

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) 1996**

4.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(1) are amended in accordance with paragraphs (2) to (14).

(2) In regulation 14A(10) (circumstances in which a person is to be treated as available-victims of domestic violence)(2) for paragraphs (b) and (c) of the definition of “registered social worker” substitute—

- “(b) the Health and Care Professions Council,  
(c) Social Care Wales, or”.

(3) In regulation 1(2) (interpretation) in the definition of “attendance allowance” omit paragraphs (c) and (d).

(4) In regulation 45B(1) (relaxation of the first set of conditions)(3) omit “also”.

(5) In regulation 55(4) (short periods of sickness) (4) for “of the person's entitlement” substitute “beginning with and including the day the person ceased to be entitled”.

(6) In regulation 69 (the period of a reduction under Article 21: higher level sanctions)(5)—

(a) for paragraph (1) substitute—

“(1) Subject to paragraphs (3) and (4), a reduction under Article 21 (higher level sanctions) in the circumstances described in the first column of the following table is to have effect for 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 sanctionable failure by the claimant that falls within paragraph (2)	13 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is not within 52 weeks beginning with and including the date of the current sanctionable failure	13 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 52 weeks, but not within 2 weeks, beginning	

(1) [S.R. 1996 No. 198](#).

(2) [S.R. 1996 No. 198](#); regulation 14A was inserted by regulation 2(2) of [S.R. 2012 No. 155](#) and amended by regulation 2 of [S.R. 2013 No. 250](#).

(3) Regulation 45B was inserted by regulation 2 of [S.R. 2011 No. 434](#).

(4) Paragraph (4) was amended by regulation 4(2) of [S.R. 2010 No. 347](#), regulation 7(2) of [S.R. 2011 No. 135](#) and regulation 2(4) (c) of [S.R. 2015 No. 138](#).

(5) Regulation 69 is substituted by regulation 2(2) of [S.R. 2016 No. 241](#).

*Status: This is the original version (as it was originally made).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

<i>Circumstances in which reduction period applies</i>	<i>Reduction period</i>
with and including the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is or, but for paragraph (4), would have been—	
(a) 13 weeks	26 weeks
(b) 26 weeks	78 weeks
(c) 78 weeks	78 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 2 weeks beginning with and including the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is or, but for paragraph (4), would have been—	
(a) 13 weeks	13 weeks
(b) 26 weeks	26 weeks
(c) 78 weeks	78 weeks”;
(b) in paragraph (2)—	
(i) at the end of sub-paragraph (a) insert “and”,	
(ii) omit sub-paragraph (c) and the “and” preceding it.	
(7) In regulation 69A (the period of a reduction under Article 21A: other sanctions)(6)—	
(a) for paragraph (1) substitute—	
“(1) A reduction under Article 21A (other sanctions) in the circumstances described in the first column of the following table is to have effect for 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 sanctionable failure by the claimant that falls within paragraph (2)	4 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is not within 52 weeks beginning with and including the date of the current sanctionable failure	4 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 52 weeks, but not within 2 weeks, beginning with and including the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is—	
(a) 4 weeks	13 weeks
(b) 13 weeks	13 weeks

(6) Regulation 69A is substituted by regulation 2(2) of S.R. 2016 No. 241.

<i>Circumstances in which reduction period applies</i>	<i>Reduction period</i>
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 2 weeks beginning with and including the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is—	
(a) 4 weeks	4 weeks
(b) 13 weeks	13 weeks”;
(b) in paragraph (2)—	
(i) at the end of sub-paragraph (a) insert “and”,	
(ii) omit sub-paragraph (c) and the “and” preceding it.	
(8) In regulation 69B (the period of a reduction under Article 21B: claimants ceasing to be available for employment etc.)(7), for paragraph (6) substitute—	
“(6) Subject to paragraph (7), a reduction under this regulation in the circumstances described in the first column of the following table is to have effect for the period set out in the second column.	
<i>Circumstances in which reduction period applies</i>	<i>Reduction period</i>
Where there has been only one occasion on which the claimant’s previous entitlement ceased	4 weeks
Where there have been two or more occasions on which the claimant’s previous entitlement ceased and the date of the most recent occasion is not within 52 weeks beginning with and including the date of the next most recent occasion	4 weeks
Where there have been two or more occasions on which the claimant’s previous entitlement ceased and the date of the most recent occasion is within 52 weeks, but not within 2 weeks, beginning with and including the date of the next most recent occasion and the period of reduction applicable on that occasion is or, but for paragraph (7), would have been—	
(a) 4 weeks	13 weeks
(b) 13 weeks	13 weeks
Where there have been two or more occasions on which the claimant’s previous entitlement ceased and the date of the most recent occasion is within 2 weeks beginning with and including the date of the next most recent occasion and the period of reduction applicable on that occasion is or, but for paragraph (7), would have been—	
(a) 4 weeks	4 weeks
(b) 13 weeks	13 weeks”.

(9) In regulation 79(1) (weekly amounts of contribution-based jobseeker’s allowance)(8) for sub-paragraphs (a) and (b) substitute—

    “(a) in the case of a person who has not attained the age of 25, £57.90 per week;”.

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(7) Regulation 69B is substituted by regulation 2(2) of S.R. 2016 No. 241.

(8) Regulation 79(1) was amended by Article 21(a) of S.R. 2015 No. 124.

(10) In regulation 94 (calculation of earnings derived from employed earner’s employment and income other than earnings)–

- (a) in paragraph (1) for “paragraphs (2) to (10)” substitute “the following paragraphs”;
- (b) in paragraph (2) for “paragraphs (2A) to (10)” substitute “the following provisions of this regulation”(9);
- (c) for paragraph (2)(b) substitute—

“(b) in any other case, a period equal to such number of weeks as is equal to the number obtained by applying the formula—

$$\frac{E}{J + D}$$

where—

E is the amount of net earnings, or in the case of income which does not consist of earnings, the amount of that income less any amount paid by way of tax on that income which is disregarded under paragraph 1 of Schedule 6 (sums to be disregarded in the calculation of income rather than earnings);

J is the amount of jobseeker’s allowance which would be payable had the payment not been made;

D is an amount equal to the total of the sums which would fall to be disregarded from that payment under Schedule 5 and Schedule 5A (sums to be disregarded in the calculation of earnings) or, as the case may be, any paragraph of Schedule 6 other than paragraph 1 of that Schedule, as is appropriate in the claimant’s case;” and

- (d) after paragraph (10) add—

“(11) For the purposes of the number obtained as referred to in paragraph (2)(b), any fraction is to be treated as a corresponding fraction of a week.”.

(11) In regulation 98(1) (earnings of employed earners) (10) in sub-paragraph (f) for “166 and 167” substitute “166 or 167”.

(12) In regulation 101(1)(b)(i), (4)(b)(ii) and (10)(a)(ii) (calculation of net profit of self-employed earners) for “social security contributions” substitute “national insurance contributions”.

(13) For regulation 102 (deduction of tax and contributions for self-employed earners) substitute—

**“Deduction of tax and contributions for self-employed earners**

**102.—**(1) Subject to paragraph (2), the amount to be deducted in respect of income tax under regulation 101(1)(b)(i), (4)(b)(i) or (10)(a)(i) (calculation of net profit of self-employed earners) is to be calculated—

- (a) on the basis of the amount of chargeable income; and
- (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.

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(9) Paragraph (2) was amended by regulation 5(2)(a) of S.R. 1997 No. 22, paragraph 39 of Schedule 2 to S.R. 2000 No. 350 and regulation 4(9) of S.R. 2008 No. 112.

(10) Sub-paragraph (f) was substituted by regulation 22(2) of S.R. 1996 No. 358 and amended by regulation 7(7)(a)(i) of S.R. 2007 No. 396.

- (2) If the period determined under regulation 95 is less than a year, the earnings to which the basic rate, or the Scottish basic rate, of tax is to be applied and the amount of the personal reliefs deductible under paragraph (1) are to be calculated on a pro rata basis.
- (3) Subject to paragraph (4), the amount to be deducted in respect of national insurance contributions under regulation 101(1)(b)(i), (4)(b)(ii) or (10)(a)(ii) is to be the total of—
- (a) the amount of Class 2 contributions payable under section 11(2) or, as the case may be, 11(8) of the Benefits Act at the rate applicable at the date of claim except where the claimant's chargeable income is less than the amount specified in section 11(4) of that Act (small profits threshold) for the tax year in which the date of claim falls; and
  - (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of that Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable at the date of claim on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year in which the date of claim falls.
- (4) If the period determined under regulation 95 is less than a year—
- (a) the amount specified for the tax year referred to in paragraph (3)(a) is to be reduced pro rata; and
  - (b) the limits referred to in paragraph (3)(b) are to be reduced pro rata.
- (5) In this regulation “chargeable income” means—
- (a) except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under regulation 101(4)(a) or, as the case may be, (5); and
  - (b) in the case of employment as a child minder, one-third of the earnings of that employment.”.
- (14) For regulation 163(4) (calculation of earnings) substitute—
- “(4) In regulation 102 (deduction of tax and contributions for self-employed earners)—
- (a) in paragraphs (1) and (3), for “regulation 101(1)(b)(i)” substitute “regulation 101(3)(a)”;
  - (b) omit paragraphs (2) and (4);
  - (c) in paragraph (3) for “subject to paragraph (4), the” substitute “The”;
  - (d) in paragraph (5)(a) for “regulation 101(4)(a) or, as the case may be, (5)” substitute “regulation 101(7)”;
  - (e) at the end of the regulation add—
- “(6) For the purposes of paragraphs (1) and (3) the earnings to which the basic rate, or the Scottish basic rate, of tax is to be applied and the amount of personal reliefs deductible, the amount specified in section 11(4) of the Benefits Act, and the upper limit of profits and gains referred to in paragraph (3)(b), are to be apportioned pro rata according to the period over which the earnings are assessed in accordance with regulation 101.””