
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 334

HOUSING; RATES

The Housing Benefit (General and Supply of Information) (Jobseeker's Allowance) (Consequential Amendments) Regulations (Northern Ireland) 1996

Made - - - - *30th July 1996*
Coming into operation *7th October 1996*

The Department of Health and Social Services for Northern Ireland, 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 the Environment for Northern Ireland(2) in so far as its consent is required, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General and Supply of Information) (Jobseeker's Allowance) (Consequential Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996.

(2) In these Regulations—

“the principal Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(3);

“the Supply of Information Regulations” means the Housing Benefit (Supply of Information) Regulations (Northern Ireland) 1988(4).

(3) The Interpretation Act (Northern Ireland) 1954(5) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (interpretation)—

(1) S.I. 1995/2705 (N.I. 15)

(2) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (1992 c. 7) inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8))

(3) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1988 Nos. 314 and 424, S.R. 1990 Nos. 136, 137, 297 and 345, S.R. 1991 Nos. 47, 176 and 337, S.R. 1992 Nos. 6, 141, 404 and 549, S.R. 1993 No. 149, S.R. 1994 Nos. 80 and 88, S.R. 1995 No. 89 and 367 and S.R. 1996 Nos. 11, 93 and 115

(4) S.R. 1988 No. 118; relevant amending Regulations are S.R. 1992 No. 141, S.R. 1994 No. 335 and S.R. 1995 No. 129

(5) 1954 c. 33 (N.I.)

- (a) in paragraph (1)—
- (i) in the definition of “appropriate office” for “unemployment benefit” there shall be substituted “jobseeker’s allowance”;
 - (ii) after the definition of “attendance allowance” there shall be inserted the following definition—

““the benefit Acts” means the Contributions and Benefits Act and the Jobseekers (Northern Ireland) Order 1995;”;
 - (iii) after the definition of “housing association” there shall be inserted the following definition—

““an income-based jobseeker’s allowance” has the same meaning in these Regulations as it has in the Jobseekers (Northern Ireland) Order 1995 by virtue of Article 3(4) of that Order;”;
- (b) after paragraph (3), there shall be inserted the following paragraph—
- “(3A) For the purposes of these Regulations, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day—
- (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not paid in accordance with Article 21 of the Jobseekers (Northern Ireland) Order 1995 (circumstances in which a jobseeker’s allowance is not payable), or
 - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Order and which falls immediately before a day in respect of which an income-based jobseeker’s allowance is payable to him or would be payable to him but for Article 21 of that Order.”.

Amendment of regulation 4 of the principal Regulations

3. In regulation 4(5) of the principal Regulations (remunerative work) after “income support” there shall be inserted “or an income-based jobseeker’s allowance”.

Amendment of regulation 7A of the principal Regulations

4. In regulation 7A(5) of the principal Regulations (persons from abroad)(6) after sub-paragraph (d) there shall be added the following sub-paragraph—

“(e) is a person on an income-based jobseeker’s allowance.”.

Amendment of regulation 8 of the principal Regulations

5. In regulation 8 of the principal Regulations (eligible housing costs)(7) in paragraphs (2) and (3) after “income support” in each place where it occurs there shall be inserted “or an income-based jobseeker’s allowance”.

Amendment of regulation 13 of the principal Regulations

6. In regulation 13(2) of the principal Regulations (persons of prescribed description)(8) after “on income support” there shall be inserted “or an income-based jobseeker’s allowance”.

(6) Regulation 7A was inserted by regulation 2(1) of S.R. 1994 No. 80 and paragraph (5) was substituted by regulation 5(b) of S.R. 1996 No. 11

(7) Paragraphs (2) and (3) were amended by regulation 3 of S.R. 1988 No. 314 and regulation 3(5) of S.R. 1993 No. 149

(8) Paragraph (2) was amended by regulation 4 of S.R. 1990 No. 136

Amendment of regulation 20 of the principal Regulations

7. In regulation 20(1) of the principal Regulations (circumstances in which income of a non-dependant is to be treated as claimant's) after "income support" there shall be inserted "or an income-based jobseeker's allowance".

Amendment of regulation 43A of the principal Regulations

8. In regulation 43A of the principal Regulations (diminishing notional capital rule)(9)—

(a) in paragraph (3)—

(i) at the end of sub-paragraph (c) "and" shall be omitted;

(ii) in sub-paragraph (d) for "(notional capital)" there shall be substituted "(notional capital), and;" and

(iii) after sub-paragraph (d) there shall be added the following sub-paragraph—

"(e) where the claimant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the benefit week to which paragraph (2) refers but for the application of regulation 113 of the Jobseekers Allowance Regulations (Northern Ireland) 1996 (notional capital);"(10).

(b) in paragraph (4)—

(i) at the end of sub-paragraph (c) "and" shall be omitted;

(ii) in sub-paragraph (d)(ii) for "so entitled" there shall be substituted "so entitled; and", and

(iii) after sub-paragraph (d) there shall be added the following sub-paragraph—

"(e) if the claimant would, but for regulation 113 of the Jobseekers Allowance Regulations (Northern Ireland) 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 2 of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7.";

(c) in paragraph (8) in the definition of "part-week"—

(i) for "paragraph (4)(c)" there shall be substituted "paragraph (4)(c) and (e)";

(ii) after "income support" there shall be inserted ", or, as the case may be, an income-based jobseeker's allowance,".

Amendment of regulation 48A of the principal Regulations

9. In regulation 48A(2)(a) of the principal Regulations(11) (full-time students to be treated as not liable to make payments in respect of a dwelling) after "income support" there shall be inserted "or an income-based jobseeker's allowance".

(9) Regulation 43A was inserted by regulation 6 of S.R. 1990 No. 345; relevant amending Regulations are regulation 5 of S.R. 1991 No. 47 and regulation 8 of S.R. 1992 No. 404

(10) S.R. 1996 No. 198

(11) Regulation 48A was inserted by regulation 3(6) of S.R. 1990 No. 297

Amendment of regulation 63 of the principal Regulations

10. In regulation 63(8)(a) and (b) of the principal Regulations(**12**) (non-dependant deductions) after “income support” there shall be inserted “or an income-based jobseeker’s allowance”.

Amendment of regulation 66 of the principal Regulations

11. In regulation 66(4) of the principal Regulations (benefit period) after “income support” there shall be inserted “or an income-based jobseeker’s allowance”.

Amendment of regulation 67 of the principal Regulations

- 12.** In regulation 67 of the principal Regulations (date on which benefit period is to end)(**13**)—
- (a) the existing provision shall be numbered (1);
 - (b) in paragraph (1)(a)—
 - (i) at the beginning there shall be inserted “subject to paragraph (2),” and
 - (ii) after “income support” there shall be inserted “or an income-based jobseeker’s allowance”;
 - (c) in paragraph (1)(b)—
 - (i) after “income support” in each place where it occurs there shall be inserted “or an income-based jobseeker’s allowance”, and
 - (ii) for “the principal Act” there shall be substituted “the benefit Acts”;
 - (d) after paragraph (1) there shall be added the following paragraph—
 - “(2) Paragraph (1)(a) shall not apply where—
 - (a) the claimant ceases to be entitled to income support and immediately after that entitlement ceases an entitlement to an income-based jobseeker’s allowance commences for him, or
 - (b) the claimant ceases to be entitled to an income-based jobseeker’s allowance and immediately after that entitlement ceases an entitlement to income support commences for him.”.

Amendment of regulation 72 of the principal Regulations

13. In regulation 72 of the principal Regulations (time and manner in which claims are to be made)—

- (a) in paragraph (4)(a) and (c) after “income support” there shall be inserted “or a jobseeker’s allowance”;
- (b) in paragraph (5)(**14**)—
 - (i) for sub-paragraph (a) there shall be substituted the following sub-paragraph—
 - “(a) in a case where an award of income support or an income-based jobseeker’s allowance has been made to the claimant or his partner and the claim for housing benefit is made within 4 weeks of the date on which the claim for that income support or jobseeker’s allowance was received at the appropriate office, the first day of entitlement to income support or an income-based jobseeker’s allowance arising from

(12) Paragraph 8 was substituted by regulation 7(c) of S.R. 1992 No. 549

(13) Regulation 67 was amended by regulation 9 of S.R. 1990 No. 136 and regulation 8 of S.R. 1995 No. 89

(14) Paragraph (5) was amended by regulation 4(4)(a) of S.R. 1990 No. 137, regulation 9 of S.R. 1991 No. 47, regulation 3(a) of S.R. 1991 No. 176 and by regulation 13 of S.R. 1991 No. 337

that claim; and for the purposes of this sub-paragraph a person who has an award entitling him to an income-based jobseeker's allowance shall be treated as also entitled to an income-based jobseeker's allowance for any days which immediately precede the first day in that award and on which in accordance with paragraph 4 of Schedule 1 to the Jobseekers (Northern Ireland) Order 1995 (waiting days) he would not be entitled to that allowance;";

(ii) in sub-paragraph (b)—

- (a) after "claimed income support" there shall be inserted "or a jobseeker's allowance";
- (b) after "entitlement to income support" there shall be inserted "or an income-based jobseeker's allowance";
- (c) in sub-paragraph (bb) after "income support" there shall be inserted "or an income-based jobseeker's allowance";
- (c) in paragraph (13)(a)(15) after "income support" there shall be inserted "or an income-based jobseeker's allowance".

Amendment of regulation 75 of the principal Regulations

14. In regulation 75(2)(e) of the principal Regulations (duty to notify changes of circumstances) after "income support" in each place where it occurs there shall be inserted "or an income-based jobseeker's allowance".

Amendment of regulation 76 of the principal Regulations

15. In regulation 76(4)(a) of the principal Regulations (who is to make a determination)(16) after "income support" there shall be inserted "or an income-based jobseeker's allowance".

Amendment of regulation 93 of the principal Regulations

16. In regulation 93(1)(a) of the principal Regulations (circumstances in which payment is to be made to a landlord or the Department of the Environment)—

- (a) for "the Order" there shall be substituted "the Social Security Administration (Northern Ireland) Act 1992", and
- (b) after "income support" there shall be inserted "or a jobseeker's allowance".

Amendment of regulation 95 of the principal Regulations

17. In regulation 95(4A) of the principal Regulations (withholding of benefit)(17) after "income support" in the first place where it occurs there shall be inserted "or an income-based jobseeker's allowance" and in the second place where it occurs there shall be inserted "or income-based jobseeker's allowance".

Amendment of regulation 105 of the principal Regulations

18. In regulation 105(1) of the principal Regulations (recovery of overpayments from prescribed benefits)(18) at the end there shall be added the following sub-paragraph—

"(e) a jobseeker's allowance.".

(15) Paragraph (13)(a) was amended by regulation 9(b) of S.R. 1991 No. 47

(16) Paragraph (4) was added by regulation 5 of S.R. 1996 No. 115

(17) Paragraph (4A) was inserted by regulation 9(a) of S.R. 1995 No. 89

(18) Paragraph (1) was amended by regulation 16 of S.R. 1988 No. 424 and regulation 11(3)(a) and (b) of S.R. 1992 No. 6

Amendment of Schedule 3 to the principal Regulations

19. In Schedule 3 to the principal Regulations (sums to be disregarded in the calculation of earnings) in paragraph 10 after “income support” there shall be inserted “or an income-based jobseeker’s allowance”.

Amendment of Schedule 4 to the principal Regulations

20. In Schedule 4 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 4 after “income support” there shall be inserted “or an income-based jobseeker’s allowance”;
- (b) in paragraph 6 at the end there shall be added the following sub-paragraph—
 - “(c) an income-based jobseeker’s allowance.”;
- (c) in paragraph 55(19)—
 - (i) the existing provision shall be numbered as sub-paragraph (1), and
 - (ii) after sub-paragraph (1) there shall be added the following sub-paragraph—
 - “(2) For the purposes of sub-paragraph (1), an addition to a contribution-based jobseeker’s allowance under regulation 9(4) of the Jobseeker’s Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996 shall be treated as an increase of a benefit under the Contributions and Benefits Act arising under Part IV of that Act.”.

Amendment of Schedule 5 to the principal Regulations

21. In Schedule 5 to the principal Regulations (capital to be disregarded)—

- (a) in paragraph 5 after “income support” there shall be inserted “or an income-based jobseeker’s allowance”;
- (b) in paragraph 8 after sub-paragraph (b) there shall be inserted the following sub-paragraph—
 - “(c) an income-based jobseeker’s allowance.”;
- (c) after paragraph 46(20) there shall be added the following paragraph—
 - “47. Any back to work bonus payable by way of a jobseeker’s allowance or income support in accordance with Article 28 of the Jobseekers (Northern Ireland) Order 1995, or a corresponding payment under section 26 of the Jobseekers Act 1995 but only for a period of 52 weeks from the date the payment is received.”.

Amendment of Schedule 5A to the principal Regulations

22. In Schedule 5A to the principal Regulations (extended payments of housing benefit)(21)—

- (a) in paragraph 2—
 - (i) in sub-paragraph (a) after “income support” there shall be inserted “or an income-based jobseeker’s allowance”;
 - (ii) in sub-paragraph (c) after “entitlement to income support” there shall be inserted “or an income-based jobseeker’s allowance”;

(19) Paragraph 55 was added by regulation 11(c) of S.R. 1994 No. 88 and amended by regulation 3(9)(b) of S.R. 1995 No. 367

(20) Paragraph 46 was added by regulation 10(2) of S.R. 1996 No. 93

(21) Schedule 5A was inserted by regulation 6 of S.R. 1996 No. 115

- (iii) in sub-paragraph (d) after “income support” there shall be inserted “or an income-based jobseeker’s allowance”, and
- (iv) for sub-paragraph (e) there shall be substituted the following sub-paragraph—
 - “(e) that the claimant had been entitled to and in receipt of income support or a jobseeker’s allowance for a continuous period of at least 26 weeks until the relevant day in any of, or any combination of, the circumstances set out at sub-paragraph (c), and for the purpose of this sub-paragraph—
 - (i) any period of entitlement to and receipt of unemployment benefit shall be taken to be entitlement to and receipt of income support, and
 - (ii) for the avoidance of doubt a claimant satisfies the conditions of this sub-paragraph if he has been entitled to and in receipt of income support for at least 26 weeks, or a jobseeker’s allowance for at least 26 weeks, or a combination of income support and a jobseeker’s allowance for at least 26 weeks.”;
- (b) in paragraph 3—
 - (i) in sub-paragraph (2)(c) after “income support” there shall be inserted “or an income-based jobseeker’s allowance”, and
 - (ii) in sub-paragraph (3)(a) at the beginning there shall be inserted “where the Department certifies under paragraph 2(a) that the claimant was entitled to and in receipt of income support.”;
- (c) in paragraph 13 in the definition of “the relevant day” after “income support” there shall be inserted “or an income-based jobseeker’s allowance”.

Amendment of Schedule 6 to the principal Regulations

23.—(1) In the provisions of Schedule 6 to the principal Regulations (matters to be included in the notice of determination)⁽²²⁾ listed in paragraph (2), after “income support” in each place where it occurs there shall be inserted “or an income-based jobseeker’s allowance”.

- (2) The provisions referred to in paragraph (1) are:
 - (a) paragraph 9;
 - (b) paragraph 10;
 - (c) paragraph 13(a)(ii).

Amendment of regulation 1 of the Supply of Information Regulations

24. In regulation 1(2) of the Supply of Information Regulations (citation, commencement and interpretation)—

- (a) in the definition of “appropriate office” for “unemployment benefit” there shall be substituted “jobseeker’s allowance”;
- (b) after the definition of “appropriate office” there shall be inserted the following definition—
 - ““the benefit Acts” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and the Jobseekers (Northern Ireland) Order 1995.”;
 - and
- (c) after the definition of “the Executive” there shall be inserted the following definition—

(22) Paragraph (2) was amended by regulation 15 of S.R. 1992 No. 141

““an income-based jobseeker’s allowance” has the same meaning in these Regulations as it has in the Jobseekers (Northern Ireland) Order 1995 by virtue of Article 3(4) of that Order.”.

Amendment of regulation 2 of the Supply of Information Regulations

25. In regulation 2 (Information to be supplied by the Department to the Executive)(23)—

- (a) in paragraph (1)—
 - (i) in sub-paragraphs (a), (b) and (c) after “income support” in each place where it occurs there shall be inserted “or a jobseeker’s allowance”;
 - (ii) in sub-paragraphs (d) to (f), (l) and (m), after “income support” in each place where it occurs there shall be inserted “or an income-based jobseeker’s allowance”;
 - (iii) in sub-paragraphs (g) to (i), after “income support” in each place where it occurs there shall be inserted “or is a person on an income-based jobseeker’s allowance”;
 - (iv) in sub-paragraph (j) after “income support” there shall be inserted “or a person on an income-based jobseeker’s allowance”;
 - (v) after sub-paragraph (s) there shall be added the following sub-paragraphs—
 - “(t) in the case of a claimant entitled to an income-based jobseeker’s allowance, details of any days falling immediately before that entitlement to which paragraph 4 of Schedule 1 to the Jobseekers (Northern Ireland) Order 1995 (waiting days) applies;
 - (u) in the case of a claimant on whom a sanction is imposed under Article 19 of the Jobseekers (Northern Ireland) Order 1995, details of any period covered by the sanction in which an income-based jobseeker’s allowance would be payable to him but for the sanction.”;
- (b) in paragraph (2) after “income support” there shall be inserted “or an income-based jobseeker’s allowance”, and
- (c) after paragraph (2) there shall be added the following paragraph—

“(3) For the purposes of this regulation, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day—

 - (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not paid in accordance with Article 21 Jobseekers (Northern Ireland) Order 1995 (circumstances in which a jobseeker’s allowance is not payable), or
 - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Order and which falls immediately before a day in respect of which an income-based jobseeker’s allowance is payable to him or would be payable to him but for Article 21 of that Order.”.

(23) Regulation 2 was amended by regulation 16 of S.R. 1992 No. 141, regulation 14(3) of S.R. 1994 No. 335, regulation 10 of S.R. 1995 No. 129 and regulation 7 of S.R. 1996 No. 115

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland
on 30th July 1996.

D. A. Baker
Assistant Secretary

The Department of the Environment for Northern Ireland hereby consents to the foregoing
Regulations on 30th July 1996.
Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 30th
July 1996.

T. Pearson
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Housing Benefit (General) Regulations (Northern Ireland) 1987, and the Housing Benefit (Supply of Information) Regulations (Northern Ireland) 1988.

The amendments are consequential on the coming into operation of the Jobseekers (Northern Ireland) Order 1995, which replaces income support for the unemployed and unemployment benefit with jobseeker's allowance. The Regulations replace references to unemployment benefit with references to a jobseeker's allowance, and add references to a jobseeker's allowance where the existing Regulations refer to income support. They also provide that, in certain circumstances, days on which entitlement to a jobseeker's allowance does not arise in accordance with paragraph 4 of Schedule 1 to the Jobseekers (Northern Ireland) Order 1995 (waiting days) or payment is not made in accordance with Article 21 of that Order, are counted as days of payment of a jobseeker's allowance.

These Regulations are made pursuant to Article 39 of the Jobseekers (Northern Ireland) Order 1995 (S.I.1995/2705 (N.I. 15)) and are made before the end of the period of 6 months beginning with the date Article 39 of the Jobseekers (Northern Ireland) Order 1995 came into operation (5th February 1996). Accordingly they are exempted by section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) from reference to the Social Security Advisory Committee and have not been so referred.