

2011 No. 434

SOCIAL SECURITY

The Social Security (Contribution Conditions for Jobseeker's Allowance and Employment and Support Allowance) Regulations (Northern Ireland) 2011

Made - - - - *21st December 2011*

Coming into operation - *1st January 2012*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Article 4(3B)(a) of the Jobseekers (Northern Ireland) Order 1995(a), and now vested in it(b), and paragraph 1(4)(a) of Schedule 1 to the Welfare Reform Act (Northern Ireland) 2007(c).

This Rule contains only regulations made by virtue of sections 11(5) and 12(5) of the Welfare Reform Act (Northern Ireland) 2010(d).

Citation and commencement

1. These Regulations may be cited as the Social Security (Contribution Conditions for Jobseeker's Allowance and Employment and Support Allowance) Regulations (Northern Ireland) 2011 and shall come into operation on 1st January 2012.

Amendment of the Jobseeker's Allowance Regulations

2. After regulation 45A of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(e) (the contribution-based conditions and relevant earnings) insert—

“Relaxation of the first set of conditions

45B.—(1) A claimant who also satisfies the condition in paragraph (2) is to be taken to satisfy the first set of conditions(f) if the claimant has—

- (a) paid Class 1 contributions before the relevant benefit week in respect of any one tax year; and

(a) S.I. 1995/2705 (N.I. 15); paragraph (3B) of Article 4 was inserted by section 11(5) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.))
(b) See Article 8(b) of S.R. 1999 No. 481
(c) 2007 c. 2 (N.I.); paragraph 1(4) of Schedule 1 was amended by section 12(5) of the Welfare Reform Act (Northern Ireland) 2010 and sub-paragraph 4(a)(ii) was inserted by sub-section 5(b) of that section
(d) 2010 c. 13 (N.I.)
(e) S.R. 1996 No. 198; regulation 45A was inserted by regulation 2 of S.R. 2010 No. 346
(f) “The first set of conditions” is defined for the purpose of Article 4(3B) of the Jobseekers (Northern Ireland) Order 1995 (the enabling power) in Article 4(3C) of that Order, which was also inserted by section 11(5) of the Welfare Reform Act (Northern Ireland) 2010

- (b) earnings at the lower earnings limit in that tax year on which primary Class 1 contributions have been paid or treated as paid which in total, and disregarding any earnings which exceed the lower earnings limit for that year, are not less than that limit multiplied by 26.

(2) The condition referred to in paragraph (1) is that the claimant, in respect of any week during the last complete tax year preceding the relevant benefit year, is entitled to be credited with earnings in accordance with regulation 9E of the Social Security (Credits) Regulations (Northern Ireland) 1975^(a) (credits for certain spouses and civil partners of members of Her Majesty's forces).".

Amendment of the Employment and Support Allowance Regulations

3. In regulation 8(2) of the Employment and Support Allowance Regulations (Northern Ireland) 2008^(b) (relaxation of the first contribution condition) at the end of sub-paragraph (c) omit "or" and insert—

- “(ca) in respect of any week in the last complete tax year preceding the relevant benefit year, is entitled to be credited with earnings in accordance with regulation 9E of the Social Security (Credits) Regulations (Northern Ireland) 1975 (credits for certain spouses and civil partners of members of Her Majesty's forces); or”.

Sealed with the Official Seal of the Department for Social Development on 21st December 2011

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

^(a) S.R. 1975 No. 113; regulation 9E was inserted by regulation 2(3) of S.R. 2010 No. 109
^(b) S.R. 2008 No. 280

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations (Northern Ireland) 1996 ("the JSA Regulations") and the Employment and Support Allowance Regulations (Northern Ireland) 2008 ("the ESA Regulations") to make provision enabling certain spouses or civil partners of a member of Her Majesty's forces to satisfy the first contribution condition in relation to claims for jobseeker's allowance and employment and support allowance.

Regulation 2 amends the JSA Regulations by inserting a new regulation 45B.

Paragraph (1) of regulation 45B provides that a person who satisfies the condition in paragraph (2) will be taken to satisfy the first set of contribution conditions in Article 4 of the Jobseekers (Northern Ireland) Order 1995 if they have paid sufficient Class 1 contributions before the relevant benefit week in respect of any one tax year.

Paragraph (2) of regulation 45B provides that the conditions referred to in paragraph (1) are that a person must, in respect of any week during the last complete tax year preceding the relevant benefit year, be entitled to be credited with earnings in accordance with regulation 9E of the Social Security (Credits) Regulations (Northern Ireland) 1975. Under regulation 9E, a person will be entitled to such credits in respect of any week in which they were the spouse or civil partner of a member of Her Majesty's forces (or treated as such by the Secretary of State for Defence for the purposes of occupying accommodation) and were accompanying their spouse or civil partner on an assignment outside the United Kingdom (or treated as such by the Secretary of State for Defence).

Regulation 3 amends the ESA Regulations by inserting a new paragraph (2)(ca) into regulation 8 of those Regulations. New sub-paragraph (ca) makes provision in relation to employment and support allowance for an equivalent easement to that contained in new regulation 45B of the JSA Regulations.

Article 4(3B)(a) of the Jobseekers (Northern Ireland) Order 1995 and paragraph 1(4)(a) of Schedule 1 to the Welfare Reform Act (Northern Ireland) 2007, the enabling provisions under which these Regulations are made, were inserted and amended respectively by sections 11(5) and 12(5) of the Welfare Reform Act (Northern Ireland) 2010. Sections 11(5) and 12(5)(a) and (b) were brought into operation on 16 December 2010 by virtue of the Welfare Reform (2010 Act) (Commencement No. 4) Order (Northern Ireland) 2011 (S.R. 2011 No. 430 (C. 31)).

As these Regulations are made by virtue of sections 11(5) and 12(5) of the Welfare Reform Act (Northern Ireland) 2010 and are made before the end of the period of 6 months from the commencement of those provisions, they are, accordingly, exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992, from prior reference to the Social Security Advisory Committee.

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