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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 308**

**SOCIAL SECURITY**

**The Jobseeker's Allowance (Habitual Residence)  
(Amendment) Regulations (Northern Ireland) 2013**

*Made - - - - 19th December 2013*

*Coming into operation 1st January 2014*

The Department for Social Development makes the following regulations in exercise of the powers conferred by Articles 6(5) and 6(12) of the Jobseekers (Northern Ireland) Order 1995(1), and now vested in it(2).

Proposals in respect of these Regulations were not referred to the Social Security Advisory Committee since it appeared to the Department for Social Development that by reason of the urgency of the matter it was inexpedient to do so(3).

**Citation and commencement**

1. These Regulations may be cited as the Jobseeker's Allowance (Habitual Residence) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 1st January 2014.

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

2. In regulation 85A of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(4) (special cases: supplemental – persons from abroad) for paragraph (2) substitute—

“(2) No claimant shall be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless—

- (a) the claimant has been living in any of those places for the past three months; and
- (b) the claimant has a right to reside in any of those places, other than a right to reside which falls within paragraph (3).”.

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(1) [S.I. 1995/2705 \(N.I. 15\)](#)

(2) See Article 8(b) of [S.R. 1999 No. 481](#)

(3) See sections 149(2) and 150(1)(a) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(4) [S.R. 1996 No. 198](#); Regulation 85A was inserted by regulation 4(3) of [S.R. 2006 No. 178](#) to which there are amendments not relevant to these Regulations.

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**Status:** This is the original version (as it was originally made).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

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**Saving**

3. The amendment in regulation 2 does not apply in relation to a claim for a jobseeker's allowance which is made or treated as made before these Regulations come into operation.

Sealed with the Official Seal of the Department for Social Development on 19th December 2013

(L.S.)

*Anne McCleary*  
A senior officer of the Department for Social  
Development

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## EXPLANATORY NOTE

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

These Regulations amend regulation 85A of the Jobseeker's Allowance Regulations (Northern Ireland) 1996 in relation to the definition of a "person from abroad".

A claimant for a jobseeker's allowance who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland ("the Common Travel Area") is a person from abroad for whom the applicable amount is nil.

The effect of the amendment is that the habitual residence test cannot be satisfied unless the claimant has been living in the Common Travel Area for the past three months. This is in addition to the existing requirement to have a right to reside in the Common Travel Area.

Regulation 3 provides a saving for claims made or treated as made before 1st January 2014.