
STATUTORY INSTRUMENTS

1995 No. 2705

The Jobseekers (Northern Ireland) Order 1995

Part II

The Jobseeker's Allowance

Entitlement

The jobseeker's allowance

3.—(1) An allowance, to be known as a jobseeker's allowance, shall be payable in accordance with the provision of this Order.

(2) Subject to the provisions of this Order, a claimant is entitled to a jobseeker's allowance if he—

- (a) is available for employment;
- (b) has entered into a jobseeker's agreement which remains in force;
- (c) is actively seeking employment;
- [^{F1}(d) satisfies the conditions set out in Article 4;]
- (e) is not engaged in remunerative work;
- (f) is capable of work;
- (g) is not receiving relevant education;
- (h) is under pensionable age; and
- (i) is in Northern Ireland

[^{F1}(2A) Subject to the provisions of this Order, a claimant who is not a member of a joint-claim couple is entitled to a jobseeker's allowance if he satisfies—

- (a) the conditions set out in sub-paragraphs (a) to (c) and (e) to (i) of paragraph (2); and
- (b) the conditions set out in Article 5.

(2B) Subject to the provisions of this Order, a joint-claim couple are entitled to a jobseeker's allowance if—

- (a) a claim for the allowance is made jointly by the couple;
- (b) each member of the couple satisfies the conditions set out in sub-paragraphs (a) to (c) and (e) to (i) of paragraph (2); and
- (c) the conditions set out in Article 5A are satisfied in relation to the couple.

(2C) Regulations may prescribe circumstances in which paragraph (2A) is to apply to a claimant who is a member of a joint-claim couple.

(2D) Regulations may, in respect of cases where a person would (but for the regulations) be a member of two or more joint-claim couples, make provision for only one of those couples to be a joint-claim couple; and the provision which may be so made includes provision for the couple which is to be the joint-claim couple to be nominated—

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- (a) by the persons who are the members of the couples, or
 - (b) in default of one of the couples being so nominated, by the Department.]
- (3) A jobseeker's allowance is payable in respect of a week.
- (4) In this Order—
- “a contribution-based jobseeker's allowance” means a jobseeker's allowance entitlement to which is based on the claimant's satisfying conditions which include those set out in Article 4;^{F1} . . .
- “an income-based jobseeker's allowance” means a jobseeker's allowance entitlement to which is based on the claimant's satisfying conditions which include those set out in Article 5.^{F1} or a joint-claim jobseeker's allowance;]
- [^{F1}“a joint-claim couple” means a^{F2} couple] who—
- (a) are not members of any family whose members include a person in respect of whom a member of the couple is entitled to child benefit, and
 - (b) are of a prescribed description;
- “a joint-claim jobseeker's allowance” means a jobseeker's allowance entitlement to which arises by virtue of paragraph (2B).]

F1 1999 NI 11

F2 2004 c.33

The contribution-based conditions

- 4.—(1) The conditions referred to in^{F3} Article 3(2)(d)] are that the claimant—
- (a) has actually paid Class 1 contributions in respect of one (“the base year”) of the last two complete years before the beginning of the relevant benefit year and satisfies the additional conditions set out in paragraph (2);
 - (b) has, in respect of the last two complete years before the beginning of the relevant benefit year, either paid Class 1 contributions or been credited with earnings and satisfies the additional condition set out in paragraph (3);
 - (c) does not have earnings in excess of the prescribed amount; and
 - (d) is not entitled to income support.
- (2) The additional conditions mentioned in paragraph (1)(a) are that—
- (a) the contributions have been paid before the week for which the jobseeker's allowance is claimed;
 - (b) the earnings factor derived^{F4} from so much of the claimant's earnings as did not exceed the upper earnings limit and] upon which primary Class 1 contributions have been paid or treated as paid is not less than the base year's lower earnings limit multiplied by 25.
- (3) The additional condition mentioned in paragraph (1)(b) is that the earnings factor derived^{F4} from so much of the claimant's earnings as did not exceed the upper earnings limit and] upon which primary Class 1 contributions have been paid or treated as paid or^{F4} from so much of the claimant's earnings as did not exceed the upper earnings limit and] credited is not less, in each of the two complete years, than the lower earnings limit for the year multiplied by 50.
- [^{F5}(3A) Where primary Class 1 contributions have been paid or treated as paid on any part of a person's earnings, paragraphs (2)(b) and (3) shall have effect as if such contributions had been paid or treated as paid on so much of the earnings as did not exceed the upper earnings limit.]

- (4) For the purposes of this Article—
- (a) “benefit year” means a period which is a benefit year for the purposes of Part II of the Benefits Act or such other period as may be prescribed for the purposes of this Article;
 - (b) “the relevant benefit year” is the benefit year which includes—
 - (i) the beginning of the jobseeking period which includes the week for which a jobseeker's allowance is claimed, or
 - (ii) (if earlier) the beginning of any linked period; and
 - (c) other expressions which are used in this Article and the Benefits Act have the same meaning in this Article as they have in the Act.

F3	1999 NI 11
F4	2002 c. 19
F5	1998 NI 10

The income-based conditions

- 5.—(1) The conditions referred to in^[F6] Article 3(2A)(b)] are that the claimant—
- (a) has an income which does not exceed the applicable amount (determined in accordance with regulations under Article 6) or has no income;
 - (b) is not entitled to income support^[F7] or state pension credit];
 - (c) is not a member of a family one of whose members is entitled to income support;
 - (d) is not a member of a family one of whose members is entitled to an income-based jobseeker's allowance;
 - ^[F7](dd) is not a member of a^[F8] couple] the other member of which is entitled to state pension credit;]
 - (e) is not a member of a^[F8] couple] the other member of which is engaged in remunerative work; and
 - (f) is a person—
 - (i) who has reached the age of 18; or
 - (ii) in respect of whom a direction under Article 18 is in force; or
 - (iii) who has, in prescribed circumstances to be taken into account for a prescribed period, reached the age of 16 but not the age of 18.
- (2) Regulations may provide for one or both of the following conditions to be included in the income-based conditions, in the case of a person to whom paragraph (1)(f)(ii) or (iii) applies—
- (a) a condition that the claimant must register for employment;
 - (b) a condition that the claimant must register for training.
- (3) In paragraph (1)(f)(iii) “period” includes—
- (a) a period fo a determinate length;
 - (b) a period defined by reference to the happening of a future event; and
 - (c) a period of a determinate length but subject to earlier determination upon the happening of a future event.
- (4) Regulations under paragraph (2) may, in particular, make provision by reference to persons designated by the Department for the purpose of the regulations.

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- F6** 1999 NI 11
F7 2002 c. 14 (NI)
F8 2004 c.33

[^{F9}The conditions for claims by joint-claim couples

5A.—(1) The conditions referred to in Article 3(2B)(c) are—

- (a) that the income of the joint-claim couple does not exceed the applicable amount (determined in accordance with regulations under Article 6) or the couple have no income;
- (b) that no member of a family of which the couple are members is entitled to income support;
- (c) that no member of any such family (other than the couple) is entitled to an income-based jobseeker's allowance;

[that neither member of the couple is entitled to state pension credit;]
^{F10}(cc)

- (d) that at least one member of the couple has reached the age of 18; and
- (e) that if only one member of the couple has reached the age of 18, the other member of the couple is a person—
 - (i) in respect of whom a direction under Article 18 is in force; or
 - (ii) who has, in prescribed circumstances to be taken into account for a prescribed period, reached the age of 16.

(2) Paragraphs (2) and (4) of Article 5 shall apply in relation to a member of the couple to whom paragraph (1)(e)(i) or (ii) applies as they apply in relation to a claimant to whom paragraph (1)(f)(ii) or (iii) of that Article applies.

(3) In paragraph (1)(e)(ii) “period” shall be construed in accordance with Article 5(3).]

- F9** 1999 NI 11
F10 2002 c. 14 (NI)

Joint-claim couples: the nominated member

5B.—(1) Where a joint-claim couple make a claim for a joint-claim jobseeker's allowance, they may nominate one of them as the member of the couple to whom the allowance is to be payable.

(2) In default of one of them being so nominated, the allowance shall be payable to whichever of them is nominated by the Department.

(3) Paragraphs (1) and (2) have effect subject to Article 6A(4) and (7).

(4) In this Order references to the nominated member of a joint-claim couple are, except where Article 22A(7) applies, to the member of the couple nominated under paragraph (1) or (2); and where Article 22A(7) applies, references to the nominated member of such a couple are to the member of the couple to whom Article 22A(7) provides for the allowance to be payable.

(5) Nothing in this Article or Article 22A(7) affects the operation of any statutory provision by virtue of which any amount of the allowance is required or authorised to be paid to someone other than the nominated member of the couple.

Amount payable by way of a jobseeker's allowance

6.—(1) In the case of a contribution-based jobseeker's allowance, the amount payable in respect of a claimant (“his personal rate”) shall be calculated by—

- (a) determining the age-related amount applicable to him; and
- (b) making prescribed deductions in respect of earnings and pensions payments.

(2) The age-related amount applicable to a claimant, for the purposes of paragraph (1)(a), shall be determined in accordance with regulations.

(3) In the case of an income-based jobseeker's allowance^[F11] (other than a joint-claim jobseeker's allowance)], the amount payable shall be—

- (a) if a claimant has no income, the applicable amount;
- (b) if a claimant has an income, the amount by which the applicable amount exceeds his income.

^[F11](3A) In the case of a joint-claim jobseeker's allowance, the amount payable in respect of a joint-claim couple shall be—

- (a) if the couple have no income, the applicable amount;
- (b) if the couple have an income, the amount by which the applicable amount exceeds the couple's income.]

(4) Except in prescribed circumstances, a jobseeker's allowance shall not be payable where the amount otherwise payable would be less than a prescribed minimum.

(5) The applicable amount shall be such amount or the aggregate of such amounts as may be determined in accordance with regulations.

(6) Where a claimant^[F11] is entitled to both a contribution-based jobseeker's allowance and an income-based jobseeker's allowance] but has no income, the amount payable^[F11] by way of a jobseeker's allowance] shall be—

- (a) the applicable amount, if that is greater than his personal rate; and
- (b) his personal rate, if it is not.

(7) Where the amount payable to a claimant to whom paragraph (6) applies is the applicable amount, the amount payable to him by way of a jobseeker's allowance shall be taken to consist of two elements—

- (a) one being an amount equal to his personal rate; and
- (b) the other being an amount equal to the excess of the applicable amount over his personal rate.

(8) Where a claimant^[F11] is entitled to both a contribution-based jobseeker's allowance and an income-based conditions] and has an income, the amount payable^[F11] by way of a jobseeker's allowance] shall be—

- (a) the amount by which the applicable amount exceeds his income, if the amount of that excess is greater than his personal rate; and
- (b) his personal rate, if it is not.

(9) Where the amount payable to a claimant to whom paragraph (8) applies is the amount by which the applicable amount exceeds his income, the amount payable to him by way of a jobseeker's allowance shall be taken to consist of two elements—

- (a) one being an amount equal to his personal rate; and
- (b) the other being an amount equal to the amount by which the difference between the applicable amount and his income exceeds his personal rate.

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(10) The element of a jobseeker's allowance mentioned in paragraph (7)(a) and that mentioned in paragraph (9)(a) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the claimant's entitlement to a contribution-based jobseeker's allowance.

(11) The element of a jobseeker's allowance mentioned in paragraph (7)(b) and that mentioned in paragraph (9)(b) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the claimant's entitlement to an income-based jobseeker's allowance.

[^{F11}(11A) In paragraphs (6) to (11) “claimant” does not include—

- (a) a joint-claim couple, or
- (b) a member of such a couple (other than a person to whom regulations under Article 3(2C) apply);

but Article 6A, which contains corresponding provisions relating to joint-claim couples, applies instead.]

(12) Regulations under paragraph (5) may provide that, in prescribed cases, an applicable amount is to be nil.

F11 1999 NI 11

[^{F12}**Amount payable in respect of joint-claim couple**

6A.—(1) This Article applies where—

- (a) a joint-claim couple are entitled to a joint-claim jobseeker's allowance, and
- (b) one or each of the members of the couple is in addition entitled to a contribution-based jobseeker's allowance;

and in such a case the provisions of this Article have effect in relation to the couple in place of Article 6(3A).

(2) If a joint-claim couple falling within paragraph (1) have no income, the amount payable in respect of the couple by way of a jobseeker's allowance shall be—

- (a) the applicable amount, if that is greater than the couple's personal rate; and
- (b) the couple's personal rate, if it is not.

(3) Where the amount payable in accordance with paragraph (2) is the applicable amount, the amount payable in respect of the couple by way of a jobseeker's allowance shall be taken to consist of two elements—

- (a) one being an amount equal to the couple's personal rate; and
- (b) the other being an amount equal to the excess of the applicable amount over the couple's personal rate.

(4) Where the amount payable in accordance with paragraph (2) is the couple's personal rate, then—

- (a) if each member of the couple is entitled to a contribution-based jobseeker's allowance, an amount equal to the member's own personal rate shall be payable in respect of the member by way of such an allowance;
- (b) if only one of them is so entitled, an amount equal to that member's personal rate shall be payable in respect of the member by way of such an allowance;

and in either case nothing shall be payable in respect of the couple by way of a joint-claim jobseeker's allowance.

(5) If a joint-claim couple falling within paragraph (1) have an income, the amount payable in respect of the couple by way of a jobseeker's allowance shall be—

- (a) the amount by which the applicable amount exceeds the couple's income, if the amount of that excess is greater than the couple's personal rate; and
- (b) the couple's personal rate, if it is not.

(6) Where the amount payable in accordance with paragraph (5) is the amount by which the applicable amount exceeds the couple's income, the amount payable in respect of the couple by way of a jobseeker's allowance shall be taken to consist of two elements—

- (a) one being an amount equal to the couple's personal rate; and
- (b) the other being an amount equal to the amount by which the difference between the applicable amount and the couple's income exceeds the couple's personal rate.

(7) Where the amount payable in accordance with paragraph (5) is the couple's personal rate, paragraph (4) shall apply as it applies in a case where the amount payable in accordance with paragraph (2) is that rate.

(8) The element of a jobseeker's allowance mentioned in paragraph (3)(a) and that mentioned in paragraph (6)(a) shall be treated, for the purpose of identifying the source of the allowance, as attributable—

- (a) in a case where only one member of the joint-claim couple is entitled to a contribution-based jobseeker's allowance, to that member's entitlement to such an allowance; and
- (b) in a case where each member of the couple is entitled to a contribution-based jobseeker's allowance, rateably according to their individual entitlements to such an allowance.

(9) The element of a jobseeker's allowance mentioned in paragraph (3)(b) and that mentioned in paragraph (6)(b) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the couple's entitlement to a joint-claim jobseeker's allowance.

(10) In this Article “the couple's personal rate”, in relation to a joint-claim couple, means—

- (a) where only one member of the couple is entitled to a contribution-based jobseeker's allowance, that member's personal rate;
- (b) where each member of the couple is entitled to such an allowance, the aggregate of their personal rates.]

F12 1999 NI 11

Duration of a contribution-based jobseeker's allowance

7.—(1) The period for which a person is entitled to a contribution-based jobseeker's allowance shall not exceed, in the aggregate, 182 days in any period for which his entitlement is established by reference (under Article 4(1)(b)) to the same two years.

(2) The fact that a person's entitlement to a contribution-based jobseeker's allowance (“his previous entitlement”) has ceased as a result of paragraph (1) does not prevent his being entitled to a further contribution-based jobseeker's allowance if—

- (a) he satisfies the contribution-based conditions; and
- (b) the two years by reference to which he satisfies those conditions include at least one year which is later than the second of the two years by reference to which his previous entitlement was established.

(3) Regulations may provide that a person who would be entitled to a contribution-based jobseeker's allowance but for the operation of prescribed provisions of, or made under, this Order shall be treated as if entitled to the allowance for the purposes of this Article.

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