
STATUTORY INSTRUMENTS

2013 No. 3021

The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) (Northern Ireland) Order 2013

Amendment of the Jobseeker's Allowance Regulations (Northern Ireland) 1996

17.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996⁽¹⁾ are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “the Armed Forces and Reserve Forces Compensation Scheme”⁽²⁾ insert—

““armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;”.

(3) In regulation 51(3)(c) (remunerative work)⁽³⁾—

- (a) in paragraph (i) after “in receipt of” insert “armed forces independence payment,”;
- (b) in paragraph (ii) after “claimed” insert “armed forces independence payment,”; and
- (c) after paragraph (iii) insert—

“(iia) a person who has claimed and has an award of armed forces independence payment for a period commencing after the date on which that claim was made, or”.

(4) In regulation 140(1)(h) (meaning of “person in hardship”)⁽⁴⁾—

- (a) in paragraph (i) after “in receipt of” insert “armed forces independence payment,”;
- (b) in paragraph (ii) for “claimed either” substitute “claimed armed forces independence payment,”;
- (c) omit “or” at the end of paragraph (ii); and
- (d) after paragraph (ii) insert—

“(ia) has claimed and has an award of armed forces independence payment for a period commencing after the date on which that claim was made, or”.

(5) In regulation 146A(1)(e) (meaning of “couple in hardship”)⁽⁵⁾—

- (a) in paragraph (i) after “in receipt of” insert “armed forces independence payment,”;
- (b) in paragraph (ii) for “claimed either” substitute “claimed armed forces independence payment,”;
- (c) omit “or” at the end of paragraph (ii); and
- (d) after paragraph (ii) insert—

(1) [S.R. 1996 No. 198](#).

(2) The definition of “the Armed Forces and Reserve Forces Compensation Scheme” was inserted by [S.R. 2005 No. 98](#).

(3) Regulation 51(3)(c) was amended by [S.R. 1996 No. 356](#) and [S.R. 2002 No. 323](#).

(4) Regulation 140(1)(h) was amended by [S.R. 1996 No. 356](#) and [S.R. 1999 No. 428 \(C. 32\)](#).

(5) Regulation 146A was inserted by [S.R. 2000 No. 350](#).

“(iia) has claimed and has an award of armed forces independence payment for a period commencing after the date on which that claim was made, or”.

(6) In Schedule A1 (categories of members of a joint-claim couple who are not required to satisfy the conditions in Article 3(2B)(b) of the Order: member caring for another person)(6) in paragraph 3(a)—

- (a) in paragraph (i) after “in receipt of” insert “armed forces independence payment,”;
- (b) after paragraph (ii) insert—

“(iia) the person being cared for has claimed entitlement to armed forces independence payment and an award has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of that payment; or”;

- (c) in paragraph (iv) after “entitlement to” insert “armed forces independence payment or”.

(7) In Schedule 1 (applicable amounts)—

- (a) in paragraph 8(2) (premiums)(7) after “remains in receipt of” insert “armed forces independence payment,”;
- (b) after paragraph 14(1)(b) (additional conditions for higher pensioner and disability premium)(8) insert—

“(ba) the claimant or, as the case may be, the claimant’s partner, is in receipt of armed forces independence payment or is a person whose armed forces independence payment is payable, in whole or in part, to another in accordance with article 24D of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(9);”;

(c) in paragraph 15 (severe disability premium)—

- (i) in sub-paragraph (1)(a) after “in receipt of” insert “armed forces independence payment,”;
- (ii) in sub-paragraph (2)(a) after “in receipt of” insert “armed forces independence payment,”; and
- (iii) in sub-paragraph (4)(a) after “in receipt of” insert “armed forces independence payment,”;

(d) in paragraph 15A (enhanced disability premium)(10) for sub-paragraph (1) substitute—

“15A.—(1) Subject to sub-paragraph (2), the condition is that—

- (a) the claimant; or
- (b) the claimant’s partner (if any),

is a person who has not attained the qualifying age for state pension credit and is a person to whom sub-paragraph (1ZA) applies.

(1ZA) This sub-paragraph applies to the person mentioned in sub-paragraph (1) where—

- (a) armed forces independence payment is payable to that person; or

(6) Schedule A1 was inserted by S.R. 2000 No. 350 and paragraph 3 was amended by S.R. 2002 No. 323.

(7) Paragraph 8(2) was amended by S.R. 2002 No. 323.

(8) Paragraph 14 was amended by S.R. 1996 No. 503 and S.R. 2003 No. 195.

(9) Article 24D was inserted by S.I. 2013/436.

(10) Paragraph 15A was inserted by S.R. 2000 No. 367 and amended by S.R. 2003 No. 195, S.R. 2007 No. 154, S.R. 2010 No. 103 and S.R. 2011 Nos. 135 and 357.

- (b) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the Benefits Act or but for an abatement as a consequence of hospitalisation, be payable to that person at the highest rate prescribed under section 72(3) of the Benefits Act.”;
- (e) in paragraph 16 (disabled child premium)(**11**)—
 - (i) before sub-paragraph (1)(a) insert—
 - “(za) a young person who is in receipt of armed forces independence payment.”;
 - (ii) in sub-paragraph (2) for “sub-paragraph (1)(a)” substitute “sub-paragraph (1)(za), (a)”;
- (f) in paragraph 20D(2) (premiums)(**12**) after “remains in receipt of” insert “armed forces independence payment.”;
- (g) in paragraph 20H(1) (additional conditions for higher pensioner and disability premium)(**13**) after paragraph (b) insert—
 - “(ba) is in receipt of armed forces independence payment or is a person whose armed forces independence payment is payable, in whole or in part, to another in accordance with article 24D of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.”;
- (h) in paragraph 20I (severe disability premium)(**14**)—
 - (i) in sub-paragraph (1)(a) after “in receipt of” insert “armed forces independence payment.”; and
 - (ii) in sub-paragraph (3)(a) after “in receipt of” insert “armed forces independence payment.”; and
 - (i) in paragraph 20IA(1) (enhanced disability premium)(**15**) after “Benefits Act” where it appears for the second time insert “or armed forces independence payment is payable”.
- (8) In Schedule 2 (housing costs) in paragraph 17 (non-dependant deductions)—
 - (a) omit “either” in sub-paragraph (6)(b);
 - (b) before sub-paragraph (6)(b)(i) insert—
 - “(zi) armed forces independence payment.”; and
 - (c) in sub-paragraph (8)(a) after “any” insert “armed forces independence payment.”.
- (9) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) after paragraph 68(**16**) insert—
 - “**68A.** Armed forces independence payment.”.

(11) Paragraph 16 was amended by [S.R. 2007 No. 154](#) and [S.R. 2011 No. 135](#).

(12) Paragraph 20D was inserted by [S.R. 2000 No. 350](#) and amended by [S.R. 2002 No. 323](#).

(13) Paragraph 20H was inserted by [S.R. 2000 No. 350](#) and amended by [S.R. 2003 No. 195](#), [S.R. 2008 No. 286](#) and [S.R. 2010 No. 347](#).

(14) Paragraph 20I was inserted by [S.R. 2000 No. 350](#) and amended by [S.R. 2002 Nos. 80 and 323](#), [S.R. 2007 No. 154](#) and [S.R. 2011 No. 291](#).

(15) Paragraph 20IA was inserted by [S.R. 2000 No. 367](#) and amended by [S.R. 2007 No. 154](#) and [S.R. 2010 No. 103](#).

(16) Paragraph 68 was added by [S.R. 2003 No. 154](#) and substituted by [S.R. 2003 No. 417](#).