
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 358

**SOCIAL SECURITY
FAMILY LAW
CHILD SUPPORT**

The Social Security and Child Support (Jobseeker's Allowance) (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 6(1), (4) and (5), 8(2) and (4), 9(4), 10, 11(10) and (12), 14(1) and (4)(b), 21(8)(b), 22(4), 36(2) and 39 of, and paragraphs 3, 6, 9, 10 and 12 of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995⁽¹⁾, section 5(1)(h) of the Social Security Administration (Northern Ireland) Act 1992⁽²⁾ and sections 123(1)(e) and 167D of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽³⁾ 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, those provisions of the Jobseekers (Northern Ireland) Order 1995, hereby makes the following Regulations:

Part I

General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security and Child Support (Jobseeker's Allowance) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996, immediately following the coming into operation of the Jobseeker's Allowance (Amendment) Regulations (Northern Ireland) 1996⁽⁴⁾, the Social Security (Claims and Payments) (Jobseeker's Allowance Consequential Amendments) Regulations (Northern Ireland) 1996⁽⁵⁾ and

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

(2) 1992 c. 8

(3) 1992 c. 7; section 123(1)(e) was added by paragraph 13(5) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 and section 167D was inserted by the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))

(4) S.R. 1996 No. 356

(5) S.R. 1996 No. 354

the Income Support (General) (Jobseeker's Allowance Consequential Amendments) Regulations (Northern Ireland) 1996⁽⁶⁾.

(2) In these Regulations—

“the Jobseeker's Allowance Regulations” means the Jobseeker's Allowance Regulations (Northern Ireland) 1996⁽⁷⁾;

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987⁽⁸⁾.

Definitions

2.—(1) Regulation 1(2) of the Jobseeker's Allowance Regulations (interpretation) shall be amended in accordance with paragraphs (2) and (3).

(2) In the definition of “benefit week”—

(a) after “regulation 23 (attendance)” there shall be inserted “requiring him to provide a signed declaration as referred to in regulation 24(6) (provision of information and evidence) or, in the case of a claimant who is not normally required to attend in person, on the day which corresponds with the day of the week specified by the Department in accordance with regulation 24(10) for the provision of a signed declaration”;

(b) at the end of paragraph (a) after “claimant,” “and” shall be omitted, and

(c) after paragraph (a) there shall be inserted the following paragraph—

“(aa) where the Department has set a day for payment of a jobseeker's allowance in respect of a claim, but no notice has yet been given or sent to the claimant in accordance with regulation 23, the “benefit week” means a period of 7 days ending on the day which has been set;”.

(3) In the definition of “week” for “Part III and regulation 87” there shall be substituted “Parts III, VI, VII, VIII, IX, X, XI, XII and XIII”.

Part II

Jobseeking

Part-time students

3. In regulation 11(1)(b) of the Jobseeker's Allowance Regulations (part-time students) for “13(4)” there shall be substituted “13(3) or (4)”.

Volunteers

4. In regulation 12(a) of the Jobseeker's Allowance Regulations (volunteers) for “13(4)” there shall be substituted “13(3) or (4)”.

Circumstances in which a person is to be treated as available

5.—(1) Regulation 14 of the Jobseeker's Allowance Regulations (circumstances in which a person is to be treated as available) shall be amended in accordance with paragraphs (2) and (3).

⁽⁶⁾ S.R. 1996 No. 199

⁽⁷⁾ S.R. 1996 No. 198; relevant amending regulations are S.R. 1996 No. 356

⁽⁸⁾ S.R. 1987 No. 459; relevant amending regulations are S.R. 1989 No. 395, S.R. 1992 No. 7, S.R. 1995 Nos. 301 and 434 and S.R. 1996 Nos. 199 and 318

- (2) In paragraph (1)—
- (a) in sub-paragraph (i) for “for that period” there shall be substituted “for the period beginning on, and including, the date of claim and ending on the day before the beginning of the first week after the date of claim”, and
 - (b) for sub-paragraph (j) there shall be substituted the following sub-paragraph—
 - “(j) if the award is terminated other than on the last day of a week, for the period beginning with the beginning of the week in which the award is terminated and ending on the day on which the award is terminated;”.
- (3) In paragraph (3)—
- (a) for “13(3)” there shall be substituted “13(4)”, and
 - (b) for “7(1) or 13(4)” there shall be substituted “7(1), 13(4) or 17(2)”.

Laid off and short-time workers

6. In regulation 17(2) of the Jobseeker’s Allowance Regulations (laid off and short-time workers)
- (a) at the beginning there shall be inserted “(a)”;
 - (b) for “in any week.” there shall be substituted “in any week unless sub-paragraph (b) or (c) applies;”, and
 - (c) after sub-paragraph (a) there shall be added the following sub-paragraphs—
 - “(b) the total number of hours for which a person kept on short-time works and is available for casual employment may be less than 40 in any week if that person has imposed restrictions on his availability which are reasonable in the light of his physical or mental condition;
 - (c) the total number of hours for which a person kept on short-time works and is available for casual employment may be less than 40 in any week if he has caring responsibilities providing the total number of hours for which he works and is available for casual employment is as many as his caring responsibilities allow and for the specific hours those responsibilities allow and is at least 16 in any week.”.

Circumstances in which a person is to be treated as actively seeking employment

7.—(1) Regulation 19(1) of the Jobseeker’s Allowance Regulations (circumstances in which a person is to be treated as actively seeking employment) shall be amended in accordance with paragraphs (2) and (3).

(2) In sub-paragraph (i) for “for that period” there shall be substituted “for the period beginning on and including the date of claim and ending on the day before the beginning of the first week after the date of claim”.

- (3) For sub-paragraph (j) there shall be substituted the following sub-paragraph—
- “(j) if the award is terminated other than on the last day of a week, for the period beginning with the beginning of the week in which the award is terminated and ending on the day on which the award is terminated;”.

Provision of information and evidence

8.—(1) Regulation 24(6) of the Jobseeker’s Allowance Regulations (provision of information and evidence) shall be amended in accordance with paragraphs (2) and (3).

- (2) For sub-paragraph (a) there shall be substituted the following sub-paragraph—
- “(a) since making a claim for a jobseeker’s allowance or since he last provided a declaration in accordance with this paragraph he has either been available for employment or satisfied the circumstances to be treated as available for employment, save as he has otherwise notified the Department;”.
- (3) In sub-paragraph (c) “payability or” shall be omitted.

Time at which entitlement is to cease

9. In regulation 26(a) of the Jobseeker’s Allowance Regulations (time at which entitlement is to cease) for “establishes his entitlement” there shall be substituted “shows that he continues to be entitled”.

Jobseeker’s Agreement to remain in effect

10. In regulation 36 of the Jobseeker’s Allowance Regulations (jobseeker’s agreement to remain in effect) for paragraph (b) there shall be substituted the following paragraph—

- “(b) in respect of any part of a period of suspension, where—
- (i) the Department has directed under regulation 36(1A) of the Claims and Payments Regulations⁽⁹⁾ that payment under an 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;
 - (ii) subsequently that suspension expires or is cancelled in respect of a part only of the period for which it has been in force, and
 - (iii) 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, or”.

Interpretation of Part IV

11. In regulation 57 of the Jobseeker’s Allowance Regulations (interpretation of Part IV) for paragraph (3) there shall be substituted the following paragraph—

- “(3) In this regulation any reference to a person acting in place of a person’s parents includes a reference to—
- (a) where the person is being looked after by a Health and Social Services Board, HSS trust or voluntary organisation which places him with a family, a relative of his, or some other suitable person, the person with whom the person is placed, whether or not any payment is made to him in connection with the placement, or
 - (b) in any other case, any person with parental responsibility for the child, and for this purpose “parental responsibility” has the meaning it has in the Children (Northern Ireland) Order 1995⁽¹⁰⁾ by virtue of Article 6 of that Order.”.

Attendance, information and evidence for young persons

12. After regulation 65 of the Jobseeker’s Allowance Regulations there shall be inserted the following regulation—

⁽⁹⁾ Paragraph (1A) was inserted by S.R. 1996 No. 354

⁽¹⁰⁾ S.I. 1995/755 (N.I. 2)

“Attendance, information and evidence

65A. A young person who does not fall within regulation 61(1)(a) or (f) shall, if the Department requires him to do so, provide, in addition to the declaration specified in regulation 24(6), a declaration to the effect that since making a claim for a jobseeker’s allowance or since he last provided a declaration in accordance with this regulation he has been actively seeking suitable training to the extent necessary to give him his best prospects of securing suitable training save as he has otherwise notified the Department.”.

Sanctions for young persons

13. In regulation 67(1)(b) of the Jobseeker’s Allowance Regulations (sanctions) the word “not” shall be omitted in both places where it occurs.

Part III

Miscellaneous

Jobseeking period

14.—(1) Regulation 47(4) of the Jobseeker’s Allowance Regulations (jobseeking period) shall be amended in accordance with paragraphs (2) and (3).

(2) After sub-paragraph (a) there shall be added “and either”.

(3) For sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs—

“(b) (i) on which the claimant satisfies the conditions specified in Article 4 of the Order (the contribution-based conditions) other than the conditions specified in paragraph (1) (c) and (d) of that Article, and

(ii) on which a contribution-based jobseeker’s allowance is not payable to the claimant by virtue of Article 21 of the Order (circumstances in which jobseeker’s allowance is not payable), or

(c) which falls within a period which is treated as a period in which the claimant satisfies the conditions specified in Article 3(2)(a) to (c) of the Order (entitlement), in accordance with paragraph (2),”.

Linking periods

15. In regulation 48(1) of the Jobseeker’s Allowance Regulations (linking periods) for sub-paragraph (d) there shall be substituted the following sub-paragraph—

“(d) a period in respect of which the claimant is summoned for jury service and is required to attend court.”.

Persons approaching retirement

16.—(1) In regulation 49 of the Jobseeker’s Allowance Regulations (persons approaching retirement and the jobseeking period) shall be amended in accordance with paragraphs (2) and (3)—

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

“(2) For the purposes of regulation 47(1) (jobseeking period) but subject to paragraphs (3) and (4), any days to which paragraph (1) applies and in respect of which the person does not satisfy, or is not treated in accordance with regulation 14, 16, 17, 19, 20, 21 or 34 as satisfying the conditions specified in Article 3(2)(a) to (c) of the Order (conditions

of entitlement to jobseeker's allowance), shall be days on which the person is treated as satisfying the conditions in Article 3(2)(a) to (c) and (e) to (i) of the Order.”.

(3) Paragraph (3)(a) shall be omitted.

Short periods of sickness

17.—(1) Regulation 55(1) of the Jobseeker's Allowance Regulations (short periods of sickness) shall be amended in accordance with paragraphs (2) and (3).

(2) In sub-paragraph (a) for the words from “satisfies”, in the first place where it occurs, to “Article 3(2)(a) or (c) of the Order” there shall be substituted “has been awarded a jobseeker's allowance”.

(3) In sub-paragraph (c) for “satisfies” there shall be substituted “would satisfy”.

Circumstances in which a person is to be treated as being or not being a member of the household

18. In regulation 78(3) of the Jobseeker's Allowance Regulations (circumstances in which a person is to be treated as being or not being a member of the household) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) one, both or all of them are—

(i) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court, or

(ii) on temporary release in accordance with the provisions of the Prison Act (Northern Ireland) 1953(11);”.

Payments by way of pensions

19.—(1) Regulation 81 of the Jobseeker's Allowance Regulations (payments by way of pensions) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1) for “week” there shall be substituted “benefit week”.

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

“(1A) Where pension payments first begin to be made to a person for a period starting other than on the first day of a benefit week, the deduction referred to in paragraph (1) shall have effect from the beginning of that benefit week.

(1B) Where the pension payments are already in payment to a person and a change in the rate of payment takes effect in a week other than at the beginning of the benefit week, the deduction referred to in paragraph (1) shall have effect from and including the first day of that benefit week.”.

(4) In paragraph (2), sub-paragraphs (a) and (b) shall be omitted.

Permitted periods

20. In regulation 87(7) of the Jobseeker's Allowance Regulations (transitional supplement to income-based jobseeker's allowance)—

(a) for the words from “For the purposes” to “have effect—” there shall be substituted—

“For the purposes of paragraph (1), regulation 2A of the Income Support (Transitional) Regulations (Northern Ireland) 1987(12) (permitted period), and for the purposes of paragraph (6), regulation 3A of the Income Support Regulations(13) (permitted period), shall have effect in accordance with the following sub-paragraphs—”

- (b) in paragraph (2A)(a) as inserted by sub-paragraph (b), for “was not payable” there shall be substituted “is not payable”.

Minimum amount of a jobseeker’s allowance

21. After regulation 87 of the Jobseeker’s Allowance Regulations (amounts) there shall be inserted the following regulation—

“87A. Where the amount of a jobseeker’s allowance is less than 10 pence a week that allowance shall not be payable.”.

Earnings of employed earners

22.—(1) Regulation 98 of the Jobseeker’s Allowance Regulations (earnings of employed earners) shall be amended in accordance with paragraphs (2) and (3).

- (2) In paragraph (1) for sub-paragraph (f) there shall be substituted the following sub-paragraphs

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- “(f) any payment or award of compensation made under Article 31, 32(2)(a) or (5), 39 or 41(1) to (3) of the Industrial Relations (Northern Ireland) Order 1976(14) (order for reinstatement or re-engagement, compensation for unfair dismissal and interim relief pending determination of complaint);
- (ff) any payment or remuneration made under Article 3, 9 or 23 of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(15) (right to guarantee payment, right to remuneration on suspension on medical grounds and payments to employees out of maternity pay fund);”.

- (3) In paragraph (3)(c) after “(f)” there shall be inserted “, (ff)”.

Calculation of income other than earnings

23. In regulation 103(6) of the Jobseeker’s Allowance Regulations (calculation of income other than earnings) after “98(2)” there shall be inserted “(a) to (e)”.

Calculation of grant income

24. In regulation 131(2)(f) of the Jobseeker’s Allowance Regulations (calculation of grant income) for “£278” there shall be substituted “£280”.

(12) Regulation 2A was inserted by regulation 2 of S.R. 1989 No. 371 and amended by regulation 29(3) of S.R. 1996 No. 199

(13) Regulation 3A was inserted by regulation 3 of S.R. 1989 No. 395 and amended by regulation 2(2) of S.R. 1995 No. 434

(14) S.I. 1976/1043 (N.I. 16); Article 32(2)(a) and (5) was amended by paragraph 4(5) of Schedule 3 to the Industrial Relations (Northern Ireland) Order 1987 (S.I. 1987/936 (N.I. 9)). Articles 39 and 41 were substituted by Schedule 3 to the Industrial Relations (Northern Ireland) Order 1993 (S.I. 1993/2668 (N.I. 11))

(15) S.I. 1976/2147 (N.I. 28); Article 3 was amended by paragraph 8(1) of Schedule 2 to, and paragraph 5(2) of Schedule 3 to, the Industrial Relations (Northern Ireland) Order 1987. Article 9 was amended by paragraph 5(a) of Schedule 6 to the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9)) and paragraph 9(1) of Schedule 2 to the Industrial Relations (Northern Ireland) Order 1987. Article 23 was substituted by Schedule 1 to the Industrial Relations (Northern Ireland) Order 1993

Meaning of “person in hardship”

25. In regulation 140(3) of the Jobseeker’s Allowance Regulations (meaning of “person in hardship”) after “income support or” there shall be inserted “a claimant or a partner of a claimant”.

Circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship

26.—(1) Regulation 141 of the Jobseeker’s Allowance Regulations (circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (2) for “shall be treated as entitled to an income-based jobseeker’s allowance for the period beginning with and including the date of claim or,” there shall be substituted “, other than a person to whom regulation 46(1) (waiting days) applies, shall be treated as entitled to an income-based jobseeker’s allowance for the period beginning with and including the 4th day of the jobseeking period or,”.

(3) In paragraph (3)—

- (a) “of claim” shall be omitted, and
- (b) after the word “paragraph” in the second place where it occurs there shall be inserted “which is applicable in his case”.

Further circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship

27. In regulation 142(2) of the Jobseeker’s Allowance Regulations (further circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship) for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs—

- “(a) in a case where regulation 46(1) applies, the 15th day of the jobseeking period;
- (b) in a case where paragraph 4 of Schedule 1 to the Order applies, the 18th day of the jobseeking period, or”.

Applicable amount in hardship cases

28. In regulation 145(1)(c) of the Jobseeker’s Allowance Regulations (applicable amount in hardship cases) for “does not apply” there shall be substituted “applies”.

Housing costs

29.—(1) Schedule 2 to the Jobseeker’s Allowance Regulations (housing costs) shall be amended in accordance with paragraphs (2) to (7).

(2) In paragraph (3)(11)(c) (circumstances in which a person is to be treated as occupying a dwelling as his home) for paragraph (i) there shall be substituted the following paragraph—

“(i) required, as a condition of bail, to reside in a hostel;”.

(3) In paragraph 4(6) (housing costs not met)—

- (a) in head (a) after “paragraph 14” there shall be inserted “during the relevant period”;
- (b) for head (b) there shall be substituted the following head—

“(b) to finance the purchase of a property where an earlier loan, which qualified under paragraphs 14 and 15 during the relevant period in respect of another property, is paid off (in whole or in part) with monies received from the sale of that property,”.

(4) In paragraph 11(1) (the standard rate) for head (a) there shall be substituted the following head—

“(a) except where sub-paragraph (2) applies shall be the rate specified in paragraph 12(1)(a) of Schedule 3 to the Income Support Regulations(16), or”.

(5) In paragraph 13(1)(a)(ii) (linking rule) for “which he was or was treated as being in receipt thereof or to which head (a)(i) applies;” there shall be substituted—

“which—

- (a) he was, or was treated as being, in receipt of a jobseeker’s allowance,
- (b) he was treated as entitled to a jobseeker’s allowance for the purposes of sub-paragraphs (5), (6) and (7), or
- (c) head (a)(i) applies;”.

(6) In paragraph 17(7) (non-dependant deductions) for head (b) there shall be substituted the following head—

“(b) if he is in receipt of an allowance payable in respect of training he is undertaking, and for this purpose “training” has the meaning it has in regulation 11(3);”.

(7) In paragraph 18(1)(c) (continuity with income support) after “linking rule” there shall be inserted “or for determining whether any qualifying or other period is satisfied”.

Applicable amounts in special cases

30. In Schedule 4 to the Jobseeker’s Allowance Regulations (applicable amounts in special cases), in column (1) of paragraph 17(b) for heads (i) and (ii) there shall be substituted the following heads—

- “(i) the claimant is not a patient and the other member of the couple or one or more members of the marriage has been a patient for a period of more than 6 weeks, or
- (ii) the claimant is a patient but has not been a patient for more than 2 weeks and the other member of the couple or one or more members of the marriage has been a patient for more than 6 weeks;”.

Sums to be disregarded in the calculation of earnings

31.—(1) Schedule 5 to the Jobseeker’s Allowance Regulations (sums to be disregarded in the calculation of earnings) shall be amended in accordance with paragraphs (2) and (3).

- (2) In paragraph 1(a)(ii) after “(f)” there shall be inserted “, (ff)”.
- (3) In paragraph 2 after “(f)” there shall be inserted “, (ff)”.

Occupational pensions

32. In Schedule 6 to the Jobseeker’s Allowance Regulations (sums to be disregarded in the calculation of income other than earnings) after paragraph 16 there shall be inserted the following paragraph—

“**16A.**—(1) Subject to sub-paragraphs (2) and (3), where a claimant—

- (a) is a person to whom Schedule 3 (applicable amounts of persons in residential care and nursing homes) or paragraph 16 or 17 of Schedule 4 (applicable amounts in special cases) applies;

- (b) is not residing with his spouse, and
 - (c) has at least 50 per cent. of any occupational pension of his being paid to, or in respect of, his spouse for that spouse's maintenance,
- an amount equal to 50 per cent. of the pension or pensions concerned.
- (2) Where a claimant is entitled to more than one occupational pension, those pensions shall be aggregated for the purposes of sub-paragraph (1).
 - (3) This paragraph shall not have effect in respect of that part of any occupational pension to which a spouse is legally entitled whether under a court order or not.”.

Part IV

Income Support

Amendment of the Income Support Regulations

33. In Schedule 1B to the Income Support Regulations(17) (prescribed categories of person entitled to income support) in paragraph 4(a)—

- (a) in head (i) “under section 64 of the Contributions and Benefits Act” shall be omitted;
- (b) in head (ii) “under that section” shall be omitted;
- (c) after head (ii) there shall be inserted the following head—
 - “(iia) the person being cared for has claimed attendance allowance in accordance with section 65(6)(a) of the Contributions and Benefits Act (claims in advance of entitlement), an award has been made in respect of that claim under section 65(6)(b) of that Act and, where the period for which the award is payable has begun, that person is in receipt of the allowance, or”;
- (d) after head (iii) there shall be inserted the following head—
 - “(iia) the person being cared for has claimed entitlement to the care component of a disability living allowance in accordance with regulation 13A of the Claims and Payments Regulations(18) (advance claims and awards), an award at the highest or middle rate has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the allowance, or”.

Part V

Child Support

Amendment of the Child Support (Maintenance Assessment Procedure) Regulations

34. In regulation 36 of the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(19) (modification or reduction under a reduced benefit direction to preserve minimum entitlement to relevant benefit), after paragraph (a) there shall be inserted the following paragraph—

(17) Schedule 1B was inserted by S.R. 1996 No. 199

(18) Regulation 13A was inserted by S.R. 1992 No. 7

(19) S.R. 1992 No. 340, to which there are amendments not relevant to these regulations

“(aa) in the case of income-based jobseeker’s allowance, by regulation 87A of the Jobseeker’s Allowance Regulations(20);”.

Part VI

Computation of Earnings

Amendment of the Social Security Benefit (Computation of Earnings) Regulations

35. In regulation 3 of the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978(21) (payments to be disregarded)—

- (a) in paragraph (3) the words from “and regulation 7(1)(g)(i)” up to and including “days of unemployment)” shall be omitted, and
- (b) paragraphs (5) and (6) shall be omitted.

Part VII

Revocations

Revocations

36. Regulation 9(a) of the Social Security and Child Support (Jobseeker’s Allowance) (Consequential Amendments) Regulations (Northern Ireland) 1996(22) is hereby revoked.

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

D. A. Baker
Assistant Secretary

(20) Regulation 87A was inserted by regulation 21 of these Regulations

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

(22) S.R. 1996 No. 289

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations are made by virtue of, or in consequence of, provisions in the Jobseekers (Northern Ireland) Order 1995 (“the 1995 Order”) and contain amendments to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the Jobseeker’s Allowance Regulations”).

Regulation 1 deals with the citation, commencement and interpretation and regulation 2 amends the definition of “benefit week” and “week”.

Regulations 3 and 4 provide for a person who has restricted the total number of hours for which he is available for employment due to his physical or mental condition to fall within regulations 11 (part-time students) and 12 (volunteers).

Regulations 5 and 7 make minor amendments to the circumstances in which a person is to be treated as available for employment and actively seeking employment.

Regulation 6 amends the circumstances in which a person who is kept on short-time is treated as available for employment so that a person who has imposed restrictions on his availability because of his physical or mental condition or caring responsibilities may be available for less than 40 hours in a week.

Regulation 8 amends the description of the signed declaration which may be provided by a claimant pursuant to regulation 24(6) of the Jobseeker’s Allowance Regulations.

Regulation 9 makes a minor drafting amendment to regulation 26(a) of the Jobseeker’s Allowance Regulations, which provides for the time at which entitlement is to cease where a claimant fails to comply with a notice requiring attendance or fails to provide the prescribed declaration.

Regulation 10 amends one of the circumstances in which a jobseeker’s agreement is not to cease to have effect on the coming to an end of an award of a jobseeker’s allowance, in order to reflect an amendment to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 by regulation 2(3) of the Social Security (Claims and Payments) (Jobseeker’s Allowance Consequential Amendments) Regulations (Northern Ireland) 1996.

Regulation 11 makes minor amendments to regulation 57 of the Jobseeker’s Allowance Regulations.

Regulation 12 provides for 16 and 17 year old claimants to provide a declaration to the effect that they have been actively seeking suitable training.

Regulation 13 makes a minor amendment to regulation 67 of the Jobseeker’s Allowance Regulations.

Regulation 14 provides that a period of hardship payment shall count as a period during which the claimant was entitled to a contribution-based jobseeker’s allowance.

Regulation 15 specifies that in order to count as a linking period for the purposes of regulation 48 of the Jobseeker’s Allowance Regulations a jobseeker must attend court as a juror, rather than merely be summoned for jury service.

Regulation 16 provides that a day on which a person approaching retirement age satisfies, or is treated as satisfying, the conditions of entitlement to a jobseeker’s allowance count towards a jobseeking period.

Regulation 17 provides that a person must be already entitled to a jobseeker’s allowance before he can take advantage of the short-term sickness provisions in regulation 55 of the Jobseeker’s Allowance Regulations.

Regulation 18 provides that neither a prisoner, nor a person released on temporary licence shall be treated as a member of the same household.

Regulation 19 provides that where a pension is paid other than at the beginning of a benefit week, it shall be taken into account from that benefit week in calculating entitlement to a contribution-based jobseeker's allowance.

Regulation 20 provides that a person who is entitled to a special transitional addition to their income support when a jobseeker's allowance is introduced shall have the same permitted period as a person entitled to income support.

Regulation 21 provides that where a jobseeker's allowance would be less than 10 pence a week it shall not be payable.

Regulation 22 differentiates between awards of compensation made by an industrial tribunal and other payments, and regulation 31 makes the necessary consequential amendment in Schedule 5 to the Jobseeker's Allowance Regulations. This has the effect that only awards of compensation are disregarded in the calculation of a claimant's earnings.

Regulation 23 provides that statutory redundancy payments shall not be taken into account as income.

Regulation 24 updates the sum intended to meet the cost of a student's books or equipment to £280.

Regulation 25 provides that a person whose partner falls within section 124(1)(e) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 shall not be treated as a "person in hardship".

Regulation 26 provides that an income-based jobseeker's allowance shall be payable in hardship cases after 3 waiting days and regulation 28 deals with the applicable amount of an income-based jobseeker's allowance in hardship cases.

Regulation 27 provides that the days during which there is no entitlement to an income-based jobseeker's allowance shall be during the jobseeking period rather than necessarily following the date of claim.

Regulation 29 deals with the housing costs of income-based jobseeker's allowance claimants and provides that the standard interest rate to be applied shall be the same as the rate in income support legislation. It also provides that a person who, as a condition of bail, is required to reside in a hostel can be treated as occupying the dwelling he normally occupies as his home for up to 52 weeks. It also provides that persons receiving an allowance for youth training, rather than other training programmes, can be taken into account as a non-dependant for the purposes of applying a nil deduction for housing costs. It also provides for continuity between income support and a jobseeker's allowance in respect of qualifying periods.

Regulation 30 deals with the applicable amount where the claimant's partner has been in hospital as a patient for over 6 weeks, or where both the claimant and his partner are patients.

Regulation 32 amends Schedule 6 to the Jobseeker's Allowance Regulations to provide that where a claimant for a jobseeker's allowance is resident in a residential care home or nursing home and is paying 50 per cent. of any occupational pension to which he is entitled to his spouse, the sum paid shall be disregarded in calculating the claimant's income. The disregard shall not have effect—

- (a) where a claimant acquires a spouse after entering a residential care home or nursing home,
- (b) in the case of a pension not payable to the claimant, or
- (c) in calculating a claimant's notional income.

Regulation 33 amends the Income Support (General) Regulations (Northern Ireland) 1987 with respect to the categories of persons who will be entitled to income support from 7th October 1996 in the case of a person who is awarded attendance allowance or disability living allowance.

Regulation 34 amends the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992 to add a reference to jobseeker's allowance.

Regulation 35 amends the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978 to remove a reference to unemployment benefit and regulation 36 revokes a previous, incorrect amendment to the same provision.

Articles 6(1), (4) and (5), 8(2) and (4), 9(4), 10, 11(10) and (12), 14(1) and (4)(b), 21(8)(b), 22(4), 36(2) and 39 of, and paragraphs 3, 6, 9, 10 and 12 of Schedule 1 to, the 1995 Order are some of the enabling provisions under which these Regulations are made, and 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)(b) of the Social Security Administration (Northern Ireland) Act 1992, from reference to the Social Security Advisory Committee.