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STATUTORY RULES OF NORTHERN IRELAND

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**2008 No. 112**

**The Social Security (Miscellaneous Amendments)  
Regulations (Northern Ireland) 2008**

**Amendment of the Jobseeker's Allowance Regulations**

4.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996 are amended in accordance with paragraphs (2) to (16).

(2) In regulation 1(2) (interpretation)—

- (a) omit the definition of “Preparation for Employment Programme for 50 plus<sup>(1)</sup>”; and
- (b) in the definition of “training allowance” for “Department of Economic Development” in both places where it occurs substitute “Department for Employment and Learning”.

(3) In regulation 14(1)(ja)<sup>(2)</sup> (circumstances in which a person is to be treated as available) for “the Secretary of State for the Home Department with the Trust” substitute “the Scottish Ministers”.

(4) In regulation 15(bc)<sup>(3)</sup> (circumstances in which a person is not to be regarded as available)—

- (a) after “ordinary” insert “ or additional”; and
- (b) after “107A” insert “ or 107B”.

(5) In regulation 19(1)(ja)<sup>(4)</sup> (circumstances in which a person is to be treated as actively seeking employment) for “the Secretary of State for the Home Department with the Trust” substitute “the Scottish Ministers”.

(6) In regulation 48(2)(f)(ii)<sup>(5)</sup> (linking periods) omit “or in the Preparation for Employment Programme for 50 plus”.

(7) In regulation 52(3)<sup>(6)</sup> (persons treated as engaged in remunerative work) for “98(1)(b) and (c)” substitute “98(1)(c)”.

(8) In regulation 75(4)<sup>(7)</sup> (interpretation) omit “or the Preparation for Employment Programme for 50 plus”.

(9) For regulation 94(2)(a)<sup>(8)</sup> (calculation of earnings derived from employed earner's employment and income other than earnings) substitute—

- “(a) where the payment is monthly, a period equal to the number of weeks from the date on which the payment is treated as paid immediately before the date on which the next monthly payment would have been so treated as paid whether or not the next monthly payment is actually paid;

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(1) The definition of “Preparation for Employment for 50 plus” was inserted by regulation 2(a) of [S.R. 2001 No. 151](#)  
(2) Sub-paragraph (ja) was inserted by regulation 2(2) of [S.R. 1999 No. 107](#)  
(3) Sub-paragraph (bc) was inserted by regulation 2(4) of [S.R. 2002 No. 388](#)  
(4) Sub-paragraph (ja) was inserted by regulation 2(3) of [S.R. 1999 No. 107](#)  
(5) Sub-paragraph (f) was added by regulation 4 of [S.R. 1997 No. 541](#) and head (ii) was amended by regulation 3 of [S.R. 2001 No. 151](#)  
(6) Paragraph (3) was amended by regulation 7(4)(a) of [S.R. 2007 No. 396](#)  
(7) Paragraph (4) was amended by regulation 2(5) of and paragraph 32(e) to Schedule 2 to [S.R. 2000 No. 350](#) and regulation 5(b) of [S.R. 2001 No. 151](#)  
(8) Paragraph (2) was amended by regulation 5(2)(a) of [S.R. 1997 No. 22](#)

- (aa) where the payment is in respect of a period which is not monthly, a period equal to the length of the period for which payment is made;”.
- (10) In regulation 95 (calculation of earnings of self-employed earners)—
- (a) in paragraph (2)(9) for “royalties or sums paid periodically for or in respect of any copyright” substitute “any items to which paragraph (2A) applies”; and
- <sup>F1</sup>(b) . . . . .
- (11) In regulation 105 (notional income)—
- (a) omit paragraph (10A)(c)(ia)(10) and
- (b) in paragraph (13A)(b)(i)(11) omit “in the Preparation for Employment Programme for 50 plus or”.
- (12) In regulation 113(3A) (notional capital) omit sub-paragraph (b)(ia)(12).
- (13) In Schedule 1 (applicable amounts)—
- (a) for paragraph 1(3)(e)(13) for the entry in Column (1) substitute—
- “(e) where—
- (i) both members are aged not less than 18, or
- (ii) one member is aged not less than 18 and the other member is a person who is—
- (aa) under 18, and
- (bb) treated as being responsible for a child;”;
- (b) in paragraph 1(3)(f) in Column (1) after “where” insert “paragraph (e) does not apply and”; and
- (c) in paragraph 8(1)(b)(14) for “Department of Economic Development” substitute “Department for Employment and Learning”.
- (14) In Schedule 2 (housing costs)—
- (a) in paragraphs 4(4A)(a), 13(1)(ee)(i) and (3A)(a)(15) omit “or in the Preparation for Employment Programme for 50 plus”; and
- (b) in paragraph 13(14) omit head (c)(iii)(16).
- (15) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—
- (a) for paragraph 29(17) substitute—

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- (9) Paragraph (2) was amended by paragraph 40 of Schedule 2 to [S.R. 2000 No. 350](#)
- (10) Paragraph (10A) was inserted by regulation 2(1)(b) of [S.R. 1998 No. 326](#) and head (ia) was inserted by regulation 6(a) of [S.R. 2001 No. 151](#)
- (11) Paragraph (13A) was inserted by regulation 8(b) of [S.R. 2000 No. 109](#) and sub-paragraph (b)(i) was amended by regulation 6(b) of [S.R. 2001 No. 151](#)
- (12) Paragraph (3A) was inserted by regulation 3(1)(b) of [S.R. 1998 No. 326](#) and sub-paragraph (b)(ia) was inserted by regulation 7 of [S.R. 2001 No. 151](#)
- (13) The amounts in Column (2) of paragraph 1(3)(e) and (f) were substituted by Article 22(3) of and Schedule 10 to [S.R. 2008 No. 92](#)
- (14) Head (b) was substituted by regulation 2(17)(a) of [S.R. 1996 No. 503](#)
- (15) Sub-paragraph (4A) was inserted by regulation 13(2) of [S.R. 1997 No. 541](#) and amended by paragraph 54(4)(c)(i) of Schedule 2 to [S.R. 2000 No. 350](#) and regulation 9(a) of [S.R. 2001 No. 151](#) and ; sub-paragraph 13(1) was amended by regulation 2(5) of and paragraph 54(8)(a) of Schedule 2 to [S.R. 2000 No. 350](#); head (ee)(i) was inserted by regulation 13(3)(a) of [S.R. 1997 No. 541](#) and amended by regulation 9(b)(i) of [S.R. 2001 No. 151](#), and sub-paragraph (3A) was inserted by regulation 13(3)(b) of [S.R. 1997 No. 541](#) and amended by paragraph 54(8)(e)(i) of Schedule 2 to [S.R. 2000 No. 350](#) and regulation 9(b)(ii)(aa) and (bb) of [S.R. 2001 No. 151](#)
- (16) Sub-paragraph (14) was inserted by regulation 12(b)(iii) of [S.R. 2001 No. 78](#) and amended by regulation 9(b)(iii) of [S.R. 2001 No. 151](#)
- (17) Paragraph 29 was amended by regulation 8(7)(d) of [S.R. 1998 No. 2](#) and paragraph 3(a) and (b)(i) of Schedule 3 to [S.R. 2005 No. 319 \(C. 23\)](#)

“**29.**—(1) Any payment made by an authority in accordance with Article 18, 34C, 34D or 35A of the Children Order (general duty of an authority to promote the welfare of children or powers to grant financial assistance to persons looked after or in, or formerly in, its care).

(2) Any payment (or part of a payment) made by an authority in accordance with Article 34D of the Children Order to a person (“A”) which A passes on to the claimant.

(3) Sub-paragraphs (1) and (2) are subject to the following provisions.

(4) Neither of those sub-paragraphs applies where the claimant is a person who is, or would be, prevented from being entitled to a jobseeker’s allowance by Article 16 of the Order (trade disputes).

(5) Sub-paragraph (2) applies only where A—

(a) was formerly in the claimant’s care, and

(b) is aged 18 or over, and

(c) continues to live with the claimant.”; and

(b) in paragraph 45(**18**) omit “a personal community charge pursuant to regulations under section 13A of the Local Government Finance Act 1988 or section 9A of the Abolition of Domestic Rates etc (Scotland) Act 1987 (reduction of liability for personal community charges) or reduction of”.

(16) In Schedule 7 (capital to be disregarded)—

(a) in paragraph 12(1)(b)(**19**) omit “working families’ tax credit under section 127 of that Act, disabled person’s tax credit under section 128 of that Act,”;

(b) for paragraph 22(**20**) substitute—

“**22.**—(1) Any payment made by an authority in accordance with Article 18, 34C, 34D or 35A of the Children Order (general duty of an authority to promote the welfare of children and powers to grant financial assistance to persons looked after or in, or formerly in, its care).

(2) Any payment (or part of a payment) made by an authority in accordance with Article 34D of the Children Order to a member of the claimant’s household (“A”) which A passes on to the claimant.

(3) Sub-paragraphs (1) and (2) are subject to the following provisions.

(4) Neither of those paragraphs applies where the claimant is a person who is, or would be, prevented from being entitled to a jobseeker’s allowance by Article 16 of the Order (trade disputes).

(5) Sub-paragraph (2) only applies where A—

(a) was formerly in the claimant’s care, and

(b) is aged 18 or over, and

(c) continues to live with the claimant.”;

(c) in paragraph 35(**21**) omit “a personal community charge pursuant to regulations under section 13A of the Local Government Finance Act 1988 or section 9A of the Abolition of

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(18) Paragraph 45 was amended by regulation 7(14)(c) of [S.R. 2007 No. 396](#)

(19) Head (b) was amended by paragraph 24(a) of Schedule 2 to [S.R. 2003 No. 195](#) and regulation 4(3) of [S.R. 2003 No. 338](#)

(20) Paragraph 22 was amended by regulation 8(8) of [S.R. 1998 No. 2](#) and paragraph 3(a) and (b)(ii) of Schedule 3 to [S.R. 2005 No. 319 \(C. 23\)](#)

(21) Paragraph 35 was amended by regulation 7(15)(a) of [S.R. 2007 No. 396](#)

Domestic Rates etc. (Scotland) Act 1987 (reduction of liability for personal community charge) or reduction of” and

- (d) in paragraph 40(22) for “Department of Economic Development” substitute “Department for Employment and Learning”.

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**Textual Amendments**

- F1** Reg. 4(10)(b) revoked (6.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/92\)](#), reg. 1(1), **Sch.**

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**Commencement Information**

- I1** Reg. 4(1)-(9), (11)(12)(13)(c)(15)(b)(16)(a)(c)(d) in operation at 14.4.2008, see [reg. 1\(1\)](#)
- I2** Reg. 4(10)(15)(a)(16)(b) in operation at 7.4.2008 coming into force in accordance with reg. 1(2), see [reg. 1\(2\)](#)
- I3** Reg. 4(13)(a)(b) in operation at 7.4.2008 coming into force in accordance with reg. 1(3), see [reg. 1\(3\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2008, Section 4.