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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 354**

**SOCIAL SECURITY**

**The Social Security (Claims and Payments)  
(Jobseeker's Allowance Consequential  
Amendments) Regulations (Northern Ireland) 1996**

*Made* - - - - *1st August 1996*  
*Coming into operation* *7th October 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by sections 1(1), 5(1), 13A(2) and 165(6) of the Social Security Administration (Northern Ireland) Act 1992(1) and Article 28 of the Jobseekers (Northern Ireland) Order 1995(2) and of all other powers enabling it in that behalf, by this statutory rule which contains only regulations consequential upon the Jobseekers (Northern Ireland) Order 1995, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Claims and Payments) (Jobseeker's Allowance Consequential Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996.

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

**Amendment of the Social Security (Claims and Payments) Regulations**

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(4) shall be amended in accordance with paragraphs (2) to (27).

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the Order” there shall be inserted the following definition—

“the Jobseekers Order” means the Jobseekers (Northern Ireland) Order 1995;”;

(b) in the definition of “benefit” after “of the Order” there shall be inserted “and a jobseeker's allowance under Part II of the Jobseekers Order”;

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(1) 1992 c. 8; section 13A was inserted by the Schedule to the Social Security (Mortgage Interest Payments) (Northern Ireland) Order 1992 (S.I.1992/1309 (N.I. 9))  
(2) S.I. 1995/2705 (N.I. 15)  
(3) 1954 c. 33 (N.I.)  
(4) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 Nos. 67, 141 and 369, S.R. 1989 Nos. 40, 373 and 398, S.R. 1990 No. 398, S.R. 1991 No. 488, S.R. 1992 Nos. 7, 83, 271 and 453, S.R. 1993 Nos. 149 and 375, S.R. 1994 Nos. 345, 456 and 484 and S.R. 1995 Nos. 301 and 367

- (c) after the definition of “instrument for benefit payment” there shall be inserted the following definition—
- ““the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(5);”;
- (d) in the definition of “social security office” for “unemployment benefit” there shall be substituted “jobseeker’s allowance”; and
- (e) after paragraph (1) there shall be inserted the following paragraph—
- “(1A) References in regulations 20, 21 (except paragraphs (3) and (3A)), 29, 30, 32 to 34, 36 (except paragraph (1A)(6)), 36A, 36AA (except paragraph (3)), 36AB, 36B, 37 and 46 to “benefit”, “income support” or “a jobseeker’s allowance”, include a reference to a back to work bonus which, by virtue of regulation 25 of the Social Security (Back to Work Bonus) Regulations (Northern Ireland) 1996(7), is to be treated as payable as income support or, as the case may be, a jobseeker’s allowance.”.
- (3) In regulation 3(8) (claims not required for entitlement to benefit in certain cases) at the end there shall be added the following paragraph—
- “(g) in the case of a jobseeker’s allowance where—
- (i) that allowance has previously been claimed and an award made;
- (ii) the Department has directed under regulation 36(1A) that payment under that award be suspended for a definite or indefinite period on the ground that a question arises whether the conditions for entitlement to that allowance are or were fulfilled or the award ought to be revised;
- (iii) subsequently that suspension expires or is cancelled in respect of a part only of the period for which it has been in force;
- (iv) it is then determined that the award should be revised to the effect that there was no entitlement to the allowance in respect of all or any part of the period between the start of the period over which the award has been suspended and the date when the suspension expires or is cancelled; and
- (v) there are no other circumstances which cast doubt on the claimant’s entitlement.”.
- (4) In regulation 4 (making a claim for benefit)—
- (a) after paragraph (3A)(9) there shall be inserted the following paragraph—
- “(3B) For the purposes of income-based jobseeker’s allowance—
- (a) in the case of a married or unmarried couple, a claim shall be made by whichever partner they agree should so claim or, in default of agreement, by such one of them as the Department shall in its discretion determine;
- (b) where there is no entitlement to contribution-based jobseeker’s allowance on a claim made by one partner and the other partner wishes to claim income-based jobseeker’s allowance, the claim made by that other partner shall be treated as having been made on the date on which the first partner made his claim; and
- (c) where entitlement to income-based jobseeker’s allowance arises on the expiry of entitlement to contribution-based jobseeker’s allowance consequent on a claim made by one partner and the other partner then makes a claim—

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(5) S.R. 1996 No. 198

(6) Paragraph (1A) is inserted by regulation 2(17)(b) of these regulations

(7) S.R. 1996 No. 201

(8) Paragraph (f) was omitted by regulation 2(2) of S.R. 1994 No. 456

(9) Paragraph (3A) was inserted by regulation 3 of S.R. 1992 No. 7

- (i) the claim of the first partner shall be terminated, and
    - (ii) the claim of the second partner shall be treated as having been made on the day after the entitlement to contribution-based jobseeker's allowance expired.”; and
  - (b) for paragraph (6) there shall be substituted the following paragraph—
    - “(6) A person wishing to make a claim for benefit shall—
      - (a) if it is a claim for a jobseeker's allowance, unless the Department otherwise directs, attend in person at such social security office, and at such time, as the Department may specify in his case in a notice under regulation 23 of the Jobseeker's Allowance Regulations (attendance);
      - (b) if it is a claim for any other benefit, deliver or send the claim to an appropriate office.”.
  - (5) In regulation 6 (date of claim)—
    - (a) in paragraph (3) after “disability working allowance” there shall be inserted “, jobseeker's allowance”;
    - (b) in paragraph (4) for “or disability working allowance” there shall be substituted “, disability working allowance or jobseeker's allowance”; and
    - (c) after paragraph (4) there shall be inserted the following paragraphs—
      - “(4A) Where a person notifies the Department (by whatever means) that he wishes to claim a jobseeker's allowance—
        - (a) where he subsequently attends for the purpose of making a claim for that benefit at the time and place specified by the Department, the claim shall be treated as made on whichever is the later of—
          - (i) the date on which that notification was given, and
          - (ii) the first day in respect of which the claim is made;
        - (b) where, without good cause, he fails to attend at either the time or the place so specified, the claim shall be treated as made on the first day on which he does attend at that place.
      - (4B) Where a person's entitlement to a jobseeker's allowance has ceased in any of the circumstances specified in regulation 25(1)(a), (b) or (c) of the Jobseeker's Allowance Regulations (entitlement ceasing on a failure to comply) and—
        - (a) where he had normally been required to attend in person, he shows that the failure to comply which caused the cessation of his previous entitlement was due to any of the circumstances mentioned in regulation 30(c) or (d) of those regulations, and no later than the day immediately following the date when those circumstances cease to apply he makes a further claim for jobseeker's allowance; or
        - (b) where he had not normally been required to attend in person, he shows that he did not receive the notice to attend and he immediately makes a further claim for jobseeker's allowance,
- that further claim shall be treated as having been made on the day following that cessation of entitlement.
- (4C) Where a person's entitlement to a jobseeker's allowance ceases in the circumstances specified in regulation 25(1)(b) of the Jobseeker's Allowance Regulations and that person makes a further claim for that allowance on the day on

which he failed to attend at the time specified, that claim shall be treated as having been made on the following day.”.

(6) In regulation 7 (evidence and information)—

- (a) in paragraphs (1) and (2) at the beginning there shall be inserted “Subject to paragraph (7),”;
- (b) in paragraph (4)(10) for “or income support” there shall be substituted “, income support or jobseeker’s allowance”; and
- (c) after paragraph (6) there shall be added the following paragraph—

“(7) Paragraphs (1) and (2) do not apply in the case of jobseeker’s allowance.”.

(7) In regulation 8 (attendance in person)—

- (a) paragraph (1) shall be omitted; and
- (b) in paragraph (2) after “benefit” there shall be inserted “(other than a jobseeker’s allowance)”.

(8) In regulation 15(5) (advance notice of retirement and claim for and award of pension) the words “or unemployment benefit” shall be omitted.

(9) In regulation 16(4) (date of entitlement under an award for the purpose of determining the day from which benefit is to be payable and effective date of change of rate) for “unemployment benefit” there shall be substituted “jobseeker’s allowance”.

(10) In regulation 17 (duration of awards)—

- (a) for paragraph (1A)(11) there shall be substituted the following paragraph—

“(1A) Where an award of income support or an income-based jobseeker’s allowance is made in respect of a married or unmarried couple and one member of the couple is, at the date of claim, a person to whom section 125 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(12) or, as the case may be, Article 16 of the Jobseekers Order applies, the award of benefit shall cease when that person returns to work with the same employer.”;

- (b) paragraphs (4) and (5) shall be omitted;
- (c) in paragraph (6) the words “in any case outside paragraph (4),” shall be omitted; and
- (d) in paragraph (8) for “unemployment benefit” there shall be substituted “a jobseeker’s allowance”.

(11) Regulation 18 (duration of disallowance) shall be omitted.

(12) In regulation 19 (time for claiming benefit)—

- (a) in paragraph (2A)(13) for “or disability working allowance” there shall be substituted “, disability working allowance or jobseeker’s allowance”; and
- (b) in paragraph (4) after “disability working allowance” there shall be inserted “, jobseeker’s allowance”.

(13) In regulation 24 (unemployment benefit, incapacity benefit, severe disablement allowance and maternity allowance) in the heading and in paragraph (1) the words “unemployment benefit,” shall be omitted.

(14) After regulation 26 (income support) there shall be inserted the following regulation—

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(10) Paragraphs (4) to (6) were added by regulation 5(3) of S.R. 1995 No. 367

(11) Paragraph (1A) was inserted by regulation 4 of S.R. 1988 No. 141

(12) 1992 c. 7; section 125 was amended by paragraph 31 of Schedule 1 to the Incapacity for Work (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and Article 20 of S.R. 1996 No. 73

(13) Paragraph (2A) was inserted by regulation 7(7)(a) of S.R. 1992 No. 83 and amended by regulation 6(2) of S.R. 1992 No. 453

### “Jobseeker’s allowance

**26A.**—(1) Subject to paragraphs (2) to (8), jobseeker’s allowance shall be paid fortnightly in arrears unless, in any particular case or class of case, the Department arranges otherwise.

(2) The provisions of paragraph 2A of Schedule 7(14) (payment of income support at times of office closure) shall apply for the purposes of payment of a jobseeker’s allowance as they apply for the purposes of payment of income support.

(3) Where the amount of a jobseeker’s allowance is less than £1·00 a week the Department may direct that it shall be paid at such intervals, not exceeding 13 weeks, as may be specified in the direction.

(4) Subject to paragraphs (5) to (8), where an award of jobseeker’s allowance is revised on the ground that there has been, or there is expected to be, a relevant change of circumstances, the revised award shall have effect from the first day of the benefit week (as defined in regulation 1(2) of the Jobseeker’s Allowance Regulations) in which that relevant change of circumstances occurs or is expected to occur.

(5) Where the relevant change of circumstances giving rise to the revised award is that—

- (a) entitlement to jobseeker’s allowance ends, or is expected to end, for a reason other than that the claimant no longer satisfies the provisions of Article 5(1)(a) of the Jobseekers Order;
- (b) a child or young person who is normally in the care of the Department or who is detained in custody or is in a training school lives, or is expected to live, with the claimant for a part only of a benefit week;
- (c) the claimant or his partner enters, or is expected to enter, a nursing home or residential care home for a period of not more than 8 weeks; or
- (d) the partner of the claimant or a member of his family ceases, or is expected to cease, to be a hospital in-patient for a period of less than a week,

the revised award shall have effect on the date on which the relevant change of circumstances occurs or is expected to occur.

(6) Where the relevant change of circumstances giving rise to a revised award is any of those specified in paragraph (5) and, in consequence of those circumstances ceasing to apply, the award is again revised, the award, as again revised, shall have effect on the date on which those circumstances ceased to apply.

(7) Where, under the provisions of regulation 96 of the Jobseeker’s Allowance Regulations, income is treated as paid on a certain date and that payment gives rise, or is expected to give rise, to a relevant change of circumstances resulting in a revised award, that revised award shall have effect on that date.

(8) Where a relevant change of circumstances occurs which results, or is expected to result, in a reduced award of jobseeker’s allowance then, if the Department is of the opinion that it will be impracticable to give effect to that revised award in accordance with the other provisions of this regulation, the revised award shall have effect on the first day of the benefit week following that in which the relevant change of circumstances occurs.”.

(15) In regulation 30(5) (payments on death) after “disability working allowance” there shall be inserted “, jobseeker’s allowance”.

(16) In regulation 32 (information to be given when obtaining payment of benefit)—

- (a) in paragraph (1) at the beginning there shall be inserted “Except in the case of a jobseeker’s allowance,”; and

- (b) in paragraph (3)(15) after “income support” there shall be inserted “or a jobseeker’s allowance”.
- (17) In regulation 36(16) (suspension in individual cases)—
- (a) in paragraph (1) at the beginning there shall be inserted “Subject to paragraph (1A),”; and
- (b) after paragraph (1) there shall be inserted the following paragraph—
- “(1A) Where, in the case of a person who is in receipt of a jobseeker’s allowance, it appears to the Department that a question arises whether that person is or was available for employment or whether he is or was actively seeking employment, payment of benefit shall be suspended until such time as that question has been determined.”.
- (18) In regulation 36AA(17) (withholding of benefit in prescribed circumstances) for paragraph (3) there shall be substituted the following paragraphs—
- “(3) Where a person who is in receipt of a jobseeker’s allowance—
- (a) has previously attended in compliance with a notice under regulation 23 of the Jobseeker’s Allowance Regulations but subsequently fails to attend in compliance with such a notice, benefit may be withheld from a date not earlier than the day following the last day on which he did attend in compliance with such a notice;
- (b) is a person who has not previously been required to attend in compliance with such a notice, is served with such a notice but fails to attend in compliance with it, benefit may be withheld from the day following the last day in respect of which the last payment of benefit was made to him;
- (c) is a person who has made a claim but who has not yet received any payment in respect of that claim and who fails to attend in compliance with such a notice, benefit may be withheld from the date of that claim.
- (3A) Where a person who is in receipt of a jobseeker’s allowance—
- (a) has previously provided a signed declaration as referred to in regulation 24(6) of the Jobseeker’s Allowance Regulations but subsequently fails to provide such a declaration in accordance with regulation 24(10) of those regulations, benefit may be withheld from a date not earlier than the day following the last day on which he provided such a declaration;
- (b) is a person who has not previously been required to provide such a declaration, is required to do so in accordance with regulation 24(10) of those regulations, but fails to do so, benefit may be withheld from the day following the last day in respect of which the last payment of benefit was made to him;
- (c) is a person who has made a claim but who has not yet received any payment in respect of that claim and who fails to provide such a declaration when required to do so under regulation 24(10) of those regulations, benefit may be withheld from the date of that claim.”.
- (19) In Part I of Schedule 1(18) (benefit claimed and other benefit which may be treated as if claimed in addition or in the alternative) the words “Unemployment benefit” and “An increase of unemployment benefit” in column (1) and the respective entries in column (2) opposite those words shall be omitted.
- (20) In Schedule 2 (special provisions relating to claims for unemployment benefit made during periods connected with public holidays)—

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(15) Paragraph (3) was added by regulation 5(4) of S.R. 1995 No. 367

(16) Regulation 36 was substituted by regulation 7(9) of S.R. 1992 No. 83

(17) Regulation 36AA was inserted by regulation 2(6) of S.R. 1994 No. 345

(18) The Table in Part I was substituted by regulation 2(11) of S.R. 1994 No. 456

(a) in the heading for “unemployment benefit” there shall be substituted “jobseeker’s allowance”; and

(b) in paragraph 2 for “unemployment benefit” in both places where it occurs there shall be substituted “jobseeker’s allowance”.

(21) Schedule 3 (duration of disallowance) shall be omitted.

(22) In Schedule 4 (prescribed times for claiming benefit) for paragraph 1 there shall be substituted the following paragraph—

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“1. Jobseeker’s allowance.	The first day of the period in respect of which the claim is made.”.
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(23) In Schedule 5 (miscellaneous provisions which vary the prescribed times under Schedule 4) paragraph 1 shall be omitted.

(24) In Schedule 7 (manner and time of payment, effective date of change of circumstances and commencement of entitlement in income support cases)—

(a) in paragraph 2(b) the words “unemployment benefit,” shall be omitted; and

(b) in paragraph 4 in the definition of “relevant social security benefit” the words “unemployment benefit,” shall be omitted.

(25) In Schedule 8 (election to have child benefit paid weekly) in paragraph 2(b) after “income support,” there shall be inserted “an income-based jobseeker’s allowance.”.

(26) In Schedule 8A(19) (deductions from benefits and direct payment to third parties)—

(a) in paragraph 1—

- (i) in the definition of “applicable amount” for “is in payment means the aggregate of the amounts for the family as are determined under regulation 17(1)(a) to (d) or regulation 18(1)(a) to (e) of the Income Support Regulations” there shall be substituted “or an income-based jobseeker’s allowance is in payment means the aggregate of the amounts for the family as determined under regulation 17(1)(a) to (d) or 18(1)(a) to (e) of the Income Support Regulations or, as the case may be, regulation 83(a) to (e) or 84(1)(a) to (f) of the Jobseeker’s Allowance Regulations”;
- (ii) for the definition of “housing costs” there shall be substituted the following definition—

“housing costs” means any housing costs met under—

(a) Schedule 3 to the Income Support Regulations but—

- (i) excludes costs under paragraph 17(1)(d) of that Schedule (tents and tent sites), and
- (ii) includes costs under paragraph 17(1)(a) and (c) (ground rent and rentcharges) of that Schedule but only where they are paid with costs under paragraph 17(1)(b) of that Schedule (service charges);

(b) Schedule 2 to the Jobseeker’s Allowance Regulations but—

- (i) excludes costs under paragraph 16(1)(d) of that Schedule (tents and tent sites), and
- (ii) includes costs under paragraph 16(1)(a) and (c) (ground rent and rentcharges) of that Schedule but only where they are paid

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(19) Schedule 8A was inserted by regulation 2(3) of, and the Schedule to, S.R. 1988 No. 67; relevant amending regulations are S.R. 1989 Nos. 40 and 398, S.R. 1991 No. 488, S.R. 1992 No. 271, S.R. 1993 Nos. 149 and 375, S.R. 1994 No. 456 and S.R. 1995 No. 301

with costs under paragraph 16(1)(b) of that Schedule (service charges);”,

- (iii) for the definition of “mortgage payment” there shall be substituted the following definition—

““mortgage payment” means the aggregate of any payments which fall to be met under—

- (a) Schedule 3 to the Income Support Regulations in accordance with paragraphs 6 to 10 of that Schedule on a loan which qualifies under paragraph 15 or 16 of that Schedule, but less any amount deducted under paragraph 18 of that Schedule (non-dependant deductions); or
- (b) Schedule 2 to the Jobseeker’s Allowance Regulations in accordance with paragraphs 6 to 9 of that Schedule on a loan which qualifies under paragraph 14 or 15 of that Schedule, but less any amount deducted under paragraph 17 of that Schedule (non-dependant deductions),

as the case may be;”,

- (iv) in the definition of “personal allowance for a single claimant aged not less than 25 years” after “the Income Support Regulations” there shall be inserted “or, as the case may be, paragraph 1(1)(e) of Schedule 1 to the Jobseeker’s Allowance Regulations”, and

- (v) in the definition of “specified benefit” for “unemployment benefit” there shall be substituted “jobseeker’s allowance”;

- (b) in paragraph 3 for sub-paragraph (1) there shall be substituted the following sub-paragraph

“(1) Subject to sub-paragraphs (3) to (5) and paragraph 8, where a beneficiary, who has been awarded income support or an income-based jobseeker’s allowance, or his partner is in debt for any item of housing costs which continues to be applicable to the beneficiary under regulation 17(1)(e) or 18(1)(f) of the Income Support Regulations or, as the case may be, regulation 83(f) or 84(1)(g) of the Jobseeker’s Allowance Regulations the adjudicating authority may, if in its opinion it would be in the interests of the family to do so, determine that an amount of any specified benefit (“the amount deductible”) calculated in accordance with sub-paragraphs (2), (2A) and (3) shall be paid in accordance with paragraph 2(2).”;

- (c) in paragraph 3(2A)(20)—

- (i) in head (b) after “the Income Support Regulations” there shall be inserted “or, as the case may be, paragraph 4(8) or (11) or 17 of Schedule 2 to the Jobseeker’s Allowance Regulations”, and

- (ii) in the definition of “C” after “the Income Support Regulations” there shall be inserted “or, as the case may be, paragraph 4(8) or (11) or 17 of Schedule 2 to the Jobseeker’s Allowance Regulations”;

- (d) in paragraph 4(1)—

- (i) after “award of income support” there shall be inserted “or jobseeker’s allowance”,
- (ii) in head (a) after “the Income Support Regulations” there shall be inserted “or, as the case may be, regulation 1(2) of the Jobseeker’s Allowance Regulations”, and
- (iii) in head (b) after “the Income Support Regulations” there shall be inserted “or, as the case may be, Schedule 3 (applicable amounts of persons in residential

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(20) Sub-paragraph (2A) was inserted by regulation 4(2)(c) of S.R. 1992 No. 271 and amended by paragraph 1(3) of Schedule 3 to S.R. 1995 No. 301

care and nursing homes) or paragraph 15 of Schedule 4 (persons in residential accommodation) to the Jobseeker's Allowance Regulations”;

- (e) in paragraph 4(2)—
- (i) in head (a) for “excluding any increase under paragraph 2(2) of that Schedule” there shall be substituted “or, as the case may be, the amount determined under paragraph 1(1)(a) of Schedule 3 to the Jobseeker's Allowance Regulations excluding any increase under paragraph 2(2) of whichever of those Schedules is applicable”;
  - (ii) in head (ab)(21) after “award of income support” there shall be inserted “or jobseeker's allowance” and after “regulation 28 of the Income Support Regulations” there shall be inserted “or, as the case may be, regulation 93 of the Jobseeker's Allowance Regulations”;
  - (iii) in head (ab)(i) after “the Income Support Regulations” there shall be inserted “or, as the case may be, paragraph 10 of Schedule 3 to the Jobseeker's Allowance Regulations”;
  - (iv) in head (ab)(ii) for “that Schedule” there shall be substituted “whichever of those Schedules is applicable”, and
  - (v) in head (c) for “those regulations” there shall be substituted “the Income Support Regulations or, as the case may be, under paragraph 15(1)(a), (b), (c) or (e) of Schedule 4 to the Jobseeker's Allowance Regulations”;
- (f) in paragraph 4 for sub-paragraph (3) there shall be substituted the following sub-paragraph

—  
“(3) In relation to miscellaneous accommodation costs—

- (a) where an award of income support is calculated in accordance with Part VII of the Income Support Regulations (calculation of income support for part-weeks) the amount of any payment of income support to a third party determined under sub-paragraph (1) shall be—
  - (i) where the amount is calculated under regulation 73(1) of those regulations, an amount calculated in accordance with sub-paragraph (2) (a) or, as the case may be, (c), divided by 7 and multiplied by the number of days in the part-week, or
  - (ii) where the amount is calculated under regulation 73(2) of those regulations, an amount calculated in accordance with regulation 73(4) (a)(i) or (b)(i) of those regulations, as the case may be; or
- (b) where an award of jobseeker's allowance is calculated in accordance with Part XI of the Jobseeker's Allowance Regulations (part-weeks) the amount of any payment of jobseeker's allowance to a third party determined under sub-paragraph (1) shall be—
  - (i) where the amount is calculated under regulation 150(1) of those regulations, an amount calculated in accordance with sub-paragraph (2) (a) or, as the case may be, (c), divided by 7 and multiplied by the number of days in the part-week, or
  - (ii) where the amount is calculated under regulation 151(1) of those regulations, an amount calculated in accordance with regulation 151(2) (a)(i) or (b)(i) of those regulations, as the case may be,

and no payment shall be made to a third party under this sub-paragraph where the Department certifies that it would be impracticable to do so in that particular case.”;

- (g) in paragraph 4A(1)(a)(22) after “income support” there shall be inserted “or an income-based jobseeker’s allowance”; and
- (h) in paragraph 4A for sub-paragraph (5) there shall be substituted the following sub-paragraph—

“(5) Where—

- (a) an award of income support is calculated in accordance with regulation 73(1) of the Income Support Regulations (amount of income support payable); or
- (b) an award of jobseeker’s allowance is calculated in accordance with regulation 150(1) of the Jobseeker’s Allowance Regulations (amount of a jobseeker’s allowance payable),

the amount of any payment of income support or, as the case may be, jobseeker’s allowance payable to a third party determined under sub-paragraph (2) shall be an amount calculated in accordance with sub-paragraph (3)(a) or (b) divided by 7 and multiplied by the number of days in the part-week, and no payment shall be made to a third party under this sub-paragraph where the Department certifies that it would be impracticable to do so in that particular case.”.

- (27) In Schedule 8B(23) (deductions of mortgage interest from benefit and payment to qualifying lenders)—

- (a) in paragraph 1—

- (i) in the definition of “personal allowance for a single claimant aged not less than 25 years” after “the Income Support Regulations” there shall be inserted “or, as the case may be, paragraph 1(1)(e) of Schedule 1 to the Jobseeker’s Allowance Regulations”, and

- (ii) for the definition of “relevant benefits” there shall be substituted the following definition—

““relevant benefits” means—

- (a) income support and where payable in addition to income support, incapacity benefit, retirement pension, severe disablement allowance, widow’s pension or widowed mother’s allowance; and
- (b) income-based jobseeker’s allowance;”;

- (b) in paragraph 2 for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) the amount to be met under Schedule 3 to the Income Support Regulations or, as the case may be, Schedule 2 to the Jobseeker’s Allowance Regulations is determined by reference to the standard rate (whether at the full rate or a lesser rate) and, in the case of income support, to any amount payable in accordance with paragraph 7 of Schedule 3 to the Income Support Regulations (transitional protection); and”;

- (c) in paragraph 3(1)—

- (i) after “specified part”) is there shall be inserted “, in the case of income support,” and

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(22) Paragraph 4A was inserted by regulation 6(7)(d) of S.R. 1991 No. 488

(23) Schedule 8B was inserted by regulation 5 of, and the Schedule to, S.R. 1992 No. 271; relevant amending regulations are S.R. 1994 No. 456 and S.R. 1995 No. 301

- (ii) after “(transitional protection)” there shall be inserted “or, in the case of jobseeker’s allowance, a sum equal to the amount of mortgage interest to be met in accordance with paragraphs 6 to 9 of Schedule 2 to the Jobseeker’s Allowance Regulations”;
- (d) in paragraph 3(3)—
  - (i) after “for the purposes of income support” there shall be inserted “or income-based jobseeker’s allowance”,
  - (ii) in head (b) after “the Income Support Regulations” there shall be inserted “or, as the case may be, paragraph 4(8) or (11) or 17 of Schedule 2 to the Jobseeker’s Allowance Regulations” and for “that Schedule” there shall be substituted “whichever of those Schedules is applicable”,
  - (iii) in the definition of “A” after “the Income Support Regulations” there shall be inserted “or, as the case may be, paragraph 1 of Schedule 2 to the Jobseeker’s Allowance Regulations”,
  - (iv) in the definition of “B” after “(transitional protection)” there shall be inserted “or, as the case may be, paragraphs 6 to 9 of Schedule 2 to the Jobseeker’s Allowance Regulations”, and
  - (v) in the definition of “C” after “the Income Support Regulations” there shall be inserted “or, as the case may be, paragraph 4(8) or (11) or 17 of Schedule 2 to the Jobseeker’s Allowance Regulations”;
- (e) in paragraph 4(1)(a) after “the Income Support Regulations” there shall be inserted “or, as the case may be, paragraph 11 of Schedule 2 to the Jobseeker’s Allowance Regulations”;
- (f) in paragraph 9—
  - (i) in sub-paragraph (2) after “income support” there shall be inserted “or income-based jobseeker’s allowance”, and
  - (ii) in sub-paragraph (3)(a) after “income support” there shall be inserted “or income-based jobseeker’s allowance”; and
- (g) in paragraph 10(2)(a) after “the Income Support Regulations” there shall be inserted “or, as the case may be, paragraph 11 of Schedule 2 to the Jobseeker’s Allowance Regulations”.

### **Revocations**

3. The regulations specified in column (1) of the Schedule are revoked to the extent mentioned in column (3).

Sealed with the Official Seal of the Department of Health and Social Services on 1st August 1996.

*D. A. Baker*  
Assistant Secretary

## SCHEDULE

Regulation 3

## Regulations Revoked

Column (1) Citation	Column (2) Reference	Column (3) Extent of revocation
The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1988	S.R. <a href="#">1988 No. 141</a>	Regulation 4
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1989	S.R. <a href="#">1989 No. 40</a>	Regulation 6(2)(a), (3) and (4)(c)
The Social Security (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 1991	S.R. <a href="#">1991 No. 488</a>	Regulation 6(7)(a)(iii) and (iv) and (c)
The Social Security (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 1992	S.R. <a href="#">1992 No. 83</a>	Regulation 7(4)
The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1992	S.R. <a href="#">1992 No. 271</a>	Regulation 4(2)(a)
The Social Security (Claims and Payments) (Amendment No. 3) Regulations (Northern Ireland) 1993	S.R. <a href="#">1993 No. 375</a>	Regulation 3(3)(b), (11)(a) and (12)
The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1994	S.R. <a href="#">1994 No. 456</a>	Regulation 2(8), (12) and (17)
The Social Security (Income Support and Claims and Payments) (Amendment) Regulations (Northern Ireland) 1995	S.R. <a href="#">1995 No. 301</a>	Schedule 2, paragraph 1(2)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations, which are consequential upon the coming into operation of the Jobseekers (Northern Ireland) Order 1995 (“the Jobseekers Order”) which, *inter alia*, replaces unemployment benefit and income support for the unemployed with a new benefit called jobseeker’s allowance, make amendments to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987.

The Regulations are made before the end of the period of 6 months beginning with the commencement of the Jobseekers Order and accordingly, by virtue of section 150(5) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

Article 28 of the Jobseekers Order is an enabling provision under which these Regulations are made. It was brought into operation, for the purpose only of authorising the making of regulations, on 5th February 1996 by virtue of Article 2(b) of the Jobseekers (1995 Order) (Commencement No. 1) Order (Northern Ireland) 1996 (S.R. 1996 No. 26 (C. 3)).