STATUTORY RULES OF NORTHERN IRELAND

1997 No. 130

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1997

Made - - - -	*6th March 1997*
Coming into operation—	
for the purposes of regulations 1, 2 and 6	*21st March 1997*
for the purposes of regulation 8	*6th April 1997*
for all other purposes	*7th April 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Articles 2(2), 6(1)(*b*) and (5), 14(1), (2) and (4)(*b*), 21(8)(*b*)(i), 28(4)(*i*) and (*l*), 36(1) and (2) and 39 of, and paragraph 1(1) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**1**), sections 122(1)(*a*), 132(3) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**), sections 59 and 165(1) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**3**) and Articles 4 and 19(1) of the Child Support (Northern Ireland) Order 1995(**4**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1997 and shall come into operation—

(a) for the purposes of this regulation and of regulations 2 and 6, on 21st March 1997;

(b) for the purposes of regulation 8, on 6th April 1997, and

(c) for all other purposes, on 7th April 1997.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to a Measure of the Assembly.

(**1**) S.I. 1995/2705 (N.I. 15)
(**2**) 1992 c. 7
(**3**) 1992 c. 8
(**4**) S.I. 1995/2702 (N.I. 13)
(**5**) 1954 c. 33 (N.I.)

Amendment of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations

2. In section 35(9) of the National Insurance Act (Northern Ireland) 1966(**6**), as continued in force by regulation 2(3) of, and Schedule 1 to, the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978(**7**) for "regulation 9(5) of the Jobseeker's Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996" there shall be substituted "regulation 10(6) of the Jobseeker's Allowance (Transitional Provisions) (No. 2) Regulations (Northern Ireland) 1996(**8**)".

Amendment of the Social Security (General Benefit) Regulations

3. In regulation 9 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(**9**) (payment of benefit and suspension of payments pending a decision on appeals or references, arrears and repayments) paragraphs (5), (6) and (6A) shall be omitted.

Amendment of the Income Support (General) Regulations

4. In regulation 35 of the Income Support (General) Regulations (Northern Ireland) 1987(**10**) (earnings of employed earners)—

(a) in paragraph (2)(**11**) after sub-paragraph (*d*) there shall be added the following sub-paragraph—

"(e) any lump sum payment made under the Iron and Steel Employees Re-adaptation Benefits Scheme(**12**);"

(b) in paragraph (3)(*a*)(ii)(**13**) for "(*d*)" there shall be substituted "(*e*)".

Amendment of the Jobseeker's Allowance Regulations

5.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**14**) shall be amended in accordance with paragraphs (2) to (12).

(2) In regulation 1(2) (interpretation), in the definition of "week"(**15**) after "in" there shall be inserted "the definition of "full-time student" and".

(3) In regulation 51(1)(**16**) (remunerative work) for "work is work" there shall be substituted " "work" is work".

(4) In regulation 72 (good cause for the purposes of Article 21(5)(*a*) and (6)(*c*) and (*d*) of the Order)—

(a) in paragraph (5) sub-paragraph (*c*) shall be omitted;

(b) after paragraph (5) there shall be inserted the following paragraph—

"(5A) A person is to be regarded as having good cause for any act or omission for the purposes of Article 21(6)(*c*) and (*d*) of the Order if—

(**6**) 1966 c. 6 (N.I.)
(**7**) S.R. 1978 No. 105; relevant amending Regulations are S.R. 1989 No. 373 and S.R. 1996 No. 289
(**8**) S.R. 1996 No. 518
(**9**) S.R. 1984 No. 92; relevant amending Regulations are S.R. 1984 No. 299
(**10**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1989 No. 365, S.R. 1993 Nos. 311 and 373 and S.R. 1996 No. 11
(**11**) Paragraph (2) was amended by regulation 4(11) of S.R. 1993 No. 373
(**12**) The Scheme is set out in regulation 4 of, and the Schedule to, the European Communities (Iron and Steel Employees Re-adaptation Benefits Scheme) (No. 2) (Amendment) Regulations 1996 (S.I. 1996/3182)
(**13**) Paragraph (3) was inserted by regulation 11(*b*) of S.R. 1989 No. 365
(**14**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 Nos. 356 and 358 and S.R. 1997 No. 22
(**15**) The definition was amended by regulation 2(3) of S.R. 1996 No. 358
(**16**) Paragraph (1) was amended by regulation 7(*a*) of S.R. 1996 No. 356

(a) in a case where it has been agreed that the claimant may restrict his hours of availability to less than 24 hours a week, the employment in question is for less than 16 hours a week, or

(b) in a case not falling within sub-paragraph (*a*), the employment is for less than 24 hours a week.".

(5) In regulation 75 (interpretation for the purposes of Article 21 of the Order and Part V)—

(a) in paragraph (2) after "regulation 69 (prescribed period)" there shall be inserted "and the first occasion on which the word occurs in regulation 72(5A)(*a*)(**17**)";

(b) in paragraph (3) for "and regulation 69" there shall be substituted ", regulation 69 and the first occasion on which the word occurs in regulation 72(5A)(*a*)".

(6) In regulation 80(1) (deductions in respect of earnings) for "week" there shall be substituted "benefit week".

(7) In regulation 81(2)(**18**) (payments by way of pensions) for sub-paragraph (*c*) there shall be substituted the following sub-paragraph—

"(c) any payments from a personal pension scheme, an occupational pension scheme or a public service pension scheme which are payable to him and which arose in accordance with the terms of such a scheme on the death of a person who was a member of the scheme in question.".

(8) In regulation 85(1) (applicable amounts in special cases) for "capital if calculated" there shall be substituted "capital, if calculated".

(9) In regulation 97(1)(**19**) (calculation of weekly amount of income) for "(6)" there shall be substituted "(7)".

(10) In regulation 98(2)(**20**) (earnings of employed earners) after sub-paragraph (*f*) there shall be added the following sub-paragraph—

"(g) any lump sum payment made under the Iron and Steel Employees Re-adaptation Benefits Scheme".

(11) In regulation 103(5) (calculation of income other than earnings) for "week" there shall be substituted "benefit week".

(12) In paragraph 38 of Schedule 6 (disregard of sums in the calculation of income other than earnings) for "week" there shall be substituted "benefit week".

Amendment of the Jobseeker's Allowance (Transitional Provisions) (No. 2) Regulations

6.—(1) The Jobseeker's Allowance (Transitional Provisions) (No. 2) Regulations (Northern Ireland) 1996(**21**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 8(6) (claims for entitlement to a jobseeker's allowance) after "applies" there shall be inserted "or 156 days in a case to which paragraph (5) applies".

(3) In regulation 9(3)(*b*) (further provisions applying to a continuing entitlement to a jobseeker's allowance)—

(a) at the end of head (i) there shall be inserted "or";

(b) in head (ii) after "that day" there shall be inserted "is after the last day of the transitionally protected period and";

(**17**) Paragraph (5A) is inserted by regulation 5(4)(*b*) of these Regulations
(**18**) Paragraph (2) was amended by regulation 19(4) of S.R. 1996 No. 358
(**19**) Regulation 97 was amended by regulation 6(2) of S.R. 1997 No. 22
(**20**) Regulation 98 was amended by regulation 22 of S.R. 1996 No. 358
(**21**) S.R. 1996 No. 518

(c) at the end of head (ii) ", or" shall be omitted;

(d) head (iii) shall be omitted.

(4) In regulation 10(7) (transitionally protected period) after "paragraph 1 of" there shall be inserted "Part I of".

Amendment of the Social Security (Back to Work Bonus) (No. 2) Regulations

7.—(1) The Social Security (Back to Work Bonus) (No. 2) Regulations (Northern Ireland) 1996(**22**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 18(3) (death) after "regulation 6 (waiting period)" there shall be inserted "where that partner becomes entitled to a qualifying benefit no more than 12 weeks after the date of death".

(3) In regulation 19(6) (trade disputes) for "the partner's earnings" there shall be substituted "that partner's or that person's earnings".

Amendment of the Social Security (Child Maintenance Bonus) Regulations

8.—(1) The Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996(**23**) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (2) in the definition of "child maintenance", in paragraph (*b*) for "to a parent with care" there shall be substituted "to a person with care", and

(b) in paragraph (7) after "these Regulations" there shall be inserted "other than regulation 4 (bonus period)".

(3) In regulation 3 (entitlement to a bonus) after paragraph (1) there shall be inserted the following paragraph—

"(1A) In the case of an applicant who satisfies the requirements of paragraph (1)(*f*) but whose entitlement, or whose partner's entitlement, to a qualifying benefit ceased otherwise than as a result of satisfying the work condition, for sub-paragraph (*d*) of paragraph (1) there shall be substituted the following sub-paragraph—

"(d) had the work condition been satisfied on the day he, or his partner, was last entitled to a qualifying benefit, that entitlement would as a consequence have ceased;"."

(4) In regulation 4 (bonus period)—

(a) in paragraph (1) after "7th April 1997" there shall be inserted ", other than days to which paragraph (9) applies," and in sub-paragraph (*c*) for head (i) there shall be substituted the following head—

"(i) taken into account in determining, for the purposes of the qualifying benefit, the amount of the claimant's income;";

(b) in paragraph (3)(*b*) head (i) shall be omitted;

(c) in paragraph (7) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(b) on the date of death of a person with care of a qualifying child to whom child maintenance is payable.", and

(d) after paragraph (7) there shall be added the following paragraphs—

(**22**) S.R. 1996 No. 519
(**23**) S.R. 1996 No. 622