STATUTORY RULES OF NORTHERN IRELAND

1996 No. 354

SOCIAL SECURITY

The Social Security (Claims and Payments) (Jobseeker's Allowance Consequential Amendments) 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 sections 1(1), 5(1), 13A(2) and 165(6) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and Article 28 of the Jobseekers (Northern Ireland) Order 1995(**2**) and of all other powers enabling it in that behalf, by this statutory rule which contains only regulations consequential upon the Jobseekers (Northern Ireland) Order 1995, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Claims and Payments) (Jobseeker's Allowance Consequential Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996.

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

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**4**) shall be amended in accordance with paragraphs (2) to (27).

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

(a) after the definition of "the Order" there shall be inserted the following definition—

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

(**1**) 1992 c. 8; section 13A was inserted by the Schedule to the Social Security (Mortgage Interest Payments) (Northern Ireland) Order 1992 (S.I.1992/1309 (N.I. 9))
(**2**) S.I. 1995/2705 (N.I. 15)
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 Nos. 67, 141 and 369, S.R. 1989 Nos. 40, 373 and 398, S.R. 1990 No. 398, S.R. 1991 No. 488, S.R. 1992 Nos. 7, 83, 271 and 453, S.R. 1993 Nos. 149 and 375, S.R. 1994 Nos. 345, 456 and 484 and S.R. 1995 Nos. 301 and 367

(b) in the definition of "benefit" after "of the Order" there shall be inserted "and a jobseeker's allowance under Part II of the Jobseekers Order";

(c) after the definition of "instrument for benefit payment" there shall be inserted the following definition—

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

(d) in the definition of "social security office" for "unemployment benefit" there shall be substituted "jobseeker's allowance"; and

(e) after paragraph (1) there shall be inserted the following paragraph—

> "(1A) References in regulations 20, 21 (except paragraphs (3) and (3A)), 29, 30, 32 to 34, 36 (except paragraph (1A)(**6**)), 36A, 36AA (except paragraph (3)), 36AB, 36B, 37 and 46 to "benefit", "income support" or "a jobseeker's allowance", include a reference to a back to work bonus which, by virtue of regulation 25 of the Social Security (Back to Work Bonus) Regulations (Northern Ireland) 1996(**7**), is to be treated as payable as income support or, as the case may be, a jobseeker's allowance.".

(3) In regulation 3(**8**) (claims not required for entitlement to benefit in certain cases) at the end there shall be added the following paragraph—

"(g) in the case of a jobseeker's allowance where—

(i) that allowance has previously been claimed and an award made;

(ii) the Department has directed under regulation 36(1A) that payment under that award be suspended for a definite or indefinite period on the ground that a question arises whether the conditions for entitlement to that allowance are or were fulfilled or the award ought to be revised;

(iii) subsequently that suspension expires or is cancelled in respect of a part only of the period for which it has been in force;

(iv) it is then determined that the award should be revised to the effect that there was no entitlement to the allowance in respect of all or any part of the period between the start of the period over which the award has been suspended and the date when the suspension expires or is cancelled; and

(v) there are no other circumstances which cast doubt on the claimant's entitlement.".

(4) In regulation 4 (making a claim for benefit)—

(a) after paragraph (3A)(**9**) there shall be inserted the following paragraph—

> "(3B) For the purposes of income-based jobseeker's allowance—
>
> (a) in the case of a married or unmarried couple, a claim shall be made by whichever partner they agree should so claim or, in default of agreement, by such one of them as the Department shall in its discretion determine;
>
> (b) where there is no entitlement to contribution-based jobseeker's allowance on a claim made by one partner and the other partner wishes to claim income-based jobseeker's allowance, the claim made by that other partner shall be treated as having been made on the date on which the first partner made his claim; and

(**5**) S.R. 1996 No. 198
(**6**) Paragraph (1A) is inserted by regulation 2(17)(*b*) of these regulations
(**7**) S.R. 1996 No. 201
(**8**) Paragraph (*f*) was omitted by regulation 2(2) of S.R. 1994 No. 456
(**9**) Paragraph (3A) was inserted by regulation 3 of S.R. 1992 No. 7

(c) where entitlement to income-based jobseeker's allowance arises on the expiry of entitlement to contribution-based jobseeker's allowance consequent on a claim made by one partner and the other partner then makes a claim—

(i) the claim of the first partner shall be terminated, and

(ii) the claim of the second partner shall be treated as having been made on the day after the entitlement to contribution-based jobseeker's allowance expired."; and

(b) for paragraph (6) there shall be substituted the following paragraph—

"(6) A person wishing to make a claim for benefit shall—

(a) if it is a claim for a jobseeker's allowance, unless the Department otherwise directs, attend in person at such social security office, and at such time, as the Department may specify in his case in a notice under regulation 23 of the Jobseeker's Allowance Regulations (attendance);

(b) if it is a claim for any other benefit, deliver or send the claim to an appropriate office.".

(5) In regulation 6 (date of claim)—

(a) in paragraph (3) after "disability working allowance" there shall be inserted ", jobseeker's allowance";

(b) in paragraph (4) for "or disability working allowance" there shall be substituted ", disability working allowance or jobseeker's allowance"; and

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

"(4A) Where a person notifies the Department (by whatever means) that he wishes to claim a jobseeker's allowance—

(a) where he subsequently attends for the purpose of making a claim for that benefit at the time and place specified by the Department, the claim shall be treated as made on whichever is the later of—

(i) the date on which that notification was given, and

(ii) the first day in respect of which the claim is made;

(b) where, without good cause, he fails to attend at either the time or the place so specified, the claim shall be treated as made on the first day on which he does attend at that place.

(4B) Where a person's entitlement to a jobseeker's allowance has ceased in any of the circumstances specified in regulation 25(1)(*a*), (*b*) or (*c*) of the Jobseeker's Allowance Regulations (entitlement ceasing on a failure to comply) and—

(a) where he had normally been required to attend in person, he shows that the failure to comply which caused the cessation of his previous entitlement was due to any of the circumstances mentioned in regulation 30(*c*) or (*d*) of those regulations, and no later than the day immediately following the date when those circumstances cease to apply he makes a further claim for jobseeker's allowance; or

(b) where he had not normally been required to attend in person, he shows that he did not receive the notice to attend and he immediately makes a further claim for jobseeker's allowance,

that further claim shall be treated as having been made on the day following that cessation of entitlement.

(4C) Where a person's entitlement to a jobseeker's allowance ceases in the circumstances specified in regulation 25(1)(*b*) of the Jobseeker's Allowance Regulations and that person makes a further claim for that allowance on the day on which he failed to attend at the time specified, that claim shall be treated as having been made on the following day.".

(6) In regulation 7 (evidence and information)—

(a) in paragraphs (1) and (2) at the beginning there shall be inserted "Subject to paragraph (7),";

(b) in paragraph (4)(**10**) for "or income support" there shall be substituted ", income support or jobseeker's allowance"; and

(c) after paragraph (6) there shall be added the following paragraph—

"(7) Paragraphs (1) and (2) do not apply in the case of jobseeker's allowance.".

(7) In regulation 8 (attendance in person)—

(a) paragraph (1) shall be omitted; and

(b) in paragraph (2) after "benefit" there shall be inserted "(other than a jobseeker's allowance)".

(8) In regulation 15(5) (advance notice of retirement and claim for and award of pension) the words "or unemployment benefit" shall be omitted.

(9) In regulation 16(4) (date of entitlement under an award for the purpose of determining the day from which benefit is to be payable and effective date of change of rate) for "unemployment benefit" there shall be substituted "jobseeker's allowance".

(10) In regulation 17 (duration of awards)—

(a) for paragraph (1A)(**11**) there shall be substituted the following paragraph—

"(1A) Where an award of income support or an income-based jobseeker's allowance is made in respect of a married or unmarried couple and one member of the couple is, at the date of claim, a person to whom section 125 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**12**) or, as the case may be, Article 16 of the Jobseekers Order applies, the award of benefit shall cease when that person returns to work with the same employer.";

(b) paragraphs (4) and (5) shall be omitted;

(c) in paragraph (6) the words "in any case outside paragraph (4)," shall be omitted; and

(d) in paragraph (8) for "unemployment benefit" there shall be substituted "a jobseeker's allowance".

(11) Regulation 18 (duration of disallowance) shall be omitted.

(12) In regulation 19 (time for claiming benefit)—

(a) in paragraph (2A)(**13**) for "or disability working allowance" there shall be substituted ", disability working allowance or jobseeker's allowance"; and

(b) in paragraph (4) after "disability working allowance" there shall be inserted ", jobseeker's allowance".

(**10**) Paragraphs (4) to (6) were added by regulation 5(3) of S.R. 1995 No. 367
(**11**) Paragraph (1A) was inserted by regulation 4 of S.R. 1988 No. 141
(**12**) 1992 c. 7; section 125 was amended by paragraph 31 of Schedule 1 to the Incapacity for Work (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and Article 20 of S.R. 1996 No. 73
(**13**) Paragraph (2A) was inserted by regulation 7(7)(*a*) of S.R. 1992 No. 83 and amended by regulation 6(2) of S.R. 1992 No. 453

(13) In regulation 24 (unemployment benefit, incapacity benefit, severe disablement allowance and maternity allowance) in the heading and in paragraph (1) the words "unemployment benefit," shall be omitted.

(14) After regulation 26 (income support) there shall be inserted the following regulation—

"**Jobseeker's allowance**

26A.—(1) Subject to paragraphs (2) to (8), jobseeker's allowance shall be paid fortnightly in arrears unless, in any particular case or class of case, the Department arranges otherwise.

(2) The provisions of paragraph 2A of Schedule 7(**14**) (payment of income support at times of office closure) shall apply for the purposes of payment of a jobseeker's allowance as they apply for the purposes of payment of income support.

(3) Where the amount of a jobseeker's allowance is less than £1·00 a week the Department may direct that it shall be paid at such intervals, not exceeding 13 weeks, as may be specified in the direction.

(4) Subject to paragraphs (5) to (8), where an award of jobseeker's allowance is revised on the ground that there has been, or there is expected to be, a relevant change of circumstances, the revised award shall have effect from the first day of the benefit week (as defined in regulation 1(2) of the Jobseeker's Allowance Regulations) in which that relevant change of circumstances occurs or is expected to occur.

(5) Where the relevant change of circumstances giving rise to the revised award is that—

(a) entitlement to jobseeker's allowance ends, or is expected to end, for a reason other than that the claimant no longer satisfies the provisions of Article 5(1)(*a*) of the Jobseekers Order;

(b) a child or young person who is normally in the care of the Department or who is detained in custody or is in a training school lives, or is expected to live, with the claimant for a part only of a benefit week;

(c) the claimant or his partner enters, or is expected to enter, a nursing home or residential care home for a period of not more than 8 weeks; or

(d) the partner of the claimant or a member of his family ceases, or is expected to cease, to be a hospital in-patient for a period of less than a week,

the revised award shall have effect on the date on which the relevant change of circumstances occurs or is expected to occur.

(6) Where the relevant change of circumstances giving rise to a revised award is any of those specified in paragraph (5) and, in consequence of those circumstances ceasing to apply, the award is again revised, the award, as again revised, shall have effect on the date on which those circumstances ceased to apply.

(7) Where, under the provisions of regulation 96 of the Jobseeker's Allowance Regulations, income is treated as paid on a certain date and that payment gives rise, or is expected to give rise, to a relevant change of circumstances resulting in a revised award, that revised award shall have effect on that date.

(8) Where a relevant change of circumstances occurs which results, or is expected to result, in a reduced award of jobseeker's allowance then, if the Department is of the opinion that it will be impracticable to give effect to that revised award in accordance with the other provisions of this regulation, the revised award shall have effect on the first day of the benefit week following that in which the relevant change of circumstances occurs.".

(**14**) Paragraph (2A) was inserted by regulation 5(2) of S.R. 1989 No. 40