

2000 No. 365

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Joint Claims: Consequential Amendments)
Regulations (Northern Ireland) 2000**

Made 20th November 2000

Coming into operation 19th March 2001

The Department for Social Development, in exercise of the powers conferred on it by sections 5(1)(a), (b), (c) and (q) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992(a), sections 122(1)(d) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b) and sections 10(1), 11(3) and (6) and 74(1) of the Social Security (Northern Ireland) Order 1998(c) and now vested in it(d), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(e) in so far as regulation 3 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation should not be referred to it(f), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Joint Claims: Consequential Amendments) Regulations (Northern Ireland) 2000 and shall come into operation on 19th March 2001.

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

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(h) shall be amended in accordance with paragraphs (2) to (8).

(a) 1992 c. 8
(b) 1992 c. 7
(c) S.I. 1998/1506 (N.I. 10)
(d) See Article 8(b) of, and Part II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)
(e) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); consent function transferred from the Department of the Environment to the Department of Finance and Personnel; see Article 6(b) of, and Part II of Schedule 4 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999
(f) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992
(g) 1954 c. 33 (N.I.)
(h) S.R. 1987 No. 465; relevant amending Regulations are S.R. 1988 No. 141, S.R. 1996 No. 354 and S.R. 1997 Nos. 156 and 417

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

(a) after the definition of “claim for benefit” there shall be inserted the following definition—

““employment officer” means an officer of the Department, an officer of any other Department, or such other person as may be designated for the purposes of Article 10(1) of the Jobseekers (Northern Ireland) Order 1995 by an order made by the Department;”;

(b) after the definition of “the Jobseeker’s Allowance Regulations”(a) there shall be inserted the following definition—

““joint-claim couple” and “joint-claim jobseeker’s allowance” have the same meaning in these Regulations as they have in the Jobseekers Order by virtue of Article 2(2) of that Order(b);”.

(3) In regulation 4 (making a claim for benefit)—

(a) in paragraph (1B)(c)—

(i) at the beginning of sub-paragraph (a) there shall be inserted “subject to paragraph (1BA),”;

(ii) in sub-paragraph (e), after “making the claim” there shall be inserted “or, in the case of a claim for a jobseeker’s allowance by a joint-claim couple, either member of that couple,”;

(b) after paragraph (1B) there shall be inserted the following paragraph—

“(1BA) In the case of a joint-claim couple, claiming a jobseeker’s allowance jointly, paragraph (1B)(a) shall not apply to the extent that it is reasonably practicable for a member of a joint-claim couple to whom that paragraph applies to obtain assistance from the other member of that couple.”;

(c) in paragraph (3B)(d), for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) where there is no entitlement to a contribution-based jobseeker’s allowance on a claim made—

(i) by a member of a joint-claim couple, and he subsequently claims a joint-claim jobseeker’s allowance with the other member of that couple, the claim made by the couple shall be treated as having been made on the date on which the member of that couple made the claim for a jobseeker’s allowance in respect of which there was no entitlement to contribution-based jobseeker’s allowance;

(ii) by one partner and the other partner wishes to claim income-based jobseeker’s allowance, the claim made by that other partner shall be treated as having been made on the date on which the first partner made his claim;”;

(a) Definition inserted by regulation 2(2)(c) of S.R. 1996 No. 354

(b) Article 2(2) was amended by paragraph 2 of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I.11))

(c) Paragraph (1B) was inserted by regulation 3(3)(b) of S.R. 1997 No. 156

(d) Paragraph (3B) was inserted by regulation 2(4)(a) of S.R. 1996 No. 354

- (d) in paragraph (5)(a), after “he” there shall be inserted “, or if he is a member of a joint-claim couple, either member of that couple”;
- (e) in paragraph 6(a)(b), for “notice under regulation 23” there shall be substituted “notification under regulation 23 or 23A(c)”;
- (f) for paragraph (7A)(d), there shall be substituted the following paragraphs—

“(7A) In the case of a claim for income support, if a defective claim is received, the Department shall advise the person making the claim of the defect and of the relevant provisions of regulation 6(1A)(e) relating to the date of claim.

(7B) In the case of a claim for a jobseeker’s allowance, if a defective claim is received, the Department shall advise—

- (a) in the case of a claim made by a joint-claim couple, each member of the couple of the defect and of the relevant provisions of regulation 6(4ZA)(f) relating to the date of the claim;
- (b) in any other case, the person making the claim of the defect and of the relevant provisions of regulation 6(4A)(g) relating to the date of claim.”.

(4) In regulation 6 (date of claim)—

- (a) after paragraph (4)(h) there shall be inserted the following paragraphs—

“(4ZA) Where a member of a joint-claim couple notifies the employment officer (by whatever means) that he wishes to claim a jobseeker’s allowance jointly with the other member of that couple, the claim shall be treated as made on the relevant date specified in accordance with paragraphs (4ZB) to (4ZD).

(4ZB) Where each member of a joint-claim couple is required to attend under regulation 4(6)(a)—

- (a) if each member subsequently attends for the purpose of jointly claiming a jobseeker’s allowance at the time and place specified by the employment officer and complies with the requirements of paragraph (4AA)(a)(i), the claim shall be treated as made on whichever is the later of the first notification of intention to make that claim and the first day in respect of which the claim is made;
- (b) if, without good cause, either member fails to attend for the purpose of jointly claiming a jobseeker’s allowance at either

(a) Paragraph (5) was substituted by regulation 3(3)(c) of S.R. 1997 No. 156
(b) Paragraph (6) was substituted by regulation 2(4)(b) of S.R. 1996 No. 354
(c) Regulation 23A was inserted by paragraph 2 of Schedule 2 to S.R. 2000 No. 350
(d) Paragraph (7A) was inserted by regulation 3(3)(e) of S.R. 1997 No. 156
(e) Paragraph (1A) was inserted by regulation 3(4)(b) of S.R. 1997 No. 156
(f) Paragraph (4ZA) is inserted by regulation 2(4) of these Regulations
(g) Paragraph (4A) was inserted by regulation 3(4)(d) of S.R. 1997 No. 156
(h) Paragraph (4) was inserted by regulation 2(c) of S.R. 1988 No. 141
(i) Paragraph (4AA) was substituted by regulation 3(4)(d) of S.R. 1997 No. 156

the time or place so specified or does not comply with the requirements of paragraph (4AA)(a), the claim shall be treated as made on the first day on which a member of the couple attends at the specified place and complies with the requirements of paragraph (4AA)(a).

(4ZC) Where only one member of the couple is required to attend under regulation 4(6)(a)—

- (a) subject to sub-paragraphs (b) and (c), the date on which the claim is made shall be the date on which a properly completed claim is received in an appropriate office or the first day in respect of which the claim is made, if later, provided the member of the couple who is required to attend under regulation 4(6)(a) does so attend;
- (b) where a properly completed form is received in an appropriate office within one month of the first notification of intention to make that claim, the date of claim shall be the date of that notification;
- (c) if, without good cause, the member of the couple who is required to attend under regulation 4(6)(a) fails to attend for the purpose of making a claim at either the time or place so specified or does not comply with the requirements of paragraph (4AA), the claim shall be treated as made on the first day on which that member does attend at that place and does provide a properly completed claim.

(4ZD) Where, as at the day on which a member of a joint-claim couple (“the first member”) notifies the employment officer in accordance with paragraph (4ZA), the other member of that couple is temporarily absent from Northern Ireland in the circumstances specified in regulation 50(6B) of the Jobseeker’s Allowance Regulations, the date on which the claim is made shall be the relevant date specified in paragraph (4ZB) or (4ZC) but nothing in this paragraph shall treat the claim as having been made on a day which is more than 3 months after the day on which the first member notified the employment officer in accordance with paragraph (4ZA).”;

(b) in paragraph (4A)—

- (i) after “a person” there shall be inserted “who is not a member of a joint-claim couple”;
- (ii) in sub-paragraph (a), after “paragraph (4AA)” in both places where those words occur, there shall be inserted “(b)”;

(c) for paragraph (4AA), there shall be substituted the following paragraph—

“(4AA) Unless the Department otherwise directs, a properly completed claim form shall be provided—

- (a) in a case to which paragraph (4ZA) applies, at or before the time when a member of the joint-claim couple is first required

to attend for the purpose of making a claim for a jobseeker's allowance;

(b) in any other case, at or before the time when the person making the claim for a jobseeker's allowance is required to attend for the purpose of making a claim.”.

(5) In regulation 19(7)(a) (time for claiming benefit), after paragraph (h)(b) there shall be added—

“(i) in the case of a claim for a jobseeker's allowance by a member of a joint-claim couple where the other member of that couple failed to attend at the time and place specified by the employment officer for the purposes of regulation 6.”.

(6) In regulation 21 (direct credit transfer), after paragraph (5) there shall be inserted the following paragraph—

“(5A) In relation to payment of a joint-claim jobseeker's allowance, references in this regulation to the person entitled to benefit shall be construed as references to the member of the joint-claim couple who is the nominated member for the purposes of Article 5B of the Jobseekers Order(c).”.

(7) In regulation 30 (payments on death)—

(a) in paragraph (2), for “paragraph (4)” there shall be substituted “paragraphs (4) and (4A)”;

(b) after paragraph (4) there shall be inserted the following paragraph—

“(4A) In a case where a joint-claim jobseeker's allowance has been awarded to a joint-claim couple and one member of that couple dies, the amount payable under that award shall be payable to the other member of that couple.”.

(8) Regulation 34 (payment to another person on the beneficiary's behalf) shall be numbered regulation 34(1) and—

(a) at the beginning of the renumbered regulation 34(1) there shall be inserted “Except in a case to which paragraph (2) applies,”;

(b) after the renumbered paragraph (1) there shall be added the following paragraph—

“(2) The Department may direct that a joint-claim jobseeker's allowance shall be paid wholly or in part to a natural person who is not the member of the joint-claim couple who is the nominated member for the purposes of Article 5B of the Jobseekers Order if such a direction as to payment appears to the Department to be necessary for protecting the interests of the other member of that couple or, as the case may be, both members of that couple.”.

(a) Regulation 19 was substituted by regulation 3(7) of S.R. 1997 No. 156

(b) Sub-paragraph (h) was added by regulation 2(3)(b) of S.R. 1997 No. 417

(c) Article 5B was inserted by paragraph 5(1) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

Amendment of the Housing Benefit (General) Regulations

3. In regulation 2(3A)(a) of the Housing Benefit (General) Regulations (Northern Ireland) 1987(b) (interpretation)—

- (a) after “21” in both places where that figure occurs there shall be inserted “or 22A”;
- (b) after sub-paragraph (b), there shall be added the following sub-paragraph—
 - “(c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers (Northern Ireland) Order 1995(c) and no joint-claim jobseeker’s allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of Article 22A of that Order.”.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

4. In the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(d)—

- (a) in regulation 3(6) (revision of decisions), after “21” there shall be inserted “or 22A”;
- (b) in regulation 6(2)(f)(e) (supersession of decisions), after “Order” there shall be inserted “or ceases to be payable or is reduced by virtue of Article 22A(5) of that Order”;
- (c) in regulation 7(8)(f) (date from which a decision superseded under Article 11 takes effect)—
 - (i) in sub-paragraph (a), after “21(2)” there shall be inserted “or 22A(3)”;
 - (ii) in sub-paragraph (b), after “21(3)” there shall be inserted “or 22A(4)”.

Sealed with the Official Seal of the Department for Social Development
on 20th November 2000.

(L.S)

John O’Neill
Senior Officer of the Department for
Social Development

(a) Paragraph (3A) was inserted by regulation 2(b) of S.R. 1996 No. 334
(b) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1996 No. 334
(c) S.I. 1995/2705 (N.I.15)
(d) S.R. 1999 No. 162; relevant amending Regulations are S.R. 1999 No. 408
(e) Sub-paragraph (f) was substituted by regulation 3(3)(a) of S.R. 1999 No. 408
(f) Paragraph (8) was substituted by regulation 3(4) of S.R. 1999 No. 408

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

Sealed with the Official Seal of the Department of Finance and Personnel
on 23rd November 2000.

(L.S)

Brian Delaney
Senior Officer of the Department of
Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”), the Housing Benefit (General) Regulations (Northern Ireland) 1987 (“the Housing Benefit Regulations”) and the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 (“the Decisions and Appeals Regulations”).

Regulation 2 amends the Claims and Payments Regulations to reflect new provisions in the Jobseekers (Northern Ireland) Order 1995 whereby certain couples (“joint-claim couples”) may only be entitled to a jobseeker’s allowance if they make a claim for it jointly and both satisfy the conditions for entitlement in that Order. Regulation 2(2) inserts definitions for the purpose of those Regulations. Regulation 2(3) prescribes rules relating to the making of claims by joint-claim couples and regulation 2(4) prescribes the date on which such claims are to be treated as made. Regulation 2(5) prescribes when a member of a joint-claim couple may have a claim backdated and regulation 2(6) to (8) prescribes special rules relating to the payment of jobseeker’s allowance to a joint-claim couple.

Regulation 3 makes consequential amendments to the Housing Benefit (General) Regulations (Northern Ireland) 1987.

Regulation 4 makes consequential amendments to the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999.

These Regulations do not impose a charge on business.

In so far as these Regulations are required, for the purposes of regulation 3, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, (“the 1992 Act”), after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise they make in relation to Northern Ireland provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the 1992 Act, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.