STATUTORY RULES OF NORTHERN IRELAND

1996 No. 357

SOCIAL SECURITY

The Jobseeker's Allowance (Transitional Provisions) (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*1st August 1996*
Coming into operation	*7th October 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 36(2) 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) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996, immediately following the coming into operation of the Transitional Provisions Regulations.

(2) In these Regulations—

"the Transitional Provisions Regulations" means the Jobseeker's Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996(**2**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**3**).

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

Amendment of interpretation provisions

2.—(1) Regulation 1(2) of the Transitional Provisions Regulations (interpretation) shall be amended in accordance with paragraphs (2) and (3).

(2) In the definition of "benefit week" for paragraph (*c*) there shall be substituted the following paragraph—

(**1**) S.I.1995/2705 (N.I. 15)
(**2**) S.R. 1996 No. 200
(**3**) S.R. 1996 No. 198; relevant amending regulations are S.R. 1996 No. 358

"(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(**4**).".

(3) After the definition of "the Income Support Regulations" there shall be inserted the following definition—

""the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**5**);".

Jobseeking period

3. In regulation 2 of the Transitional Provisions Regulations (jobseeking period) in paragraph (3)(*d*) after "beginning with" there shall be inserted "and including".

Linking periods

4.—(1) Regulation 3 of the Transitional Provisions Regulations (linking periods) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1)(*d*) after "service" there shall be added "and is required to attend court".

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

"(e) any period of interruption of employment where a jobseeking period begins within 8 weeks of that period ending.".

(4) After paragraph (2) there shall be inserted the following paragraph—

"(2A) For the purpose of paragraph (2)(*e*) 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.".

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

Termination and cancellation of awards of income support

5. In regulation 4 of the Transitional Provisions Regulations (termination and cancellation of awards of income support) in paragraph (2) after "seeking employment)" there shall be added "as in force on the relevant day".

Transition from unemployment benefit to a jobseeker's allowance

6. In regulation 5 of the Transitional Provisions Regulations (transition from unemployment benefit to a jobseeker's allowance) for paragraphs (1) and (2) there shall be substituted the following paragraphs—

"(1) In a case where, except where paragraph (1A) applies, in accordance with a notice issued to him under regulation 19 of, and paragraph 1 of Schedule 5 to, the Claims and Payments Regulations(**6**) (time for claiming benefit), a person claims unemployment benefit on or after 7th October 1996 but before 20th October 1996, any claim made for unemployment benefit which the claimant is required to make in accordance with that notice —

(**4**) The definition of "benefit week" was amended by S.R. 1996 No. 358
(**5**) S.R. 1996 No. 198
(**6**) Regulation 19 was amended by S.R. 1988 No. 141, S.R. 1989 No. 398, S.R. 1991 No. 488 and S.R. 1992 Nos. 7, 83 and 453

(a) on a day falling on or after 7th October 1996 but before 13th October 1996 shall be treated also as a claim for a jobseeker's allowance for a period commencing on, and including, the day after the date of claim and, where an award of unemployment benefit is made and benefit is payable in respect of the relevant day, that award shall be treated also as an award of a jobseeker's allowance for a period commencing on, and including, the day after the date of claim and continuing 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, or

(b) on a day falling on or after 14th October 1996 but before 20th October 1996 shall be treated as a claim for unemployment benefit for the first benefit week falling within the period of that claim and as a claim for a jobseeker's allowance for the subsequent week and for any week thereafter and, where an award of unemployment benefit is made and benefit is payable in respect of the relevant day in the first benefit week, shall be treated also as an award of a jobseeker's allowance for the subsequent week and continuing 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.

(1A) 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 on a day in the benefit week which includes 7th October 1996, any claim for unemployment benefit which the claimant is required to make in accordance with that notice shall be treated as a claim for unemployment benefit and not for a jobseeker's allowance for the remaining days of that benefit week.

(2) An award of unemployment benefit—

(a) made in accordance with regulation 17(4)(*b*) of the Claims and Payments Regulations (duration of awards), 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.".

Jobseeker's allowance to replace income support and unemployment benefit

7.—(1) Regulation 6 of the Transitional Provisions Regulations (jobseeker's allowance to replace income support and unemployment benefit) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1)—

(a) for "a person whose award" there shall be substituted "a person who is paid benefit in respect of the relevant day in accordance with an award", and after "unemployment benefit" in the second place where those words occur there shall be inserted "and the award";

(b) after "commencing on" there shall be inserted "and including", and

(c) after "jobseeker's allowance" in the second place where those words occur there shall be inserted ", except, in relation to a contribution-based jobseeker's allowance, those specified in Articles 3(2)(*e*) and 4(1)(*c*) of the Order,".

(3) In paragraph (2) after "as from" there shall be inserted "and including".

(4) In paragraph (3) after "paragraph (1)" there shall be added "nor as having an award of a jobseeker's allowance in accordance with regulation 5(1)".

Claims for entitlement to a jobseeker's allowance

8.—(1) Regulation 7 of the Transitional Provisions Regulations (claims for entitlement to a jobseeker's allowance) shall be amended in accordance with paragraphs (2) to (8).

(2) In paragraph (1)(*a*) for "regulation 6, or" there shall be substituted "regulation 5 or 6.".

(3) Paragraph (1)(*b*) shall be omitted.

(4) In paragraph (3) after "6th or 7th April 1996" there shall be inserted "and where the period of interruption of employment that was current on that date was also current on the relevant day".

(5) After paragraph (3) there shall be inserted the following paragraph—

"(3A) In the case of a person to whom unemployment benefit was not payable in respect of either 6th or 7th April 1996—

(a) Article 7(1) of the Order shall have effect as if the reference to 182 days was a reference to 156 days, and

(b) in any benefit week commencing on or after 7th October 1996, Sunday or such other day of the week which before that date was, in the claimant's case, substituted for Sunday in accordance with regulation 4 of the Unemployment Benefit Regulations as in operation on 6th October 1996 shall be disregarded solely for the purpose of determining whether in the aggregate a person has been entitled to a contribution-based jobseeker's allowance for 156 days.".

(6) In paragraph (5)—

(a) in sub-paragraph (*a*), for the words from "and had been entitled to unemployment benefit" to "juror began" there shall be substituted "and unemployment benefit was payable to him in respect of the day immediately preceding the day on which he was required to serve as a juror", and

(b) in sub-paragraph (*b*), for the words from "and who had been" to "income support" there shall be substituted "and unemployment benefit or income support was, or both were, payable to him in respect of the day immediately preceding the day in respect of which that training began".

(7) In paragraph (6) for the words from "Where" to "taking part in training" there shall be substituted "In the case of a person to whom the requirements of one or more of sub-paragraphs (*a*), (*b*) or (*c*) of paragraph (5) apply on either 6th or 7th April 1996".

(8) In paragraph (7)—

(a) in sub-paragraph (*a*) after "jury service" there shall be inserted "and was required to serve as a juror", and

(b) after sub-paragraph (*c*) there shall be inserted—

"and where income support was payable to him in respect of the day immediately preceding the day on which he was required to serve as a juror,".

Further provisions applying to a continuing entitlement to a jobseeker's allowance

9. In regulation 8 of the Transitional Provisions Regulations (further provisions applying to a continuing entitlement to a jobseeker's allowance), in paragraph (2)(*b*) after "jobseeker's allowance" there shall be inserted ", other than those specified in Articles 3(2)(*e*) and 4(1)(*c*) of the Order,".

Transitionally protected period

10.—(1) Regulation 9 of the Transitional Provisions Regulations (transitionally protected period) shall be amended in accordance with paragraphs (2) to (6).