
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 357

**The Social Security (Miscellaneous Amendments
No. 2) Regulations (Northern Ireland) 2011**

PART 3

AMENDMENTS TO SECONDARY LEGISLATION

Amendment of the Jobseeker’s Allowance Regulations

10.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996⁽¹⁾ are amended in accordance with paragraphs (2) to (11).

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

(a) after the definition of “board and lodging accommodation” insert—

““the Caxton Foundation” means the charitable trust of that name established on 28th March 2011 for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;”;

(b) in the definition of “qualifying person”⁽²⁾ after “the Skipton Fund” insert “, the Caxton Foundation”.

(3) In regulation 51 (remunerative work) omit paragraphs (4) and (5).

(4) In—

(a) regulation 61(1)(d) and (e)⁽³⁾ and (2)(d) (other young persons in prescribed circumstances); and

(b) regulation 62(1), (2) and (3)⁽⁴⁾ (registration),

for “Department of Economic Development” in each place it occurs substitute “Department for Employment and Learning”.

^{F1}(5)

(6) In regulation 105 (notional income) for paragraph (1) substitute—

“(1) A claimant is to be treated as possessing income of which the claimant has deprived themselves for the purpose of securing entitlement to a jobseeker’s allowance or increasing the amount of that allowance, or for the purpose of securing entitlement to, or increasing the amount of income support or an employment and support allowance.”.

(7) In—

(1) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1998 No. 326, S.R. 2000 Nos. 350 and 367, S.R. 2001 Nos. 78 and 151, S.R. 2004 Nos. 213 and 389, S.R. 2005 No. 550, S.R. 2006 Nos. 178 and 523, S.R. 2008 Nos. 112, 286 and 428, S.R. 2010 No. 69 and S.R. 2011 No. 135

(2) The definition of “qualifying person” was amended by regulation 2(a) of S.R. 2004 No. 213, regulation 4(2)(b) of S.R. 2005 No. 550 and regulation 4(3)(a) of S.R. 2010 No. 69

(3) Sub-paragraphs (d) and (e) were amended by paragraph 19(a) of Schedule to S.R. 2000 No. 350

(4) Regulation 62 was amended by paragraph 20 of Schedule 2 to S.R. 2000 No. 350

- (a) regulation 105(10A)(a)(5);
- (b) regulation 110(10)(c)(6) (income treated as capital);
- (c) Schedule 2 (housing costs), paragraph 17(8)(b)(7);
- (d) Schedule 6 (sums to be disregarded in the calculation of income other than earnings), paragraphs 22(2)(8) and 41(1)(9); and
- (e) Schedule 7 (capital to be disregarded), paragraph 31(10),

after “MFET Limited” insert “, the Skipton Fund, the Caxton Foundation”.

(8) In—

- (a) regulation 113(3A)(a)(11) (notional capital);
- (b) Schedule 6, paragraph 41(7)(12); and
- (c) Schedule 7, paragraph 27(1)(13),

after “the Skipton Fund” insert “, the Caxton Foundation”.

(9) In Schedule A1(14) (categories of members of a joint-claim couple who are not required to satisfy the conditions in Article 3(2B)(b) of the Order), after paragraph 6A(15) (member has limited capability for work) insert—

“**6B.**—(1) Subject to sub-paragraph (2), a person who provides—

- (a) a statement which complies with the rules in Part 1 of Schedule 1 to the Social Security (Medical Evidence) Regulations 1976(16),
- (b) a self-certificate for a period of limited capability for work which lasts less than 8 days or in respect of any of the first 7 days of limited capability for work, or
- (c) where it would be unreasonable to require a person to provide a statement in accordance with paragraph (a), such other evidence as the Department considers to be sufficient to show that the person has limited capability for work.

(2) Sub-paragraph (1) applies to a person for the period covered by evidence falling within that sub-paragraph.

(3) For the purposes of this paragraph—

- (a) “limited capability for work” has the meaning given by section 1(4) of the Welfare Reform Act (Northern Ireland) 2007(17); and
- (b) “self-certificate” means a declaration made by the person in writing on a form approved for the purpose by the Department that the person has been unfit for

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- (5) Paragraph (10A) was inserted by regulation 2(1)(b) of S.R. 1998 No. 326; sub-paragraph (a) was amended by regulation 4(5)(a) of S.R. 2008 No. 428 and regulation 4(3)(b) and (8)(a) of S.R. 2010 No. 69
 - (6) Sub-paragraph (c) was amended by regulation 4(5)(b) of S.R. 2008 No. 428 and regulation 4(3)(c) and (8)(b) of S.R. 2010 No. 69
 - (7) Head (b) was amended by regulation 4(5)(e) of S.R. 2008 No. 428 and regulation 4(3)(e) and (8)(d) of S.R. 2010 No. 69
 - (8) Sub-paragraph (2) was amended by regulation 4(5)(f) of S.R. 2008 No. 428 and regulation 4(3)(f) of S.R. 2010 No. 69
 - (9) Sub-paragraph (1) was amended by regulation 4(5)(f) of S.R. 2008 No. 428 and regulation 4(8)(e) and (12)(a) of S.R. 2010 No. 69
 - (10) Paragraph 31 was amended by regulation 4(5)(g) of S.R. 2008 No. 428 and regulation 4(3)(g) and (8)(f) of S.R. 2010 No. 69
 - (11) Paragraph (3A) was inserted by regulation 3(1)(b) of S.R. 1998 No. 326; sub-paragraph (a) was amended by regulation 2(1) and (2)(c) of S.R. 2004 No. 389, regulation 4(3) of S.R. 2005 No. 550, regulation 4(5)(c) of S.R. 2008 No. 428 and regulation 4(3)(d) and (8)(c) of S.R. 2010 No. 69
 - (12) Sub-paragraph (7) was added by regulation 2(5) of S.R. 2004 No. 389 and amended by regulation 4(4) of S.R. 2005 No. 550 and regulation 4(12)(b) of S.R. 2010 No. 69
 - (13) Paragraph 27(1) was amended by regulation 3(5) and (6)(b) of S.R. 2004 No. 213, regulation 4(5)(a) of S.R. 2005 No. 550, regulation 4(5)(g) of S.R. 2008 No. 428 and regulation 4(3)(g) and (8)(f) of S.R. 2010 No. 69
 - (14) Schedule A1 was inserted by regulation 2(4) and Schedule 1 to S.R. 2000 No. 350
 - (15) Paragraph 6A was inserted by regulation 19(23)(a) of S.R. 2008 No. 286
 - (16) S.R. 1976 No. 175; Schedule 1 was substituted by regulation 2(3) of S.R. 2010 No. 55
 - (17) 2007 c. 2 (N.I.)

work on a date or for a period specified in the declaration and may include a statement that the person expects to continue to be unfit for work on days subsequent to the date on which it is made.”.

(10) In paragraph 15A(1A) of Schedule 1(**18**) (applicable amounts: enhanced disability premium) after “claimant” insert “or partner”.

(11) In Schedule 2—

- (a) in paragraph 4(4A)(b)(**19**) (housing costs not met) for “failed to satisfy the condition specified either in Article 4(1)(c), 5(1)(a) or 5A(1)(a) of the Order” substitute “had income equal to or in excess of the prescribed amount of earnings calculated under regulation 56 or the applicable amount determined in accordance with regulations 83 to 86C, whichever applies”; and
- (b) in paragraph 13(14)(c)(**20**) (linking rule) for “he or his partner was engaged in remunerative work or failed to satisfy the conditions specified in Article 4(1)(c) or 5(1)(a) of the Order or the joint-claim couple of which he was a member failed to satisfy the condition in Article 5A(1)(a) of the Order” substitute “ that person, their partner or, where that person is a member of a joint-claim couple, the other member of that couple, was engaged in remunerative work or had income equal to or in excess of the prescribed amount of earnings calculated under regulation 56 or the applicable amount determined in accordance with regulations 83 to 86C, whichever applies”.

Textual Amendments

- F1** Reg. 10(5) revoked (1.7.2013) by The Social Security (Croatia) (Amendment) Regulations (Northern Ireland) 2013 (S.R. 2013/167), regs. 1(1), **9**

Commencement Information

- I1** Reg. 10 in operation at 31.10.2011, see **reg. 1(1)**

(18) Paragraph 15A was inserted by regulation 4(c)(ii) of S.R. 2000 No. 367; sub-paragraph (1A) was inserted by regulation 7(7)(a) of S.R. 2011 No. 135

(19) Sub-paragraph (4A) was inserted by regulation 13(2) of S.R. 1997 No. 541 and amended by paragraph 54(4)(c) of Schedule 2 to S.R. 2000 No. 350 and regulation 4(14)(a) of S.R. 2008 No. 112

(20) Sub-paragraph (14) was inserted by regulation 12(b)(iii) of S.R. 2001 No. 78; head (c) was amended by regulation 9(b)(iii) of S.R. 2001 No.151 and regulation 4(14)(b) of S.R. 2008 No. 112

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2011, Section 10.