
STATUTORY INSTRUMENTS

1995 No. 2705

The Jobseekers (Northern Ireland) Order 1995

Part II

The Jobseeker's Allowance

Entitlement

The contribution-based conditions

- 4.—(1) The conditions referred to in^[F1] Article 3(2)(d)] are that the claimant—
- (a) has actually paid Class 1 contributions in respect of one (“the base year”) of the last two complete years before the beginning of the relevant benefit year and satisfies the additional conditions set out in paragraph (2);
 - (b) has, in respect of the last two complete years before the beginning of the relevant benefit year, either paid Class 1 contributions or been credited with earnings and satisfies the additional condition set out in paragraph (3);
 - (c) does not have earnings in excess of the prescribed amount; and
 - (d) is not entitled to income support.

- (2) The additional conditions mentioned in paragraph (1)(a) are that—

- (a) the contributions have been paid before the week for which the jobseeker's allowance is claimed;
- ^[F2](b) the claimant's relevant earnings for the base year upon which primary Class 1 contributions have been paid or treated as paid are not less than the base year's lower earnings limit multiplied by 26.]

^[F3](2A) Regulations may make provision for the purposes of paragraph (2)(b) for determining the claimant's relevant earnings for the base year.

- (2B) Regulations under paragraph (2A) may, in particular, make provision—

- (a) for making that determination by reference to the amount of a person's earnings for periods comprised in the base year;
- (b) for determining the amount of a person's earnings for any such period by—
 - (i) first determining the amount of the earnings for the period in accordance with regulations made for the purposes of section 3(2) of the Benefits Act, and
 - (ii) then disregarding so much of the amount found in accordance with head (i) as exceeded the base year's lower earnings limit (or the prescribed equivalent).]

(3) The additional condition mentioned in paragraph (1)(b) is that the earnings factor derived^[F4] from so much of the claimant's earnings as did not exceed the upper earnings limit and] upon which primary Class 1 contributions have been paid or treated as paid or^[F4] from so much of the claimant's

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earnings as did not exceed the upper earnings limit and] credited is not less, in each of the two complete years, than the lower earnings limit for the year multiplied by 50.

[^{F5}(3A) Where primary Class 1 contributions have been paid or treated as paid on any part of a person's earnings, [^{F6}paragraph (3)] shall have effect as if such contributions had been paid or treated as paid on so much of the earnings as did not exceed the upper earnings limit.]

[^{F7}(3B) Regulations may—

- (a) provide for the first set of conditions to be taken to be satisfied in the case of persons—
 - (i) who have been entitled to any prescribed description of benefit during any prescribed period or at any prescribed time, or
 - (ii) who satisfy other prescribed conditions;
- (b) with a view to securing any relaxation of the requirements of the first set of conditions in relation to persons who have been entitled as mentioned in sub-paragraph (a)(i), provide for that set of conditions to apply in relation to them subject to prescribed modifications.

(3C) In paragraph (3B)—

“the first set of conditions” means the condition set out in paragraph (1)(a) and the additional conditions set out in paragraph (2);

“benefit” means—

- (a) any benefit within the meaning of section 121(1) of the Benefits Act,
- (b) any benefit under Parts 7 to 12 of the Benefits Act,
- (c) credits under regulations under section 22(5) of the Benefits Act,
- (d) a contribution-based jobseeker's allowance, and
- (e) working tax credit.]

(4) For the purposes of this Article—

- (a) “benefit year” means a period which is a benefit year for the purposes of Part II of the Benefits Act or such other period as may be prescribed for the purposes of this Article;
- (b) “the relevant benefit year” is the benefit year which includes—
 - (i) the beginning of the jobseeking period which includes the week for which a jobseeker's allowance is claimed, or
 - (ii) (if earlier) the beginning of any linked period; and
- (c) other expressions which are used in this Article and the Benefits Act have the same meaning in this Article as they have in the Act.

F1 1999 NI 11

F2 Art. 4(2)(b) substituted (1.11.2010) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), **ss. 11(2)**, 36(2); S.R. 2010/341, **art. 2(2)(a)**

F3 Art. 4(2A)(2B) inserted (1.10.2010) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), **ss. 11(3)**, 36(2); S.R. 2010/341, **art. 2(1)(a)**

F4 2002 c. 19

F5 1998 NI 10

F6 Words in art. 4(3A) substituted (1.11.2010) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), **ss. 11(4)**, 36(2); S.R. 2010/341, **art. 2(2)(a)**

F7 Art. 4(3B)(3C) inserted (16.12.2011 only in so far as it inserts Article 4(3B)(a) and (3C) otherwise prosp.) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), **ss. 11(5)**, 36(2); S.R. 2011/430, **art. 2(a)**

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