

Regulations made by the Department for Social Development and laid before the Assembly under Article 37(2) of the Jobseekers (Northern Ireland) Order 1995 for approval of the Assembly before the expiration of 6 months from the date of their coming into operation

STATUTORY RULES OF NORTHERN IRELAND

2015 No. 184

SOCIAL SECURITY

**The Social Security (Members of the Reserve Forces)
(Amendment) Regulations (Northern Ireland) 2015**

Made - - - - - *26th March 2015*

Coming into operation - - - - - *6th April 2015*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(a), 132(3) and (4)(b) and 171(3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), Articles 8(4), 9(4), 14(1) to (3) and (4)(b), and 36(2) of the Jobseekers (Northern Ireland) Order 1995(b), and now vested in it(c) and sections 17(1), (2) and (3)(b) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(d).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Members of the Reserve Forces) (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 6th April 2015.

(2) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(f) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation) after the definition of “the Employment and Support Allowance Regulations”(g) insert —

““first year of training” means a period of one year beginning with and including a person’s first day of training;”.

(a) 1992 c.7
(b) S.I. 1995/2705 (N.I. 15); 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)
(c) See Article 8(b) of S.R. 1999 No. 481
(d) 2007 c. 2 (N.I.)
(e) 1954 c. 33 (N.I.)
(f) S.R. 1987 No. 459; relevant amending Regulations are S.R. 2006 No. 359, S.R. 2008 No. 286 and S.R. 2012 No. 377
(g) The definition of the Employment and Support Allowance Regulations was inserted by regulation 12(2)(d) of S.R. 2008 No. 286

(3) In regulation 29 (calculation of earnings derived from employed earner’s employment and income other than earnings) for paragraph (2B)(a) substitute—

“(2B) Earnings derived by a claimant as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations in respect of a period of annual continuous training for a maximum of 15 days in any calendar year or in respect of training in the claimant’s first year of training as a member of a reserve force for a maximum of 43 days in that year, whether paid to the claimant alone or together with other earnings derived from the same source, are to be taken into account—

- (a) in the case of a period of training which lasts for the number of days listed in column 1 of the Table, over a period of time which is equal to the number of days set out in the corresponding row in column 2 of that Table; or
- (b) in any other case, over a period which is equal to the duration of the training period.

Table

<i>Column 1</i> <i>Period of training in days</i>	<i>Column 2</i> <i>Period of time over which earnings are to be taken into account in days</i>
8 to 10	7
15 to 17	14
22 to 24	21
29 to 31	28
36 to 38	35
43	42”

(4) In Schedule 8 (sums to be disregarded in the calculation of earnings)—

- (a) in paragraph 7(1)(d)(b) omit “territorial or”; and
- (b) in paragraph 15A(2)(c)—
 - (i) omit “territorial or”, and
 - (ii) after “in any calendar year” add—

“or in respect of training in the claimant’s first year of training as a member of a reserve force for a maximum of 43 days in that year”.

Amendment of the Jobseeker’s Allowance Regulations

3.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(d) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “employment related course” insert—

““first year of training” means a period of one year beginning with and including a person’s first day of training;”.

(3) In regulation 14(1) (circumstances in which a person is to be treated as available) for sub-paragraph (u)(e) substitute—

- “(u) if he is a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations, either—
 - (i) if he is engaged in his first year of training, for a maximum of 43 days in that year; or

(a) Paragraph (2B) was inserted by regulation 2(3) of S.R. 2012 No. 377
 (b) Paragraph 7(1)(d) was amended by regulation 5(8) of S.R. 2006 No. 359
 (c) Paragraph 15A was substituted by regulation 2(4) of S.R. 2012 No. 377
 (d) S.R. 1996 No. 198; relevant amending Regulations are S.R. 2006 No. 359 and S.R. 2012 Nos. 284 and 377
 (e) Sub-paragraph (u) was added by regulation 2(3) of S.R. 2012 No. 284

- (ii) if he is engaged in annual continuous training, for a maximum of 15 days in any calendar year.”.

(4) In regulation 19(1) (circumstances in which a person is to be treated as actively seeking employment) for sub-paragraph (x)(a) substitute—

“(x) in any week during which he is engaged for not less than 3 days in training as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations, either—

- (i) if he is engaged in his first year of training, for a maximum of 43 days in that year; or
- (ii) if he is engaged in annual continuous training, for a maximum of 15 days in any calendar year.”.

(5) In regulation 94 (calculation of earnings derived from employed earner’s employment and income other than earnings) for paragraph (2B)(b) substitute—

“(2B) Earnings derived by a claimant as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations in respect of a period of annual continuous training for a maximum of 15 days in any calendar year or in respect of training in the claimant’s first year of training as a member of a reserve force for a maximum of 43 days in that year, whether paid to the claimant alone or together with other earnings derived from the same source, are to be taken into account—

- (a) in the case of a period of training which lasts for the number of days listed in column 1 of the Table, over a period of time which is equal to the number of days set out in the corresponding row in column 2 of that Table; or
- (b) in any other case, over a period which is equal to the duration of the training period.

Table

<i>Column 1</i> <i>Period of training in days</i>	<i>Column 2</i> <i>Period of time over which earnings are to be taken into account in days</i>
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36 to 38	35
43	42”

(6) In the provisions specified in paragraph (7) omit “territorial or”.

(7) The provisions specified for the purposes of paragraph (6) are—

- (a) regulation 18(3)(f)(v)(c) (steps to be taken by persons actively seeking employment);
- (b) regulation 50(6D)(a)(d) (persons temporarily absent from Northern Ireland); and
- (c) regulation 53(d)(iv)(e) (persons treated as not engaged in remunerative work).

(8) In Schedule 5 (sums to be disregarded in the calculation of earnings)—

- (a) in paragraph 9(1)(d)(f) omit “territorial or”; and
- (b) in paragraph 19(3)(g)—

(a) Sub-paragraph (x) was added by regulation 2(4) of S.R. 2012 No. 284
 (b) Paragraph (2B) was inserted by regulation 2(6) of S.R. 2012 No. 284 and amended by regulation 3(3) of S.R. 2012 No. 377
 (c) Regulation 18(3)(f)(v) was amended by regulation 13(4)(a) of S.R. 2006 No. 359
 (d) Regulation 50(6D) was inserted by regulation 3(2) of S.R. 2012 No. 377
 (e) Regulation 53(d)(iv) was amended by regulation 13(4)(b) of S.R. 2006 No. 359
 (f) Paragraph 9(1)(d) was amended by regulation 13(4)(c) of S.R. 2006 No. 359
 (g) Paragraph 19 was substituted by regulation 2(7) of S.R. 2012 No. 284

- (i) omit “territorial or”, and
- (ii) after “in any calendar year” add—
 “or in respect of training in the claimant’s first year of training as a member of a reserve force for a maximum of 43 days in that year”.

Amendment of the Employment and Support Allowance Regulations

4.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(a) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation) after the definition of “the first contribution condition” insert—

““first year of training” means a period of one year beginning with and including a person’s first day of training.”.

(3) In regulation 43(1)(e)(iv) (circumstances under which partners of claimants entitled to an income-related allowance are not to be treated as engaged in remunerative work) omit “territorial or”.

(4) In regulation 91 (calculation of earnings derived from employed earner’s employment and income other than earnings) for paragraph (3A)(b) substitute—

“(3A) Earnings derived by a claimant’s partner as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations in respect of a period of annual continuous training for a maximum of 15 days in any calendar year or in respect of training in the claimant’s partner’s first year of training as a member of a reserve force for a maximum of 43 days in that year, whether paid to the claimant’s partner alone or together with other earnings derived from the same source, are to be taken into account—

- (a) in the case of a period of training which lasts for the number of days listed in column 1 of the Table, over a period of time which is equal to the number of days set out in the corresponding row in column 2 of that Table; or
- (b) in any other case, over a period which is equal to the duration of the training period.

Table

<i>Column 1</i> <i>Period of training in days</i>	<i>Column 2</i> <i>Period of time over which earnings are to be taken into account in days</i>
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22 to 24	21
29 to 31	28
36 to 38	35
43	42”

(5) In Schedule 7 (sums to be disregarded in the calculation of earnings)—

(a) in paragraph 11A(2)(c)—

- (i) omit “territorial or”, and
- (ii) after “in any calendar year” add—

“or in respect of training in the claimant’s partner’s first year of training as a member of a reserve force for a maximum of 43 days in that year”; and

(b) in paragraph 12(a) omit “territorial or”.

(a) S.R. 2008 No. 280; relevant amending Regulations are S.R. 2012 No. 377
 (b) Paragraph (3A) was inserted by regulation 4(2) of S.R. 2012 No. 377
 (c) Paragraph 11A was inserted by regulation 4(3) of S.R. 2012 No. 377

Revocation

5. Regulation 3(3) of the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2012(a) is revoked.

Sealed with the Official Seal of the Department for Social Development on 26th March 2015

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

(a) S.R. 2012 No.377

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations (Northern Ireland) 1987 (“the 1987 Regulations”), the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the 1996 Regulations”) and the Employment and Support Allowance Regulations (Northern Ireland) 2008 (“the 2008 Regulations”).

Regulations 2(2) and (3) and 3(2) and (5) amend the 1987 Regulations and the 1996 Regulations respectively in relation to a person who is in receipt of income support or jobseeker’s allowance and make provision as to how earnings derived from participation as a member of the reserve forces, whether paid alone or together with other earnings derived from the same source, are to be taken into account for periods of training.

Regulations 2(4)(b)(ii) and 3(8)(b)(ii) amend the 1987 Regulations and the 1996 Regulations respectively to extend the period of time over which sums can be disregarded in the calculation of earnings for those in receipt of income support or jobseeker’s allowance from 15 days to 43 days.

Regulation 3(3) and (4) amends the 1996 Regulations in relation to a person who is in receipt of jobseeker’s allowance and provides that during training received in their first year, members of the reserve forces will be treated as available for, and actively seeking, employment (which are 2 of the basic conditions of entitlement to jobseeker’s allowance) for up to 43 days of training.

Regulation 4 amends the 2008 Regulations. It does so in relation to employment and support allowance in the same way as regulations 2 and 3 amends the 1987 Regulations and the 1996 Regulations but only in relation to earnings of a claimant’s partner derived from participation as a member of the reserve forces.

All other provisions (other than regulation 1) remove obsolete references to the word “territorial” which are no longer required in respect of the reserve forces due to the renaming of Army Reserve and Territorial Army in section 44 of the Defence Reform Act 2014.

Regulation 5 makes a consequential revocation.

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 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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