STATUTORY RULES OF NORTHERN IRELAND

1996 No. 319

SOCIAL SECURITY

The Social Security (Back to Work Bonus) (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*24th July 1996*
Coming into operation	*7th October 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 28 and 36(2) 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 Social Security (Back to Work Bonus) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996 immediately following the coming into operation of the Back to Work Bonus Regulations.

(2) In these Regulations "the Back to Work Bonus Regulations" means the Social Security (Back to Work Bonus) Regulations (Northern Ireland) 1996(**2**).

Definitions

2.—(1) Regulation 1(2) of the Back to Work Bonus Regulations (interpretation) shall be amended in accordance with paragraphs (2) to (6).

(2) 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(**3**);".

(3) After the definition of "applicant" there shall be inserted the following definition—

> ""benefit week"—
>
> (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;

(**1**) S.I.1995/2705 (N.I. 15)
(**2**) S.R. 1996 No. 201
(**3**) S.R. 1996 No. 198

(b) where the benefit is a jobseeker's allowance, has the meaning it has in the Jobseeker's Allowance Regulations by virtue of regulation 1(2) of those Regulations;".

(4) In the definition of "bonus period" for "ends of" there shall be substituted "ends on".

(5) In the definition of "earnings"—

(a) for "are paid" there shall be substituted "are payable", and

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

(b) "where the qualifying benefit is a jobseeker's allowance, are net earnings or net profit within the meaning of regulation 1(2) of the Jobseeker's Allowance Regulations or are treated as earnings in accordance with regulation 105(12) or (13) of those Regulations,

and for this purpose an amount is payable on the date it is treated as paid for the purpose of regulation 31 of the Income Support Regulations where the qualifying benefit is income support, and for the purpose of regulation 96 of the Jobseeker's Allowance Regulations where the qualifying benefit is a jobseeker's allowance;".

(6) After the definition of "period of entitlement to a qualifying benefit" there shall be inserted the following definition—

""polygamous marriage" means any marriage during the subsistence of which a party to it is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy;".

Period of entitlement to a qualifying benefit

3.—(1) Regulation 2 of the Back to Work Bonus Regulations (period of entitlement to a qualifying benefit) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (3), after sub-paragraph (*b*) there shall be inserted the following sub-paragraph—

"(c) any period—

(i) in respect of which a person is summoned for jury service and is required to attend court, and

(ii) which immediately follows a day of entitlement to a qualifying benefit and is immediately followed by a day of entitlement to a qualifying benefit.".

(3) In paragraph (4) after sub-paragraph (*a*) there shall be inserted the following sub-paragraphs —

"(aa) where the applicant satisfies the condition in regulation 7(4) or (5) (requirements for a bonus) and claims a bonus, on the last day of entitlement to a qualifying benefit which precedes the day on which he first satisfies that condition;

(ab) where a bonus is paid in anticipation of an applicant satisfying either of the conditions specified in regulation 7(4)(*c*) or the condition specified in regulation 7(5)(*c*), but the applicant then fails to satisfy the relevant condition, on the last day taken into account in determining the award of the qualifying benefit in respect of which the bonus is paid;

(ac) where a bonus is paid in anticipation of an applicant or his partner satisfying the work condition, but the work condition is then not satisfied, on the last day taken into account in determining the award of the qualifying benefit in respect of which the bonus is paid;".

Period of entitlement to a qualifying benefit: further provisions

4. In regulation 3(6) of the Back to Work Bonus Regulations (period of entitlement to a qualifying benefit: further provisions)—

(a) for "makes a claim for" there shall be substituted "is entitled to", and

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

"(bb) in the case of a polygamous marriage, where one or more members of the marriage separated; or".

Connecting period

5. Regulation 4 of the Back to Work Bonus Regulations (connecting period) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1)—

(a) in sub-paragraph (*a*) for "a person ceases to be entitled to a qualifying benefit because" there shall be substituted "within 12 weeks of a person ceasing to be entitled to a qualifying benefit";

(b) sub-paragraph (*b*) shall be omitted;

(c) in sub-paragraph (*c*) for "a person ceases to be entitled to a qualifying benefit because" there shall be substituted "within 12 weeks of a person ceasing to be entitled to a qualifying benefit", and

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

"(f) a person who is treated under regulation 3(4) as having established a period of entitlement to a qualifying benefit under paragraph (5) of that regulation satisfies sub-paragraphs (*a*), (*b*), (*c*), (*d*) and (*e*) within 12 weeks of the date which applies in his case in accordance with regulation 3(6), and lasts throughout the period the person satisfies sub-paragraphs (*a*), (*b*), (*c*), (*d*) and (*e*).".

(3) In paragraph (3) after "(1)(*d*)" there shall be inserted "or (*e*)".

Requirements for a bonus

6.—(1) Regulation 7 of the Back to Work Bonus Regulations shall be amended in accordance with paragraphs (2) to (7).

(2) In paragraph (1) after "has served" there shall be inserted ", or is treated as having served,".

(3) In paragraph (2)(*d*)(i) and (ii) after the word "attained" in both places where it occurs there shall be inserted "the day before".

(4) In paragraph (4)—

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

"(a) within 12 weeks of ceasing to be entitled to a qualifying benefit or within 12 weeks of a connecting period ceasing, the applicant commences training;";

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

"(c) within 14 days of the day he last attended training—

(i) he takes up or returns to or increases the number of hours in which he is engaged in employment, or where his hours of work fluctuate, is engaged on average, for not less than 16 hours per week, or

(ii) he takes up employment, or increases his earnings from his existing employment, as a result of which weekly earnings equal or exceed the amount of the training allowance payable to him in the last week of training;", and

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

"(f) in a case where the qualifying benefit to which a person was entitled—

(i) was income support, he satisfied the requirements specified in paragraph (4)(*c*) before he attained the age of 60, or

(ii) was a jobseeker's allowance, he satisfied the requirements specified in paragraph (4)(*c*) before he attained pensionable age.".

(5) In paragraph (5)—

(a) in sub-paragraph (*a*) after "a couple" there shall be inserted ", or of a polygamous marriage," and after "separated" there shall be added "and the separation took place before the person attained the age of 60";

(b) for sub-paragraphs (*c*) and (*d*) there shall be substituted the following sub-paragraph—

"(c) within 14 days of the separation—

(i) he takes up or returns to or increases the number of hours in which he is engaged in employment, or where his hours of work fluctuate, is engaged on average, for not less than 16 hours per week, or

(ii) he takes up employment or increases his earnings from his existing employment, as a result of which his weekly earnings, had he been entitled to a qualifying benefit on the day of separation, equalled or exceeded the amount that would have been the applicable amount or the age-related amount in his case;", and

(c) in sub-paragraph (*e*) "and (*d*)" shall be omitted.

(6) For paragraph (7) there shall be substituted the following paragraph—

"(7) Subject to paragraph (8), a person—

(a) who—

(i) becomes entitled to, or whose partner becomes entitled to, a qualifying benefit within 12 weeks of the day in respect of which his last previous entitlement to a qualifying benefit ceased, and

(ii) has not made, and whose partner has not made, a claim for a bonus before the day in respect of which the most recent entitlement to a qualifying benefit first arose,

shall be treated as not satisfying the requirements of paragraph (2)(*c*) or (3)(*d*) for the period of 12 weeks following the day in respect of which the last previous entitlement to a qualifying benefit ceased;

(b) who—

(i) claims, or whose partner claims, a qualifying benefit before the end of the period of 12 weeks immediately following the day on which training ceased, and

(ii) has not made, and whose partner has not made, a claim for a bonus before the day in respect of which the most recent entitlement to a qualifying benefit arose,

shall be treated as not satisfying the requirements of paragraph (4)(*d*) for the period of 12 weeks following the day on which training ceased;

(c) who—

(i) claims, or whose partner claims, a qualifying benefit before the end of the period of 12 weeks following the day on which the separation occurred, and

(ii) has not made, and whose partner has not made a claim for bonus before the day in respect of which the most recent entitlement to a qualifying benefit arose,

shall be treated as not satisfying the requirements of paragraph (5)(*f*) for the period of 12 weeks following the day on which the separation occurred.".

(7) After paragraph (7) there shall be added the following paragraph—

"(8) Notwithstanding the provisions of paragraph (7) a person shall be able to claim a bonus where he satisfies the work condition or either of the requirements specified in paragraph (4)(*c*) or the requirements specified in paragraph (5)(*c*) following the day in respect of which the most recent period of entitlement to a qualifying benefit arose.".

Amount payable

7.—(1) Regulation 8 of the Back to Work Bonus Regulations (amount payable) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1)—

(a) in sub-paragraph (*a*) "which are paid" shall be omitted, and

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

"(c) where earnings are payable to the applicant or his partner in a week falling either partly or wholly within the bonus period which includes a part-week of entitlement to a qualifying benefit in accordance with Part VII of the Income Support Regulations (calculation of income support for part-weeks) or Part XI of the Jobseeker's Allowance Regulations (part-weeks) which falls within the bonus period, half the amount calculated by applying the formula—

$$\frac{G}{7} \times N$$

where–

G is the earnings of the applicant and his partner, in the relevant week which are not disregarded in accordance with the provisions mentioned in sub-paragraph (*a*) or (*b*), and

N is the number of days in the part-week.".

(3) In paragraph (2) for "paid in" there shall be substituted "for" and for "has an applicable amount of nil" there shall be substituted "no benefit is payable or the applicable amount is nil".

(4) After paragraph (12) there shall be added the following paragraph—

"(13) In this regulation "part-week" means an entitlement to a qualifying benefit in respect of any period of less than a week and for "week" in each place where it occurs there shall be substituted the words "benefit week".".

Department to issue estimates

8. In regulation 9(1) of the Back to Work Bonus Regulations (Department to issue estimates) after "has served" there shall be inserted ", or is treated as having served,".