
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 356

**The Jobseeker's Allowance (Amendment)
Regulations (Northern Ireland) 1996**

Part III

Miscellaneous

Remunerative work

7. In regulation 51 of the Jobseeker's Allowance Regulations (remunerative work)—
- (a) after paragraph (1)(b) there shall be added the following sub-paragraph—
 - “and
 - (c) in the case of a non-dependant, or of a child or young person to whom paragraph 18 of Schedule 5 refers, work in which he is engaged, or, where his hours of work fluctuate, is engaged on average, for not less than 16 hours per week,” and
 - (b) in paragraph (3)(c)—
 - (i) in head (i) “under section 64 of the Benefits Act” shall be omitted;
 - (ii) in head (ii) “to which section 64 of the Benefits Act applies” shall be omitted, and
 - (iii) in head (iii) for “Benefits Act.” there shall be substituted—
 - “Benefits Act, or
 - (iv) a person who has claimed either attendance allowance or disability living allowance and has an award of attendance allowance or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act for a period commencing after the date on which that claim was made.”.

Persons from abroad

- 8.—(1) In regulation 85(4) of the Jobseeker's Allowance Regulations (special cases)—
- (a) in the first definition of “person from abroad” after paragraph (h) there shall be added the following paragraphs—
 - “(i) has been given leave to enter, or remain in, the United Kingdom by the Secretary of State upon an undertaking given by another person in writing in pursuance of immigration rules within the meaning of the 1971 Act, to be responsible for his maintenance and accommodation; and he has not been resident in the United Kingdom for a period of at least 5 years beginning from and including the date of entry or the date on which the undertaking was given in respect of him, whichever date is the later, or
 - (j) while he is a person to whom any of the definitions in paragraphs (a) to (i) of this definition applies, submits a claim to the Secretary of State, which is not finally

determined, for asylum under the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention,

and for the purposes of this definition “the immigration authorities” means an adjudicator, an immigration officer or an immigration appeal tribunal appointed for the purposes of the 1971 Act and in addition means the Secretary of State.”,
and

- (b) in the second definition of “person from abroad” for “the Republic of Ireland, the Channel Islands or the Isle of Man” there shall be substituted “the Channel Islands, the Isle of Man or the Republic of Ireland”.

(2) In regulation 147 of the Jobseeker’s Allowance Regulations (urgent cases) for paragraphs (3) to (5) there shall be substituted the following paragraphs—

“(3) This paragraph applies to a person from abroad within the meaning of regulation 85(4) (special cases) who—

- (a) is an asylum seeker, and
- (b) holds a work permit or has written authorisation from the Secretary of State permitting him to work in the United Kingdom.

(4) For the purposes of this regulation, a person—

- (a) is an asylum seeker when he submits on his arrival (other than on his re-entry) in the United Kingdom from a country outside the Common Travel Area, a claim for asylum to the Secretary of State that it would be contrary to the United Kingdom’s obligations under the Convention for him to be removed from, or required to leave, the United Kingdom and that claim is recorded by the Secretary of State as having been made, or

(b) becomes, while present in Northern Ireland, an asylum seeker when—

- (i) the Secretary of State makes a declaration to the effect that the country of which that person is a national is subject to such a fundamental change in circumstances that he would not normally order the return of a person to that country;
- (ii) he submits, within a period of 3 months from and including the day that declaration was made, a claim for asylum to the Secretary of State under the Convention, and
- (iii) his claim for asylum under the Convention is recorded by the Secretary of State as having been made, and

(c) ceases to be an asylum seeker—

- (i) in the case of a claim for asylum which, on or after 5th February 1996, is recorded by the Secretary of State as having been determined (other than on appeal) or abandoned, on the date on which it is so recorded, or
- (ii) in the case of a claim for asylum which is recorded as determined before 5th February 1996 and in respect of which there is either an appeal pending on 5th February 1996 or an appeal is made within the time limits specified in rule 5 of the Asylum Appeals (Procedure) Rules 1993⁽¹⁾ (notice of appeal), on the date on which that appeal is determined.

(5) In this regulation—

“the Common Travel Area” means the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively;

“the Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention;

“work permit” has the meaning that it bears in the 1971 Act by virtue of section 33(1) of that Act.”.

Capital limit

9. For regulation 107 of the Jobseeker’s Allowance Regulations (capital limit) there shall be substituted the following regulation—

“**107.** For the purposes of Article 15(1) of the Order (no entitlement to an income-based jobseeker’s allowance if capital exceeds a prescribed amount)—

- (a) except where paragraph (b) applies, the prescribed amount is £8,000;
- (b) in a case to which regulation 116(1B)(2) applies, the prescribed amount is £16,000.”.

Calculation of tariff income from capital

10. In regulation 116 of the Jobseeker’s Allowance Regulations (calculation of tariff income from capital)—

- (a) in paragraph (1) at the beginning there shall be inserted “Except in a case to which paragraph (1B) applies,”;
- (b) after paragraph (1) there shall be inserted the following paragraphs—

“(1A) In the case of a claimant to whom paragraph (1B) applies and whose capital calculated in accordance with Chapter VI of this Part exceeds £10,000 it shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £10,000 but not exceeding £16,000.

(1B) This paragraph applies where the claimant lives permanently in—

- (a) a residential care or nursing home, or residential accommodation and that home or accommodation provides board and personal care for the claimant by reason of his disablement, past or present dependence on alcohol or drugs, or past or present mental disorder, or
- (b) an establishment run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society.

(1C) For the purpose of paragraph (1B), a claimant shall be treated as living permanently in such home or accommodation where he is absent from that home or accommodation for a period not exceeding 13 weeks.”;

- (c) in paragraphs (2) and (3) for “paragraph (1)” in each place where those words occur there shall be substituted “paragraphs (1) and (1A)”, and
- (d) after paragraph (3) there shall be added the following paragraph—

“(4) In its application to this regulation, the definition of “residential accommodation” in regulation 85(4) (special cases) shall have effect as if for “paragraphs (5) and (6)” there were substituted “paragraph (5)”.”.

Hardship payments

11. In regulation 140 of the Jobseeker’s Allowance Regulations (meaning of “person in hardship”)—

(2) Paragraph (1B) is inserted by regulation 10 of these Regulations

- (a) in paragraph (1)(h)(ii) for “whichever is the earlier,” there shall be substituted—
 - “whichever is the earlier, or
 - (iii) has claimed either attendance allowance or disability living allowance and has an award of either attendance allowance or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act for a period commencing after the date on which that claim was made,” and
- (b) in paragraph (5)(a) after “Schedule 1” there shall be inserted “or for a disabled child premium specified in paragraph 16 of that Schedule”.

Provision of information

12. In regulation 144 of the Jobseeker’s Allowance Regulations (provision of information), after “For the purposes of” there shall be inserted “Article 22(5) of, and”.

Applicable amount in hardship cases

13. In regulation 145 of the Jobseeker’s Allowance Regulations (applicable amount in hardship cases)—

- (a) in paragraph (1) for the words from “The weekly” to “following amount” there shall be substituted—
 - “The weekly applicable amount of a person to whom an income-based jobseeker’s allowance is payable in accordance with this Part shall be reduced by a sum equivalent to 40 per cent. or, in a case where the claimant or any other member of his family is either pregnant or is seriously ill, 20 per cent. of the following amount—”;
- (b) paragraph (2) shall be omitted, and
- (c) in paragraph (3) “or (2)” shall be omitted.

Part weeks

14. In regulation 151(3) of the Jobseeker’s Allowance Regulations (amount of a jobseeker’s allowance payable where a person is in a residential care or nursing home) at the end there shall be added “ “N” is the number of days in the part-week.”.

Share fishermen

15. In regulation 161 of the Jobseeker’s Allowance Regulations (additional conditions for payment of a jobseeker’s allowance)—

- (a) for “week” in each place where it occurs there shall be substituted “benefit week”, and
- (b) after paragraph (3) there shall be added the following paragraph—
 - “(4) In this regulation “benefit week”—
 - (a) in relation to a contribution-based jobseeker’s allowance, has the meaning it has in regulation 164 (share fisherman: amount payable), and
 - (b) in relation to an income-based jobseeker’s allowance, has the meaning it has in regulation 1(2) (interpretation).”.

Young persons

16. In Part I of Schedule 1 to the Jobseeker's Allowance Regulations (applicable amounts: personal allowances) in column (1) of paragraph 1—

- (a) in sub-paragraphs (1)(b)(i), (2)(b)(i) and (3)(a)(vi), (b)(i), (c)(i) and (f)(i) “and is registered in accordance with regulation 62”, in each place where those words occur, shall be omitted, and
- (b) in sub-paragraph (3)(a) for paragraph (iv) there shall be substituted the following paragraphs—
 - “(iv) they are married and one member of the couple is a person to whom regulation 59, 60 or 61 applies and the other member is registered in accordance with regulation 62;
 - (iva) they are married and each member of the couple is a person to whom regulation 59, 60 or 61 applies;”.

New housing costs

17. In Schedule 2 to the Jobseeker's Allowance Regulations (housing costs) in paragraph 7(5) for “(i) to (iii)” there shall be substituted “(i) to (iv)”.

Disregards

18. In Schedule 5 to the Jobseeker's Allowance Regulations (sums to be disregarded in the calculation of earnings)—

- (a) in paragraph 1(a)(ii) after “(c),” there shall be inserted “(d),” and for “and (g)” there shall be substituted “,(g) or any payment treated as analogous to such earnings under regulation 98(1)(h)”;
- (b) in paragraph 1(b) for “and (d)” there shall be substituted “,(d) or any payment treated as analogous to such earnings under regulation 98(1)(h)”;
- (c) in paragraph 2 for “or (g)” there shall be substituted “,(g) or any payment as analogous to such earnings under regulation 98(1)(h),”
- (d) in paragraph 3 for “(f)” there shall be substituted “(f) or any payment as analogous to such earnings under regulation 98(1)(h),” and
- (e) in paragraph 11 “and both members of the couple are aged under 60” shall be omitted.