
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 464

SOCIAL SECURITY

**The Social Security (Jobseeker's Allowance
and Payments on account) (Miscellaneous
Amendments) Regulations (Northern Ireland) 1996**

Made - - - - *3rd October 1996*
Coming into operation *7th October 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Articles 36(2) and 39 of the Jobseekers (Northern Ireland) Order 1995(1) and sections 69 and 72 of the Social Security Administration (Northern Ireland) Act 1992(2) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Jobseeker's Allowance and Payments on account) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996, immediately following the coming into operation of the Jobseeker's Allowance (Transitional Provisions) (Amendment) Regulations (Northern Ireland) 1996(3) and the Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations (Northern Ireland) 1996(4).

(2) The Interpretation Act (Northern Ireland) 1954(5) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Jobseeker's Allowance (Transitional Provisions) Regulations

2.—(1) The Jobseeker's Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996(6) shall be amended in accordance with paragraphs (2) to (9).

(2) In regulation 2 (jobseeking period) after paragraph (2) there shall be inserted the following paragraph—

(1) S.I.1995/2705 (N.I. 15)
(2) 1992 c. 8
(3) S.R. 1996 No. 357
(4) S.R. 1996 No. 289
(5) 1954 c. 33 (N.I.)
(6) S.R. 1996 No. 200; relevant amending Regulations are S.R. 1996 No. 357

“(2A) Any period in which a claimant is entitled to a jobseeker’s allowance in accordance with regulation 11(3) (earnings during the transitionally protected period) shall, for the purposes of paragraph (1), be treated as a period in which he satisfies the conditions specified in Article 3(2)(a) to (c) and (e) to (i) of the Order.”.

(3) In regulation 3(2) (linking periods) after sub-paragraph (e)(7) there shall be added the following sub-paragraph—

“(f) a period which includes 6th October 1996 during which the claimant attends court in response to a summons for jury service and which was immediately preceded by a period of entitlement to unemployment benefit.”.

(4) After regulation 5 (transition from unemployment benefit to a jobseeker’s allowance) there shall be inserted the following regulation—

“Transition from unemployment benefit to a jobseeker’s allowance: further provisions

5A.—(1) A person who has an award of unemployment benefit, or unemployment benefit and income support, for the benefit week that includes 7th October 1996, but to whom unemployment benefit is not payable in respect of the relevant day shall—

(a) be treated as having an award of a jobseeker’s allowance from the first day of the benefit week after the benefit week that includes the relevant day until such date as he fails to satisfy, or ceases to be treated as satisfying, any condition of entitlement to a jobseeker’s allowance that applies in his case, and

(b) be treated as satisfying the requirements of Article 3(2)(b) of the Order (jobseeker’s agreement) until the day he actually enters into a jobseeker’s agreement in accordance with Article 11(1) of the Order (jobseeker’s agreement) or until, in a case where a proposed jobseeker’s agreement is referred to an adjudication officer for him to determine, the day the adjudication officer gives a direction in accordance with Article 11(7) of the Order.

(2) Paragraph (1) shall not apply to a person if the sole reason unemployment benefit is not payable to him in respect of the relevant day is that he was disqualified for receiving unemployment benefit in accordance with section 28 of the Benefits Act.

(3) A person who, in respect of his claim for unemployment benefit, or unemployment benefit and income support, has restricted the hours he is available for work to 40 hours or more a week, shall be treated as having recorded his pattern of availability in the jobseeker’s agreement he is treated as having entered into under paragraph (1)(b).”.

(5) In regulation 7 (claims for entitlement to a jobseeker’s allowance)—

(a) after paragraph (2) there shall be inserted the following paragraph—

“(2A) A person who, in respect of his claim for income support or unemployment benefit, or income support and unemployment benefit, has restricted the hours he is available for work to 40 hours or more a week shall be treated as having recorded his pattern of availability in the jobseeker’s agreement he is treated as having entered into under paragraph (2).”, and

(b) after paragraph (5) there shall be inserted the following paragraph—

“(5A) Where a person to whom paragraph (5) applies had been entitled to an increase in his unemployment benefit in respect of an adult dependant and that increase was payable to him immediately preceding the day on which he was required to serve as a juror or the day training began, he shall be treated for the purposes of these Regulations as if that increase was payable to him in respect of the relevant day.”.

(7) Sub-paragraph (e) was added by regulation 4(3) of S.R. 1996 No. 357

(6) In regulation 8 (further provisions applying to a continuing entitlement to a jobseeker's allowance) after paragraph (5) there shall be added the following paragraph—

“(6) Paragraphs (4) and (5) shall apply to a claimant to whom a jobseeker's allowance is awarded other than in accordance with regulation 5 or 6 where—

- (a) the first day of that award forms part of a jobseeking period which is separated by not more than 12 weeks from a period of interruption of employment, or
- (b) the tax years which in accordance with Article 4 of the Order (the contribution-based conditions) are to be satisfied for entitlement to a contribution-based jobseeker's allowance to arise are the same tax years as those by reference to which entitlement to unemployment benefit arose on a claim made by the claimant in respect of a day before 7th October 1996.”.

(7) In regulation 9 (transitionally protected period)—

(a) in paragraph (4)—

(i) after sub-paragraph (b) there shall be added the following sub-paragraph—

“and

(c) unemployment benefit was payable in respect of the relevant day and the benefit included an increase for an adult dependant,” and

(ii) for “an amount equal to any dependency increase payable with his unemployment benefit in respect of the benefit week which includes the relevant day” there shall be substituted “that dependency increase” and at the end there shall be added “and the provisions of Part III of the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(8) (adult dependants) and Part III of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(9) (adjustment of dependency benefits) as they apply to unemployment benefit as in operation on 6th October 1996 shall apply to it”, and

(b) in paragraph (7) after “relevant day” there shall be inserted “or which would have been payable in that week but for any adjustments made in that week,”.

(8) In regulation 11 (earnings during the transitionally protected period) after paragraph (4) there shall be added the following paragraph—

“(5) Where a person has one or more days in a week on which he fails to satisfy the conditions specified in paragraph (2) and in consequence of which a jobseeker's allowance is not payable, those days shall not be treated as days of entitlement to a contribution-based jobseeker's allowance for the purposes of Article 7(1) of the Order (duration of a contribution-based jobseeker's allowance).”.

(9) In regulation 16(1) (questions not immediately ascertainable) at the beginning there shall be inserted “During the transitionally protected period,”.

Amendment of the Social Security (Payments on account, Overpayments and Recovery) Regulations

3.—(1) The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988(10) shall be amended in accordance with paragraphs (2) to (4).

(8) S.R. 1977 No. 74; relevant amending Regulations are S.R. 1983 Nos. 36 and 193, S.R. 1984 Nos. 373 and 382, S.R. 1987 No. 129, S.R. 1989 No. 103, S.R. 1992 Nos. 83 and 521 and S.R. 1994 No. 485

(9) S.R. 1975 No. 109; relevant amending provisions are S.R. 1977 No. 316, S.I. 1996/1888 (N.I. 18) and S.R. 1987 Nos. 12 and 391

(10) S.R. 1988 No. 142; relevant amending Regulations are S.R. 1992 No. 6 and S.R. 1996 No. 289

(2) In regulation 14(3) (quarterly diminution of capital), in the definition of “overpayment period”(11) after “income support” there shall be inserted “or an income-based jobseeker’s allowance”.

(3) In regulation 15(2)(d)(12) (recovery by deduction from prescribed benefits) for “or income-based jobseeker’s allowance” there shall be substituted “or a jobseeker’s allowance”.

(4) In regulation 16 (limitations on deductions from prescribed benefits)—

(a) in paragraph (4)(13) for “income support or income-based jobseeker’s allowance” there shall be substituted “benefit”;

(b) after paragraph (4) there shall be inserted the following paragraph—

“(4A) Paragraph (4) shall apply to the following benefits—

(a) income support;

(b) an income-based jobseeker’s allowance;

(c) where, if there was no entitlement to a contribution-based jobseeker’s allowance, there would be entitlement to an income-based jobseeker’s allowance at the same rate, a contribution-based jobseeker’s allowance.”, and

(c) after paragraph (5) there shall be inserted the following paragraphs—

“(5A) Regulation 15 shall apply to an amount of a contribution-based jobseeker’s allowance, other than a contribution-based jobseeker’s allowance to which paragraph (4) applies in accordance with paragraph (4A)(c), to which a person is presently entitled only to the extent that there may, subject to paragraphs 8 and 9 of Schedule 8A to the Claims and Payments Regulations(14) be recovered in respect of any one benefit week a sum equal to one third of the age-related amount applicable to the claimant under Article 6(1)(a) of the Jobseekers (Northern Ireland) Order 1995(15) (amount payable by way of a jobseeker’s allowance).

(5B) For the purposes of paragraph (5A) where the sum that would otherwise fall to be deducted includes a fraction of a penny, the sum to be deducted shall be rounded down to the nearest whole penny.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 3rd October 1996.

L.S.

John O'Neill
Assistant Secretary

(11) The definition was amended by regulation 14(5) of S.R. 1992 No. 6

(12) Regulation 15(2)(d) was amended by regulation 15(3) of S.R. 1996 No. 289

(13) Regulation 16(4) was amended by regulation 15(6)(a) of S.R. 1996 No. 289

(14) Schedule 8A was inserted by the Schedule to S.R. 1988 No. 67. Paragraphs 8 and 9 were amended by S.R. 1989 Nos. 40 and 398, S.R. 1991 No. 488, S.R. 1992 No. 271 and S.R. 1993 No. 146

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

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Jobseeker's Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996 ("the Transitional Provisions Regulations") and the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988.

Regulation 2 makes a number of amendments to the Transitional Provisions Regulations as follows—

- (a) where a person has an award of unemployment benefit for the week that includes the 7th October 1996, but unemployment benefit is not in payment on the "relevant day", he shall be treated as having claimed a jobseeker's allowance and as having an award of a jobseeker's allowance, as long as the reason that benefit was not in payment was not because of a disqualification;
- (b) a restriction in the number of hours a person was available for work in respect of his claim for income support or unemployment benefit will be included in his jobseeker's agreement;
- (c) people who claim a jobseeker's allowance, rather than being transferred to it from unemployment benefit, are brought within the provisions on calculating the number of days of entitlement to a contribution-based jobseeker's allowance, but days where a person's jobseeker's allowance is not payable because of part-time earnings will not count towards that total;
- (d) the rate of any adult dependency increase payable with a person's unemployment benefit is protected when they transfer to a jobseeker's allowance;
- (e) regulation 16 of the Transitional Provisions Regulations, on questions that are not immediately ascertainable, is only to apply during the transitionally protected period.

Regulation 3 makes a number of amendments to the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988 as follows—

- (a) income-based jobseeker's allowance, and in some cases, contribution-based jobseeker's allowance, are brought within the Regulations and are dealt with in the same way that income support is;
- (b) the maximum amount that can be recovered by way of deductions from contribution-based jobseeker's allowance is one third of the claimant's age-related amount.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.