STATUTORY RULES OF NORTHERN IRELAND

1996 No. 334

HOUSING; RATES

The Housing Benefit (General and Supply of Information) (Jobseeker's Allowance) (Consequential Amendments) Regulations (Northern Ireland) 1996

Made - - - -	*30th July 1996*
Coming into operation	*7th October 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Article 39 of the Jobseekers (Northern Ireland) Order 1995(**1**) and of all other powers enabling it in that behalf, by this statutory rule, which contains only regulations made by virtue of, or consequential upon, Article 39(1) of that Order and with the consent of the Department of the Environment for Northern Ireland(**2**) in so far as its consent is required, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General and Supply of Information) (Jobseeker's Allowance) (Consequential Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996.

(2) In these Regulations—

"the principal Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**3**);

"the Supply of Information Regulations" means the Housing Benefit (Supply of Information) Regulations (Northern Ireland) 1988(**4**).

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

(**1**) S.I. 1995/2705 (N.I. 15)
(**2**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (1992 c. 7) inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8))
(**3**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1988 Nos. 314 and 424, S.R. 1990 Nos. 136, 137, 297 and 345, S.R. 1991 Nos. 47, 176 and 337, S.R. 1992 Nos. 6, 141, 404 and 549, S.R. 1993 No. 149, S.R. 1994 Nos. 80 and 88, S.R. 1995 No. 89 and 367 and S.R. 1996 Nos. 11, 93 and 115
(**4**) S.R. 1988 No. 118; relevant amending Regulations are S.R. 1992 No. 141, S.R. 1994 No. 335 and S.R. 1995 No. 129
(**5**) 1954 c. 33 (N.I.)

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (interpretation)—

(a) in paragraph (1)—

(i) in the definition of "appropriate office" for "unemployment benefit" there shall be substituted "jobseeker's allowance";

(ii) after the definition of "attendance allowance" there shall be inserted the following definition—

""the benefit Acts" means the Contributions and Benefits Act and the Jobseekers (Northern Ireland) Order 1995;";

(iii) after the definition of "housing association" there shall be inserted the following definition—

""an income-based jobseeker's allowance" has the same meaning in these Regulations as it has in the Jobseekers (Northern Ireland) Order 1995 by virtue of Article 3(4) of that Order;";

(b) after paragraph (3), there shall be inserted the following paragraph—

"(3A) For the purposes of these Regulations, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day—

(a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with Article 21 of the Jobseekers (Northern Ireland) Order 1995 (circumstances in which a jobseeker's allowance is not payable), or

(b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Order and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for Article 21 of that Order.".

Amendment of regulation 4 of the principal Regulations

3. In regulation 4(5) of the principal Regulations (remunerative work) after "income support" there shall be inserted "or an income-based jobseeker's allowance".

Amendment of regulation 7A of the principal Regulations

4. In regulation 7A(5) of the principal Regulations (persons from abroad)(**6**) after sub-paragraph (*d*) there shall be added the following sub-paragraph—

"(e) is a person on an income-based jobseeker's allowance.".

Amendment of regulation 8 of the principal Regulations

5. In regulation 8 of the principal Regulations (eligible housing costs)(**7**) in paragraphs (2) and (3) after "income support" in each place where it occurs there shall be inserted "or an income-based jobseeker's allowance".

(**6**) Regulation 7A was inserted by regulation 2(1) of S.R. 1994 No. 80 and paragraph (5) was substituted by regulation 5(*b*) of S.R. 1996 No. 11

(**7**) Paragraphs (2) and (3) were amended by regulation 3 of S.R. 1988 No. 314 and regulation 3(5) of S.R. 1993 No. 149

Amendment of regulation 13 of the principal Regulations

6. In regulation 13(2) of the principal Regulations (persons of prescribed description)(**8**) after "on income support" there shall be inserted "or an income-based jobseeker's allowance".

Amendment of regulation 20 of the principal Regulations

7. In regulation 20(1) of the principal Regulations (circumstances in which income of a non-dependant is to be treated as claimant's) after "income support" there shall be inserted "or an income-based jobseeker's allowance".

Amendment of regulation 43A of the principal Regulations

8. In regulation 43A of the principal Regulations (diminishing notional capital rule)(**9**)—

(a) in paragraph (3)—

(i) at the end of sub-paragraph (*c*) "and" shall be omitted;

(ii) in sub-paragraph (*d*) for "(notional capital)" there shall be substituted "(notional capital), and;", and

(iii) after sub-paragraph (*d*) there shall be added the following sub-paragraph—

"(e) where the claimant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the benefit week to which paragraph (2) refers but for the application of regulation 113 of the Jobseekers Allowance Regulations (Northern Ireland) 1996 (notional capital);"(**10**).

(b) in paragraph (4)—

(i) at the end of sub-paragraph (*c*) "and" shall be omitted;

(ii) in sub-paragraph (*d*)(ii) for "so entitled" there shall be substituted "so entitled; and", and

(iii) after sub-paragraph (*d*) there shall be added the following sub-paragraph—

"(e) if the claimant would, but for regulation 113 of the Jobseekers Allowance Regulations (Northern Ireland) 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 2 of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7.";

(c) in paragraph (8) in the definition of "part-week"—

(i) for "paragraph (4)(*c*)" there shall be substituted "paragraph (4)(*c*) and (*e*)";

(ii) after "income support" there shall be inserted ", or, as the case may be, an income-based jobseeker's allowance,".

(**8**) Paragraph (2) was amended by regulation 4 of S.R. 1990 No. 136
(**9**) Regulation 43A was inserted by regulation 6 of S.R. 1990 No. 345; relevant amending Regulations are regulation 5 of S.R. 1991 No. 47 and regulation 8 of S.R. 1992 No. 404
(**10**) S.R. 1996 No. 198

Amendment of regulation 48A of the principal Regulations

9. In regulation 48A(2)(*a*) of the principal Regulations(**11**) (full-time students to be treated as not liable to make payments in respect of a dwelling) after "income support" there shall be inserted "or an income-based jobseeker's allowance".

Amendment of regulation 63 of the principal Regulations

10. In regulation 63(8)(*a*) and (*b*) of the principal Regulations(**12**) (non-dependant deductions) after "income support" there shall be inserted "or an income-based jobseeker's allowance".

Amendment of regulation 66 of the principal Regulations

11. In regulation 66(4) of the principal Regulations (benefit period) after "income support" there shall be inserted "or an income-based jobseeker's allowance".

Amendment of regulation 67 of the principal Regulations

12. In regulation 67 of the principal Regulations (date on which benefit period is to end)(**13**)—

(a) the existing provision shall be numbered (1);

(b) in paragraph (1)(*a*)—

(i) at the beginning there shall be inserted "subject to paragraph (2),", and

(ii) after "income support" there shall be inserted "or an income-based jobseeker's allowance";

(c) in paragraph (1)(*b*)—

(i) after "income support" in each place where it occurs there shall be inserted "or an income-based jobseeker's allowance", and

(ii) for "the principal Act" there shall be substituted "the benefit Acts";

(d) after paragraph (1) there shall be added the following paragraph—

"(2) Paragraph (1)(*a*) shall not apply where—

(a) the claimant ceases to be entitled to income support and immediately after that entitlement ceases an entitlement to an income-based jobseeker's allowance commences for him, or

(b) the claimant ceases to be entitled to an income-based jobseeker's allowance and immediately after that entitlement ceases an entitlement to income support commences for him.".

Amendment of regulation 72 of the principal Regulations

13. In regulation 72 of the principal Regulations (time and manner in which claims are to be made)—

(a) in paragraph (4)(*a*) and (*c*) after "income support" there shall be inserted "or a jobseeker's allowance";

(b) in paragraph (5)(**14**)—

(**11**) Regulation 48A was inserted by regulation 3(6) of S.R. 1990 No. 297
(**12**) Paragraph 8 was substituted by regulation 7(*c*) of S.R. 1992 No. 549
(**13**) Regulation 67 was amended by regulation 9 of S.R. 1990 No. 136 and regulation 8 of S.R. 1995 No. 89
(**14**) Paragraph (5) was amended by regulation 4(4)(*a*) of S.R. 1990 No. 137, regulation 9 of S.R. 1991 No. 47, regulation 3(*a*) of S.R. 1991 No. 176 and by regulation 13 of S.R. 1991 No. 337

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

"(a) in a case where an award of income support or an income-based jobseeker's allowance has been made to the claimant or his partner and the claim for housing benefit is made within 4 weeks of the date on which the claim for that income support or jobseeker's allowance was received at the appropriate office, the first day of entitlement to income support or an income-based jobseeker's allowance arising from that claim; and for the purposes of this sub-paragraph a person who has an award entitling him to an income-based jobseeker's allowance shall be treated as also entitled to an income-based jobseeker's allowance for any days which immediately precede the first day in that award and on which in accordance with paragraph 4 of Schedule 1 to the Jobseekers (Northern Ireland) Order 1995 (waiting days) he would not be entitled to that allowance;";

(ii) in sub-paragraph (*b*)—

(a) after "claimed income support" there shall be inserted "or a jobseeker's allowance";

(b) after "entitlement to income support" there shall be inserted "or an income-based jobseeker's allowance";

(c) in sub-paragraph (*bb*) after "income support" there shall be inserted "or an income-based jobseeker's allowance";

(c) in paragraph (13)(*a*)(**15**) after "income support" there shall be inserted "or an income-based jobseeker's allowance".

Amendment of regulation 75 of the principal Regulations

14. In regulation 75(2)(*e*) of the principal Regulations (duty to notify changes of circumstances) after "income support" in each place where it occurs there shall be inserted "or an income-based jobseeker's allowance".

Amendment of regulation 76 of the principal Regulations

15. In regulation 76(4)(*a*) of the principal Regulations (who is to make a determination)(**16**) after "income support" there shall be inserted "or an income-based jobseeker's allowance".

Amendment of regulation 93 of the principal Regulations

16. In regulation 93(1)(*a*) of the principal Regulations (circumstances in which payment is to be made to a landlord or the Department of the Environment)—

(a) for "the Order" there shall be substituted "the Social Security Administration (Northern Ireland) Act 1992", and

(b) after "income support" there shall be inserted "or a jobseeker's allowance".

Amendment of regulation 95 of the principal Regulations

17. In regulation 95(4A) of the principal Regulations (withholding of benefit)(**17**) after "income support" in the first place where it occurs there shall be inserted "or an income-based jobseeker's

(**15**) Paragraph (13)(*a*) was amended by regulation 9(*b*) of S.R. 1991 No. 47
(**16**) Paragraph (4) was added by regulation 5 of S.R. 1996 No. 115
(**17**) Paragraph (4A) was inserted by regulation 9(*a*) of S.R. 1995 No. 89