
STATUTORY INSTRUMENTS

1997 No. 932

NORTHERN IRELAND

SOCIAL SECURITY

The Jobseeker's Allowance (Members of the Forces) (Northern Ireland) Regulations 1997

<i>Made</i>	- - - -	<i>17th March 1997</i>
<i>Laid before Parliament</i>		<i>18th March 1997</i>
<i>Coming into force</i>	- -	<i>21st April 1997</i>

The Secretary of State, in exercise of the powers conferred on him by Articles 24 and 36(2) of the Jobseekers (Northern Ireland) Order 1995(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Jobseeker's Allowance (Members of the Forces) (Northern Ireland) Regulations 1997 and shall come into force on 21st April 1997.

(2) In these Regulations—

“the Order” means the Jobseekers (Northern Ireland) Order 1995;

“serving member of the forces” has the meaning assigned to it by regulation 1(2) of the Social Security (Contributions) Regulations 1979(2);

“discharge” includes, in the case of a serving member of the forces who on completion of any term of service is transferred to any reserve, that transfer.

Modification of the Order

2. In its application to persons who are, or who have been, members of Her Majesty's Forces, the Order shall have effect subject to these Regulations.

(1) S.I.1995/2705 (N.I.15).

(2) S.I. 1979/591; relevant amending instrument is S.I. 1994/1553.

Entitlement to jobseeker's allowance

3. The jobseeker's allowance shall not be payable to a person for any day on which he is a serving member of the forces unless, on that day, he is—

- (a) a member of any territorial or reserve forces mentioned in Part I of Schedule 3 to the Social Security (Contributions) Regulations 1979 who is not undergoing training or instruction as such a member for a continuous period exceeding 72 consecutive hours; or
- (b) a member of the Royal Irish Regiment who is neither—
 - (i) serving also as a member of any regular naval, military or air forces of the Crown; nor
 - (ii) on the full-time permanent staff of that Regiment; nor
 - (iii) serving or undergoing training or instruction in that Regiment for a continuous period exceeding 72 consecutive hours.

4. Any person who, as a serving member of the forces, is discharged, cashiered or otherwise dismissed in consequence of having been convicted on any proceedings under the Naval Discipline Act 1957(3), the Army Act 1955(4) or the Air Force Act 1955(5) or by any civil court, shall be treated for the purposes of Article 21(6)(a) of the Order (circumstances in which a jobseeker's allowance is not payable) as though he had lost his employment through misconduct.

5. Article 21(6)(b) and (d) of the Order (jobseeker's allowance not payable where the claimant has voluntarily left employment or neglected to avail himself of a reasonable opportunity of employment) shall not apply to a claimant who, as a serving member of the forces, is discharged at his own request.

6. For the purposes of any claim for a jobseeker's allowance, a document purporting to be signed by a person authorised in that behalf by the Secretary of State certifying the fact that any person has been discharged, cashiered or otherwise dismissed as mentioned in regulation 4 or 5, or the date of such discharge, cashiering or dismissal, shall be conclusive evidence thereof, unless it is proved that the document was not signed by the person so authorised.

Extension of time for performing certain acts

7.—(1) Subject to paragraph (2), if—

- (a) a provision of the Order, or of any regulations made thereunder, requires a person to perform some act either forthwith or on the happening of a particular event; and
- (b) that person is unable to perform the act required in compliance with that provision on account of his being at sea or outside the United Kingdom by reason of his service as a member of the forces,

he shall nevertheless be deemed to have done so if he performs the act in question as soon as it is practicable for him to do so.

(2) Paragraph (1) shall not apply in relation to any case where a jobseeker's allowance is, by virtue of regulation 3, not payable to a person who is serving as a member of the forces.

(3) 1957 c. 53.
(4) 1955 c. 18.
(5) 1955 c. 19.

Northern Ireland Office
17th March 1997

P. B. B. Mayhew
One of Her Majesty's Principal Secretaries of
State

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the provisions relating to the jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995 in their application to persons who are, or are treated as being, serving members of Her Majesty's Forces.

The Regulations in particular provide that a jobseeker's allowance shall not be paid to such persons in specified circumstances. They also provide that a person should not be disqualified from receiving the allowance where he is discharged from Her Majesty's Forces at his own request. In addition, the regulations extend the period within which serving members of the forces can perform certain acts necessary in connection with a claim for the jobseeker's allowance.