
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 218

SOCIAL SECURITY

The Jobseeker's Allowance Regulations (Northern Ireland) 2016

Made - - - - *3rd May 2016*
Laid before Parliament *10th May 2016*
Coming into operation in accordance with
regulation 1(1)

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 167D and 171(3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 ^{F1}, sections 5(1)(j) and (k) and (1A) and 165(4), (5) and (6) of the Social Security Administration (Northern Ireland) Act 1992 ^{F2}, Articles 2(2) and (4), 4(1)(c), (2A) and (3B)(a), 6(1)(b), (2), and (4), 7(3), 8A(5), 8B(2), 8D(4), 8E(3) and (5), 8F(1), 8H(1)(a), (7) and (8), 8I, 8J(5) and (7), 8K(4), (5) and (9), 14(1) to (4)(a) and (b), and 36(1) and (2) of, and Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995 ^{F3} and paragraphs 2(3) and 3 of Schedule 5 to, the Welfare Reform (Northern Ireland) Order 2015 ^{F4}.

Those powers are exercisable by the Secretary of State by virtue of Article 4(1)(b) of the Welfare Reform (Northern Ireland) Order 2015 ^{F5}.

- F1** 1992 c. 7; [section 167D](#) was inserted by Article 8(1) of the [Social Security \(Incapacity for Work\) \(Northern Ireland\) Order 1994 \(S.I. 1994/1898 \(N.I. 12\)\)](#) and section 171(5) was amended by paragraph 36 of Schedule 1 and Schedule 2 to Social Security (Incapacity for Work) (Northern Ireland) Order 1994. For the definition of “prescribed”, see [section 167G](#)
- F2** 1992 c. 8; [section 5\(1\)\(k\)](#) was amended by Article 103(5) of the [Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006 \(N.I. 1\)\)](#), [section 5\(1A\)](#) was inserted by Article 104(3) of the Welfare Reform (Northern Ireland) Order 2015 and section 165(6) was amended by paragraph 86 of Schedule 6 and Schedule 7 to the [Social Security \(Northern Ireland\) Order 1998 \(S.I. 1998/1506 \(N.I. 10\)\)](#)
- F3** [S.I. 1995/2705 \(N.I. 15\)](#); [Article 4\(1\)](#) was amended by paragraph 4 of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 ([S.I. 1999/3147 \(N.I. 11\)](#)), [Article 4\(2A\)](#) and (3B) was inserted by section 11(3) and (5) of the [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13 \(N.I.\)\)](#), [Article 6\(1\)](#) was amended by paragraph 2(3) of the Schedule to the Pensions (2004 Act and 2005 Order) (PPF Payments and FAS Payments) (Consequential Provisions) Order (Northern Ireland) 2006 (SR 2006 No 37) and Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015, Article 7(3) was amended by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015, Articles 8A to 8K were inserted by Article 55(4) of the 2015 Order and Article 36(2) was amended by paragraph 55 of Schedule 3 to the [Social Security Contributions \(Transfer of](#)

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Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671), for the definitions of “prescribed” and “Regulations” see [Article 2\(2\)](#)

F4 [S.I. 2015/2006 \(N.I. 1\)](#)

F5 Functions under or for the purposes of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the Social Security Administration (Northern Ireland) Act 1992 and the Jobseeker's Allowance (Northern Ireland) Order 1995 vested in the Department for Social Development by virtue of Article 8(b) of S.R. [1999 No. 481](#)

PART 1

GENERAL

Citation, commencement and application

1.—(1) The Regulations may be cited as the Jobseeker's Allowance Regulations (Northern Ireland) 2016 and come into operation immediately after the coming into operation of the Universal Credit Regulations (Northern Ireland) 2016 ^{F6}.

(2) These Regulations apply in relation to a particular case on any day on which Article 39(1) (a) of the Welfare Reform (Northern Ireland) Order 2015 (abolition of income-based jobseeker's allowance) is in operation and applies in relation to that case.

F6 [S.R. 2016 No. 216](#)

General interpretation

2.—(1) For the purposes of the Order and of these Regulations—

“employed earner” means a person who is gainfully employed in Northern Ireland or the Republic of Ireland either under a contract of service or in an office (including elective office) with emoluments chargeable to income tax under Schedule E or, as the case may be, chargeable under the legislation of the Republic of Ireland which is analogous to income tax under Schedule E;

“employment” includes any trade, business, profession, office or vocation, except in Article 16 of the Order ^{F7}, where it means employed earner's employment;

“jobseeking period” means the period described in regulation 36;

“pensionable age” has the meaning it has in Parts I to VI of the Benefits Act by virtue of section 121(1) of that Act ^{F8}.

(2) In these Regulations—

“adoption leave” means a period of absence from work on ordinary or additional adoption leave by virtue of Article 107A or 107B of the Employment Rights (Northern Ireland) Order 1996 ^{F9};

“attendance allowance” means—

- (a) an attendance allowance under section 64 of the Benefits Act ^{F10};
- (b) an increase of disablement pension under section 104 or 105 of the Benefits Act;
- (c) a payment by virtue of Article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 ^{F11};
- (d) any payment based on the need for attendance which is paid as an addition to a war disablement pension, (which means any retired pay or pension or allowance payable in

respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 ^{F12};

“basic rate” has the same meaning as in the Income Tax Act 2007 ^{F13};

“Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“benefit week” means a period of 7 days ending with the end day unless, in any particular case or class of case, the Department arranges otherwise, and for these purposes “end day” means the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the person's national insurance number—

(1)	(2)
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday;

“Claims and Payments Regulations 2016” means the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016 ^{F14};

“close relative” means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister or, if any of the preceding persons is one member of a couple, the other member of that couple;

“date of claim” means the date on which the claimant makes, or is treated as making, a claim for a jobseeker's allowance for the purposes of—

(a) regulation 6 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 ^{F15}; or

(b) regulation 19, 21 or 23 of the Claims and Payments Regulations 2016;

“earnings”, for the purposes of Article 2 of the Order, has the meaning specified—

(c) in the case of an employed earner, in regulation 58; or

(d) in the case of a self-employed earner, in regulation 60;

“first year of training” means a period of one year beginning with a person's first day of training;

“maternity leave” means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part IX of the Employment Rights (Northern Ireland) Order 1996;

“net earnings” means such earnings as are calculated in accordance with regulation 59;

“net profit” means such profit as is calculated in accordance with regulation 61;

“occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

“the Order” means the Jobseekers (Northern Ireland) Order 1995;

“partner” means, where a claimant—

(a) is a member of a couple, the other member of that couple;

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(b) is married polygamously to 2 or more members of the claimant's household, any such member;

“paternity leave” means a period of absence from work on leave by virtue of Article 112A or 112B of the Employment Rights (Northern Ireland) Order 1996 ^{F16};

“payment” includes a part of a payment;

“remunerative work” has the meaning prescribed in regulation 41(1);

[^{F17}“Scottish basic rate” means the rate of income tax of that name calculated in accordance with section 6A of the Income Tax Act 2007;]

[^{F17}“Scottish taxpayer” has the same meaning as in Chapter 2 of Part 4A of the Scotland Act 1998;]

“self-employed earner” means a person who is gainfully employed in Northern Ireland or the Republic of Ireland otherwise than in employed earner's employment (whether or not he is also employed in such employment);

“shared parental leave” means a period of absence from work on leave by virtue of Article 107E or 107G ^{F18} of the Employment Rights (Northern Ireland) Order 1996;

“sports award” means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993 ^{F19} out of sums allocated to it for distribution under that section;

“training allowance” means an allowance (whether by way of periodical grants or otherwise) payable—

- (a) out of public funds by a Government department or by or on behalf of the Department for Employment and Learning;
- (b) to a person for their maintenance or in respect of the maintenance of a member of their family; and
- (c) for the period, or part of the period, during which the person is following a course of training or instruction provided by, or in pursuance of arrangements made with, a government department or approved by such department in relation to him or so provided or approved by or on behalf of the Department for Employment and Learning,

but it does not include an allowance paid by any government department to, or in respect of, a person by reason of the fact that the person is following a course of full-time education, other than under provision or arrangements under section 1(1) of the Employment and Training Act (Northern Ireland) 1950 ^{F20}, or the person is training as a teacher;

“voluntary organisation” means any association carrying on or proposing to carry on any activities otherwise than for the purpose of gain by the association or by individual members of the association;

“voluntary work” means work other than for a member of the claimant's family, where no payment is received by the claimant or the only payment due to be made to the claimant by virtue of being so engaged is a payment in respect of any expenses reasonably incurred by the claimant in the course of being so engaged;

“week” means, in the definition of “Work Experience” and in Parts 5, 6, 7, 9 and 10, a period of 7 days;

“Work Experience” means a programme which consists of work experience, job search skills and job skills (and which is not employment), provided in pursuance of arrangements made by or on behalf of the Department for Employment and Learning under section 1 of the Employment and Training Act (Northern Ireland) 1950, and which—

- (a) subject to paragraph (b), is of between 2 and 8 weeks duration; or

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- (b) is of between 2 and 12 weeks duration where, during the first 8 weeks of the claimant's participation in Work Experience, and as a result of that participation, the claimant is offered and accepts an apprenticeship made under arrangements made by the Department for Employment and Learning;

“young person” means a person who falls within the definition of “qualifying young person” in section 138 ^{F21} of the Benefits Act (child and qualifying young person).

(3) Subject to paragraph (5), the Interpretation Act (Northern Ireland) 1954 ^{F22} shall apply to these Regulations as it applies to an Act of the Assembly.

(4) For the purposes of these Regulations and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

- F7** Article 16 was amended by paragraph 39 of Schedule 1 to the [Employment Rights \(Northern Ireland\) Order 1996 \(S.I. 1996/1919 \(N.I. 16\)\)](#)
- F8** The definition of “pensionable age” was substituted by paragraph 9(a) of Schedule 2 to the [Pensions \(Northern Ireland\) Order 1995 \(S.I. 1995/3213 \(N.I. 22\)\)](#)
- F9** Articles 107A and 107B were inserted by Article 3 of the [Employment \(Northern Ireland\) Order 2002 \(S.I. 2002/2836 \(N.I. 2\)\)](#) and amended by paragraphs 32 and 33 of Schedule 1 to the [Work and Families \(Northern Ireland\) Order 2006 \(S.I. 2006/1947 \(N.I.16\)\)](#)
- F10** Section 64 was amended by Article 63(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and paragraph 4 of Schedule 9 to the Welfare Reform (Northern Ireland) Order 2015
- F11** [S.I. 1983/686](#); Articles 14 and 15 were amended by [S.I. 2001/420](#) and Article 16 was amended by [S.I. 1984/1675](#) and [S.I. 2001/420](#)
- F12** [2003 c. 1](#); section 639(2) was inserted by the [Finance Act 2005 \(c. 7\)](#)
- F13** [2007 c. 3](#); see section 989 of that Act
- F14** [S.R. 2016 No. 220](#)
- F15** [S.R. 1987 No. 465](#)
- F16** Articles 112A and 112B were inserted by Article 4 of the Employment (Northern Ireland) Order 2002 and amended by paragraphs 34 and 35 of Schedule 1 to the Work and Families (Northern Ireland) Order 2006
- F17** Words in reg. 2(2) inserted (coming into operation in accordance with reg. 1(7) of the amending Regulations) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), regs. 1(7), **10(2)**
- F18** Articles 107E and 107G were inserted by section 2 of the [Work and Families Act \(Northern Ireland\) 2015 \(c. 1 \(N.I.\)\)](#)
- F19** [1993 c. 39](#); section 23(2) was amended by [S.I. 1996/3095](#), [S.I. 1999/1563](#) and [S.I. 2006/654](#)
- F20** [1950 c.29 \(N.I.\)](#); section 1 was amended by Article 3 of the [Employment and Training \(Amendment\) \(Northern Ireland\) Order 1988 \(S.I. 1988/1087 \(N.I. 10\)\)](#)
- F21** Section 138 was substituted by section 2(2) of the [Child Benefit Act 2005 \(c. 6\)](#)
- F22** [1954 c. 33 \(N.I.\)](#)

Further interpretation

3.—(1) Any reference to the claimant's family or, as the case may be, to a member of the claimant's family, is to be construed for the purposes of these Regulations as if it included, in relation to a polygamous marriage, a reference to any partner and to any child or young person who is treated by the Department as the responsibility of the claimant or their partner, where that child or young person is a member of the claimant's household.

(2) In such cases and subject to such conditions or requirements as the Department may specify by means of a direction, any requirement imposed under these Regulations for a signature may