
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 200

The Jobseeker's Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996

Transitionally protected period

9.—(1) The transitionally protected period commences in the case of any particular claimant on the first day in the benefit week which commences in his case on or after 7th October 1996 and applies to a claimant—

- (a) who was awarded a jobseeker's allowance on a claim treated as made under regulation 5(1), or
- (b) whose award of unemployment benefit terminated in accordance with regulation 5(2).

(2) The transitionally protected period ends in the case of any particular claimant on the last day in the benefit week which includes 6th April 1997 or, if earlier, on the termination of any period of entitlement to a contribution-based jobseeker's allowance which does not link, in accordance with this regulation, with any subsequent period of entitlement to a contribution-based jobseeker's allowance.

(3) For the purposes of determining whether in any particular case the transitionally protected period has ended, periods of entitlement to a contribution-based jobseeker's allowance—

- (a) separated by not more than 8 weeks shall link;
- (b) separated by more than 8 weeks shall not link,

and in determining whether any particular periods of entitlement link, any period which is for the purposes of regulation 3(2) a linked period shall be disregarded.

(4) Where a person—

- (a) is entitled to a jobseeker's allowance and that entitlement falls within the transitionally protected period, and
- (b) satisfies the requirements of Article 4 of the Order (the contribution-based conditions) but not those of Article 5 of the Order (the income-based conditions),

an amount equal to any dependency increase payable with his unemployment benefit in respect of the benefit week which includes the relevant day, shall be payable as an addition to the person's contribution-based jobseeker's allowance but only for so long as he continues to satisfy the conditions of entitlement to the dependency increase which applied on that day.

(5) Where a person had not attained the age of 55 on the relevant day then for any week falling within the transitionally protected period in which he has still not attained that age section 30 of the Benefits Act (abatements of unemployment benefit on account of payments of occupational pension) shall apply in his case as if it had not been repealed, and the deductions prescribed under Article 6(1)(b) of the Order (amount payable by way of a jobseeker's allowance) in so far as they relate to occupational pensions shall not be made.

(6) In the case of a person who, on the relevant day—

- (a) was entitled to unemployment benefit by virtue of section 25(2)(b) or (c) of the Benefits Act, and

(b) has attained pensionable age,

his continuing entitlement to a contribution-based jobseeker's allowance shall be determined in the transitionally protected period as if those provisions of the Benefits Act continued to apply in his case and the requirement of Article 3(2)(h) of the Order (entitlement to a jobseeker's allowance) did not apply, but subject to Article 7(1) of the Order (duration of a contribution-based jobseeker's allowance) and regulation 8 (further provisions applying to a continuing entitlement to a jobseeker's allowance).

(7) In the transitionally protected period, where the weekly amount payable in accordance with Article 6(1)(a) of the Order is less than the amount of unemployment benefit payable in the claimant's case for the benefit week which includes the relevant day in accordance with paragraph 1 of Schedule 4 to the Benefits Act, the age-related amount applicable in that case shall be an amount equal to the amount formerly payable by way of unemployment benefit under that provision.

(8) In paragraph (7) the reference to the amount of unemployment benefit includes a reference to the amount of unemployment benefit which would have been payable had not the claimant been summoned as a juror or been undergoing training.

(9) Where a person is entitled to an income-based jobseeker's allowance, an amount equal to any dependency increase payable to him in accordance with section 82 of the Benefits Act in respect of an adult dependant who does not reside with him shall be—

(a) included in the applicable amount of the person, and

(b) disregarded in determining the amount of the person's income,

but only for so long as he continues to satisfy the conditions of entitlement to the dependency increase which applied on that day, or until the end of the benefit week which for him includes 7th April 1997, whichever is the earlier.