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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 338**

**The Social Security (Miscellaneous Amendments  
No. 4) Regulations (Northern Ireland) 2009**

**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 (15).

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) after the definition of “polygamous marriage” insert—

““public authority” has the meaning given in section 75(3) of the Northern Ireland Act 1998;” and

(b) after the definition of “self-employment route”(1) insert—

““service user group” means a group of individuals that is consulted by or on behalf of—

- (a) a public authority under section 49A of the Disability Discrimination Act 1995,
- (b) a council under section 1 of the Local Government (Best Value) Act (Northern Ireland) 2002,
- (c) the Patient and Client Council under section 16 of the Health and Social Care (Reform) Act (Northern Ireland) 2009,
- (d) a body to which sections 17 to 19 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 applies,
- (e) the Commission or the Office of the Health Professions Adjudicator in consequence of a function under section 108 of the Health and Social Care Act 2008,
- (f) any other public authority in Northern Ireland in consequence of a function conferred under any statutory provision,

for the purposes of monitoring and advising on a policy of that body or authority which affects or may affect persons in the group, or of monitoring or advising on services provided by that body or authority which are used (or may potentially be used) by those persons;”.

(3) In regulation 60(2)(b) (young persons at the end of the child benefit extension period) omit “after”.

(4) In the headings to regulations 89 (child maintenance or liable relative payments), 118 (treatment of child maintenance or liable relative payments), 122 (calculation of the weekly amount of a child maintenance or liable relative payment) and 123(2) (date on which a child maintenance or liable relative payment is to be treated as paid) omit “child maintenance or”.

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(1) The definition of “self employment route” was substituted by regulation 2 of [S.R. 2004 No. 163](#)

(2) The headings to regulations 89, 118, 122 and 126 were amended by regulation 3(2) of [S.R. 2008 No.406](#)

- (5) In regulation 89(3) and the heading to Chapter VII(4) of Part VIII (child maintenance and liable relative payments) omit “child maintenance and”.
- (6) After regulation 98(2)(g)(5) (earnings of employed earners) add—
- “(h) any payment in respect of expenses arising out of the claimant’s participation in a service user group.”
- (7) In regulation 103(1)(6) (calculation of income other than earnings) after “earnings)” insert “and regulation 96(3)(7) and (4)(8) (date on which income is treated as paid)”.
- (8) In regulation 105 (notional income)—
- (a) after paragraph (2)(g)(9) insert—
- “(ga) any sum to which paragraph (15A) applies;”; and
- (b) after paragraph (15)(10) add—
- “(15A) Paragraphs (1), (2), (6), (10), (12) and (13) shall not apply in respect of any amount of income other than earnings, or earnings derived from employment as an employed earner, arising out of the claimant’s participation in a service user group.”
- (9) In regulation 117 (interpretation)—
- (a) omit the definition of “child maintenance”(11);
- (b) in the definition of “payment”—
- (i) in paragraph (e)(i)(12) for “family” substitute “partner or is made or derived from a person falling within paragraph (d) of the definition of liable relative;”, and
- (ii) after paragraph (h) insert—
- “(i) to which paragraph 66 of Schedule 6 (sums to be disregarded in the calculation of income other than earnings) applies;”; and
- (c) in paragraph (c) of the definition of “periodical payment”(13) omit “, after the appropriate disregard under paragraph 66 of Schedule 6 (sums to be disregarded in the calculation of income other than earnings) has been applied to it”.
- (10) In regulation 118(14) (treatment of child maintenance or liable relative payments) omit “and paragraph 66 of Schedule 6 (sums to be disregarded in the calculation of income other than earnings)”.
- (11) In regulation 121(15) (period over which payments other than periodical payments are to be taken into account)—
- (a) in paragraph (3) omit sub-paragraph (b) and the preceding “and”; and
- (b) in paragraph (10) omit “and, where applicable, the maximum disregard under paragraph 66 of Schedule 6”.

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- (3) Regulation 89 was amended by paragraph 7 of Schedule 2 to [S.R. 2003 No. 195](#) (except in a case where regulation 1(7) of those Regulations applies) and regulation 3(3) of [S.R. 2008 No. 406](#)
- (4) The heading to Chapter VII was amended by regulation 3(5) of [S.R. 2008 No. 406](#)
- (5) Sub-paragraph (g) was added by regulation 5(10) of [S.R. 1997 No. 130](#)
- (6) Regulation 103(1) was amended by regulation 9(2)(a) of [S.R. 1998 No. 81](#) and paragraph 8(a) of Schedule 2 to [S.R. 2003 No. 195](#)
- (7) Paragraph (3) was amended by regulation 4(3)(b)(i) of [S.R. 2008 No. 428](#)
- (8) Paragraph (4) was inserted by regulation 4(3)(c) of [S.R. 2008 No. 428](#)
- (9) Paragraph (2)(g) was amended by regulation 4(2)(a) of [S.R. 2006 No. 97](#)
- (10) Paragraph (15) was amended by regulation 4(3) of [S.R. 2007 No. 306](#) and regulation 4(6) of [S.R. 2009 No. 92](#)
- (11) The definition of “child maintenance” was inserted by regulation 3(6)(a) of [S.R. 2008 No. 406](#)
- (12) Paragraph (e)(i) was amended by regulation 3(6)(d)(ii) of [S.R. 2008 No. 406](#)
- (13) Paragraph (c) was amended by regulation 3(6)(e)(ii) of [S.R. 2008 No. 406](#)
- (14) Regulation 118 was amended by regulation 3(7) of [S.R. 2008 No. 406](#)
- (15) Regulation 121 was substituted by regulation 3(8) of [S.R. 2008 No. 406](#)

- (12) In regulation 130 (interpretation) in paragraph (b)(**16**) of the definition of “access funds”—
- (a) for “7” substitute “68”; and
  - (b) omit “and described as “learner support funds” or grants made under section 68 of that Act”.
- (13) In Schedule 2 (housing costs) in paragraph 13(2)(**17**) (linking rule) for “has ceased” insert “ceases on or before 11 April 2010”.
- (14) In Schedule 5 (sums to be disregarded in the calculation of earnings) in paragraph 1(**18**)—
- (a) in sub-paragraph (1)(b) for “regulation 98(1)(d) or (h) (in so far as it applies to regulation 98(1)(d)), ” substitute “sub-paragraph (2)(a) or (b)(ii)”; and
  - (b) for sub-paragraph (2)(a) substitute—
    - “(a) any payment of the nature described in—
      - (i) regulation 98(1)(d) or (h) (in so far as it applies to regulation 98(1)(d)), or
      - (ii) Article 60, 96 or 100 of the Employment Rights (Northern Ireland) Order 1996 (guarantee payments, suspension from work on medical or maternity grounds); and”.
- (15) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—
- (a) after paragraph 2 insert—
    - “**2A.** Any payment in respect of expenses arising out of the claimant’s participation in a service user group.”;
  - (b) in paragraph 17(d)(**19**)—
    - (i) for “payment under the Armed Forces Pension Scheme 1975 or the Armed Forces Pension Scheme 2005” substitute “pension or payment falling within Article 31(1) (a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005”;
    - (ii) for “the pension payable under either of those schemes” substitute “that pension or payment”, and
    - (iii) for “aggregate with the” substitute “aggregate with any”;
  - (c) before paragraph 26(1)(e)(**20**) insert—
    - “(da) which is a payment made by a local authority in Scotland in pursuance of section 50 of the Children Act 1975 (payments towards maintenance of children);”;
  - (d) in paragraph 60(**21**) after “Any payment” insert “made with respect to a person on account of the provision of accommodation, aftercare or other personal social services to which Articles 15 and 36 of the 1972 Order refer”; and
  - (e) for paragraph 66(**22**) substitute—

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(16) The definition of access funds was inserted by regulation 3(4)(a) of [S.R. 2000 No. 242](#) and paragraph (b) was amended by regulation 2(1)(b)(i) [S.R. 2001 No. 278](#)

(17) Paragraph 13(2) was amended by Article 9(8)(e) of [S.R. 1999 No. 428 \(C. 32\)](#), regulation 4(3) of [S.R. 2001 No. 29](#) and modified in relation to certain cases by regulation 10(i)(i) of [S.R. 2008 No. 503](#)

(18) Paragraph 1 was substituted by regulation 7(13)(a) of [S.R. 2007 No.396](#)

(19) Paragraph 17 was substituted by regulation 3(6)(c) of [S.R. 2008 No. 498](#)

(20) Paragraph 26(1) was amended by regulation 8(7)(a) of [S.R. 1998 No. 2](#), head (e) was amended by regulation 3(1) and(2)(e) of [S.R. 1997 No. 331](#) and head (d) was omitted by regulation 3(6) (d)(ii) of [S.R. 2008 No. 498](#)

(21) Paragraph 60 was added by regulation 9(2)(b) of [S.R. 1998 No. 81](#) and amended by regulation 9 and paragraph 14(c) of [S.R. 2005 No. 458](#)

(22) Paragraph 66 was substituted by regulation 3 of [S.R. 2004 No. 16](#) and amended by regulation 3(9) of [S.R. 2008 No. 406](#)

“66.—(1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the claimant’s family, except where the person making the payment is the claimant or the claimant’s partner.

(2) In paragraph (1)—

“child maintenance” means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under—

- (a) the Child Support (Northern Ireland) Order 1991;
- (b) the Child Support Act 1991;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

“liable relative” means a person listed in regulation 117 (interpretation), other than a person falling within paragraph (d) of that definition.”.