
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 519

**The Social Security (Back to Work Bonus)
(No. 2) Regulations (Northern Ireland) 1996**

Amount payable

8.—(1) Subject to the following provisions of these Regulations, the amount of the bonus payable to an applicant shall be the aggregate of—

- (a) half the amount of that part of the applicant's earnings in any benefit week falling either wholly or partly within the bonus period, but which are not disregarded in accordance with regulation 36(2) or 38(2) of, and paragraphs 4 to 9 of Schedule 8 to, the Income Support Regulations⁽¹⁾ (sums to be disregarded in the calculation of earnings) or, as the case may be, regulation 99(2) or 101(2) of, and paragraphs 5 to 11 of Schedule 5 to, the Jobseeker's Allowance Regulations;
- (b) where the person is one of a couple or a member of a polygamous marriage, half the amount of the partner's earnings which are not disregarded in accordance with the provisions mentioned in sub-paragraph (a), and
- (c) where earnings are payable to the applicant or his partner in a week falling either partly or wholly within the bonus period which includes a part-week of entitlement to a qualifying benefit in accordance with Part VII of the Income Support Regulations (calculation of income support for part-weeks) or Part XI of the Jobseeker's Allowance Regulations (part-weeks) which falls within the bonus period, half the amount calculated by applying the formula—

$$\frac{G}{7} \times N$$

where—

G is the earnings of the applicant and his partner, in the relevant benefit weeks which are not disregarded in accordance with the provisions mentioned in sub-paragraph (a) or (b), and

N is the number of days in the part-week.

(2) Earnings for any benefit week in respect of which the person is entitled to a qualifying benefit but no benefit is payable or the applicable amount is nil, shall be disregarded for the purposes of determining the amount of any bonus payable in his case.

(3) Paragraph (1)(b) shall not apply where the qualifying benefit to which the applicant is entitled is a contribution-based jobseeker's allowance.

(4) Where—

(1) Relevant amending regulations are S.R. 1988 No. 318, S.R. 1989 Nos. 139 and 395, S.R. 1992 No. 298, S.R. 1993 Nos. 120 and 149 and S.R. 1996 No. 405

- (a) within the bonus period, a person or his partner has earnings in any benefit week, but the person fails to disclose those earnings or discloses earnings which are less than the amount of those earnings;
- (b) as a result of the failure to disclose those earnings a qualifying benefit is paid at a higher rate than it would have been had the earnings been disclosed;
- (c) those earnings are taken into account, or fully taken into account, on a review of the decision awarding the qualifying benefit, and
- (d) as a result of the review an overpayment of benefit arises,

then those earnings which were not disclosed shall be disregarded in determining the amount of the bonus.

(5) Except in a case to which paragraph (4) applies, where—

- (a) in the bonus period, a person or his partner has earnings in any benefit week;
- (b) the adjudication officer is satisfied that the whole or part of those earnings were not taken into account in determining the amount of any qualifying benefit payable, whether because of a misrepresentation, official error or otherwise, and
- (c) has those earnings been fully taken into account, the amount of the qualifying benefit would have been less than the amount in fact paid,

then those earnings in so far as they were not fully taken into account shall be disregarded in determining the amount of the bonus.

(6) Except in a case to which regulation 13 (single persons who become couples) or 15(5)(a) (single claimants who are couples) applies, the maximum sum payable by way of a bonus to an applicant in respect of a bonus period is £1,000.

(7) In the case of a couple who separate, any earnings paid to either of them after the maximum sum specified in paragraph (6) has been reached but before the date of the separation, shall be disregarded in calculating the amount of any bonus payable on a claim made by either of them or if they are one of a couple the other member of that couple after the date of separation.

(8) Where one or more members of the polygamous marriage separate, any earnings paid to any of them after the maximum sum specified in paragraph (6) has been reached but before the date of separation, shall be disregarded in calculating the amount of any bonus payable on a claim made by any person who is or was a member of that marriage after the date of separation or, if they become one of a couple, by the other member of that couple.

(9) Where the amount of the bonus which would, but for this paragraph be payable to an applicant is less than £5, the bonus shall not be payable.

(10) Where the amount of a bonus would, but for this paragraph, include a fraction of a penny, that fraction shall be disregarded if it is less than a half penny and shall otherwise be treated as a penny.

(11) Subject to paragraphs (6) to (10), the amount of the bonus payable shall be the whole of the amount calculated in accordance with this regulation.

(12) In paragraph (5), “official error” means a mistake made or something done or omitted to be done by an officer of the Department where the person claiming the qualifying benefit or any person acting on his behalf has not caused, or materially contributed to, that mistake or omission.

(13) In this regulation “part-week” means an entitlement to a qualifying benefit in respect of any period of less than a week.