a claim made by both members of the couple;

(b) any award of an income-based jobseeker's allowance, or a replacement award, in respect of either member of that couple may be terminated and may be replaced by a new award in respect of the couple,

where the conditions specified in paragraph (3) have been complied with.

(3) The conditions specified in this paragraph are that the Department—

(a) has sufficient evidence to decide whether a new award should be made, and

(b) is informed as to which member of the couple is to be the nominated member for the purposes of Article 5B(**10**) of the Order (joint-claim couples: the nominated member).

(4) The claim by both members of the joint-claim couple for a jobseeker's allowance referred to in paragraph (2)(*a*) shall be treated as made on the date on which the claim by a member of that couple was treated as made in accordance with regulation 6 of the Claims and Payments Regulations.

(5) For the purposes of paragraphs 6 and 7 of Schedule 2 (housing costs), any award of an income-based jobseeker's allowance which related to the day before the day on which the relevant event specified in paragraph (1) occurred and any new award referred to in paragraph (2)(*b*) shall be treated as a continuous award of an income-based jobseeker's allowance.

(6) In this regulation, "new award" shall have the meaning ascribed to it by paragraph 9C(**11**) of Schedule 1 to the Order (continuity of claims and awards: couple becoming a joint-claim couple).

(7) In this regulation, "replacement award" shall have the meaning ascribed to it by paragraph 9A of Schedule 1 to the Order (continuity of claims and awards: persons ceasing to be a joint-claim couple).

(**9**) Paragraph 9A was inserted by paragraph 16(4) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

(**10**) Article 5B was inserted by paragraph 5(2) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

(**11**) Paragraph 9C was inserted by paragraph 16(4) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

Further circumstances in which a joint-claim couple may be entitled to a joint-claim jobseeker's allowance

3D.—(1) Subject to paragraph (2), a joint-claim couple are entitled to a joint-claim jobseeker's allowance where—

(a) the members of that couple claim a jobseeker's allowance jointly;

(b) one member satisfies the conditions set out in Article 3(2)(*a*) to (*c*) and (*e*) to (*i*) of the Order (entitlement), and

(c) the other member—

(i) does not satisfy the conditions set out in Article 3(2)(*a*) to (*c*) of the Order;

(ii) satisfies the conditions set out in Article 3(2)(*e*) and (*h*) of the Order, and

(iii) subject to paragraph (3), is a person to whom any paragraph of Schedule A1(**12**) applies, and

(d) the conditions set out in Article 5A(**13**) of the Order (the conditions for claims by joint-claim couples) are satisfied in relation to the couple.

(2) A member of a joint-claim couple who falls within any paragraph in Schedule A1 for the purposes of this regulation for any day in a benefit week shall fall within that category for the whole of that week.

(3) Subject to paragraph (4), paragraph 2 of Schedule A1 (students) may only apply to a member of a joint-claim couple in respect of one claim for a jobseeker's allowance made jointly by that couple in respect of a jobseeking period applying to the other member of that couple.

(4) Notwithstanding paragraph (3), paragraph 2 of Schedule A1 may apply to a member of a joint-claim couple in respect of a further claim for a jobseeker's allowance made jointly by the couple where the couple's previous entitlement to a joint-claim jobseeker's allowance ceased because one member of the couple—

(a) was engaged in remunerative work;

(b) had been summoned to jury service, or

(c) was within a linked period as prescribed in regulation 48(2)(**14**) (linking periods).

Entitlement of a member of a joint-claim couple to a jobseeker's allowance without a claim being made jointly by the couple

3E.—(1) A member of a joint-claim couple is entitled to a jobseeker's allowance if, without making a claim jointly for that allowance with the other member of the couple—

(a) he satisfies the conditions set out in Article 3(2)(*a*) to (*c*) and (*e*) to (*i*) of the Order;

(b) he satisfies the conditions set out in Article 5 of the Order (the income-based conditions), and

(c) the other member of that couple fails to meet the conditions of entitlement set out in Article 3(2B)(*b*)(**15**) of the Order (entitlement to jobseeker's allowance) and is a person to whom paragraph (2) applies.

(2) This paragraph applies to a member of a joint-claim—

(a) who has failed to attend at the time and place specified by an employment officer for the purposes of regulation 6 of the Claims and Payments Regulations;

(**12**) (**b**Schedule A1 is inserted by regulation 2(4) of these Regulations
(**13**) Article 5A was inserted by paragraph 5(2) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999
(**14**) Regulation 48(2) was amended by S.R. 1996 No. 503 and S.R. 1997 No. 541
(**15**) Article 3(2B) was inserted by paragraph 3(3) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

(b) in respect of whom it has been determined by the Department that the conditions in Article 3(2)(*a*) to (*c*) of the Order have not been satisfied but only for so long as it has been so determined in respect of that member;

(c) who is temporarily absent from Northern Ireland;

(d) who is a person from abroad as defined for the purposes of regulation 85 and Schedule 4;

(e) who is subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act(**16**);

(f) who is over pensionable age;

(g) who is engaged, or has agreed to be engaged, in remunerative work for more than 16 hours per week but less than 24 hours per week;

(h) who has claimed a maternity allowance payable in accordance with section 35 of the Benefits Act or who has claimed statutory maternity pay payable in accordance with Part XII of that Act;

(i) who is or has been pregnant and to whom sub-paragraph (h) does not apply but only for the period commencing 11 weeks before the expected week of confinement and ending 7 weeks after the date on which the pregnancy ends;

(j) in respect of whom there is an order under section 155 of the Administration Act(**17**) (reciprocal agreements with countries outside the United Kingdom) giving effect to a reciprocal agreement which, for the purposes of jobseeker's allowance, has effect as if a payment made by another country is to be treated as a payment of a jobseeker's allowance, or

(k) who is in receipt of statutory sick pay and who, immediately before he became incapable of work, was engaged in remunerative work for more than 16 hours per week.

Transitional case couples: prescribed circumstances and period for the purposes of paragraph 8A(2) of Schedule 1 to the Order

3F. A transitional case couple shall be entitled to a joint-claim jobseeker's allowance without having made a claim for it jointly for the period beginning on, and including, the day on which Article 56 of, and Schedule 7 to, the Welfare Reform and Pensions (Northern Ireland) Order 1999 comes into operation(**18**) and ending on the day on which the member of the transitional case couple who was not entitled to an income-based jobseeker's allowance on the coming into operation of that Schedule is required to attend at a place specified by an employment officer in a notification given or sent to that member.

Supply of information

3G. Where a claim for a jobseeker's allowance has been made jointly by a joint-claim couple, information relating to that claim may be supplied by the Department to either or both members of that couple for any purpose connected with that claim.".

(3) After Part IX (hardship) there shall be inserted the following Part—

(**16**) 1999 c. 33
(**17**) 1992 c. 8
(**18**) Article 56 and Schedule 7 comes into operation on 19th March 2001