
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 358

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

Part III

Miscellaneous

Jobseeking period

14.—(1) Regulation 47(4) of the Jobseeker's Allowance Regulations (jobseeking period) shall be amended in accordance with paragraphs (2) and (3).

(2) After sub-paragraph (a) there shall be added “and either”.

(3) For sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs—

“(b) (i) on which the claimant satisfies the conditions specified in Article 4 of the Order (the contribution-based conditions) other than the conditions specified in paragraph (1) (c) and (d) of that Article, and

(ii) on which a contribution-based jobseeker's allowance is not payable to the claimant by virtue of Article 21 of the Order (circumstances in which jobseeker's allowance is not payable), or

(c) which falls within a period which is treated as a period in which the claimant satisfies the conditions specified in Article 3(2)(a) to (c) of the Order (entitlement), in accordance with paragraph (2).”.

Linking periods

15. In regulation 48(1) of the Jobseeker's Allowance Regulations (linking periods) for sub-paragraph (d) there shall be substituted the following sub-paragraph—

“(d) a period in respect of which the claimant is summoned for jury service and is required to attend court.”.

Persons approaching retirement

16.—(1) In regulation 49 of the Jobseeker's Allowance Regulations (persons approaching retirement and the jobseeking period) shall be amended in accordance with paragraphs (2) and (3)—

(2) For paragraph (2) there shall be substituted the following paragraph—

“(2) For the purposes of regulation 47(1) (jobseeking period) but subject to paragraphs (3) and (4), any days to which paragraph (1) applies and in respect of which the person does not satisfy, or is not treated in accordance with regulation 14, 16, 17, 19, 20, 21 or 34 as satisfying the conditions specified in Article 3(2)(a) to (c) of the Order (conditions of entitlement to jobseeker's allowance), shall be days on which the person is treated as satisfying the conditions in Article 3(2)(a) to (c) and (e) to (i) of the Order.”.

(3) Paragraph (3)(a) shall be omitted.

Short periods of sickness

17.—(1) Regulation 55(1) of the Jobseeker’s Allowance Regulations (short periods of sickness) shall be amended in accordance with paragraphs (2) and (3).

(2) In sub-paragraph (a) for the words from “satisfies”, in the first place where it occurs, to “Article 3(2)(a) or (c) of the Order” there shall be substituted “has been awarded a jobseeker’s allowance”.

(3) In sub-paragraph (c) for “satisfies” there shall be substituted “would satisfy”.

Circumstances in which a person is to be treated as being or not being a member of the household

18. In regulation 78(3) of the Jobseeker’s Allowance Regulations (circumstances in which a person is to be treated as being or not being a member of the household) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) one, both or all of them are—

- (i) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court, or
- (ii) on temporary release in accordance with the provisions of the Prison Act (Northern Ireland) 1953(1);”.

Payments by way of pensions

19.—(1) Regulation 81 of the Jobseeker’s Allowance Regulations (payments by way of pensions) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1) for “week” there shall be substituted “benefit week”.

(3) After paragraph (1) there shall be inserted the following paragraphs—

“(1A) Where pension payments first begin to be made to a person for a period starting other than on the first day of a benefit week, the deduction referred to in paragraph (1) shall have effect from the beginning of that benefit week.

(1B) Where the pension payments are already in payment to a person and a change in the rate of payment takes effect in a week other than at the beginning of the benefit week, the deduction referred to in paragraph (1) shall have effect from and including the first day of that benefit week.”.

(4) In paragraph (2), sub-paragraphs (a) and (b) shall be omitted.

Permitted periods

20. In regulation 87(7) of the Jobseeker’s Allowance Regulations (transitional supplement to income-based jobseeker’s allowance)—

(a) for the words from “For the purposes” to “have effect—” there shall be substituted—

“For the purposes of paragraph (1), regulation 2A of the Income Support (Transitional) Regulations (Northern Ireland) 1987(2) (permitted period), and for the purposes of paragraph (6), regulation 3A of the Income Support

(1) 1953 c. 18 (N.I.)

(2) Regulation 2A was inserted by regulation 2 of S.R. 1989 No. 371 and amended by regulation 29(3) of S.R. 1996 No. 199

Regulations(3) (permitted period), shall have effect in accordance with the following sub-paragraphs—”

- (b) in paragraph (2A)(a) as inserted by sub-paragraph (b), for “was not payable” there shall be substituted “is not payable”.

Minimum amount of a jobseeker’s allowance

21. After regulation 87 of the Jobseeker’s Allowance Regulations (amounts) there shall be inserted the following regulation—

“87A. Where the amount of a jobseeker’s allowance is less than 10 pence a week that allowance shall not be payable.”.

Earnings of employed earners

22.—(1) Regulation 98 of the Jobseeker’s Allowance Regulations (earnings of employed earners) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1) for sub-paragraph (f) there shall be substituted the following sub-paragraphs—

“(f) any payment or award of compensation made under Article 31, 32(2)(a) or (5), 39 or 41(1) to (3) of the Industrial Relations (Northern Ireland) Order 1976(4) (order for reinstatement or re-engagement, compensation for unfair dismissal and interim relief pending determination of complaint);

(ff) any payment or remuneration made under Article 3, 9 or 23 of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(5) (right to guarantee payment, right to remuneration on suspension on medical grounds and payments to employees out of maternity pay fund);”.

(3) In paragraph (3)(c) after “(f)” there shall be inserted “, (ff)”.

Calculation of income other than earnings

23. In regulation 103(6) of the Jobseeker’s Allowance Regulations (calculation of income other than earnings) after “98(2)” there shall be inserted “(a) to (e)”.

Calculation of grant income

24. In regulation 131(2)(f) of the Jobseeker’s Allowance Regulations (calculation of grant income) for “£278” there shall be substituted “£280”.

Meaning of “person in hardship”

25. In regulation 140(3) of the Jobseeker’s Allowance Regulations (meaning of “person in hardship”) after “income support or” there shall be inserted “a claimant or a partner of a claimant”.

(3) Regulation 3A was inserted by regulation 3 of [S.R. 1989 No. 395](#) and amended by regulation 2(2) of [S.R. 1995 No. 434](#)

(4) [S.I. 1976/1043 \(N.I. 16\)](#); Article 32(2)(a) and (5) was amended by paragraph 4(5) of Schedule 3 to the Industrial Relations (Northern Ireland) Order 1987 ([S.I. 1987/936 \(N.I. 9\)](#)). Articles 39 and 41 were substituted by Schedule 3 to the Industrial Relations (Northern Ireland) Order 1993 ([S.I. 1993/2668 \(N.I. 11\)](#))

(5) [S.I. 1976/2147 \(N.I. 28\)](#); Article 3 was amended by paragraph 8(1) of Schedule 2 to, and paragraph 5(2) of Schedule 3 to, the Industrial Relations (Northern Ireland) Order 1987. Article 9 was amended by paragraph 5(a) of Schedule 6 to the Health and Safety at Work (Northern Ireland) Order 1978 ([S.I. 1978/1039 \(N.I. 9\)](#)) and paragraph 9(1) of Schedule 2 to the Industrial Relations (Northern Ireland) Order 1987. Article 23 was substituted by Schedule 1 to the Industrial Relations (Northern Ireland) Order 1993

Circumstances in which an income-based jobseeker's allowance is payable to a person in hardship

26.—(1) Regulation 141 of the Jobseeker's Allowance Regulations (circumstances in which an income-based jobseeker's allowance is payable to a person in hardship) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (2) for "shall be treated as entitled to an income-based jobseeker's allowance for the period beginning with and including the date of claim or," there shall be substituted ", other than a person to whom regulation 46(1) (waiting days) applies, shall be treated as entitled to an income-based jobseeker's allowance for the period beginning with and including the 4th day of the jobseeking period or,".

(3) In paragraph (3)—

- (a) "of claim" shall be omitted, and
- (b) after the word "paragraph" in the second place where it occurs there shall be inserted "which is applicable in his case".

Further circumstances in which an income-based jobseeker's allowance is payable to a person in hardship

27. In regulation 142(2) of the Jobseeker's Allowance Regulations (further circumstances in which an income-based jobseeker's allowance is payable to a person in hardship) for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs—

- "(a) in a case where regulation 46(1) applies, the 15th day of the jobseeking period;
- (b) in a case where paragraph 4 of Schedule 1 to the Order applies, the 18th day of the jobseeking period, or".

Applicable amount in hardship cases

28. In regulation 145(1)(c) of the Jobseeker's Allowance Regulations (applicable amount in hardship cases) for "does not apply" there shall be substituted "applies".

Housing costs

29.—(1) Schedule 2 to the Jobseeker's Allowance Regulations (housing costs) shall be amended in accordance with paragraphs (2) to (7).

(2) In paragraph (3)(11)(c) (circumstances in which a person is to be treated as occupying a dwelling as his home) for paragraph (i) there shall be substituted the following paragraph—

"(i) required, as a condition of bail, to reside in a hostel;".

(3) In paragraph 4(6) (housing costs not met)—

- (a) in head (a) after "paragraph 14" there shall be inserted "during the relevant period";
- (b) for head (b) there shall be substituted the following head—

"(b) to finance the purchase of a property where an earlier loan, which qualified under paragraphs 14 and 15 during the relevant period in respect of another property, is paid off (in whole or in part) with monies received from the sale of that property,".

(4) In paragraph 11(1) (the standard rate) for head (a) there shall be substituted the following head—

- “(a) except where sub-paragraph (2) applies shall be the rate specified in paragraph 12(1) (a) of Schedule 3 to the Income Support Regulations(6), or”.
- (5) In paragraph 13(1)(a)(ii) (linking rule) for “which he was or was treated as being in receipt thereof or to which head (a)(i) applies;” there shall be substituted—
- “which—
- (aa) he was, or was treated as being, in receipt of a jobseeker’s allowance,
- (bb) he was treated as entitled to a jobseeker’s allowance for the purposes of sub-paragraphs (5), (6) and (7), or
- (cc) head (a)(i) applies;”.
- (6) In paragraph 17(7) (non-dependant deductions) for head (b) there shall be substituted the following head—
- “(b) if he is in receipt of an allowance payable in respect of training he is undertaking, and for this purpose “training” has the meaning it has in regulation 11(3);”.
- (7) In paragraph 18(1)(c) (continuity with income support) after “linking rule” there shall be inserted “or for determining whether any qualifying or other period is satisfied”.

Applicable amounts in special cases

- 30.** In Schedule 4 to the Jobseeker’s Allowance Regulations (applicable amounts in special cases), in column (1) of paragraph 17(b) for heads (i) and (ii) there shall be substituted the following heads—
- “(i) the claimant is not a patient and the other member of the couple or one or more members of the marriage has been a patient for a period of more than 6 weeks, or
- (ii) the claimant is a patient but has not been a patient for more than 2 weeks and the other member of the couple or one or more members of the marriage has been a patient for more than 6 weeks;”.

Sums to be disregarded in the calculation of earnings

- 31.**—(1) Schedule 5 to the Jobseeker’s Allowance Regulations (sums to be disregarded in the calculation of earnings) shall be amended in accordance with paragraphs (2) and (3).
- (2) In paragraph 1(a)(ii) after “(f)” there shall be inserted “, (ff)”.
- (3) In paragraph 2 after “(f)” there shall be inserted “, (ff)”.

Occupational pensions

- 32.** In Schedule 6 to the Jobseeker’s Allowance Regulations (sums to be disregarded in the calculation of income other than earnings) after paragraph 16 there shall be inserted the following paragraph—
- “**16A.**—(1) Subject to sub-paragraphs (2) and (3), where a claimant—
- (a) is a person to whom Schedule 3 (applicable amounts of persons in residential care and nursing homes) or paragraph 16 or 17 of Schedule 4 (applicable amounts in special cases) applies;
- (b) is not residing with his spouse, and

(6) Schedule 3 was substituted by [S.R. 1995 No. 301](#) and paragraph 12(1)(a) was amended by [S.R. 1996 No. 318](#)

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(c) has at least 50 per cent. of any occupational pension of his being paid to, or in respect of, his spouse for that spouse's maintenance,
an amount equal to 50 per cent. of the pension or pensions concerned.

(2) Where a claimant is entitled to more than one occupational pension, those pensions shall be aggregated for the purposes of sub-paragraph (1).

(3) This paragraph shall not have effect in respect of that part of any occupational pension to which a spouse is legally entitled whether under a court order or not.”.