
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 116

**The Social Security (Miscellaneous Amendments)
Regulations (Northern Ireland) 2017**

Amendment of the Jobseeker’s Allowance Regulations (Northern Ireland) 2016

10.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 2016⁽¹⁾ are amended in accordance with paragraphs (2) to (13).

- (2) In regulation 2(2) (general interpretation) after the definition of “remunerative work” insert—
““Scottish basic rate” means the rate of income tax of that name calculated in accordance with section 6A of the Income Tax Act 2007⁽²⁾;
“Scottish taxpayer” has the same meaning as in Chapter 2 of Part 4A of the Scotland Act 1998⁽³⁾.”.

(3) In regulation 15(5) (victims of domestic violence) for paragraph (c) of the definition of “registered social worker” substitute—

“(c) Social Care Wales, or”.

- (4) In regulation 18 (interpretation) before the definition of “ESA sanctionable failure” insert—
““current sanctionable failure” means a failure of the following kinds in relation to which the Department has not yet determined whether the amount of an award of benefit is to be reduced—

- (a) a sanctionable failure,
(b) an ESA sanctionable failure, or
(c) a UC sanctionable failure;”.

(5) In regulation 19 (general principles for calculating reduction periods) omit paragraph (4)(a).

(6) In regulation 20 (higher-level sanctions)—

- (a) for paragraph (1) substitute—

“(1) Where the sanctionable failure is not a pre-claim failure, the reduction for a higher-level sanction in the circumstances described in the first column of the following table is the period set out in the second column.

<i>Circumstances in which reduction period applies</i>	<i>Reduction period</i>
Where there has been no previous relevant failure by the claimant	91 days

(1) [S.R. 2016 No. 218](#). There are amendments to regulation 2(2) which are not relevant to these regulations.

(2) [2007 c. 3](#); section 6A was inserted by paragraph 3 of Schedule 38 to the Finance Act [2014 \(c. 26\)](#)

(3) [1998 c. 46](#); Part 4A, sections 80A and 80B, were inserted by section 23(2) of the Scotland Act [2012 \(c. 11\)](#) and section 80C to 80H were inserted by section 25(3) of that Act

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<i>Circumstances in which reduction period applies</i>	<i>Reduction period</i>
Where there have been one or more previous relevant failures by the claimant and the date of the most recent relevant failure is not within 365 days beginning with the date of the current sanctionable failure	91 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 91 days	182 days
(b) 182 days	546 days
(c) 546 days	546 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 91 days	91 days
(b) 182 days	182 days
(c) 546 days	546 days.”;
(b) after paragraph (3) insert—	
“(4) In this regulation “relevant failure” means—	
(a) a sanctionable failure giving rise to a higher-level sanction, or	
(b) a UC sanctionable failure giving rise to a sanction under Article 31 of the Welfare Reform (Northern Ireland) Order 2015.”.	
(7) For regulation 21 (medium-level sanctions) substitute—	
“21.—(1) The reduction for a medium-level sanction in the circumstances described in the first column of the following table is the period set out in the second column.	

<i>Circumstances in which reduction period applies</i>	<i>Reduction period</i>
Where there has been no previous relevant failure by the claimant	28 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is not within 365 days beginning with the date of the current sanctionable failure	28 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 28 days	91 days
(b) 91 days	91 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is within 14 days	

<i>Circumstances in which reduction period applies</i>	<i>Reduction period</i>
beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 28 days	28 days
(b) 91 days	91 days.

(2) In this regulation “relevant failure” means—

- (a) a sanctionable failure giving rise to a medium-level sanction, or
- (b) a UC sanctionable failure giving rise to a sanction under Article 32 of the Welfare Reform (Northern Ireland) Order 2015 to which regulation 100 of the Universal Credit Regulations (Northern Ireland) 2016 applies.”.

(8) In regulation 22 (low-level sanction) for paragraph (3) substitute—

“(3) In the circumstances described in the first column of the following table, the number of days set out in the second column.

<i>Circumstances applicable to claimant’s case</i>	<i>Number of days</i>
Where there has been no previous relevant failure by the claimant	7 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is not within 365 days beginning with the date of the current sanctionable failure	7 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 7 days	14 days
(b) 14 days	28 days
(c) 28 days	28 days
Where there have been one or more previous relevant failures by the claimant and the date of the most recent previous relevant failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous relevant failure is—	
(a) 7 days	7 days
(b) 14 days	14 days
(c) 28 days	28 days.

(4) In this regulation “relevant failure” means—

- (a) a sanctionable failure giving rise to low-level sanction,
- (b) a UC sanctionable failure giving rise to a sanction under Article 32 of the Welfare Reform (Northern Ireland) Order 2015 to which regulation 102 of the Universal Credit Regulations (Northern Ireland) 2016 applies, or
- (c) an ESA sanctionable failure giving rise to a sanction under section 11J of the Welfare Reform Act (Northern Ireland) 2007 to which regulation 52 of the Employment and Support Allowance Regulations (Northern Ireland) 2016 applies.”.

- (9) In regulation 45 (short periods of sickness) after paragraph (6) add—
- “(7) For the purposes of calculating the number of occasions under paragraph (3), any occasion to which regulation 46 applies to the claimant is to be disregarded.”.
- (10) In regulation 46 (extended periods of sickness)—
- (a) in paragraph (1)—
- (i) in sub-paragraph (b) after “disablement” insert “(“the initial condition”)”;
- (ii) in sub-paragraph (c)(i)—
- (aa) for the first “that disease or disablement” substitute “the initial condition or any other disease or disablement”; and
- (bb) for “they do not expect to be unable to work on account of that disease or disablement for” substitute “not”;
- (iii) in sub-paragraph (c)(ii), after “that regulation” insert “, and declares that he has been unable to work or expects to be unable to work, on account of the initial condition or any other disease or disablement, for 2 weeks or less”;
- (b) at the beginning of paragraph (3) insert “Subject to paragraph (3A),”;
- (c) after paragraph (3) insert—
- “(3A) In a case where paragraph (1)(c)(ii) applies, but the period in which the person has been unable to work or expects to be unable to work in fact exceeds 2 weeks, the evidence that is required for the purposes of paragraph (1)(b) is the evidence that is required in a case where paragraph (1)(c)(i) applies.”; and
- (d) in paragraph (4) before “disease or disablement” omit “the”.
- (11) In regulation 62 (deduction of tax and contributions for self-employed earners)—
- (a) for paragraph (1)(b) substitute—
- “(b) as if that income were assessable to income tax at the basic rate, or in the case of a Scottish taxpayer, the Scottish basic rate, of tax less only the personal reliefs to which the claimant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are appropriate to their circumstances.”; and
- (b) in paragraph 2—
- (i) after “basic rate” insert “, or the Scottish basic rate,”; and
- (ii) for “personal allowance deductible under paragraph (1) is” substitute “personal reliefs deductible under paragraph (1) are”.
- (12) In regulation 63 (notional earnings)—
- (a) in paragraph (8)(a)(ii)—
- (i) for “starting rate” substitute “basic rate, or in the case of a Scottish taxpayer, the Scottish basic rate,”; and
- (ii) for “personal allowance” substitute “personal reliefs”; and
- (b) for paragraph (11) substitute—
- “(11) For the purposes of paragraph (8)(a)(i), the amount is calculated by applying to those earnings the basic rate, or in the case of a Scottish taxpayer, the Scottish basic rate, of tax in the year of assessment less only the personal reliefs to which the claimant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are appropriate to the claimant’s circumstances.”.
- (13) In regulation 73(4) (calculation of earnings—share fishermen)—
- (a) after sub-paragraph (b) insert—

- “(ba) in paragraph (3) for “Subject to paragraph (4), the” substitute “The,”; and
- (b) in sub-paragraph (d), in the inserted paragraph (6)—
 - (i) after “basic rate” insert “, or the Scottish basic rate,”; and
 - (ii) for “relief” substitute “reliefs”.