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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 501**

**SOCIAL SECURITY**

**The Income Support (General) and Jobseeker's Allowance  
(Amendment No. 2) Regulations (Northern Ireland) 1999**

*Made* - - - - *20th December 1999*

*Coming into operation* *7th January 2000*

The Department for Social Development, in exercise of the powers conferred by sections 122(1) (a), 132(4)(a) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) and Articles 14(4)(a) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(2) and now vested in it(3), 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 Income Support (General) and Jobseeker's Allowance (Amendment No. 2) Regulations (Northern Ireland) 1999 and shall come into operation on 7th January 2000.

(2) The Interpretation Act (Northern Ireland) 1954(4) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

**Amendment of the Income Support (General) Regulations**

2. In regulation 42 of the Income Support (General) Regulations (Northern Ireland) 1987(5) (notional income)—

(a) in paragraph (3), for “or (3B)” there shall be substituted “, (3B) or (3C)”;

(b) after paragraph (3B)(6) there shall be inserted the following paragraph—

“(3C) This paragraph applies to any earnings which are due to an employed earner on the termination of his employment by reason of redundancy but which have not been paid to him.”.

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(1) 1992 c. 7

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

(3) See Article 8(b) of S.R. 1999 No. 481

(4) 1954 c. 33 (N.I.)

(5) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1992 No. 236 and S.R. 1993 No. 120

(6) Paragraph (3B) was inserted by regulation 2(b) of S.R. 1992 No. 236 and amended by regulation 4(4)(b) of S.R. 1993 No. 120

### **Amendment of the Jobseeker's Allowance Regulations**

3.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(7) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 19(3) (circumstances in which a person is to be treated as actively seeking employment), in the definition of "employment or training programme" after "Department" there shall be inserted "of Higher and Further Education, Training and Employment".

(3) After regulation 105(7)(c) (notional income) there shall be added the following sub-paragraph—

“(d) any earnings which are due to an employed earner on the termination of his employment by reason of redundancy but which have not been paid to him.”.

Sealed with the Official Seal of the Department for Social Development on 20th December 1999.

L.S.

*John O'Neill*  
Senior Officer of the  
Department for Social Development

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(7) [S.R. 1996 No. 198](#); to which there are amendments not relevant to these Regulations

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## EXPLANATORY NOTE

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

These Regulations amend the Income Support (General) Regulations (Northern Ireland) 1987 and the Jobseeker's Allowance Regulations (Northern Ireland) 1996.

In particular, regulations 2 and 3 of these Regulations provide that earnings of an employed earner which are due but not paid on the termination of his employment by reason of redundancy, shall not be treated as possessed by the claimant for the purposes of ascertaining entitlement respectively to income support or to a jobseeker's allowance. Regulation 2 also makes a technical amendment.

These Regulations make in relation to Northern Ireland provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, 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.