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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend—

the Income Support (General) Regulations (Northern Ireland) 1987 (“the Income Support Regulations”);

the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”);

the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the Jobseeker’s Allowance Regulations”);

the Employment Protection (Recoupment of Jobseeker’s Allowance and Income Support) Regulations (Northern Ireland) 1996 (“the Recoupment of Jobseeker’s Allowance and Income Support Regulations”);

the Employment and Support Allowance Regulations (Northern Ireland) 2008 (“the Employment and Support Allowance Regulations”); and

the Social Security (Incapacity Benefit Work-focused Interviews) Regulations (Northern Ireland) 2008 (“the Social Security Incapacity Benefit Work-focused Interviews Regulations”).

Regulations 2 and 4 amend the Income Support Regulations and the Jobseeker’s Allowance Regulations to provide that child dependency increases paid to income support and jobseeker’s allowance claimants are disregarded for the purposes of income support or jobseeker’s allowance, to clarify that a particular reference to “an Act” is a reference to the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

Regulation 3 amends the Claims and Payments Regulations to provide that contributory jobseeker’s allowance and contributory employment and support allowance, where both income-based and contributory elements of those allowances are in payment at the same time, are relevant benefits for the purpose of making mortgage interest payments direct to lenders where the income-based elements of those benefits alone is insufficient for this purpose.

Regulation 4 amends the Jobseeker’s Allowance Regulations to revoke, subject to savings, provisions specifying that members of a joint-claim couple who are incapable of work due to health issues, being blind, or because they are disabled or deaf students do not have to satisfy the conditions of Article 3(2B)(b) (joint-claim couples qualifying conditions for Jobseeker’s Allowance) of the Jobseekers (Northern Ireland) Order 1995.

Regulation 5 amends the Recoupment of Jobseeker’s Allowance and Income Support Regulations to provide for the recoupment of income-related employment and support allowance payments where an industrial tribunal makes an award in favour of a claimant.

Regulation 6 amends the Employment and Support Allowance Regulations to provide that any part of a student loan which has not been taken up will not be treated as deemed income for benefit calculation purposes where a student has suspended his or her studies due to incapacitating illness.

Regulation 7 amends the Social Security (Incapacity Benefit Work-focused Interviews) Regulations to clarify that the amount of benefit by which claimants may have their benefit reduced is an amount equivalent to the work-related activity component provided for in the Employment and Support Allowance Regulations.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions 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.