STATUTORY RULES OF NORTHERN IRELAND

1996 No. 503

SOCIAL SECURITY
FAMILY LAW
CHILD SUPPORT

The Social Security and Child Support (Jobseeker's Allowance) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996

Made - - - -	*21st October 1996*
Coming into operation	*28th October 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Articles 2(2), 6(5), 9(2), 14(1) and (4)(*b*), 22(4), 28, 36(2) and (3) and 39 of, and paragraph 3 of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**1**), sections 59 and 69 of the Social Security Administration (Northern Ireland) Act 1992(**2**) and Article 43(5) and (11) of the Child Support (Northern Ireland) Order 1991(**3**) 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 and Child Support (Jobseeker's Allowance) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 28th October 1996.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Jobseeker's Allowance Regulations

2.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**5**) shall be amended in accordance with paragraphs (2) to (21).

(**1**) S.I.1995/2705 (N.I. 15)
(**2**) 1992 c. 8
(**3**) S.I. 1991/2628 (N.I. 23); Article 43(5) was amended by paragraph 10 of Schedule 3 to the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13))
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 358

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

(a) in the definition of "benefit week"(**6**)—

(i) for paragraph (*a*) there shall be substituted the following paragraph—

"(a) where—

(i) the Department requires attendance otherwise than at regular 2 weekly intervals, or in the case of a claimant who is paid benefit in accordance with Part III, other than regulation 20A, of the Claims and Payments Regulations(**7**) (payments), at the time he provides a signed declaration as referred to in regulation 24(6) (provision of information and evidence), the "benefit week" ends on such day as the Department may specify in a notice in writing given or sent to the claimant;

(ii) in accordance with an award of income support that includes the relevant day, the "benefit week" ends on a Saturday, the "benefit week" shall end on a Saturday, or on such other day as the Department may specify in a notice in writing given or sent to the claimant, or

(iii) in accordance with an award of unemployment benefit that includes the relevant day, the claimant is paid benefit in respect of a period of 7 days ending on the week-day specified in a written notice given to him by the Department for the purpose of his claiming unemployment benefit, and that day is a Saturday, the "benefit week" shall end on a Saturday or such other day as the Department may specify in a notice in writing given or sent to the claimant;", and

(ii) in paragraph (*b*) for "less than a week;" there shall be substituted—

"less than a week,

and in this definition "the relevant day" has the meaning it has in the Jobseeker's Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996(**8**);";

(b) in the definition of "close relative" ", IV" shall be omitted, and

(c) after the definition of "earnings" there shall be inserted the following definitions—

""earnings top-up" means the allowance paid by the Secretary of State under the Earnings Top-up Scheme;

"the Earnings Top-up Scheme" means the Earnings Top-up Scheme 1996(**9**) as amended from time to time;".

(3) In regulation 3 (meanings of certain expressions used in the Order) for the definition of "employed earner" there shall be substituted the following definition—

""employed earner" means a person who is gainfully employed in Northern Ireland, or the Republic of Ireland either under a contract of service, or in an office (including elective office) with emoluments chargeable to income tax under Schedule E or, as the case may be,

(**6**) The definition of benefit week was amended by S.R. 1996 No. 358
(**7**) Regulation 20A was inserted by regulation 2 of S.R. 1994 No. 484
(**8**) S.R. 1996 No. 200
(**9**) This Scheme, which applies only in certain areas of Great Britain, is an extra-statutory Scheme introduced by the Secretary of State for Social Security having effect on 8th October 1996. A copy of the Rules of the Scheme is available for inspection at the Department of Health and Social Services, Social Security Policy and Legislation Division, Castle Buildings, Stormont, Belfast, BT4 3SQ and copies may be obtained from the Customer Services Manager, Earnings Top-up, Norcross, Blackpool FY5 3TA

chargeable under the legislation of the Republic of Ireland which is analogous to income tax under Schedule E;".

(4) In regulation 4 (interpretation of Parts II, IV and V), in the definition of "close relative" after "means" there shall be inserted ", except in Part IV,".

(5) In regulation 18 (steps to be taken by persons actively seeking employment)—

(a) in paragraph (3)(*f*) after head (v) there shall be inserted the following heads—

"(va) a person in the army whose service is restricted to part-time service in Northern Ireland pursuant to section 1 of the Army Act 1992(**10**), Regulations made under section 2 of the Armed Forces Act 1966(**11**), or the terms of his commission;

(vb) a part-time member of the Royal Ulster Constabulary Reserve appointed under section 9(1) of the Police Act (Northern Ireland) 1970(**12**);", and

(b) in paragraph (5), in the definition of "employment or training programme" after "Department" there shall be inserted "of Economic Development".

(6) In regulation 47 (jobseeking period) after paragraph (2) there shall be inserted the following paragraph—

"(2A) Any period in which a claimant is entitled to a jobseeker's allowance in accordance with regulation 11(3) of the Jobseeker's Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996(**13**) (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.".

(7) After regulation 47 (jobseeking period) there shall be inserted the following regulation—

"**Jobseeking periods: periods of interruption of employment**

47A. For the purposes of Article 4(4)(*b*)(i) of the Order and for determining any waiting days—

(a) where a jobseeking period or a linked period commences on 7th October 1996, any period of interruption of employment ending within the 8 weeks preceding that date, or

(b) where a jobseeking period or a linked period commences after 7th October 1996, any period of interruption of employment ending within the 12 weeks preceding the day the jobseeking period or linked period commenced,

shall be treated as a jobseeking period.".

(8) In regulation 48 (linking periods)—

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

"(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 preceded by a period of entitlement to unemployment benefit.", and

(b) after paragraph (2) there shall be inserted the following paragraph—

(**10**) 1992 c. 39
(**11**) 1966 c. 45; section 2 was amended by section 2 of the Army Act 1992
(**12**) 1970 c. 9 (N.I.)
(**13**) Regulation 11(3) was amended by regulation 13 of S.R. 1996 No. 357

"(2A) A period is a linked period for the purposes of Article 4(4)(*b*)(ii) of the Order only where it ends within 12 weeks or less of the commencement of a jobseeking period or of some other linked period.".

(9) In regulation 85 (special cases)—

(a) in paragraph (4) at the beginning there shall be inserted "Subject to paragraph (4A),";

(b) after paragraph (4) there shall be inserted the following paragraph—

"(4A) In paragraph (4) "person from abroad" does not include any person in Northern Ireland who left the territory of Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption.", and

(c) for paragraph (5) there shall be substituted the following paragraph—

"(5) A person shall continue to be treated as being in residential accommodation within the meaning of paragraph (4) if—

(a) he is in, or only temporarily absent from, such residential accommodation, and the same accommodation subsequently becomes a residential care home for so long as he remains in that accommodation, or

(b) on 31st March 1993 he was in, or only temporarily absent from, accommodation of a kind mentioned in regulation 21(3B) and (3C) of the Income Support Regulations(**14**).".

(10) In regulation 86(2) (applicable amount for persons in residential care and nursing homes) "(circumstances in which a person is to be treated as actively seeking work)" shall be omitted.

(11) In regulation 99(2) (calculation of net earnings of employed earners) for "Schedule 6" there shall be substituted "Schedule 5".

(12) In regulation 100(1) (earnings of self-employed earners) after "become self-employed earners)" there shall be inserted "or any equivalent allowance payable under Republic of Ireland legislation".

(13) In regulation 129 (date on which child support maintenance is to be treated as paid)—

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

(b) in paragraph (1) after sub-paragraph (*a*) there shall be inserted the following sub-paragraph —

"(aa) in the case of any amount of a payment which represents arrears of maintenance for a week prior to the benefit week in which the claimant first became entitled to an income-based jobseeker's allowance, on the day of the week in which it became due which corresponds to the first day of the benefit week;", and

(c) for paragraph (2) there shall be substituted the following paragraph—

"(2) Where a payment to which paragraph (1)(*b*) refers is made to the Department and then transmitted to the person entitled to receive it, the payment shall be treated as paid on the first day of the benefit week in which it is transmitted or, where it is not practicable to take it into account in that week, the first day of the first succeeding benefit week in which it is practicable to take the payment into account.".

(14) In regulation 130 (interpretation)—

(**14**) Paragraphs (3B) and (3C) were inserted by regulation 4(3)(*a*) of S.R. 1993 No. 165. Paragraph (3B) was amended by paragraph 1(*g*) of Schedule 12 to S.R. 1994 No. 65

(a) in the definition of "education authority" for "an education authority as defined in section 123" there shall be substituted "a local education authority as defined in section 123", and

(b) in the definition of "standard maintenance grant", in paragraph (*c*) for "Students Awards Agency" there shall be substituted "Student Awards Agency".

(15) In regulation 141(2) (circumstances in which an income-based jobseeker's allowance is payable to a person in hardship) for "a reason for the delay" there shall be substituted "the sole reason for the delay" and at the end there shall be added "provided he satisfies the conditions of entitlement specified in Article 3(2)(*d*)(ii) of the Order".

(16) In regulation 142(2) (further circumstances in which an income-based jobseeker's allowance is payable to a person in hardship)—

(a) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

"(a) the 15th day following the date of claim disregarding any waiting days, or";

(b) sub-paragraph (*b*) shall be omitted, and

(c) for "a reason for the delay" there shall be substituted "the sole reason for the delay" and at the end there shall be added "provided he satisfies the conditions of entitlement specified in Article 3(2)(*d*)(ii) of the Order".

(17) In Schedule 1 (applicable amounts)—

(a) in paragraph 8(1) for head (*b*) there shall be substituted the following head—

"(b) for any period spent by a claimant in undertaking a course of training or instruction provided or arranged by the Department of Economic Development under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(**15**) or section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**16**) or for any period during which he is in receipt of a training allowance.";

(b) in paragraph 12(1)(*c*) for paragraph (ii) there shall be substituted the following paragraph —

"(ii) satisfies the requirements of sub-paragraph (1)(*a*)(i) or (ii), and", and

(c) in paragraph 14(1)(*h*) after "Board" there shall be inserted "established".

(18) In Schedule 2 (housing costs)—

(a) in paragraph 13(5) after head (*b*) there shall be inserted the following head—

"(bb) a personal rate of contribution-based jobseeker's allowance that is equal to, or exceeds, the applicable amount in his case, or", and

(b) in paragraph 17—

(i) in sub-paragraph (2)(*b*) for "£10·00" there shall be substituted "£12·00", and

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

"(b) if he is in receipt of a training allowance paid in connection with training provided or arranged by the Department of Economic Development under section 1(1) of the Employment and Training Act (Northern Ireland) 1950 or sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 for which persons aged

(**15**) 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))

(**16**) 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))