STATUTORY RULES OF NORTHERN IRELAND

1996 No. 518

SOCIAL SECURITY

The Jobseeker's Allowance (Transitional Provisions) (No. 2) Regulations (Northern Ireland) 1996

Made - - - -	*4th November 1996*
Coming into operation	*16th December 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 36 and 39 of the Jobseekers (Northern Ireland) Order 1995(**1**) 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 Jobseeker's Allowance (Transitional Provisions) (No. 2) Regulations (Northern Ireland) 1996 and shall come into operation on 16th December 1996.

(2) In these Regulations—

"the Order" means the Jobseekers (Northern Ireland) Order 1995;

"the Claims and Payments Regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**2**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**3**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**4**);

"the Unemployment Benefit Regulations" means the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(**5**);

"benefit week"—

(**1**) S.I.1995/2705 (N.I. 15)
(**2**) S.R. 1987 No. 465; relevant amending Regulations are S.R. 1992 Nos. 83 and 453
(**3**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 Nos. 146, 274, 318 and 431, S.R. 1989 Nos. 139, 249, 365 and 395, S.R. 1990 Nos. 131, 297 and 305, S.R. 1991 Nos. 46 and 338, S.R. 1992 No. 6, S.R. 1993 Nos. 149 and 218, S.R. 1994 Nos. 65, 327 and 474 and S.R. 1995 Nos. 67 and 367
(**4**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 358
(**5**) S.R. 1984 No. 245; relevant amending Regulations are S.R. 1986 No. 266, S.R. 1989 No. 437, S.R. 1990 Nos. 276 and 297, S.R. 1994 No. 65 and S.R. 1995 Nos. 150 and 341

(a) where the benefit is income support, has the meaning it has in the Income Support Regulations by virtue of regulation 2(1) of those Regulations(**6**) (interpretation);

(b) where the benefit is unemployment benefit, means a period of 7 days ending on the day corresponding to the particular day specified in a written notice last given to the claimant by the Department for the purpose of claiming unemployment benefit;

(c) where the benefit is a jobseeker's allowance, has the same meaning it has in the Jobseeker's Allowance Regulations by virtue of regulation 1(2) of those Regulations(**7**);

"day of unemployment" means a day which would, for the purposes of section 25A of the Benefits Act(**8**) as in force on 6th October 1996, be treated as a day of unemployment;

"jobseeking period" has the meaning specified in regulation 2;

"period of interruption of employment" in relation to unemployment benefit has the same meaning in these Regulations as it had in the Benefits Act by virtue of section 25A of that Act as in force on 6th October 1996;

"the relevant day" means—

(a) in relation to income support, 6th October 1996, and

(b) in relation to unemployment benefit—

(i) except in a case to which sub-paragraph (ii) applies, 5th October 1996, or

(ii) where in any particular case 6th October 1996 is a day of unemployment, that day;

"training" means training for which a training allowance is payable;

"training allowance" means an allowance (whether by way of periodical grants or otherwise) payable—

(a) out of public funds by a government department or by or on behalf of the Department of Economic Development;

(b) to a person for his maintenance or in respect of a member of his family, and

(c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, a government department or approved by such department in relation to him or so provided or approved by or on behalf of the Department of Economic Development,

but it does not include an allowance paid by any government department to, or in respect of, a person by reason of the fact that he is following a course of full-time education, other than under provision or arrangements under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(**9**) or section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**10**), or is training as a teacher;

"transitionally protected period" means the period specified in regulation 10.

(3) For the avoidance of doubt, a person complies with any requirement or provision of these Regulations if he is treated as complying with that requirement or provision.

(**6**) The definition of "benefit week" was amended by regulation 2(*a*) of S.R. 1988 No. 318
(**7**) The definition of "benefit week" was amended by regulation 2(2) of S.R. 1996 No. 358
(**8**) Section 25A was inserted by paragraph 5 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))
(**9**) 1945 c. 6 (N.I.); sections 2 and 3 were amended by section 1 of the Disabled Persons (Employment) Act (Northern Ireland) 1960 (c. 4 (N.I.)) and Schedule 18 to the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3))
(**10**) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10))

Jobseeking period

2.—(1) For the purposes of these Regulations, but subject to paragraphs (2) to (4), the "jobseeking period" means any period throughout which the claimant satisfies or is treated as satisfying the conditions specified in Article 3(2)(*a*) to (*c*) and (*e*) to (*i*) of the Order (conditions of entitlement to a jobseeker's allowance).

(2) Any period in which—

(a) a claimant does not satisfy any of the requirements in Article 3(2)(*a*) to (*c*) of the Order, and

(b) a jobseeker's allowance is payable to him on the grounds that the adjudication officer is satisfied that unless a jobseeker's allowance is paid to the claimant he or a member of his family will suffer hardship,

shall, for the purposes of paragraph (1), be treated as a period in which the claimant satisfies the conditions specified in Article 3(2)(*a*) to (*c*) of the Order.

(3) Any period in which a claimant is entitled to a jobseeker's allowance in accordance with regulation 13(3) (earnings during the transitionally protected period) shall, for the purposes of paragraph (1), be treated as a period in which he satisfies the conditions specified in Article 3(2)(*a*) to (*c*) and (*e*) to (*i*) of the Order.

(4) The following periods shall not be, or be part of, a jobseeking period—

(a) any period in respect of which no claim for a jobseeker's allowance has been made or treated as made;

(b) such period as falls before the day on which a claim for a jobseeker's allowance is made or is treated as made or, where good cause is shown for a claim outside the prescribed time for claiming, before the earliest date in respect of which good cause is shown;

(c) where a claim for a jobseeker's allowance has been made or treated as made but no entitlement to benefit arises in respect of a period before the date of claim by virtue of section 1(2) of the Administration Act (limits for backdating entitlement), that period;

(d) where—

(i) a claimant satisfies the conditions specified in Article 3(2)(*a*) to (*c*) and (*e*) to (*i*) of the Order, and

(ii) entitlement to a jobseeker's allowance ceases on the ground that the claimant failed to comply with requirements imposed by regulations made under Article 10(1) of the Order (attendance, information and evidence),

the period beginning with and including the date in respect of which, in accordance with any such regulations, entitlement ceases and ending with the day before the date in respect of which the claimant again becomes entitled to a jobseeker's allowance, or

(e) any week in which a claimant is not entitled to a jobseeker's allowance in accordance with Article 16 of the Order (trade disputes).

Linking periods

3.—(1) For the purposes of these Regulations, 2 or more jobseeking periods shall be treated as one jobseeking period where they are separated by a period comprising only—

(a) any period of not more than 12 weeks;

(b) a linked period;

(c) any period of not more than 12 weeks falling between—

(i) any 2 linked periods, or

(ii) a jobseeking period and a linked period;

(d) a period in respect of which the claimant is summoned to jury service and is required to attend court.

(2) Linked periods for the purposes of these Regulations are any of the following periods—

(a) to the extent specified in paragraph (5), any period throughout which the claimant is entitled to an invalid care allowance under section 70 of the Benefits Act;

(b) any period throughout which the claimant is incapable of work, or is treated as incapable of work, in accordance with Part XIIA of the Benefits Act(**11**);

(c) any period throughout which the claimant was entitled to a maternity allowance under section 35 of the Benefits Act;

(d) any period throughout which the claimant was engaged in training;

(e) a period which includes 6th October 1996 during which the claimant attends court in response to a summons for jury service and which was immediately preceeded by a period of entitlement to unemployment benefit.

(3) For the purpose of paragraph (4) a day of unemployment shall form part of a period of interruption of employment if a jobseeking period begins within 6 days of that day.

(4) Any period of interruption of employment which ends within 8 weeks of the commencement of a jobseeking period as described in regulation 2(1) shall be treated, for the purposes of this regulation, as a jobseeking period.

(5) A period of entitlement to invalid care allowance shall be a linked period only where it enables the claimant to satisfy contribution conditions for entitlement to a contribution-based jobseeker's allowance which he would otherwise be unable to satisfy.

Termination and cancellation of awards of income support

4.—(1) An award of income support current in the benefit week which includes the relevant day ("the current benefit week") shall terminate immediately before the beginning of the benefit week which follows the current benefit week—

(a) where—

(i) the person entitled was required to satisfy the provisions of section 123(1)(*d*)(i) of the Benefits Act (available for and actively seeking employment) as in force on the relevant day, and

(ii) but for any provision of the Order and these Regulations, the award would have continued beyond the current benefit week, or

(b) where the person—

(i) is not required, in accordance with regulation 8 of, and Schedule 1 to, the Income Support Regulations(**12**) to be available for employment;

(ii) is not a person to whom regulation 8 of the Claims and Payments Regulations(**13**) (attendance in person) applies, and

(iii) does in fact make himself available for and actively seek employment and declares himself to be so.

(2) An award of income support to a person commencing on a date after the current benefit week, shall be cancelled where the person's entitlement was dependent upon his satisfying the requirements

(**11**) Part XIIA was inserted by Article 7 of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(**12**) Regulation 8 was amended by S.R. 1988 Nos. 146, 274, 318 and 431, S.R. 1991 No. 46 and S.R. 1995 No. 67. Schedule 1 was amended by S.R. 1989 No. 249, S.R. 1990 Nos. 131, 297 and 305, S.R. 1991 Nos. 46 and 338, S.R. 1992 No. 6, S.R. 1994 No. 65 and S.R. 1995 Nos. 67 and 367

(**13**) Regulation 8 was amended by regulation 7(4) of S.R. 1992 No. 83

of section 123(1)(*d*)(i) of the Benefits Act (available for and actively seeking employment) as in force on the relevant day.

Transition from unemployment benefit to a jobseeker's allowance

5.—(1) Paragraph (2) shall apply in the case of a person to whom unemployment benefit was payable in respect of the relevant day.

(2) In a case where, in accordance with a notice issued to him under regulation 19 of, and paragraph 1 of Schedule 5 to, the Claims and Payments Regulations, a person claims unemployment benefit—

(a) on or after 7th October 1996 but before 13th October 1996 and in consequence of that claim unemployment benefit is awarded, that award shall have effect as—

(i) an award of unemployment benefit until the end of the benefit week that includes the relevant day, and

(ii) thereafter as an award of a jobseeker's allowance until such date as the claimant fails to satisfy, or in respect of which he ceases to be treated as satisfying, any condition of entitlement to a jobseeker's allowance that applies in his case;

(b) on a day falling on or after 14th October 1996 but before 20th October 1996 and in consequence of that claim unemployment benefit is awarded, that award shall have effect as—

(i) an award of unemployment benefit for the first benefit week falling within the period of the claim, and

(ii) thereafter as an award of a jobseeker's allowance until such date as the claimant fails to satisfy, or in respect of which he ceases to be treated as satisfying, any condition of entitlement to a jobseeker's allowance which applies in his case.

(3) An award of unemployment benefit—

(a) made in accordance with regulation 17(4)(*b*) of the Claims and Payments Regulations, or

(b) which is made on or after 7th October 1996 for a period commencing before 7th October 1996,

and which extends beyond the benefit week which includes the relevant day shall terminate at the end of that benefit week.

(4) In the case of a person to whom paragraph (2) or (3) applies, his entitlement to unemployment benefit in the benefit week which includes the relevant day shall be determined as if the provisions of the Benefits Act, the Administration Act and the Regulations made under those Acts relating to unemployment benefit had continued in force in his case until the end of that benefit week and as if the Order did not apply to him in that benefit week.

(5) A person who is treated as making a claim for a jobseeker's allowance under this regulation shall, if he satisfies the conditions of entitlement to unemployment benefit in operation on 6th October 1996, but subject to the provisions of these Regulations, be treated as satisfying the requirements of Articles 3 and 4 of the Order (entitlement to a jobseeker's allowance and the contribution-based conditions).

Transition from unemployment benefit to a jobseeker's allowance: further provisions

6.—(1) A person who has an award of unemployment benefit, or unemployment benefit and income support, for the benefit week that includes 7th October 1996, but to whom unemployment benefit is not payable in respect of the relevant day shall—