

2010 No. 346

SOCIAL SECURITY

The Social Security (Contribution Conditions for Jobseeker's Allowance and Employment and Support Allowance) Regulations (Northern Ireland) 2010

Made - - - - *11th October 2010*

Coming into operation - *1st November 2010*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 4(2A) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(a), and now vested in it(b), and section 25(2) of, and paragraph 1(3) and (4) of Schedule 1 to, the Welfare Reform Act (Northern Ireland) 2007(c).

This Rule contains only regulations made by virtue of, or consequential upon, sections 11 and 12 of the Welfare Reform Act (Northern Ireland) 2010(d).

Citation and commencement

1. These Regulations may be cited as the Social Security (Contribution Conditions for Jobseeker's Allowance and Employment and Support Allowance) Regulations (Northern Ireland) 2010 and come into operation on 1st November 2010.

Amendment of the Jobseeker's Allowance Regulations

2. In Part III of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(e) (other conditions of entitlement), before regulation 46 (waiting days) insert—

“The contribution-based conditions and relevant earnings

45A.—(1) A claimant's relevant earnings for the purposes of Article 4(2)(b) of the Order(f) (the contribution-based conditions) are the total amount of the claimant's earnings at the lower earnings limit for the base year.

(2) For the purposes of paragraph (1), earnings which exceed the lower earnings limit are to be disregarded.”

(a) S.I. 1995/2705 (N.I. 15); paragraph (2A) of Article 4 was inserted by section 11(3) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.)) and Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(b) See Article 8(b) of S.R. 1999 No. 481

(c) 2007 c. 2 (N.I.); paragraph 1 of Schedule 1 was amended by paragraph 11 of Schedule 1 to the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.)) and section 12 of the Welfare Reform Act (Northern Ireland) 2010

(d) 2010 c. 13 (N.I.)

(e) S.R. 1996 No. 198

(f) Article 4(2)(b) was substituted by section 11(2) of the Welfare Reform Act (Northern Ireland) 2010

Amendment of the Employment and Support Allowance Regulations

3.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008^(a) are amended in accordance with paragraphs (2) and (3).

(2) In Part 3 (conditions of entitlement – contributory allowance), before regulation 8 (relaxation of first contribution condition) insert—

“Conditions relating to national insurance and relevant earnings

7A.—(1) A claimant’s relevant earnings for the purposes of paragraph 1(2)(a) of Schedule 1 to the Act^(b) (employment and support allowance: conditions relating to national insurance) are the total amount of the claimant’s earnings at the lower earnings limit for the base tax year.

(2) For the purposes of paragraph (1), earnings which exceed the lower earnings limit are to be disregarded.”.

(3) For sub-paragraph (b) of regulation 8(1) substitute—

“(b) the claimant has—

- (i) earnings at the lower earnings limit in that tax year on which primary Class 1 contributions have been paid or treated as paid which in total, and disregarding any earnings which exceed the lower earnings limit for that year, are not less than that limit multiplied by 26, or
- (ii) an earnings factor in that tax year derived from Class 2 contributions multiplied by 26.”.

Sealed with the Official Seal of the Department for Social Development on 11th October 2010

(L.S.)

Anne McCleary

A senior officer of the Department for Social Development

(a) S.R. 2008 No. 280

(b) Paragraph 1(2) was substituted by section 12(4) of the Welfare Reform Act (Northern Ireland) 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the contribution conditions for jobseeker's allowance and employment and support allowance.

Regulation 2 amends the Jobseeker's Allowance Regulations (Northern Ireland) 1996 to provide, for the purpose of the first contribution condition, that a claimant's relevant earnings shall be the total amount of the claimant's earnings at the lower earnings limit for the base year (and disregarding earnings which exceed that limit).

Regulation 3(2) makes a corresponding amendment to the Employment and Support Allowance Regulations (Northern Ireland) 2008.

Regulation 3(3) amends regulation 8 of those Regulations which relates to the relaxation of the first contribution condition in certain circumstances. To qualify for the relaxation, a claimant must have earnings at the lower earnings limit in a tax year which are not less than 26 times that year's lower earnings limit (although disregarding any earnings which exceed that limit) on which primary Class 1 contributions have been paid or treated as paid, or an earnings factor in that tax year derived from Class 2 contributions multiplied by 26.

Article 4(2A) of the Jobseekers (Northern Ireland) Order 1995 and paragraph 1(3) of Schedule 1 to the Welfare Reform Act (Northern Ireland) 2007, some of the enabling provisions under which these Regulations are made, were inserted and substituted respectively by sections 11(3) and 12(4) of the Welfare Reform Act (Northern Ireland) 2010. Section 11(3) was brought into operation on 1st October 2010 and section 12(4) was brought into operation for the purpose of making regulations on 1st October 2010 and for all other purposes on 1st November 2010 by virtue of the Welfare Reform (2010 Act) (Commencement No. 2) Order (Northern Ireland) 2010 (S.R. 2010 No. 341 (C. 21)).

As these Regulations are made by virtue of, or consequential upon, sections 11 and 12 of the Welfare Reform Act (Northern Ireland) 2010 and are made before the end of the period of 6 months from the commencement of those provisions, they are, accordingly, exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992, from prior reference to the Social Security Advisory Committee.

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