

SCHEDULE

Regulations 59(2) and 61(2)

Sums to be disregarded in the calculation of earnings

1.—(1) In the case of a claimant who has been engaged in remunerative work as an employed earner or, had the employment been in Northern Ireland, would have been so engaged—

- (a) any earnings, other than items to which sub-paragraph (2) applies, paid or due to be paid from the employment which was terminated before the first day of entitlement to a jobseeker's allowance;
- (b) any earnings, other than a payment of the nature described in sub-paragraph (2)(a) or (b) (ii), paid or due to be paid from the employment which has not been terminated where the claimant is not—
 - (i) engaged in remunerative work; or
 - (ii) suspended from their employment.

(2) This sub-paragraph applies to—

- (a) any payment of the nature described in—
 - (i) regulation 58(1)(d); or
 - (ii) Article 60, 96 or 100 of the Employment Rights (Northern Ireland) Order 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
- (b) any award, sum or payment of the nature described in—
 - (i) regulation 58(1)(f) or (h); or
 - (ii) Article 66 or 102 of the Employment Rights (Northern Ireland) Order 1996 (guarantee payments and suspension from work: complaints to industrial tribunals), including any payment made following the settlement of a complaint to an industrial tribunal or of court proceedings.

2.—(1) In the case of a claimant to whom this paragraph applies, any earnings (other than items to which paragraph 1(2) applies) which relate to employment which ceased before the first day of entitlement to a jobseeker's allowance whether or not that employment has been terminated.

(2) This paragraph—

- (a) applies to a claimant who has been engaged in part-time employment as an employed earner or, had the employment been in Northern Ireland, would have been so engaged;
- (b) does not apply to a claimant who has been suspended from their employment.

3. Any payment to which regulation 58(1)(f) applies—

- (a) which is due to be paid more than 52 weeks after the date of termination of the employment in respect of which the payment is made; or
- (b) which is a compensatory award within the meaning of Article 152(1)(b) of the Employment Rights (Northern Ireland) Order 1996^{M1} for so long as such an award remains unpaid and the employer is insolvent within the meaning of Article 228 of that Order^{M2}.

Marginal Citations

M1 Article 152 was amended by Article 32 of, and paragraph 12 of Part III of Schedule 4 to, the [Employment Relations \(Northern Ireland\) Order 1999 \(S.I. 1999/2790 \(N.I. 9\)\)](#), [Article 5](#) of the [Employment \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2005 \(S.I. 2005/3424 \(N.I. 20\)\)](#) and paragraph 2(7) of Schedule 5 to the [Employment \(Northern Ireland\) Order 2003 \(S.I. 2003/2902 \(N.I. 15\)\)](#)

Changes to legislation: There are currently no known outstanding effects for the *The Jobseeker's Allowance Regulations (Northern Ireland) 2016, SCHEDULE*. (See end of Document for details)

M2 Article 228 was amended by regulation 9 of, and paragraph 14 of Schedule 4 to S.R. 2004 No. 307, Articles 3(3) and 31 of, and paragraph 54(3) of Schedule 2 and Schedule 9 to the *Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10))* and section 6 of, and paragraph 5 of the Schedule to the *Debt Relief Act (Northern Ireland) 2010 (c. 16 (N.I.))*

4. In the case of a claimant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Northern Ireland, would have been so engaged and who has ceased to be so engaged, from the date of the cessation of their employment any earnings derived from that employment except earnings to which regulation 55(2) (royalties etc) applies.

5. In a case to which neither of paragraphs 6 and 7 applies to the claimant, £5.

6. £20 of the total earnings derived from one or more employments as—

- (a) a part-time fire and rescue officer employed by the Northern Ireland Fire and Rescue Service Board under the Fire and Rescue Services (Northern Ireland) Order 2006^{M3};
- (b) an auxiliary coastguard in respect of coast rescue activities;
- (c) a person engaged part-time in the manning or launching of a lifeboat;
- (d) a member of any reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;
- (e) a member of the Police Service of Northern Ireland Reserve provided for under section 1 of the Police (Northern Ireland) Act 2000^{M4}.

Marginal Citations

M3 S.I. 2006/1254 (N.I. 9)

M4 2000 c. 32 (N.I.)

7. Where the claimant is engaged in one or more employments specified in paragraph 6 but their earnings derived from such employments are less than £20 in any week and they are also engaged in any other part-time employment, so much of their earnings from that other employment up to £5 as would not in aggregate with the amount of their earnings disregarded under paragraph 6 exceed £20.

8. Notwithstanding paragraphs 1 to 7 of this Schedule, where 2 or more payments of the same kind and from the same source are to be taken into account in the same benefit week, because it has not been practicable to treat the payments under regulation 56(b) (date on which earnings are treated as paid) as paid on the first day of the benefit week in which they were due to be paid, there is to be disregarded from each payment the sum that would have been disregarded if the payment had been taken into account on the date on which it was due to be paid.

9. Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

10. Where a payment of earnings is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

11. Any earnings which are due to be paid before the date of claim and which would otherwise fall to be taken into account in the same benefit week as a payment of the same kind and from the same source.

12.—(1) Where by reason of earnings to which sub-paragraph (2) applies (in aggregate with the claimant's other earnings (if any) calculated in accordance with this Part) the claimant would (apart

from this paragraph) have a personal rate of less than 10 pence, the amount of such earnings but only to the extent that that amount exceeds the claimant's personal rate less 10 pence.

(2) This sub-paragraph applies to earnings, in so far as they exceed the amount disregarded under paragraph 6, derived by the claimant from employment as a member of any reserve force prescribed in Part 1 of Schedule 6 to the Social Security (Contributions) Regulations 2001 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.

(3) In sub-paragraph (1), "personal rate" means the rate for the claimant calculated as specified in Article 6(1) of the Order.

13. In this Schedule "part-time employment" means employment in which the person is not to be treated as engaged in remunerative work under regulation 42 or 43 (persons treated as engaged, or not engaged, in remunerative work).

Changes to legislation:

There are currently no known outstanding effects for the The Jobseeker's Allowance Regulations (Northern Ireland) 2016, SCHEDULE.