
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 184

**The Social Security (Members of the Reserve Forces)
(Amendment) Regulations (Northern Ireland) 2015**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Members of the Reserve Forces) (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 6th April 2015.

(2) The Interpretation Act (Northern Ireland) 1954(1) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(2) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation) after the definition of “the Employment and Support Allowance Regulations”(3) insert —

““first year of training” means a period of one year beginning with and including a person’s first day of training;”.

(3) In regulation 29 (calculation of earnings derived from employed earner’s employment and income other than earnings) for paragraph (2B)(4) substitute—

“(2B) Earnings derived by a claimant as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations in respect of a period of annual continuous training for a maximum of 15 days in any calendar year or in respect of training in the claimant’s first year of training as a member of a reserve force for a maximum of 43 days in that year, whether paid to the claimant alone or together with other earnings derived from the same source, are to be taken into account—

- (a) in the case of a period of training which lasts for the number of days listed in column 1 of the Table, over a period of time which is equal to the number of days set out in the corresponding row in column 2 of that Table; or
- (b) in any other case, over a period which is equal to the duration of the training period.

(1) 1954 c. 33 (N.I.)

(2) S.R. 1987 No. 459; relevant amending Regulations are S.R. 2006 No. 359, S.R. 2008 No. 286 and S.R. 2012 No. 377

(3) The definition of the Employment and Support Allowance Regulations was inserted by regulation 12(2)(d) of S.R. 2008 No. 286

(4) Paragraph (2B) was inserted by regulation 2(3) of S.R. 2012 No. 377

Status: This is the original version (as it was originally made).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

Table

<i>Column 1</i>	<i>Column 2</i>
<i>Period of training in days</i>	<i>Period of time over which earnings are to be taken into account in days</i>
8 to 10	7
15 to 17	14
22 to 24	21
29 to 31	28
36 to 38	35
43	42”

- (4) In Schedule 8 (sums to be disregarded in the calculation of earnings)—
- (a) in paragraph 7(1)(d)(5) omit “territorial or”; and
 - (b) in paragraph 15A(2)(6)—
 - (i) omit “territorial or”, and
 - (ii) after “in any calendar year” add—

“or in respect of training in the claimant’s first year of training as a member of a reserve force for a maximum of 43 days in that year”.

Amendment of the Jobseeker’s Allowance Regulations

3.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(7) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “employment related course” insert—

““first year of training” means a period of one year beginning with and including a person’s first day of training;”.

(3) In regulation 14(1) (circumstances in which a person is to be treated as available) for sub-paragraph (u)(8) substitute—

“(u) if he is a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations, either—

- (i) if he is engaged in his first year of training, for a maximum of 43 days in that year; or
- (ii) if he is engaged in annual continuous training, for a maximum of 15 days in any calendar year.”.

(4) In regulation 19(1) (circumstances in which a person is to be treated as actively seeking employment) for sub-paragraph (x)(9) substitute—

(5) Paragraph 7(1)(d) was amended by regulation 5(8) of S.R. 2006 No. 359

(6) Paragraph 15A was substituted by regulation 2(4) of S.R. 2012 No. 377

(7) S.R. 1996 No. 198; relevant amending Regulations are S.R. 2006 No. 359 and S.R. 2012 Nos. 284 and 377

(8) Sub-paragraph (u) was added by regulation 2(3) of S.R. 2012 No. 284

(9) Sub-paragraph (x) was added by regulation 2(4) of S.R. 2012 No. 284

- “(x) in any week during which he is engaged for not less than 3 days in training as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations, either—
- (i) if he is engaged in his first year of training, for a maximum of 43 days in that year; or
 - (ii) if he is engaged in annual continuous training, for a maximum of 15 days in any calendar year.”.

(5) In regulation 94 (calculation of earnings derived from employed earner’s employment and income other than earnings) for paragraph (2B)(10) substitute—

“(2B) Earnings derived by a claimant as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations in respect of a period of annual continuous training for a maximum of 15 days in any calendar year or in respect of training in the claimant’s first year of training as a member of a reserve force for a maximum of 43 days in that year, whether paid to the claimant alone or together with other earnings derived from the same source, are to be taken into account—

- (a) in the case of a period of training which lasts for the number of days listed in column 1 of the Table, over a period of time which is equal to the number of days set out in the corresponding row in column 2 of that Table; or
- (b) in any other case, over a period which is equal to the duration of the training period.

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- (6) In the provisions specified in paragraph (7) omit “territorial or”.
- (7) The provisions specified for the purposes of paragraph (6) are—
- (a) regulation 18(3)(f)(v)(11) (steps to be taken by persons actively seeking employment);
 - (b) regulation 50(6D)(a)(12) (persons temporarily absent from Northern Ireland); and
 - (c) regulation 53(d)(iv)(13) (persons treated as not engaged in remunerative work).
- (8) In Schedule 5 (sums to be disregarded in the calculation of earnings)—

(10) Paragraph (2B) was inserted by regulation 2(6) of S.R. 2012 No. 284 and amended by regulation 3(3) of S.R. 2012 No. 377

(11) Regulation 18(3)(f)(v) was amended by regulation 13(4)(a) of S.R. 2006 No. 359

(12) Regulation 50(6D) was inserted by regulation 3(2) of S.R. 2012 No. 377

(13) Regulation 53(d)(iv) was amended by regulation 13(4)(b) of S.R. 2006 No. 359

- (a) in paragraph 9(1)(d)(14) omit “territorial or”; and
- (b) in paragraph 19(3)(15)—
 - (i) omit “territorial or”, and
 - (ii) after “in any calendar year” add—
 - “or in respect of training in the claimant’s first year of training as a member of a reserve force for a maximum of 43 days in that year”.

Amendment of the Employment and Support Allowance Regulations

4.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(16) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation) after the definition of “the first contribution condition” insert—

““first year of training” means a period of one year beginning with and including a person’s first day of training.”.

(3) In regulation 43(1)(e)(iv) (circumstances under which partners of claimants entitled to an income-related allowance are not to be treated as engaged in remunerative work) omit “territorial or”.

(4) In regulation 91 (calculation of earnings derived from employed earner’s employment and income other than earnings) for paragraph (3A)(17) substitute—

“(3A) Earnings derived by a claimant’s partner as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations in respect of a period of annual continuous training for a maximum of 15 days in any calendar year or in respect of training in the claimant’s partner’s first year of training as a member of a reserve force for a maximum of 43 days in that year, whether paid to the claimant’s partner alone or together with other earnings derived from the same source, are to be taken into account—

- (a) in the case of a period of training which lasts for the number of days listed in column 1 of the Table, over a period of time which is equal to the number of days set out in the corresponding row in column 2 of that Table; or
- (b) in any other case, over a period which is equal to the duration of the training period.

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(14) Paragraph 9(1)(d) was amended by regulation 13(4)(c) of S.R. 2006 No. 359

(15) Paragraph 19 was substituted by regulation 2(7) of S.R. 2012 No. 284

(16) S.R. 2008 No. 280; relevant amending Regulations are S.R. 2012 No. 377

(17) Paragraph (3A) was inserted by regulation 4(2) of S.R. 2012 No. 377

<i>Column 1</i>	<i>Column 2</i>
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43	42”

- (5) In Schedule 7 (sums to be disregarded in the calculation of earnings)—
- (a) in paragraph 11A(2)(18)—
 - (i) omit “territorial or”, and
 - (ii) after “in any calendar year” add—
 - “or in respect of training in the claimant’s partner’s first year of training as a member of a reserve force for a maximum of 43 days in that year”; and
 - (b) in paragraph 12(a) omit “territorial or”.

Revocation

5. Regulation 3(3) of the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2012(19) is revoked.

Sealed with the Official Seal of the Department for Social Development on 26th March 2015

(L.S.)

Anne McCleary
A senior officer of the Department for Social
Development

(18) Paragraph 11A was inserted by regulation 4(3) of S.R. 2012 No. 377

(19) S.R. 2012 No.377