STATUTORY RULES OF NORTHERN IRELAND

1996 No. 289

SOCIAL SECURITY
FAMILY LAW
CHILD SUPPORT

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

Made - - - -	*17th July 1996*
Coming into operation	*7th October 1996*

The Department of Health and Social Services, 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 Finance and Personnel to regulation 16(**2**), hereby makes the following Regulations:

Citation and commencement

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

Amendment of the Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations

2. In regulation 3 of the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975(**3**) (modifications in relation to widows with respect to unemployment and other benefits)—

(a) in paragraph (1)—

(i) in sub-paragraphs (*a*) and (*b*) "unemployment benefit," shall be omitted, and

(ii) sub-paragraph (*c*) shall be omitted, and

(**1**) S.I.1995/2705 (N.I. 15)
(**2**) *See* section 165(9) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**3**) S.R. 1975 No. 19; relevant amending regulations are S.R. 1978 No. 102 and S.R. 1995 No. 150

(b) in paragraph (5) the words "unemployment benefit or" in each place where they occur shall be omitted.

Amendment of the Social Security (Airmen's Benefits) Regulations

3. In regulation 3 of the Social Security (Airmen's Benefits) Regulations (Northern Ireland) 1975(**4**) (application of the Act and regulations) after "thereunder" there shall be inserted ", and the Jobseekers (Northern Ireland) Order 1995(**5**) and regulations made thereunder".

Amendment of the Social Security (Mariners' Benefits) Regulations

4.—(1) The Social Security (Mariners' Benefits) Regulations (Northern Ireland) 1975(**6**) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 4(*b*)(**7**) (removal of disqualification for receiving benefit by reason of absence from Northern Ireland) "unemployment benefit" shall be omitted.

(3) In regulation 5(**8**) (evidence of unemployment or incapacity) for "unemployment benefit" there shall be substituted "a jobseeker's allowance".

(4) In regulation 7 (modification of contribution conditions for receiving benefit in certain circumstances, in respect of mariners employed on board foreign-going ships) for the words from the beginning up to and including "this regulation be satisfied" there shall be substituted—

"Where, on a claim for benefit, a contribution condition that the contributor concerned must in respect of the relevant past year have—

(a) either paid or been credited with contributions of a relevant class and the earnings factor derived from those contributions must not be less than a specified multiple of that year's lower earnings limit; or

(b) either paid contributions or been credited with earnings as specified in Article 4 of the Jobseekers (Northern Ireland) Order 1995, and the earnings factor derived from earnings upon which contributions have been paid or from earnings credited must not be less than a specified multiple of that year's lower earnings limit,

cannot apart from this regulation be satisfied".

(5) In regulation 9 (application of the Act and regulations) after "made thereunder" there shall be inserted ", or of the Jobseekers (Northern Ireland) Order 1995 and regulations made thereunder,".

Amendment of the Social Security Benefit (Dependency) Regulations

5.—(1) The Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(**9**) shall be amended in accordance with paragraphs (2) to (4), (7) and (8).

(2) In regulation 2(1)(*a*)(**10**) (provisions as to maintenance for the purposes of increase of benefit in respect of dependants) "unemployed, or" shall be omitted.

(3) In regulation 3 (allocation of contributions for spouse or children)—

(a) in paragraph (1) "44(1)(*a*)," shall be omitted, and

(b) in paragraph (5) for "sections 44(1)(*a*) and" there shall be substituted "section".

(**4**) S.R. 1975 No. 101, to which there are amendments not relevant to these regulations
(**5**) S.I. 1995/2705 (N.I. 15)
(**6**) S.R. 1975 No. 108; relevant amending regulations are S.R. 1984 No. 317 and S.R. 1995 No. 150
(**7**) Regulation 4(*b*) was amended by regulation 14(2)(*b*) of S.R. 1984 No. 317 and regulation 4(2) of S.R. 1995 No. 150
(**8**) Regulation 5 was amended by regulation 14(3) of S.R. 1984 No. 317 and regulation 4(3) of S.R. 1995 No. 150
(**9**) S.R. 1977 No. 74; relevant amending regulations are S.R. 1983 Nos. 36 and 193, S.R. 1984 Nos. 373 and 382, S.R. 1985 No. 229, S.R. 1989 No. 373 and S.R. 1994 No. 485
(**10**) Sub-paragraph (*a*) was amended by regulation 4 of S.R. 1989 No. 373

(4) Subject to paragraph (5), in regulation 8 (earnings rules for increases for adult dependants)—

(a) in paragraph (2) for "the amount specified in paragraph 1 of Part I of Schedule 4 to the Contributions and Benefits Act" there shall be substituted "the amount for the time being specified in regulation 79(1)(*c*) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**11**) (age-related amount for a claimant who has attained the age of 25)", and

(b) in paragraphs (3) and (4) for "the amount specified in paragraph 1 of Part I of Schedule 4 to that Act" there shall be substituted "the amount for the time being specified in regulation 79(1)(*c*) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996".

(5) Where the amount for the time being specified in regulation 79(1)(*c*) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996 is less than the amount specified in paragraph 1 of Part I of Schedule 4 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as in operation on 6th October 1996, paragraph (4) shall have effect as if the words substituted by that paragraph were "£48·25".

(6) Paragraph (5) shall apply in a particular case only for so long as the amount substituted by that paragraph is greater than the amount specified in regulation 79(1)(*c*) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996.

(7) In regulation 10 (increase of benefit for person having care of child)—

(a) in paragraph (1)(**12**) "of unemployment benefit or" shall be omitted, and

(b) in paragraph (2)(*b*)(ii)(**13**) "unemployed or" shall be omitted.

(8) In regulation 11 (contribution to maintenance of adult dependant)—

(a) in paragraph (1)(**14**)—

(i) "(1) and" shall be omitted, and

(ii) the words "unemployment benefit or" in each place where they occur shall be omitted, and

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

"(4) Where a person has been entitled to an addition to a contribution-based jobseeker's allowance under regulation 9(4) of the Jobseeker's Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996(**15**) (transitionally protected period) by virtue of having satisfied the requirements for an increase of unemployment benefit referred to in paragraph (2), (2A) or (3), he shall be treated for the purpose of that paragraph as if he had been entitled to an increase of unemployment benefit.".

Amendment of the Social Security Benefit (Persons Residing Together) Regulations

6. In regulation 2(2)(*a*) of the Social Security Benefit (Persons Residing Together) Regulations (Northern Ireland) 1977(**16**) (circumstances in which a person is to be treated as residing or not residing with another person or in which persons are to be treated as residing or not residing together) "of unemployment benefit or" shall be omitted.

(**11**) S.R. 1996 No. 198
(**12**) Paragraph (1) was amended by S.R. 1983 No. 36, S.R. 1984 No. 373 and S.R. 1994 No. 485
(**13**) Paragraph (2)(*b*) was amended by regulation 2(6) of S.R. 1984 No. 373 and regulation 4 of S.R. 1989 No. 373
(**14**) Paragraph (1) was amended by regulation 2(8) of S.R. 1983 No. 193, regulation 2(11) of S.R. 1984 No. 373, regulation 4 of S.R. 1989 No. 373 and regulation 15(6)(*a*) of S.R. 1994 No. 485
(**15**) S.R. 1996 No. 200
(**16**) S.R. 1977 No. 166; relevant amending regulations are S.R. 1983 No. 36, S.R. 1984 No. 317 and S.R. 1995 No. 150

Amendment of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations

7. In section 35(9) of the National Insurance Act (Northern Ireland) 1966(**17**), as continued in force by regulation 2(3) of, and Schedule 1 to, the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978(**18**), for the words from "sections 25(5)" to the end of the subsection there shall be substituted "section 30B(3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**19**), regulations 11(1) and 18(6) of the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995(**20**) and regulation 9(5) of the Jobseeker's Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996(**21**) (rates of incapacity benefit and jobseeker's allowance in transitional cases for persons over pensionable age).".

Amendment of the Social Security Benefit (Persons Abroad) Regulations

8.—(1) The Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(**22**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 13(1)(*a*) (modification of the Act in relation to the Channel Islands) "(other than unemployment benefit)" shall be omitted.

(3) In regulation 16 (administrative arrangements about payment of benefit) after "under the Act" there shall be inserted ", or in connection with jobseeker's allowance,".

Amendment of the Social Security Benefit (Computation of Earnings) Regulations

9. In regulation 3 of the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978(**23**) (payments to be disregarded)—

(a) in paragraph (3) the words from "and of regulation 7(1)(*g*)(i)" up to and including "a day of unemployment)" shall be omitted, and

(b) paragraphs (5) and (6) shall be omitted.

Amendment of the Child Benefit (General) Regulations

10.—(1) The Child Benefit (General) Regulations (Northern Ireland) 1979(**24**) shall be amended in accordance with paragraphs (2) and (3).

(2) For regulation 9A(**25**) (child receiving income support) there shall be substituted the following regulation—

"**Child receiving income support or income-based jobseeker's allowance**

9A. Benefit shall not be payable in respect of a child by virtue of section 138(1)(*c*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**26**) (meaning of "child") for any week in respect of which that child receives income support or income-based

(**17**) 1966 c. 6 (N.I.)
(**18**) S.R. 1978 No. 105; relevant amending regulations are S.R. 1989 No. 373 and S.R. 1995 No. 150
(**19**) 1992 c. 7; section 30B was inserted by Article 4(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))
(**20**) S.R. 1995 No. 35
(**21**) S.R. 1996 No. 200
(**22**) S.R. 1978 No. 114, to which there are amendments not relevant to these regulations
(**23**) S.R. 1978 No. 371; relevant amending regulations are S.R. 1987 No. 201, S.R. 1989 No. 438, S.R. 1992 No. 96 and S.R. 1995 No. 150
(**24**) S.R. 1979 No. 5; relevant amending regulations are S.R. 1980 No. 261 and S.R. 1988 Nos. 132 and 273
(**25**) Regulation 9A was inserted by regulation 5 of S.R. 1980 No. 261 and amended by regulation 12 of S.R. 1988 No. 132
(**26**) 1992 c. 7

jobseeker's allowance within the meaning of Article 3(4) of the Jobseekers (Northern Ireland) Order 1995.".

(3) In regulation 9B(3)(*b*)(**27**) (circumstances in which a person who has ceased to receive full-time education is to be treated as a child) after "income support" there shall be inserted "or income-based jobseeker's allowance within the meaning of Article 3(4) of the Jobseekers (Northern Ireland) Order 1995".

Amendment of the Social Security (Overlapping Benefits) Regulations

11.—(1) The Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(**28**) shall be amended in accordance with paragraphs (2) to (8).

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

(a) after the definition of "the Contributions and Benefits Act" there shall be inserted the following definition—

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

(b) after the definition of "child benefit" there shall be inserted the following definition—

> ""contributory benefit" means any benefit payable under Part II of the Contributions and Benefits Act, and a contribution-based jobseeker's allowance;", and

(c) in the definition of "personal benefit"(**29**) after "dependency benefit" there shall be inserted ", and includes a contribution-based jobseeker's allowance but not an income based jobseeker's allowance,".

(3) In regulation 4(1)(*a*)(**30**) (adjustment of personal benefit) after "injuries benefits)" there shall be inserted "or under the Jobseekers Order".

(4) In regulation 10(1)(**31**) (adjustment of dependency benefit) after sub-paragraph (*i*) there shall be added the following sub-paragraph—

"(j) a contribution-based jobseeker's allowance,".

(5) In regulation 14(**32**) (provisions for adjusting benefit for part of a week)—

(a) in paragraph (1)—

(i) in sub-paragraph (*a*) for "maternity benefit and unemployment benefit fall" there shall be substituted "maternity benefit falls", and

(ii) in sub-paragraph (*b*) "or unemployment benefit" shall be omitted, and

(b) paragraph (2) shall be omitted.

(6) In regulation 16 (persons to be treated as entitled to benefit for certain purposes)—

(a) after the words "under the Act" in the first place where they occur there shall be inserted "or under the Jobseekers Order", and

(b) after "made under it" there shall be inserted ", or under the Jobseekers Order and regulations made under it,".

(7) In regulation 17 (prevention of double adjustments) after the words "under the Act" in each place where they occur there shall be inserted "or under the Jobseekers Order".

(**27**) Regulation 9B was inserted by regulation 6 of S.R. 1988 No. 273
(**28**) S.R. 1979 No. 242; relevant amending regulations are S.R. 1980 No. 451, S.R. 1982 No. 272, S.R. 1983 No. 36, S.R. 1992 No. 557 and S.R. 1995 No. 150
(**29**) The definition of "personal benefit" was amended by regulation 2(*a*) of S.R. 1980 No. 451
(**30**) Regulation 4(1) was substituted by regulation 3 of S.R. 1992 No. 557
(**31**) Regulation 10(1) was amended by S.R. 1980 No. 451, S.R. 1982 No. 272, S.R. 1983 No. 36 and S.R. 1992 No. 557
(**32**) Paragraph (1) was amended by regulation 14(7)(*a*) of S.R. 1995 No. 150