

---

STATUTORY RULES OF NORTHERN IRELAND

---

**1996 No. 357**

**SOCIAL SECURITY**

**The Jobseeker's Allowance (Transitional Provisions)  
(Amendment) 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 Articles 36(2) and 39 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 Jobseeker's Allowance (Transitional Provisions) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996, immediately following the coming into operation of the Transitional Provisions Regulations.

(2) In these Regulations—

“the Transitional Provisions Regulations” means the Jobseeker's Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996(2);

“the Jobseeker's Allowance Regulations” means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(3).

(3) For the avoidance of doubt, a person complies with any requirement or provision of these Regulations or the Transitional Provisions Regulations if he is treated as complying with that requirement or provision.

**Amendment of interpretation provisions**

2.—(1) Regulation 1(2) of the Transitional Provisions Regulations (interpretation) shall be amended in accordance with paragraphs (2) and (3).

(2) In the definition of “benefit week” for paragraph (c) there shall be substituted the following paragraph—

---

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

(2) S.R. 1996 No. 200

(3) S.R. 1996 No. 198; relevant amending regulations are S.R. 1996 No. 358

“(c) where the benefit is a jobseeker’s allowance, has the same meaning it has in the Jobseeker’s Allowance Regulations by virtue of regulation 1(2) of those Regulations(4).”.

(3) 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(5);”.

### **Jobseeking period**

3. In regulation 2 of the Transitional Provisions Regulations (jobseeking period) in paragraph (3) (d) after “beginning with” there shall be inserted “and including”.

### **Linking periods**

4.—(1) Regulation 3 of the Transitional Provisions Regulations (linking periods) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1)(d) after “service” there shall be added “and is required to attend court”.

(3) In paragraph (2) after sub-paragraph (d) there shall be added the following sub-paragraph—

“(e) any period of interruption of employment where a jobseeking period begins within 8 weeks of that period ending.”.

(4) After paragraph (2) there shall be inserted the following paragraph—

“(2A) For the purpose of paragraph (2)(e) a day of unemployment shall form part of a period of interruption of employment if a jobseeking period begins within 6 days of that day.”.

(5) Any period of interruption of employment which ends within 8 weeks of the commencement of a jobseeking period as described in regulation 2(1) of the Transitional Provisions Regulations shall be treated, for the purposes of that regulation, as a jobseeking period.

### **Termination and cancellation of awards of income support**

5. In regulation 4 of the Transitional Provisions Regulations (termination and cancellation of awards of income support) in paragraph (2) after “seeking employment)” there shall be added “as in force on the relevant day”.

### **Transition from unemployment benefit to a jobseeker’s allowance**

6. In regulation 5 of the Transitional Provisions Regulations (transition from unemployment benefit to a jobseeker’s allowance) for paragraphs (1) and (2) there shall be substituted the following paragraphs—

“(1) In a case where, except where paragraph (1A) applies, in accordance with a notice issued to him under regulation 19 of, and paragraph 1 of Schedule 5 to, the Claims and Payments Regulations(6) (time for claiming benefit), a person claims unemployment benefit on or after 7th October 1996 but before 20th October 1996, any claim made for unemployment benefit which the claimant is required to make in accordance with that notice

---

(4) The definition of “benefit week” was amended by S.R. 1996 No. 358

(5) S.R. 1996 No. 198

(6) Regulation 19 was amended by S.R. 1988 No. 141, S.R. 1989 No. 398, S.R. 1991 No. 488 and S.R. 1992 Nos. 7, 83 and 453

- (a) on a day falling on or after 7th October 1996 but before 13th October 1996 shall be treated also as a claim for a jobseeker's allowance for a period commencing on, and including, the day after the date of claim and, where an award of unemployment benefit is made and benefit is payable in respect of the relevant day, that award shall be treated also as an award of a jobseeker's allowance for a period commencing on, and including, the day after the date of claim and continuing until such date as the claimant fails to satisfy, or in respect of which he ceases to be treated as satisfying, any condition of entitlement to a jobseeker's allowance which applies in his case, or
- (b) on a day falling on or after 14th October 1996 but before 20th October 1996 shall be treated as a claim for unemployment benefit for the first benefit week falling within the period of that claim and as a claim for a jobseeker's allowance for the subsequent week and for any week thereafter and, where an award of unemployment benefit is made and benefit is payable in respect of the relevant day in the first benefit week, shall be treated also as an award of a jobseeker's allowance for the subsequent week and continuing until such date as the claimant fails to satisfy, or in respect of which he ceases to be treated as satisfying, any condition of entitlement to a jobseeker's allowance which applies in his case.

(1A) In a case where, in accordance with a notice issued to him under regulation 19 of, and paragraph 1 of Schedule 5 to, the Claims and Payments Regulations, a person claims unemployment benefit on a day in the benefit week which includes 7th October 1996, any claim for unemployment benefit which the claimant is required to make in accordance with that notice shall be treated as a claim for unemployment benefit and not for a jobseeker's allowance for the remaining days of that benefit week.

(2) An award of unemployment benefit—

- (a) made in accordance with regulation 17(4)(b) of the Claims and Payments Regulations (duration of awards), or
- (b) which is made on or after 7th October 1996 for a period commencing before 7th October 1996,

and which extends beyond the benefit week which includes the relevant day shall terminate at the end of that benefit week.”.

### **Jobseeker's allowance to replace income support and unemployment benefit**

7.—(1) Regulation 6 of the Transitional Provisions Regulations (jobseeker's allowance to replace income support and unemployment benefit) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1)—

- (a) for “a person whose award” there shall be substituted “a person who is paid benefit in respect of the relevant day in accordance with an award”, and after “unemployment benefit” in the second place where those words occur there shall be inserted “and the award”;
- (b) after “commencing on” there shall be inserted “and including”, and
- (c) after “jobseeker's allowance” in the second place where those words occur there shall be inserted “, except, in relation to a contribution-based jobseeker's allowance, those specified in Articles 3(2)(e) and 4(1)(c) of the Order”.

(3) In paragraph (2) after “as from” there shall be inserted “and including”.

(4) In paragraph (3) after “paragraph (1)” there shall be added “nor as having an award of a jobseeker's allowance in accordance with regulation 5(1)”.

### **Claims for entitlement to a jobseeker's allowance**

8.—(1) Regulation 7 of the Transitional Provisions Regulations (claims for entitlement to a jobseeker's allowance) shall be amended in accordance with paragraphs (2) to (8).

(2) In paragraph (1)(a) for "regulation 6, or" there shall be substituted "regulation 5 or 6."

(3) Paragraph (1)(b) shall be omitted.

(4) In paragraph (3) after "6th or 7th April 1996" there shall be inserted "and where the period of interruption of employment that was current on that date was also current on the relevant day".

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

“(3A) In the case of a person to whom unemployment benefit was not payable in respect of either 6th or 7th April 1996—

(a) Article 7(1) of the Order shall have effect as if the reference to 182 days was a reference to 156 days, and

(b) in any benefit week commencing on or after 7th October 1996, Sunday or such other day of the week which before that date was, in the claimant's case, substituted for Sunday in accordance with regulation 4 of the Unemployment Benefit Regulations as in operation on 6th October 1996 shall be disregarded solely for the purpose of determining whether in the aggregate a person has been entitled to a contribution-based jobseeker's allowance for 156 days.”.

(6) In paragraph (5)—

(a) in sub-paragraph (a), for the words from "and had been entitled to unemployment benefit" to "juror began" there shall be substituted "and unemployment benefit was payable to him in respect of the day immediately preceding the day on which he was required to serve as a juror", and

(b) in sub-paragraph (b), for the words from "and who had been" to "income support" there shall be substituted "and unemployment benefit or income support was, or both were, payable to him in respect of the day immediately preceding the day in respect of which that training began".

(7) In paragraph (6) for the words from "Where" to "taking part in training" there shall be substituted "In the case of a person to whom the requirements of one or more of sub-paragraphs (a), (b) or (c) of paragraph (5) apply on either 6th or 7th April 1996".

(8) In paragraph (7)—

(a) in sub-paragraph (a) after "jury service" there shall be inserted "and was required to serve as a juror", and

(b) after sub-paragraph (c) there shall be inserted—

“and where income support was payable to him in respect of the day immediately preceding the day on which he was required to serve as a juror.”.

### **Further provisions applying to a continuing entitlement to a jobseeker's allowance**

9. In regulation 8 of the Transitional Provisions Regulations (further provisions applying to a continuing entitlement to a jobseeker's allowance), in paragraph (2)(b) after "jobseeker's allowance" there shall be inserted ", other than those specified in Articles 3(2)(e) and 4(1)(c) of the Order,".

### **Transitionally protected period**

10.—(1) Regulation 9 of the Transitional Provisions Regulations (transitionally protected period) shall be amended in accordance with paragraphs (2) to (6).

- (2) In paragraph (1) after “particular claimant on” there shall be inserted “and including”.
- (3) In paragraph (5) for “occupational pensions” there shall be substituted “pension payments”.
- (4) In paragraph (6), for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs—
- “(a) had attained pensionable age, and
  - (b) to whom unemployment benefit was payable in accordance with an award made by virtue of section 25(2)(b) or (c) of the Benefits Act.”.
- (5) In paragraph (9)—
- (a) after “adult dependant” there shall be inserted “for the relevant day”, and
  - (b) after the word “him” where it occurs for the second time, there shall be inserted—
    - “, or any dependency increase payable to him in accordance with section 80(2) (a) of the Benefits Act in respect of the relevant day in respect of a child who does not reside with him.”.
- (6) After paragraph (9) there shall be added the following paragraphs—
- “(10) In a case where unemployment benefit was payable in respect of the relevant day and the benefit included an increase for an adult dependant, continuing entitlement to the benefit and the increase shall be determined as if the provisions of regulation 14(1) (b) of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(7) (provisions for adjusting benefit for part of week) continued to apply, notwithstanding that those provisions have ceased to have effect.
- (11) In the transitionally protected period, the provisions of regulation 14(2) of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(8) shall continue to apply in order to adjust the amount of unemployment benefit payable to a claimant for part of a week, notwithstanding that those provisions have ceased to have effect.”.

## **Saving Provisions**

**11.** After regulation 9 of the Transitional Provisions Regulations (transitionally protected period) there shall be inserted the following regulation—

“**9A.** During the transitionally protected period—

- (a) regulation 3(3), (5) and (6) of the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978(9) (payments to be disregarded) as in operation on 6th October 1996 shall continue to apply for the purposes of calculating or estimating a person’s earnings in determining his entitlement to a contribution-based jobseeker’s allowance, and
- (b) regulation 4 of the Unemployment Benefit Regulations(10) (special provisions relating to day substituted for Sunday) as in operation on 6th October 1996 shall continue to apply for the purpose of determining whether a day of the week substituted for Sunday shall be disregarded in calculating a person’s aggregate entitlement to a contribution-based jobseeker’s allowance.”.

(7) S.R. 1979 No. 242; regulation 14(1)(b) was substituted by regulation 14(7)(a) of S.R. 1995 No. 150 and amended by S.R. 1996 No. 289

(8) Regulation 14(2) was amended by regulation 14(7)(b) of S.R. 1995 No. 150 and omitted by S.R. 1996 No. 289

(9) S.R. 1978 No. 371; relevant amending regulations are S.R. 1987 No. 201, S.R. 1989 No. 438, S.R. 1992 No. 96, S.R. 1995 No. 150 and S.R. 1996 No. 289

(10) Regulation 4 was amended by regulation 17(5) of S.R. 1995 No. 150 and revoked by S.R. 1996 No. 289

### **Jurors entitled to income support on the relevant day**

12. In regulation 10 of the Transitional Provisions Regulations (jurors entitled to income support on the relevant day), in paragraph (2)(b), after “commencing on” there shall be inserted “and including”.

### **Earnings during the transitionally protected period: further provisions**

13. In regulation 11 of the Transitional Provisions Regulations (earnings during the transitionally protected period), in paragraph (3) for “Article 3(2)(a) to (d)(i) and (e) to (i)” there shall be substituted “Articles 3(2)(a) to (c) and (f) to (i) and 4(1)(a), (b) and (d)”.

### **Part-time students**

14. In regulation 13 of the Transitional Provisions Regulations (part-time students) in paragraph (4)(b) for “regulation 7” there shall be substituted “regulation 5”.

### **Claimants subject to disqualification or reduction in benefit**

15.—(1) Regulation 14 of the Transitional Provisions Regulations (claimants subject to disqualification or reduction in benefit) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (3)(b) after “determined” in the second place where it occurs there shall be added “in the claimant’s favour”.

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

“(3A) In the case of a person to whom a jobseeker’s allowance is not payable in accordance with Article 21 of the Order or paragraph (1) for a period ending before or during the benefit week which includes 6th April 1997—

- (a) where the period during which a jobseeker’s allowance was not payable ends during a benefit week, any award of an income-based jobseeker’s allowance under Article 22(4) or paragraph (2) shall end on the last day of the previous benefit week;
- (b) where the period during which a jobseeker’s allowance was not payable ends on the last day of a benefit week, any award of an income-based jobseeker’s allowance under Article 22(4) or paragraph (2) shall end on that day.”

### **Attendance, evidence and information**

16. After regulation 17 of the Transitional Provisions Regulations (claims for a jobseeker’s allowance) there shall be inserted the following regulations—

#### **“Attendance**

18. For the purposes of these Regulations, a direction to attend a social security office or to attend an office for the purposes of furnishing information or evidence under regulation 8(1) or (2) of the Claims and Payments Regulations<sup>(11)</sup> (attendance in person) in respect of a claim for income support or unemployment benefit and a written notice to attend an interview as referred to in regulation 7(1)(i) of the Unemployment Benefit Regulations<sup>(12)</sup> (days not to be treated as days of unemployment) shall continue to apply and both the direction and the written notice shall be treated as a notice under regulation 23 of the Jobseeker’s Allowance Regulations (attendance).

---

(11) Regulation 8 was amended by regulation 7(4) of S.R. 1992 No. 83

(12) Regulation 7(1)(i) was substituted by regulation 2 of S.R. 1986 No. 266 and amended by regulation 2 of S.R. 1990 No. 276

### **Evidence and information**

**19.**—(1) In the period commencing on, and including, 7th October 1996 and ending on 20th October 1996, the requirement to provide information or evidence on or by a particular date under regulation 7(1) or 32(1)(**13**) of the Claims and Payments Regulations (evidence and information) shall continue to apply and shall be treated as a requirement to provide a signed declaration under regulation 24(6) of the Jobseeker’s Allowance Regulations (provision of information and evidence) on the day specified by the Department in accordance with regulation 24(10) of the Jobseeker’s Allowance Regulations.

(2) Where a claimant has complied with regulation 7(1) or 32(1) of the Claims and Payments Regulations during the period commencing on, and including, 30th September 1996 and ending on 13th October 1996 for the purpose of claiming income support or unemployment benefit, information provided under those provisions shall be treated as satisfying the requirements of regulation 24(6) of the Jobseeker’s Allowance Regulations.

(3) During the period commencing on, and including, 30th September 1996 and ending on 27th October 1996 for the purposes of regulation 26 of the Jobseeker’s Allowance Regulations (time at which entitlement is to cease), the reference to a claimant providing information or evidence which shows that he continues to be entitled to a jobseeker’s allowance shall include a reference to the requirement to comply with regulation 7(1) or 32(1) of the Claims and Payments Regulations for the purpose of claiming income support or unemployment benefit, and the reference to the day after he last attended in compliance with a notice under regulation 23 of the Jobseeker’s Allowance Regulations (attendance) shall include a reference to the first day of his award of a jobseeker’s allowance.”.

### **Treatment of contribution-based jobseeker’s allowance as earnings**

**17.** In regulation 15 of the Transitional Provisions Regulations (treatment of contribution-based jobseeker’s allowance as earnings), in paragraph (1) for “earnings” there shall be substituted “income”.

### **Questions not immediately ascertainable**

**18.**—(1) Regulation 16 of the Transitional Provisions Regulations (questions not immediately ascertainable) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1) after sub-paragraph (a) there shall be inserted the following sub-paragraph—

“(aa) a question as to whether the conditions specified in Article 3(2) of the Order other than sub-paragraph (d)(i), or a question as to whether the conditions specified in Article 4 of the Order, other than those specified in Article 4(1)(c) or (d) of the Order, are satisfied, and the adjudication officer is satisfied that the answer to one of those questions cannot be immediately ascertained, he shall proceed to determine the claim on the assumption that the answers to either question are those which are immediately ascertainable;”.

(3) In paragraph (2)—

(a) sub-paragraphs (a), (b) and (d) shall be omitted, and

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

“(e) whether in relation to any claimant the applicable amount includes an amount by way of a severe disability premium by virtue of regulation 17(1)(d) or 18(1) (e) of, and paragraph 13 of Schedule 2 to, the Income Support Regulations(**14**) (applicable amounts).”.

**(13)** Regulation 32(1) was amended by regulation 6(3) of S.R. 1992 No. 453

**(14)** Paragraph 13 of Schedule 2 was amended by S.R. 1988 No. 146, S.R. 1989 No. 395, S.R. 1992 No. 6, S.R. 1993 No. 218 and S.R. 1994 Nos. 327 and 474

---

**Status:** *This is the original version (as it was originally made). Northern Ireland Statutory Rules are not carried in their revised form on this site.*

---

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

*D. A. Baker*  
Assistant Secretary

---

## EXPLANATORY NOTE

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

These Regulations, which are made pursuant to Article 39 of the Jobseekers (Northern Ireland) Order 1995 (“the Order”) amend the Jobseeker’s Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996. They also insert new provisions, in particular relating to the provision of information.

Articles 36(2) and 39 of the Order, 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.