

2002 No. 275

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Employment Programme Amendment)
Regulations (Northern Ireland) 2002**

Made - - - - - 6th September 2002

Coming into operation 14th October 2002

The Department for Social Development, in exercise of the powers conferred by sections 122(1)(a) and (d), 132(3) and (4)(b), 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992^(a) and Articles 14(1) and (4)(b), 21(10)(c) and 36(2) of, and paragraph 3(b) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995^(b), and now vested in it^(c), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel^(d) in so far as regulation 4 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation should not be referred to it^(e), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Employment Programme Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on the 14th October 2002.

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

Amendment of the Jobseeker’s Allowance Regulations

2.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996^(g) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(2) (interpretation) for paragraph (a) of the definition of “self-employment route”^(h) there shall be substituted the following paragraph –

“(a) the Self-Employed Employment Option of the New Deal which is specified in regulation 75(1)(a)(i); or”.

(3) In regulation 48(2)(f)(i)(i) (linking periods) before “Employment Option” the words “Self-Employed” shall be inserted.

(a) 1992 c. 7
(b) S.I. 1995/2705 (N.I. 15)
(c) See Article 8(b) of S.R. 1999 No. 481
(d) 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)); see also Article 6(b) of S.R. 1999 No. 481
(e) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(f) 1954 c. 33 (N.I.)
(g) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1997 No. 541, S.R. 1998 No. 182 and S.R. 2001 No. 151
(h) The definition of “self-employment route” was inserted by regulation 2(b) of S.R. 2001 No. 151
(i) Sub-paragraph (f) was added by regulation 4 of S.R. 1997 No. 541

(4) In regulation 75(1)(a)(a) (interpretation) for head (i)(b) (Employment Option of the New Deal) there shall be substituted the following head –

“(i) the Self-Employed Employment Option of the New Deal, being a programme which lasts for any individual for up to 26 weeks and which includes for that individual assistance in pursuing self-employed earner’s employment;”.

(5) After paragraph 58(c) of Schedule 6 (sums to be disregarded in the calculation of income other than earnings) the following paragraph shall be inserted –

“**58A.** Any mandatory top-up payment made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of that person’s participation in a training scheme specified in regulation 75(1)(b)(ii) (Full-Time Education and Training Option of the New Deal).”.

(6) After paragraph 43(d) of Schedule 7 (capital to be disregarded) the following paragraph shall be inserted –

“**43A.** Any mandatory top-up payment made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of that person’s participation in a training scheme specified in regulation 75(1)(b)(ii) (Full-Time Education and Training Option of the New Deal) but only for the period of 52 weeks from the date of receipt of the payment.”.

Amendment of the Income Support (General) Regulations

3.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(e) shall be amended in accordance with paragraphs (2) to (4) –

(2) In regulation 2(1) (interpretation) for paragraph (a) of the definition of “self-employment route”(f) there shall be substituted the following paragraph –

“(a) the Self-Employed Employment Option of the New Deal which is specified in regulation 75(1)(a)(i) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996; or”.

(3) After paragraph 60(g) of Schedule 9 (sums to be disregarded in the calculation of income other than earnings) the following paragraph shall be inserted –

“**60A.** Any mandatory top-up payment made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of that person’s participation in a training scheme specified in regulation 75(1)(b)(ii) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (Full-Time Education and Training Option of the New Deal).”.

(4) After paragraph 48(h) of Schedule 10 (capital to be disregarded) the following paragraph shall be inserted –

“**48A.** Any mandatory top-up payment made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of that person’s participation in a training scheme specified in regulation 75(1)(b)(ii) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (Full-Time Education and Training Option of the New Deal) but only for the period of 52 weeks from the date of receipt of the payment.”.

Amendment of the Housing Benefit (General) Regulations

4.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(i) shall be amended in accordance with paragraphs (2) and (3).

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- (a) Regulation 75 was substituted by regulation 8 of S.R. 1997 No. 541
 - (b) Head (i) was substituted by Regulation 4(2) of S.R. 1998 No. 182
 - (c) Paragraph 58 was substituted by regulation 10(b) of S.R. 2001 No. 151
 - (d) Paragraph 43 was substituted by regulation 11 of S.R. 2001 No.151
 - (e) S.R. 1987 No. 459; relevant amending Regulations are S.R. 2001 No. 151
 - (f) The definition of “self-employment route” was inserted by regulation 13(2)(b) of S.R. 2001 No. 151
 - (g) Paragraph 60 was substituted by regulation 13(13)(b) of S.R. 2001 No. 151
 - (h) Paragraph 48 was substituted by regulation 13(14) of S.R. 2001 No. 151
 - (i) S.R. 1987 No. 461; relevant amending Regulations are S.R. 2001 No. 151

(2) After paragraph 66 of Schedule 4(a) (sums to be disregarded in the calculation of income other than earnings) the following paragraph shall be inserted –

“**66A.** Any mandatory top-up payment made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of that person’s participation in a training scheme specified in regulation 75(1)(b)(ii) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (Full-Time Education and Training Option of the New Deal).”.

(3) After paragraph 51 of Schedule 5(b) (capital to be disregarded) the following paragraph shall be inserted –

“**51A.** Any mandatory top-up payment made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of that person’s participation in a training scheme specified in regulation 75(1)(b)(ii) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (Full-Time Education and Training Option of the New Deal) but only for a period of 52 weeks from the date of receipt of the payment.”.

Sealed with the Official Seal of the Department for Social Development on 6th September 2002.

(L.S.)

John O’Neill

Senior Officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to regulation 4 of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 6th September 2002.

(L.S.)

N. Taylor

Senior Officer of the Department of Finance and Personnel

(a) Paragraph 66 was substituted by regulation 13(13)(a) of S.R. 2001 No. 151
(b) Paragraph 51 was substituted by regulation 13(15)(a) of S.R. 2001 No. 151

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Jobseeker's Allowance Regulations (Northern Ireland) 1996 the Income Support (General) Regulations (Northern Ireland) 1987 and the Housing Benefit (General) Regulations (Northern Ireland) 1987.

In particular, these Regulations amend the definition of the Employment Option of the New Deal in regulation 75 of the Jobseeker's Allowance Regulations so that the employed earner's Employment Option of the New Deal becomes subject to sanctions of discretionary length and is omitted from the linking provisions set out in regulation 48.

These Regulations also provide that mandatory top-up payments made under section 1 of the Employment and Training Act (Northern Ireland) 1950 (c. 29) in relation to the Full-Time Education and Training Option of the New Deal shall be disregarded in the calculation of income or capital for jobseeker's allowance, income support and housing benefit.

In so far as these Regulations are required, for the purposes of regulation 4, 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 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 1992 Act, are not subject to the requirements of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on business.

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