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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 289**

**SOCIAL SECURITY  
FAMILY LAW  
CHILD SUPPORT**

**The Social Security and Child Support  
(Jobseeker's Allowance) (Consequential  
Amendments) Regulations (Northern Ireland) 1996**

*Made* - - - - *17th July 1996*  
*Coming into operation* *7th October 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 39 of the Jobseekers (Northern Ireland) Order 1995(1) and of all other powers enabling it in that behalf, by this statutory rule, which contains only regulations made by virtue of, or consequential upon, Article 39(1) of that Order and with the consent of the Department of Finance and Personnel to regulation 16(2), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996.

**Amendment of the Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations**

2. In regulation 3 of the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975(3) (modifications in relation to widows with respect to unemployment and other benefits)—

(a) in paragraph (1)—

(i) in sub-paragraphs (a) and (b) “unemployment benefit,” shall be omitted, and

(ii) sub-paragraph (c) shall be omitted, and

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(1) S.I.1995/2705 (N.I. 15)

(2) See section 165(9) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(3) S.R. 1975 No. 19; relevant amending regulations are S.R. 1978 No. 102 and S.R. 1995 No. 150

- (b) in paragraph (5) the words “unemployment benefit or” in each place where they occur shall be omitted.

### **Amendment of the Social Security (Airmen’s Benefits) Regulations**

**3.** In regulation 3 of the Social Security (Airmen’s Benefits) Regulations (Northern Ireland) 1975(4) (application of the Act and regulations) after “thereunder” there shall be inserted “, and the Jobseekers (Northern Ireland) Order 1995(5) and regulations made thereunder”.

### **Amendment of the Social Security (Mariners' Benefits) Regulations**

**4.—(1)** The Social Security (Mariners' Benefits) Regulations (Northern Ireland) 1975(6) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 4(b)(7) (removal of disqualification for receiving benefit by reason of absence from Northern Ireland) “unemployment benefit” shall be omitted.

(3) In regulation 5(8) (evidence of unemployment or incapacity) for “unemployment benefit” there shall be substituted “a jobseeker’s allowance”.

(4) In regulation 7 (modification of contribution conditions for receiving benefit in certain circumstances, in respect of mariners employed on board foreign-going ships) for the words from the beginning up to and including “this regulation be satisfied” there shall be substituted—

“Where, on a claim for benefit, a contribution condition that the contributor concerned must in respect of the relevant past year have—

- (a) either paid or been credited with contributions of a relevant class and the earnings factor derived from those contributions must not be less than a specified multiple of that year’s lower earnings limit; or
- (b) either paid contributions or been credited with earnings as specified in Article 4 of the Jobseekers (Northern Ireland) Order 1995, and the earnings factor derived from earnings upon which contributions have been paid or from earnings credited must not be less than a specified multiple of that year’s lower earnings limit,

cannot apart from this regulation be satisfied”.

(5) In regulation 9 (application of the Act and regulations) after “made thereunder” there shall be inserted “, or of the Jobseekers (Northern Ireland) Order 1995 and regulations made thereunder”.

### **Amendment of the Social Security Benefit (Dependency) Regulations**

**5.—(1)** The Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(9) shall be amended in accordance with paragraphs (2) to (4), (7) and (8).

(2) In regulation 2(1)(a)(10) (provisions as to maintenance for the purposes of increase of benefit in respect of dependants) “unemployed, or” shall be omitted.

(3) In regulation 3 (allocation of contributions for spouse or children)—

- (a) in paragraph (1) “44(1)(a),” shall be omitted, and
- (b) in paragraph (5) for “sections 44(1)(a) and” there shall be substituted “section”.

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(4) S.R. 1975 No. 101, to which there are amendments not relevant to these regulations

(5) S.I. 1995/2705 (N.I. 15)

(6) S.R. 1975 No. 108; relevant amending regulations are S.R. 1984 No. 317 and S.R. 1995 No. 150

(7) Regulation 4(b) was amended by regulation 14(2)(b) of S.R. 1984 No. 317 and regulation 4(2) of S.R. 1995 No. 150

(8) Regulation 5 was amended by regulation 14(3) of S.R. 1984 No. 317 and regulation 4(3) of S.R. 1995 No. 150

(9) S.R. 1977 No. 74; relevant amending regulations are S.R. 1983 Nos. 36 and 193, S.R. 1984 Nos. 373 and 382, S.R. 1985 No. 229, S.R. 1989 No. 373 and S.R. 1994 No. 485

(10) Sub-paragraph (a) was amended by regulation 4 of S.R. 1989 No. 373

- (4) Subject to paragraph (5), in regulation 8 (earnings rules for increases for adult dependants)—
- (a) in paragraph (2) for “the amount specified in paragraph 1 of Part I of Schedule 4 to the Contributions and Benefits Act” there shall be substituted “the amount for the time being specified in regulation 79(1)(c) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(11) (age-related amount for a claimant who has attained the age of 25)”, and
  - (b) in paragraphs (3) and (4) for “the amount specified in paragraph 1 of Part I of Schedule 4 to that Act” there shall be substituted “the amount for the time being specified in regulation 79(1)(c) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996”.

(5) Where the amount for the time being specified in regulation 79(1)(c) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 is less than the amount specified in paragraph 1 of Part I of Schedule 4 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as in operation on 6th October 1996, paragraph (4) shall have effect as if the words substituted by that paragraph were “£48·25”.

(6) Paragraph (5) shall apply in a particular case only for so long as the amount substituted by that paragraph is greater than the amount specified in regulation 79(1)(c) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996.

- (7) In regulation 10 (increase of benefit for person having care of child)—
- (a) in paragraph (1)(12) “of unemployment benefit or” shall be omitted, and
  - (b) in paragraph (2)(b)(ii)(13) “unemployed or” shall be omitted.
- (8) In regulation 11 (contribution to maintenance of adult dependant)—
- (a) in paragraph (1)(14)—
    - (i) “(1) and” shall be omitted, and
    - (ii) the words “unemployment benefit or” in each place where they occur shall be omitted, and
  - (b) after paragraph (3) there shall be added the following paragraph—

“(4) Where a person has been entitled to an addition to a contribution-based jobseeker’s allowance under regulation 9(4) of the Jobseeker’s Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996(15) (transitionally protected period) by virtue of having satisfied the requirements for an increase of unemployment benefit referred to in paragraph (2), (2A) or (3), he shall be treated for the purpose of that paragraph as if he had been entitled to an increase of unemployment benefit.”

### **Amendment of the Social Security Benefit (Persons Residing Together) Regulations**

**6.** In regulation 2(2)(a) of the Social Security Benefit (Persons Residing Together) Regulations (Northern Ireland) 1977(16) (circumstances in which a person is to be treated as residing or not residing with another person or in which persons are to be treated as residing or not residing together) “of unemployment benefit or” shall be omitted.

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

(12) Paragraph (1) was amended by [S.R. 1983 No. 36](#), [S.R. 1984 No. 373](#) and [S.R. 1994 No. 485](#)

(13) Paragraph (2)(b) was amended by regulation 2(6) of [S.R. 1984 No. 373](#) and regulation 4 of [S.R. 1989 No. 373](#)

(14) Paragraph (1) was amended by regulation 2(8) of [S.R. 1983 No. 193](#), regulation 2(11) of [S.R. 1984 No. 373](#), regulation 4 of [S.R. 1989 No. 373](#) and regulation 15(6)(a) of [S.R. 1994 No. 485](#)

(15) [S.R. 1996 No. 200](#)

(16) [S.R. 1977 No. 166](#); relevant amending regulations are [S.R. 1983 No. 36](#), [S.R. 1984 No. 317](#) and [S.R. 1995 No. 150](#)

### **Amendment of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations**

7. In section 35(9) of the National Insurance Act (Northern Ireland) 1966(17), as continued in force by regulation 2(3) of, and Schedule 1 to, the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978(18), for the words from “sections 25(5)” to the end of the subsection there shall be substituted “section 30B(3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(19), regulations 11(1) and 18(6) of the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995(20) and regulation 9(5) of the Jobseeker’s Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996(21) (rates of incapacity benefit and jobseeker’s allowance in transitional cases for persons over pensionable age).”.

### **Amendment of the Social Security Benefit (Persons Abroad) Regulations**

8.—(1) The Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(22) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 13(1)(a) (modification of the Act in relation to the Channel Islands) “(other than unemployment benefit)” shall be omitted.

(3) In regulation 16 (administrative arrangements about payment of benefit) after “under the Act” there shall be inserted “, or in connection with jobseeker’s allowance,”.

### **Amendment of the Social Security Benefit (Computation of Earnings) Regulations**

9. In regulation 3 of the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978(23) (payments to be disregarded)—

(a) in paragraph (3) the words from “and of regulation 7(1)(g)(i)” up to and including “a day of unemployment)” shall be omitted, and

(b) paragraphs (5) and (6) shall be omitted.

### **Amendment of the Child Benefit (General) Regulations**

10.—(1) The Child Benefit (General) Regulations (Northern Ireland) 1979(24) shall be amended in accordance with paragraphs (2) and (3).

(2) For regulation 9A(25) (child receiving income support) there shall be substituted the following regulation—

#### **“Child receiving income support or income-based jobseeker’s allowance**

9A. Benefit shall not be payable in respect of a child by virtue of section 138(1)(c) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(26) (meaning of “child”) for any week in respect of which that child receives income support or income-based

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(17) 1966 c. 6 (N.I.)

(18) S.R. 1978 No. 105; relevant amending regulations are S.R. 1989 No. 373 and S.R. 1995 No. 150

(19) 1992 c. 7; section 30B was inserted by Article 4(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))

(20) S.R. 1995 No. 35

(21) S.R. 1996 No. 200

(22) S.R. 1978 No. 114, to which there are amendments not relevant to these regulations

(23) S.R. 1978 No. 371; relevant amending regulations are S.R. 1987 No. 201, S.R. 1989 No. 438, S.R. 1992 No. 96 and S.R. 1995 No. 150

(24) S.R. 1979 No. 5; relevant amending regulations are S.R. 1980 No. 261 and S.R. 1988 Nos. 132 and 273

(25) Regulation 9A was inserted by regulation 5 of S.R. 1980 No. 261 and amended by regulation 12 of S.R. 1988 No. 132

(26) 1992 c. 7

jobseeker's allowance within the meaning of Article 3(4) of the Jobseekers (Northern Ireland) Order 1995.”.

(3) In regulation 9B(3)(b)(27) (circumstances in which a person who has ceased to receive full-time education is to be treated as a child) after “income support” there shall be inserted “or income-based jobseeker's allowance within the meaning of Article 3(4) of the Jobseekers (Northern Ireland) Order 1995”.

### **Amendment of the Social Security (Overlapping Benefits) Regulations**

**11.**—(1) The Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(28) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the Contributions and Benefits Act” there shall be inserted the following definition—

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

(b) after the definition of “child benefit” there shall be inserted the following definition—

““contributory benefit” means any benefit payable under Part II of the Contributions and Benefits Act, and a contribution-based jobseeker's allowance;”, and

(c) in the definition of “personal benefit”(29) after “dependency benefit” there shall be inserted “, and includes a contribution-based jobseeker's allowance but not an income based jobseeker's allowance.”.

(3) In regulation 4(1)(a)(30) (adjustment of personal benefit) after “injuries benefits)” there shall be inserted “or under the Jobseekers Order”.

(4) In regulation 10(1)(31) (adjustment of dependency benefit) after sub-paragraph (i) there shall be added the following sub-paragraph—

“(j) a contribution-based jobseeker's allowance.”.

(5) In regulation 14(32) (provisions for adjusting benefit for part of a week)—

(a) in paragraph (1)—

(i) in sub-paragraph (a) for “maternity benefit and unemployment benefit fall” there shall be substituted “maternity benefit falls”, and

(ii) in sub-paragraph (b) “or unemployment benefit” shall be omitted, and

(b) paragraph (2) shall be omitted.

(6) In regulation 16 (persons to be treated as entitled to benefit for certain purposes)—

(a) after the words “under the Act” in the first place where they occur there shall be inserted “or under the Jobseekers Order”, and

(b) after “made under it” there shall be inserted “, or under the Jobseekers Order and regulations made under it.”.

(7) In regulation 17 (prevention of double adjustments) after the words “under the Act” in each place where they occur there shall be inserted “or under the Jobseekers Order”.

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(27) Regulation 9B was inserted by regulation 6 of S.R. 1988 No. 273

(28) S.R. 1979 No. 242; relevant amending regulations are S.R. 1980 No. 451, S.R. 1982 No. 272, S.R. 1983 No. 36, S.R. 1992 No. 557 and S.R. 1995 No. 150

(29) The definition of “personal benefit” was amended by regulation 2(a) of S.R. 1980 No. 451

(30) Regulation 4(1) was substituted by regulation 3 of S.R. 1992 No. 557

(31) Regulation 10(1) was amended by S.R. 1980 No. 451, S.R. 1982 No. 272, S.R. 1983 No. 36 and S.R. 1992 No. 557

(32) Paragraph (1) was amended by regulation 14(7)(a) of S.R. 1995 No. 150

(8) In paragraph 1 of Schedule 1(33) (personal benefit under the Act) for “Unemployment benefit” there shall be substituted “A contribution-based jobseeker’s allowance”.

#### **Amendment of the Social Security (Widow’s Benefit and Retirement Pensions) Regulations**

12. In regulation 4(2)(b)(ii) of the Social Security (Widow’s Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(34) (days to be treated as days of increment) for the words “unemployment benefit” in the second place where they occur there shall be substituted “a contribution-based jobseeker’s allowance”.

#### **Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations**

13. In regulation 20 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(35) (special provisions for certain persons who have been employed abroad) for “unemployment benefit” there shall be substituted “a contribution-based jobseeker’s allowance”.

#### **Amendment of the Family Credit (General) Regulations**

14.—(1) The Family Credit (General) Regulations (Northern Ireland) 1987(36) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation) after the definition of “the Contributions and Benefits Act”(37) there shall be inserted the following definition—

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

(3) In regulation 6(2)(38) (persons of a prescribed description) after sub-paragraph (a) there shall be inserted the following sub-paragraph—

“(aa) who is entitled to income-based jobseeker’s allowance or would, but for Article 5(1) (d) of the Jobseekers Order (provision against dual entitlement of members of family), be so entitled;”.

(4) In regulation 50(39) (prevention of duplication of awards of family credit, disability working allowance and income support) for “or income support” there shall be substituted “, income support or income-based jobseeker’s allowance”.

(5) In Schedule 2 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 3 after “housing benefit” there shall be inserted “, income-based jobseeker’s allowance”, and

(b) in paragraph 5(b) after “income support” there shall be inserted “or income-based jobseeker’s allowance”.

(6) In Schedule 3 (capital to be disregarded)—

(a) in paragraph 8(b) after “income-related benefit” there shall be inserted “or income-based jobseeker’s allowance;”, and

(b) after paragraph 47(40) there shall be added the following paragraph—

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(33) Paragraph 1 was amended by regulation 12(3)(a) of S.R. 1983 No. 36 and regulation 14(8)(a) of S.R. 1995 No. 150

(34) S.R. 1979 No. 243; relevant amending regulations are S.R. 1989 No. 373

(35) S.R. 1984 No. 245; relevant amending regulations are S.R. 1995 No. 150

(36) S.R. 1987 No. 463; relevant amending regulations are S.R. 1990 No. 138, S.R. 1993 No. 373, S.R. 1992 No. 6 and S.R. 1996 No. 93

(37) Definition inserted by regulation 3(2)(a) of S.R. 1993 No. 373

(38) Paragraph (2) was substituted by regulation 5 of S.R. 1990 No. 138

(39) Regulation 50 was amended by regulation 12(4) of S.R. 1992 No. 6

(40) Paragraph 47 was added by regulation 10(3) of S.R. 1996 No. 93

“48. The amount of any back to work bonus payable by way of a jobseeker’s allowance or income support in accordance with Article 28 of the Jobseeker’s Order, or a corresponding payment under section 26 of the Jobseekers Act 1995(41), but only for a period of 52 weeks from the date of receipt.”.

### **Amendment of the Social Security (Payments on account, Overpayments and Recovery) Regulations**

15.—(1) The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988(42) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(2) (interpretation)—

- (a) in the definition of “benefit”(43) after “means” there shall be inserted “a jobseeker’s allowance and”, and
- (b) after the definition of “Income Support Regulations” there shall be inserted the following definition—

““the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996;”.

(3) In regulations 5(3) (offsetting prior payment against subsequent award), 8(2) (duplication and prescribed payments), 13(b) (sums to be deducted in calculating recoverable amounts) and 15(2)(d) (recovery by deduction from prescribed benefits) after the words “income support” in each place where they occur there shall be inserted “or income-based jobseeker’s allowance”.

(4) In regulation 7(1)(44) (duplication and prescribed income)—

- (a) in sub-paragraph (a) after “Income Support Regulations” there shall be inserted “or, as the case may be, Part VIII of the Jobseeker’s Allowance Regulations (income and capital)”, and
- (b) in sub-paragraph (b) after “maintenance” there shall be inserted “or, as the case may be, Chapter VIII of Part VIII of the Jobseeker’s Allowance Regulations (child support)”.

(5) In regulations 14(1)(45) (quarterly diminution of capital) and 17(46) (recovery from couples) after the words “income support” in each place where they occur there shall be inserted “, income based jobseeker’s allowance”.

(6) In regulation 16 (limitations on deductions from prescribed benefits)—

- (a) in paragraph (4) after “income support” there shall be inserted “or income-based jobseeker’s allowance”;
- (b) in paragraph (6) for the words from the beginning of the paragraph up to and including “the weekly amount” there shall be substituted—

“Where—

- (a) in the calculation of the income of a person to whom income support is payable, the amount of earnings or other income falling to be taken into account is reduced by paragraphs 4 to 9 of Schedule 8 to the Income Support Regulations (sums to be disregarded in the calculation of earnings)

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(41) 1995 c. 18

(42) S.R. 1988 No. 142; relevant amending regulations are S.R. 1988 No. 369, S.R. 1992 No. 6, S.R. 1993 No. 175 and S.R. 1995 No. 150

(43) The definition of “benefit” was amended by regulation 4(2) of S.R. 1988 No. 369 and regulation 21(2)(b) of S.R. 1995 No. 150

(44) Regulation 7(1) was substituted by regulation 2(5)(a) of S.R. 1993 No. 175

(45) Regulation 14(1) was amended by regulation 14(5) of S.R. 1992 No. 6

(46) Regulation 17 was amended by regulation 14(8) of S.R. 1992 No. 6

or paragraphs 15 and 16 of Schedule 9 to those Regulations (sums to be disregarded in the calculation of income other than earnings); or

- (b) in the calculation of the income of a person to whom income-based jobseeker's allowance is payable, the amount of earnings or other income falling to be taken into account is reduced by paragraphs 5 to 12 of Schedule 5 to the Jobseeker's Allowance Regulations (sums to be disregarded in the calculation of earnings) or paragraphs 15 and 17 of Schedule 6 to those Regulations (sums to be disregarded in the calculation of income other than earnings),

the weekly amount", and

- (c) in paragraph (8)—

- (i) in the definition of "personal allowance for a single claimant aged not less than 25" at the end there shall be added "or, in the case of a person who is entitled to income-based jobseeker's allowance, the amount for the time being specified in column (2) of paragraph 1(1)(e) of Schedule 1 to the Jobseeker's Allowance Regulations;"; and
- (ii) in the definition of "specified benefit" for "unemployment benefit" there shall be substituted "jobseeker's allowance".

#### **Amendment of the Social Security (Recoupment) Regulations**

16. In regulation 2(1) of the Social Security (Recoupment) Regulations (Northern Ireland) 1990(47) (relevant benefits) after sub-paragraph (e) there shall be inserted the following sub-paragraph—

“(ea) jobseeker's allowance;”.

#### **Amendment of the Social Security (Attendance Allowance) Regulations**

17. In regulation 8(6)(a) of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(48) (exemption from regulations 6 and 7) after the words "income support" in each place where they occur there shall be inserted "or income-based jobseeker's allowance".

#### **Amendment of the Social Security (Disability Living Allowance) Regulations**

18. In regulation 10(8)(a) of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(49) (exemption from regulations 8 and 9) after the words "income support" in each place where they occur there shall be inserted "or income-based jobseeker's allowance".

#### **Amendment of the Disability Working Allowance (General) Regulations**

19.—(1) The Disability Working Allowance (General) Regulations (Northern Ireland) 1992(50) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 2 (interpretation) after the definition of "the Contributions and Benefits Act"(51) there shall be inserted the following definition—

““the Jobseekers Order” means the Jobseekers (Northern Ireland) Order 1995(52);”.

(3) In regulation 7 (income-related benefits)—

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(47) S.R. 1990 No. 85; relevant amending regulations are S.R. 1992 No. 6, S.R. 1994 No. 103 and S.R. 1995 No. 150

(48) S.R. 1992 No. 20; relevant amending regulations are S.R. 1993 Nos. 149 and 165

(49) S.R. 1992 No. 32; relevant amending regulations are S.R. 1993 Nos. 149 and 165

(50) S.R. 1992 No. 78; relevant amending regulations are S.R. 1993 No. 373 and S.R. 1996 No. 93

(51) Definition inserted by regulation 2(2)(a) of S.R. 1993 No. 373

(52) S.I. 1995/2705 (N.I. 15)



- (a) after paragraph (a) there shall be inserted the following paragraph—
    - “(aa) in the case of income-based jobseeker’s allowance, in accordance with paragraphs 12(1)(a), (b)(ii) or (c) or 13 and 14 of Schedule 1 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (higher pensioner and disability premiums);”, and
  - (b) in paragraph (c), for “(a) and (b)” there shall be substituted “(a), (aa) and (b)”.
- (4) In regulation 8(2) (persons of a prescribed description) after sub-paragraph (a) there shall be inserted the following sub-paragraph—
- “(aa) who is entitled to income-based jobseeker’s allowance or would, but for Article 5(1) (d) of the Jobseekers Order (provision against dual entitlement of members of family), be so entitled;”.
- (5) In regulation 55 (prevention of duplication of awards of disability working allowance, family credit and income support) after “family credit” there shall be inserted “, income-based jobseeker’s allowance”.
- (6) In Schedule 3 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 3 after “housing benefit” there shall be inserted “, income-based jobseeker’s allowance”, and
  - (b) in paragraph 5(b) after “income support” there shall be inserted “or income-based jobseeker’s allowance”.
- (7) In Schedule 4 (capital to be disregarded)—
- (a) in paragraph 8(b) after “income-related benefit” there shall be inserted “or income-based jobseeker’s allowance;”, and
  - (b) after paragraph 46(53) there shall be added the following paragraph—
    - “47. The amount of any back to work bonus payable by way of a jobseeker’s allowance or income support in accordance with Article 28 of the Jobseekers Order, or a corresponding payment under section 26 of the Jobseekers Act 1995(54), but only for a period of 52 weeks from the date of receipt.”.

### **Amendment of the Child Support (Maintenance Assessment Procedure) Regulations**

**20.**—(1) The Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(55) shall be amended in accordance with paragraphs (2) to (11).

- (2) In regulation 1 (interpretation)—
  - (a) in paragraph (2)—
    - (i) in the definition of “applicable amount” after ““applicable amount”” there shall be inserted “, except in regulation 39ZA;”,
    - (ii) in the definition of “benefit week” after “Income Support Regulations,” there shall be inserted “in relation to jobseeker’s allowance has the same meaning as in the Jobseeker’s Allowance Regulations;”,
    - (iii) after the definition of “Information, Evidence and Disclosure Regulations” there shall be inserted the following definition—
      - ““the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(56);”, and

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(53) Paragraph 46 was added by regulation 10(2) of S.R. 1996 No. 93

(54) 1995 c. 18

(55) S.R. 1992 No. 340; relevant amending regulations are S.R. 1995 Nos. 162 and 475 and S.R. 1996 No. 19

(56) S.R. 1996 No. 198

- (iv) in the definition of “relevant benefit” after “income support,” there shall be inserted “income-based jobseeker’s allowance,” and
- (b) in paragraph (3)(57)—
- (i) after the words “regulation 39(3)” in each place where they occur there shall be inserted “or, as the case may be, regulation 39ZA(4)”, and
- (ii) in sub-paragraph (c) after “income support” there shall be inserted “or income-based jobseeker’s allowance”.
- (3) In regulation 8D(8)(58) (miscellaneous provisions in relation to interim maintenance assessments) at the end there shall be added “or income-based jobseeker’s allowance”.
- (4) In regulation 16(6) (intervals between periodical reviews and notice of a periodical review) after the words “income support” in each place where they occur there shall be inserted “or income-based jobseeker’s allowance”.
- (5) In regulation 34A(59) (circumstances in which a reduced benefit direction shall not be given) after paragraph (a) there shall be inserted the following paragraph—
- “(aa) income-based jobseeker’s allowance is paid to or in respect of the parent in question and the applicable amount of the claimant for income-based jobseeker’s allowance includes one or more of the amounts set out in paragraph 20(4), (5) or (7) of Schedule 1 to the Jobseeker’s Allowance Regulations; or”.
- (6) In regulation 35(60) (amount of and period of reduction of relevant benefit under a reduced benefit direction)—
- (a) in paragraph (2) for “and 39” there shall be substituted “, 39 and 39ZA”;
- (b) in paragraphs (5B) and (7)(a) after “income support” there shall be inserted “or income-based jobseeker’s allowance”;
- (c) in paragraph (5C)—
- (i) after the words “income support” in the first place where they occur there shall be inserted “or income-based jobseeker’s allowance”, and
- (ii) for the words “or income support” in the second place where they occur there shall be substituted “, income support or income-based jobseeker’s allowance”, and
- (d) in paragraph (5D)(b)—
- (i) after the words “income support” in the first place where they occur there shall be inserted “or income-based jobseeker’s allowance”, and
- (ii) after the words “income support” in the second and third places where they occur there shall be inserted “or, as the case may be, income-based jobseeker’s allowance”.
- (7) In regulation 37(3) (suspension of a reduced benefit direction when relevant benefit ceases to be payable) after “39,” there shall be inserted “39ZA,”.
- (8) In regulation 38(1) (reduced benefit direction where family credit or disability working allowance is payable and income support becomes payable)—
- (a) after the words “income support” in the first place where they occur there shall be inserted “or income-based jobseeker’s allowance”, and
- (b) after the words “income support” in the second and third places where they occur there shall be inserted “or, as the case may be, income-based jobseeker’s allowance”.

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(57) Paragraph (3) was amended by [S.R. 1995 No. 475](#)

(58) Regulation 8D was inserted by regulation 3(3) of [S.R. 1995 No. 475](#)

(59) Regulation 34A was inserted by regulation 3(23) of [S.R. 1995 No. 475](#)

(60) Regulation 35 was amended by regulation 8(12) of [S.R. 1995 No. 162](#)

(9) After regulation 39 (suspension of a reduced benefit direction when a modified applicable amount is payable) there shall be inserted the following regulation—

**“Suspension of a reduced benefit direction in the case of modified applicable amounts in jobseeker’s allowance**

**39ZA.**—(1) Where a direction is given or is in operation at a time when income-based jobseeker’s allowance is payable to or in respect of the parent concerned but that parent’s applicable amount falls to be calculated under the provisions mentioned in paragraph (4), that direction shall be suspended for so long as the applicable amount falls to be calculated under those provisions, or 52 weeks, whichever period is the shorter.

(2) Where a direction is given or is in operation at a time when income-based jobseeker’s allowance is payable to or in respect of the parent concerned, but that parent’s applicable amount includes a residential allowance under regulation 83(c) of, and paragraph 3 of Schedule 1 to, the Jobseeker’s Allowance Regulations (persons in residential care or nursing homes), that direction shall be suspended for as long as that parent’s applicable amount includes such a residential allowance, or 52 weeks, whichever period is the shorter.

(3) Where a case falls within paragraph (1) or (2) and a direction has been suspended for a period of 52 weeks, it shall cease to be in force.

(4) The provisions of paragraph (1) shall apply where the applicable amount in relation to the parent concerned falls to be calculated under—

- (a) regulation 85 of, and paragraph 1 or 2 of Schedule 4 to, the Jobseeker’s Allowance Regulations (patients);
- (b) regulation 85 of, and paragraph 8, 9 or 15 of Schedule 4 to, the Jobseeker’s Allowance Regulations (persons in residential accommodation); or
- (c) regulation 86 of, and Schedule 3 to, the Jobseeker’s Allowance Regulations (applicable amounts for persons in residential care and nursing homes).”

(10) In regulation 45(1) (reduced benefit directions where there is an additional qualifying child) after the words “regulation 39” in each place where they occur there shall be inserted “or 39ZA”.

(11) In paragraph 1(3)(b) of Schedule 1 (persons of 16 or 17 years of age who are not in full-time non-advanced education) after “income support” there shall be inserted “or income-based jobseeker’s allowance”.

**Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations**

**21.**—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(**61**) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 1(2) (interpretation) after the definition of “the 1972 Order” there shall be inserted the following definition—

““the Jobseekers Order” means the Jobseekers (Northern Ireland) Order 1995(**62**);”.

(3) In regulation 28(1)(**63**) (amount payable where absent parent is in receipt of income support or other prescribed benefit) after the words “income support” in the first place where they occur there shall be inserted “, income-based jobseeker’s allowance”.

(4) In Schedule 1 (calculation of N and M)—

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(61) S.R. 1992 No. 341; relevant amending regulations are S.R. 1993 No. 164

(62) S.I. 1995/2705 (N.I. 15)

(63) Regulation 28(1) was amended by regulation 5(10)(a) and (b) of S.R. 1993 No. 164

- (a) in paragraph 7 after sub-paragraph (1) there shall be inserted the following sub-paragraph—
- “(1A) For the purposes of sub-paragraph (1), an addition to a contribution-based jobseeker’s allowance under regulation 9(4) of the Jobseeker’s Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996<sup>(64)</sup> (transitionally protected period) shall be treated as a dependency increase included with a benefit under the Contributions and Benefits Act.”;
- (b) in paragraph 22—
- (i) the existing provision shall be numbered as sub-paragraph (1), and
- (ii) after sub-paragraph (1) there shall be inserted the following sub-paragraph—
- “(1A) For the purposes of sub-paragraph (1), an addition to a contribution-based jobseeker’s allowance under regulation 9(4) of the Jobseeker’s Allowance (Transitional Provisions) Regulations (Northern Ireland) 1996 (transitionally protected period) shall be treated as a dependency increase included with a benefit under the Contributions and Benefits Act.”, and
- (c) in paragraph 28(b) for “unemployment benefit” there shall be substituted “a contribution-based jobseeker’s allowance”.
- (5) In Schedule 2 (amounts to be disregarded when calculating or estimating N and M), in paragraph 15 after “income support,” there shall be inserted “income-based jobseeker’s allowance,”.
- (6) In the provisions listed in paragraph (7) after the words “the Contributions and Benefits Act” in each place where they occur there shall be inserted “or the Jobseekers Order”.
- (7) The provisions referred to in paragraph (6) are—
- (a) regulation 7(1)(b) (net income: calculation or estimation of N);
- (b) paragraph 6(2) of Schedule 1 (calculation of N and M), and
- (c) paragraph 38 of Schedule 2 (amounts to be disregarded when calculating or estimating N and M).
- (8) In Schedule 2, in paragraph 48, in the definition of “concessionary payment” after “Contributions and Benefits Act” there shall be inserted “or the Jobseekers Order”.

### **Amendment of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations**

- 22.**—(1) In the provisions of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations (Northern Ireland) 1992<sup>(65)</sup> listed in paragraph (2), after the words “income support” in each place where they occur there shall be inserted “or income-based jobseeker’s allowance”.
- (2) The provisions referred to in paragraph (1) are—
- (a) regulation 7 (receipt and retention of interest paid);
- (b) regulation 8<sup>(66)</sup> (retention of recovered arrears of child support maintenance by the Department);
- (c) regulation 10A<sup>(67)</sup> (reimbursement of a repayment of overpaid child maintenance).

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<sup>(64)</sup> S.R. 1996 No. 200

<sup>(65)</sup> S.R. 1992 No. 342; relevant amending regulations are S.R. 1995 No. 475

<sup>(66)</sup> Regulation 8 was substituted by regulation 5(2) of S.R. 1995 No. 475

<sup>(67)</sup> Regulation 10A was inserted by regulation 5(3) of S.R. 1995 No. 475

### **Amendment of the Child Support Fees Regulations**

**23.** In regulation 3(5)(a) of the Child Support Fees Regulations (Northern Ireland) 1993(**68**) (liability to pay fees) after “Benefits (Northern Ireland) Act 1992” there shall be inserted “, or income-based jobseeker’s allowance under the Jobseekers (Northern Ireland) Order 1995”.

### **Amendment of the Social Security (Incapacity Benefit — Increases for Dependants) Regulations**

**24.—**(1) The Social Security (Incapacity Benefit — Increases for Dependants) Regulations (Northern Ireland) 1994(**69**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 10(2) (earnings rules for increases for adult dependants), for “the amount specified in paragraph 1 of Part I of Schedule 4 to that Act” there shall be substituted, subject to paragraph (3), “the amount for the time being specified in regulation 79(1)(c) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (age-related amount for a claimant who has attained the age of 25)”.

(3) Where the amount for the time being specified in regulation 79(1)(c) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 is less than the amount specified in paragraph 1 of Part I of Schedule 4 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as in operation on 6th October 1996, paragraph (2) shall have effect as if the words substituted by that paragraph were “£48·25”.

(4) Paragraph (3) shall apply in a particular case only for so long as the amount substituted by that paragraph is greater than the amount specified in regulation 79(1)(c) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996.

### **Amendment of the Social Security (Incapacity for Work) (General) Regulations**

**25.—**(1) The Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(**70**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 6(3)(a) (information required for determining capacity for work) for “unemployment benefit” there shall be substituted “jobseeker’s allowance”.

(3) In regulation 17A(**71**) (person who claims unemployment benefit to be treated as capable of work) for “on each day in respect of which he claims unemployment benefit” there shall be substituted “throughout any period in respect of which he claims a jobseeker’s allowance” and for “on that day” there shall be substituted “throughout that period”.

### **Revocations**

**26.** The regulations specified in Column (1) of the Schedule are revoked to the extent specified in Column (3).

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(68) S.R. 1993 No. 73, to which there are amendments not relevant to these regulations

(69) S.R. 1994 No. 485, to which there are amendments not relevant to these regulations

(70) S.R. 1995 No. 41; relevant amending regulations are S.R. 1995 No. 149

(71) Regulation 17A was inserted by regulation 4(6) of S.R. 1995 No. 149

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Sealed with the Official Seal of the Department of Health and Social Services on

L.S.

17th July 1996.

*D. G. Ferguson*  
Assistant Secretary

The Department of Finance and Personnel hereby consents to regulation 16 of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on

L.S.

17th July 1996.

*V. N. Hewitt*  
Assistant Secretary

## SCHEDULE

Regulation 26

## Revocations

Column (1) Citation	Column (2) Reference	Column (3) Extent of Revocation
The Social Security (Mariners' Benefits) Regulations (Northern Ireland) 1975	<a href="#">S.R. 1975 No. 108</a>	Regulation 8
The Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977	<a href="#">S.R. 1977 No. 74</a>	Regulation 13
The Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978	<a href="#">S.R. 1978 No. 114</a>	Regulation 15A
The Social Security Benefit (Dependency) (Amendment No. 2) Regulations (Northern Ireland) 1980	<a href="#">S.R. 1980 No. 216</a>	The whole of the Regulations
The Child Benefit (General) (Amendment) Regulations (Northern Ireland) 1980	<a href="#">S.R. 1980 No. 261</a>	Regulation 5
The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984	<a href="#">S.R. 1984 No. 245</a>	Regulations 2, 4 to 7, 7B, 9 to 14, 16, 19 and 23 to 28
The Social Security Benefit (Persons Abroad) (Amendment) Regulations (Northern Ireland) 1986	<a href="#">S.R. 1986 No. 72</a>	The whole of the Regulations
The Social Security (Unemployment Benefit) and Supplementary Benefit (Amendment) Regulations (Northern Ireland) 1986	<a href="#">S.R. 1986 No. 266</a>	Regulation 2
The Social Security (Unemployment, Sickness and Invalidity Benefit) (Amendment) Regulations (Northern Ireland) 1987	<a href="#">S.R. 1987 No. 90</a>	The whole of the Regulations
The Income Support (Transitional) (Amendment) Regulations (Northern Ireland) 1988	<a href="#">S.R. 1988 No. 132</a>	Regulation 12
The Social Security (Unemployment, Sickness and Invalidity Benefit)	<a href="#">S.R. 1988 No. 169</a>	The whole of the Regulations

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Column (1) Citation	Column (2) Reference	Column (3) Extent of Revocation
(Amendment) Regulations (Northern Ireland) 1988		
The Social Security (Unemployment, Sickness and Invalidity Benefit) (Amendment No. 2) Regulations (Northern Ireland) 1988	<a href="#">S.R. 1988 No. 355</a>	The whole of the Regulations
The Social Security (Unemployment, Sickness and Invalidity Benefit) (Amendment No. 3) Regulations (Northern Ireland) 1988	<a href="#">S.R. 1988 No. 434</a>	The whole of the Regulations
The Social Security (Unemployment, Sickness and Invalidity Benefit) (Amendment) Regulations (Northern Ireland) 1989	<a href="#">S.R. 1989 No. 194</a>	Regulation 2(3)
The Social Security (Unemployment, Sickness and Invalidity Benefit) (Amendment No. 2) Regulations (Northern Ireland) 1989	<a href="#">S.R. 1989 No. 364</a>	Regulations 3 to 9
The Social Security (Unemployment, Sickness and Invalidity Benefit) (Amendment No. 3) Regulations (Northern Ireland) 1989	<a href="#">S.R. 1989 No. 437</a>	The whole of the Regulations
The Social Security Benefit (Computation of Earnings) (Amendment) Regulations (Northern Ireland) 1989	<a href="#">S.R. 1989 No. 438</a>	Regulation 2(b)
The Social Security (Unemployment, Sickness and Invalidity Benefit) (Amendment) Regulations (Northern Ireland) 1990	<a href="#">S.R. 1990 No. 276</a>	The whole of the Regulations
The Social Security Benefits (Student Loans and Miscellaneous Amendments) Regulations (Northern Ireland) 1990	<a href="#">S.R. 1990 No. 297</a>	Regulation 5(2)



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Column (1) Citation	Column (2) Reference	Column (3) Extent of Revocation
The Social Security (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 1992	<a href="#">S.R. 1992 No. 83</a>	Regulation 3(3)
The Social Security (Unemployment, Sickness and Invalidity Benefit) (Amendment) Regulations (Northern Ireland) 1992	<a href="#">S.R. 1992 No. 495</a>	The whole of the Regulations
The Social Security (Unemployment, Sickness and Invalidity Benefit) (Amendment) Regulations (Northern Ireland) 1993	<a href="#">S.R. 1993 No. 316</a>	Regulation 3
The Health and Social Services Trusts (Consequential Amendments) Regulations (Northern Ireland) 1994 The Social Security (Incapacity Benefit — Increases for Dependants) Regulations (Northern Ireland) 1994	<a href="#">S.R. 1994 No. 65</a> <a href="#">S.R. 1994 No. 485</a>	Paragraph 1(b) and (c) of Schedule 11 Regulation 15(8)
The Social Security (Incapacity Benefit — Increases for Dependants) Regulations (Northern Ireland) 1994	<a href="#">S.R. 1994 No. 485</a>	Regulation 15(8)
The Social Security (Incapacity Benefit) (Consequential and Transitional Amendments and Savings) Regulations (Northern Ireland) 1995 The Social Security Benefits (Miscellaneous Amendments) Regulations (Northern Ireland) 1995	<a href="#">S.R. 1995 No. 150</a>	Regulations 9, 12(3)(b), 14(7)(b), 17(3), (5) to (8) and (10) Regulation 2(a)
The Social Security Benefits (Miscellaneous Amendments) Regulations (Northern Ireland) 1995	<a href="#">S.R. 1995 No. 280</a>	Regulation 2(a)
The Social Security (Unemployment, Sickness and Invalidity Benefit) (Amendment) Regulations (Northern Ireland) 1995	<a href="#">S.R. 1995 No. 341</a>	The whole of the Regulations

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations further amend the regulations listed below. The amendments are consequential on the coming into operation of the Jobseekers (Northern Ireland) Order 1995 (“the Order”), which replaces income support for the unemployed and unemployment benefit with jobseeker’s allowance. The Regulations replace references to unemployment benefit with references to jobseeker’s allowance, and add references to jobseeker’s allowance where the existing regulations refer to income support.

The Regulations amended by these Regulations are—

- (a) the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975;
- (b) the Social Security (Airmen’s Benefits) Regulations (Northern Ireland) 1975;
- (c) the Social Security (Mariners’ Benefits) Regulations (Northern Ireland) 1975;
- (d) the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977;
- (e) the Social Security Benefit (Persons Residing Together) Regulations (Northern Ireland) 1977;
- (f) the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978;
- (g) the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978;
- (h) the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978;
- (i) the Child Benefit (General) Regulations (Northern Ireland) 1979;
- (j) the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979;
- (k) the Social Security (Widow’s Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979;
- (l) the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984;
- (m) the Family Credit (General) Regulations (Northern Ireland) 1987;
- (n) the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988;
- (o) the Social Security (Recoupment) Regulations (Northern Ireland) 1990;
- (p) the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992;
- (q) the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992;
- (r) the Disability Working Allowance (General) Regulations (Northern Ireland) 1992;
- (s) the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992;
- (t) the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992;

- (u) the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations (Northern Ireland) 1992;
- (v) the Child Support Fees Regulations (Northern Ireland) 1993;
- (w) the Social Security (Incapacity Benefit — Increases for Dependents) Regulations (Northern Ireland) 1994;
- (x) the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995.

A number of regulations are revoked by these Regulations. In particular, most of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984 are revoked. The revocations are listed in the Schedule.

Article 39 of the Order, the enabling provision under which these Regulations are made, is brought into operation, for the purpose only of authorising the making of the Regulations, on 5th February 1996 by virtue of the Jobseekers (1995 Order) (Commencement No. 1) Order (Northern Ireland) 1996 (S.R. 1996 No. 26 (C. 3)). Since these Regulations are made before the end of a period of 6 months from the commencement of the said Article 39, they are, accordingly, exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8), from reference to the Social Security Advisory Committee.