

SCHEDULE 3

Amendment of legislation relating to social security

Jobseeker's Allowance Regulations

23.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996⁽¹⁾ shall be amended in accordance with sub-paragraphs (2) to (13).

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

(a) in the definition of “close relative”⁽²⁾, for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” there shall be substituted “or if any of the preceding persons is one member of a couple, the other member of that couple”;

(b) for the definition of “couple” there shall be substituted the following definition—

““couple” means—

(a) a man and woman who are married to each other and are members of the same household;

(b) a man and woman who are not married to each other but are living together as husband and wife;

(c) two people of the same sex who are civil partners of each other and are members of the same household; or

(d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;

(c) in the definition of “partner”, in paragraph (a) for “a married or unmarried couple” there shall be substituted “a couple”;

(d) in the definition of “war widower's pension”⁽³⁾, after “to a man as a widower” there shall be inserted “or to a surviving civil partner”.

(3) In regulation 4 (interpretation of Parts II, IV and V), in the definition of “close relative”⁽⁴⁾—

(a) for “a spouse or other member of an unmarried couple” there shall be substituted “a member of a couple”;

(b) for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” there shall be substituted “or if any of the preceding persons is one member of a couple, the other member of that couple”.

(4) In regulation 57(2)(a) (interpretation of Part IV)—

(a) after “of a married couple” there shall be inserted “or of a civil partnership”;

(b) after “that couple” there shall be inserted “or civil partnership”.

(1) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 Nos. 356 and 503, S.R. 1998 No. 81, S.R. 1999 No. 317 and 428 (C. 32), S.R. 2000 Nos. 71, 260 and 350, S.R. 2001 Nos. 4, 278 and 392, S.R. 2002 No. 128 and S.R. 2003 No. 154

(2) The definition of “close relative” was amended by regulation 2(2)(b) of S.R. 1996 No. 503

(3) The definition of “war widower's pension” was inserted by regulation 4(2) of S.R. 2002 No. 128

(4) The definition of “close relative” was amended by regulation 2(4) of S.R. 1996 No. 503

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (5) In regulation 85(4) (special cases), in the definition of “partner of a person subject to immigration control”(5), in paragraph (c) for “his” there shall be substituted “the member's”.
- (6) In regulation 117 (interpretation: Chapter VII)—
- (a) in the definition of “liable relative”, in paragraph (a), for “or former spouse” there shall be substituted “, former spouse, civil partner or former civil partner”;
- (b) in the definition of “payment”, after paragraph (a)(ii) there shall be inserted—
- “or
- (iii) any proceedings for separation, dissolution or nullity in relation to a civil partnership;”.
- (7) In regulation 130 (interpretation: Chapter IX), in the definition of “contribution”(6), after “holders spouse” there shall be inserted “or civil partner”.
- (8) In regulation 140(1) (meaning of “person in hardship”)—
- (a) in sub-paragraph (c)(7)—
- (i) for “a married or unmarried couple” there shall be substituted “a couple”, and
- (ii) for head (i) there shall be substituted the following head—
- “(i) at least one member of the couple is a woman who is pregnant, and”;
- (b) in sub-paragraph (e), for “a married or unmarried couple” there shall be substituted “a couple”.
- (9) In regulation 146A(1)(a)(8) (meaning of “couple in hardship”), for “the woman member of the joint-claim couple is pregnant” there shall be substituted “at least one member of the joint-claim couple is a woman who is pregnant”.
- (10) In regulation 167(1) (recovery orders), after “claimant’s spouse” there shall be inserted “or civil partner”.
- (11) In Schedule 1 (applicable amounts)—
- (a) in column (1) in paragraph 1(3)(a)(iv) and (iva)(9), after “married” there shall be inserted “or civil partners”;
- (b) in paragraph 9A(1)(b)(10) (bereavement premium), after “9th April 2001” there shall be inserted “or of a civil partner who died on or after 5th December 2005”.
- (12) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 17(c)(11), for “widow or widower” there shall be substituted “surviving spouse or surviving civil partner”;
- (b) in paragraph 41—
- (i) in sub-paragraph (2)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”,
- (ii) in sub-paragraph (3), after “estranged or divorced” there shall be inserted “or, where the partner or former partner and that person have formed a civil partnership, the

(5) The definition of “partner of a person subject to immigration control” was substituted by regulation 10(3)(a) of [S.R. 2000 No. 71](#)

(6) The definition of “contribution” was amended by regulation 3(1) and (2)(e) of [S.R. 1998 No. 81](#), regulation 2(2)(a) of [S.R. 1999 No. 317](#) and regulation 2(1)(c) of [S.R. 2001 No. 278](#)

(7) Sub-paragraph (c) was amended by Article 9(5)(i) of [S.R. 1999 No. 428 \(C. 32\)](#)

(8) Regulation 146A was inserted by regulation 2(3) of [S.R. 2000 No. 350](#)

(9) Paragraphs (iv) and (iva) were substituted by regulation 16(b) of [S.R. 1996 No. 356](#)

(10) Paragraph 9A was inserted by regulation 3(2)(b) of [S.R. 2000 No. 260](#) from 9.4.01 to 9.4.06 only

(11) Paragraph 17(c) was amended by regulation 4(5)(b) of [S.R. 2002 No. 128](#)

- civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”,
- (iii) in sub-paragraph (4)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved”, and
 - (iv) in sub-paragraph (5)(a), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that had not been dissolved”;
- (c) in paragraph 53(**12**), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”;
 - (d) in paragraph 54(**13**), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”;
 - (e) in paragraph 55(1)(**14**)—
 - (i) in head (a), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”, and
 - (ii) in head (b), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”.
- (13) In Schedule 7 (capital to be disregarded)—
- (a) in paragraph 4(b), after “estranged or divorced” there shall be inserted “or with whom he formed a civil partnership that has been dissolved”;
 - (b) in paragraph 5(**15**), after “estrangement or divorce from” there shall be inserted “or dissolution of a civil partnership with”;
 - (c) in paragraph 27—
 - (i) in sub-paragraph (2)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”,
 - (ii) in sub-paragraph (3), after “estranged or divorced” there shall be inserted “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”,
 - (iii) in sub-paragraph (4)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved”, and
 - (iv) in sub-paragraph (5)(a), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that had not been dissolved”;
 - (d) in paragraph 51(c) and (d)(**16**), after “deceased spouse” there shall be inserted “or deceased civil partner”;
 - (e) in paragraph 54(**17**), after “deceased spouse” (in each place where it occurs) there shall be inserted “or deceased civil partner”.

(12) Paragraph 53 was amended by regulation 4(5)(c) of S.R. 2002 No. 128

(13) Paragraph 54 was amended by regulation 4(5)(c) of S.R. 2002 No. 128

(14) Paragraph 55(1) was amended by regulation 4(5)(d) and (e) of S.R. 2002 No. 128

(15) Paragraph 5 was amended by regulation 3(4)(a) of S.R. 2003 No. 154

(16) Paragraph 51 was added by regulation 2(c) of S.R. 2001 No. 4

(17) Paragraph 54 was added by regulation 2(c) of S.R. 2001 No. 392