
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;
- (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”.

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

- (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,”.

Couples who separate

9.—(1) Regulation 10 of the Back to Work Bonus Regulations (couples who separate) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1) after the words “qualifying benefit” in the first place where they occur there shall be inserted “other than a contribution-based jobseeker’s allowance” and after the words “the other member of the couple,” in the first place where they occur there shall be inserted “in a case where he is entitled to a qualifying benefit within 12 weeks of the date of separation,”.

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

“(1A) Where one or more members of a polygamous marriage separate and at the date of separation any one of them has days of entitlement to a qualifying benefit other than a contribution-based jobseeker’s allowance which count towards the waiting period, those days of entitlement which count, up to a maximum of 91 days, shall count towards a waiting period of any person who is or was a member of that marriage, where he is entitled to a qualifying benefit within 12 weeks of the date of separation, and shall be treated as days on which any person who is or was a member of that marriage was entitled to a qualifying benefit.”.

(4) In paragraph (2)—

- (a) after the words “paragraph (1)” in each place where they occur there shall be inserted “or (1A)”, and
- (b) after “regulation 6(2)” there shall be inserted “when he makes a claim for a qualifying benefit for the couple”.

Couples who separate where the partner has earnings

10.—(1) Regulation 11 of the Back to Work Bonus Regulations (couples who separate where the partner has earnings) shall be amended in accordance with paragraphs (2) and (3).

(2) For paragraph (3) there shall be substituted the following paragraph—

“(3) The amount which shall accrue to the separated partner in accordance with paragraph (2) (referred to in this regulation as the “accrued bonus”) shall be the aggregate of the weekly amounts determined in accordance with the formula—

$$\frac{A}{B} \times C$$

where—

A is the earnings of the separated partner in the benefit week in question in respect of which he has earnings in that part of the bonus period which falls before the date of separation;

B is the total of the earnings of both members of the couple, or in the case of a polygamous marriage, all the members of the marriage, in that week in that part of the bonus period which falls before the date of separation, and

C is the amount of the bonus calculated in respect of that week which would have been payable had it been payable on the day before the couple, or some or all of the members of a polygamous marriage, separated in respect of the earnings of both, or, as the case may be, all of them.”.

(3) Paragraphs (5), (6) and (7) shall be omitted.

Couples who separate where the separated partner has attained the age of 60

11.—(1) Regulation 12 of the Back to Work Bonus Regulations (couples who separate where the separated partner has attained the age of 60) shall be amended in accordance with paragraphs (2) to (6).

(2) In paragraph (2), at the end there shall be added “, or in the case of a polygamous marriage, the other members of the marriage.”.

(3) In paragraph (3)—

(a) for “or (5)” there shall be substituted “or (6)”, and

(b) after “earnings)” there shall be added “and in accordance with paragraph (4) of that regulation”.

(4) In paragraph (4)(a) for “the bonus” there shall be substituted “a bonus”.

(5) In paragraph (6)(d) after “the couple’s earnings” there shall be inserted “, or in the case of a polygamous marriage, the earnings of the members of that marriage”.

(6) In paragraph (8) for “paid” there shall be substituted “payable”.

Single persons who become couples: further provisions

12.—(1) Regulation 14 of the Back to Work Bonus Regulations (single persons who become couples: further provisions) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1)(b) for “the claim” there shall be substituted “a claim for a qualifying benefit, other than a contribution-based jobseeker’s allowance”.

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

“(1A) The number of days the person mentioned in paragraph (1)(a) has served of the waiting period referred to in regulation 6 shall be deducted from the number of days of the waiting period the other member of the couple is required to serve.”.

Single claimants who are couples

13.—(1) Regulation 15 of the Back to Work Bonus Regulations (single claimants who are couples) shall be amended in accordance with paragraphs (2) to (5).

(2) In paragraph (1) for “paragraphs (2) to (4)” there shall be substituted “paragraphs (2) to (5)”.

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

“(1A) Where—

(a) 3 or more persons who are living together are members of a polygamous marriage;

(b) 2 or more of those persons were in receipt of a qualifying benefit during the whole or part of the time they lived together and were members of a polygamous marriage, and

(c) had they declared that they were members of a polygamous marriage, either—

(i) no qualifying benefit would have been payable to them, or

(ii) a qualifying benefit would have been payable to only one or some of the members of the polygamous marriage,

the provisions of these Regulations shall also have effect subject to paragraphs (2) to (5).”.

(4) In paragraph (2) for the word “week” in both places where it occurs there shall be substituted “benefit week”.

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

“(5) In paragraphs (3) and (4) any reference to a couple shall include a reference to the members of a polygamous marriage.”.

Couples both of whom are entitled to a qualifying benefit

14.—(1) Regulation 16 of the Back to Work Bonus Regulations (couples both of whom are entitled to a qualifying benefit) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1)—

(a) in sub-paragraph (b) for “income support,” there shall be substituted “income support or;”, and

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

“(c) one member of a polygamous marriage is entitled to a contribution-based jobseeker’s allowance, and

(d) another member of the polygamous marriage is entitled to an income-based jobseeker’s allowance.”.

(3) In paragraph (2)(c) at the end there shall be inserted “, or had a period of entitlement to a qualifying benefit within 12 weeks of the day after they became a couple;”.

Trainees

15. Regulation 18 of the Back to Work Bonus Regulations (trainees) is hereby revoked.

Death

16.—(1) Regulation 19 of the Back to Work Bonus Regulations (death) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1)—

(a) “this regulation applies” shall be omitted, and

(b) after sub-paragraph (d) there shall be added “paragraphs (2), (5) and (6) shall apply”.

(3) In paragraph (3) for “the person” there shall be substituted “a person”.

Trade disputes

17.—(1) Regulation 20 of the Back to Work Bonus Regulations (trade disputes) shall be amended in accordance with paragraphs (2) to (6).

(2) In paragraph (2) for “earned by” there shall be substituted “of”.

(3) In paragraph (4)(b) after “the benefit” there shall be inserted “or his partner”.

(4) In paragraph (4) for “earned by that person” there shall be substituted “of that person or his partner, as the case may be,”.

(5) In paragraph (6)—

(a) after “may be,” there shall be inserted “the partner or the person claiming the benefit referred to in”;

(b) “and undertakes work for less than 24 hours per week” shall be omitted, and

(c) for the word “week” in both places where it occurs there shall be substituted “benefit week”.

(6) In paragraph (8) for “Where the partner” there shall be substituted “Where the person claiming the benefit referred to in paragraph (2)(a) or (4)(a) or his partner, as the case may be”.

Share fishermen

18. In regulation 21 of the Back to Work Bonus Regulations (share fishermen)—

- (a) for “paid” there shall be substituted “payable”, and
- (b) for the word “week” in both places where it occurs there shall be substituted “benefit week”.

Claiming a bonus

19.—(1) Regulation 23 of the Back to Work Bonus Regulations (claiming a bonus) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1)(a) at the beginning there shall be inserted “subject to paragraph (7)”.

(3) In paragraph (1)(b)(i) for “a person to whom regulation 18 (trainees) applies” there shall be substituted “a person who satisfies the third condition in regulation 7”.

(4) After paragraph (5) there shall be added the following paragraphs—

“(6) In the case of a person who has served or is treated as having served a waiting period in accordance with regulation 6(1) (waiting period) and is a member of a couple in respect of whom income support or an income-based jobseeker’s allowance is payable, the claim for the bonus shall be made by the member of the couple entitled to the benefit.

(7) A person who has an employment to take up, or whose earnings or the hours of his employment will increase within 14 days of completing his training or the date of separation and that employment satisfies the requirements of regulation 7(4)(c) or (5)(c) may make a claim for a bonus—

- (a) in the case of a person who satisfies all the other requirements of the third condition specified in regulation 7, up to 14 days before the day following the last day of attendance on the course;
- (b) in the case of a person who satisfies all the other conditions of the fourth condition specified in regulation 7, up to 13 days before the day on which he complies with the condition, but not before the day after the separation.”.

Payment of bonus

20. In regulation 25 of the Back to Work Bonus Regulations (payment of bonus) for “paid” there shall be substituted “payable”.

Payment of bonus: further provisions

21. After regulation 25 of the Back to Work Bonus Regulations (payment of bonus) there shall be inserted the following regulations—

“Award of bonus

25A.—(1) Where the adjudication officer is satisfied that a person satisfies, or will satisfy, the work condition or either of the requirements specified in regulation 7(4)(c) or the requirement specified in regulation 7(5)(c) he may award a bonus in advance of the condition or requirement being met.

(2) If, having been awarded a bonus in advance in accordance with paragraph (1), the person fails to satisfy the conditions, he shall not be entitled to any further bonus until he has served a further waiting period in accordance with regulation 6 (waiting period).

Payments on death

25B.—(1) Where a person satisfies the requirements for entitlement to a bonus other than the need to make a claim, but dies within 12 weeks of the last day of entitlement to a qualifying benefit, the Department may appoint such person as it may think fit to claim a bonus in place of the deceased person.

(2) Where the conditions specified in paragraph (3) are satisfied, a claim may be made by the person appointed for a back to work bonus to which the deceased person would have been entitled if he had claimed it in accordance with regulation 23 (claiming a bonus).

(3) Subject to paragraphs (4) to (7), the following conditions are specified for the purposes of paragraph (2)—

- (a) the application to the Department to be appointed a fit person to make a claim shall be made within 6 months of the date of death;
- (b) the claim shall be made in writing within 6 months of the date the appointment was made.

(4) Subject to paragraphs (5) and (6), the Department may, in exceptional circumstances, extend the period for making an application or a claim to such longer period as he considers appropriate in the particular case.

(5) Where the period is extended in accordance with paragraph (4), the period specified in paragraph (3)(a) or (b) shall be shortened by a corresponding period.

(6) The Department shall not extend the period of claim in accordance with paragraph (4) for more than 12 months from the date of death, but in calculating that period, any period between the date when an application for a person to be appointed to make a claim is made and the date when the Department makes the appointment shall be disregarded.

(7) A claim made in accordance with paragraph (2) shall be treated, for the purposes of these Regulations, as if made on the date of the deceased's death."

Transitional matters

22. In regulation 26(2)(b) of the Back to Work Bonus Regulations (transitional matters) for "any earnings received by" there shall be substituted "any earnings of" and after "partner" there shall be inserted "calculated in accordance with those rules".

Sealed with the Official Seal of the Department of Health and Social Services on 24th July 1996.

W. G. Purdy
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations contain amendments to the Social Security (Back to Work Bonus) Regulations (Northern Ireland) 1996.

In particular, regulation 21 introduces two new regulations. Regulation 25A provides that, in certain circumstances, a back to work bonus may be claimed, and awarded, in advance of the requirements for a bonus, including the work condition, being satisfied. Regulation 25B provides that where a person satisfied the requirements for a back to work bonus, but died before claiming it, the bonus may be claimed by a person appointed by the Department in place of the deceased.

Articles 28 and 36(2) of the Jobseekers (Northern Ireland) Order 1995, the enabling provisions under which these Regulations are made, are brought into operation on 5th February 1996 by virtue of the Jobseekers (1995 Order) (Commencement No. 1) Order (Northern Ireland) 1996 (S.R. [1996 No. 26](#) (C. 3)). Since these Regulations are made before the end of a period of 6 months from the commencement of the said Articles, they are, accordingly, exempt, by virtue of section 150(5)(a) of the Social Security Administration (Northern Ireland) Act [1992 \(c. 8\)](#), from reference to the Social Security Advisory Committee.