
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 263

SOCIAL SECURITY

**The Jobseeker's Allowance (Habitual Residence)
(Amendment) Regulations (Northern Ireland) 2014**

Made - - - - 22nd October 2014
Coming into operation 9th November 2014

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Article 6(5) and (12) of the Jobseekers (Northern Ireland) Order 1995(1), and now vested in it(2).

Citation and commencement

1. These Regulations may be cited as the Jobseeker's Allowance (Habitual Residence) (Amendment) Regulations (Northern Ireland) 2014 and come into operation on 9th November 2014.

Amendment of the Jobseeker's Allowance Regulations

2. (1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(3) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) after the definition of "course of study"(4) insert—

““Crown Servant” means a person holding an office or employment under the Crown;” and

(b) after the definition of "Health and Social Services Board" insert—

““Her Majesty's forces” has the meaning in the Armed Forces Act 2006(5);”.

(3) In regulation 85A(6) (special cases: supplemental – persons from abroad)—

(a) in paragraph (2)(a)(7) before “the claimant” insert “subject to the exceptions in paragraph (2A),”; and

(1) [S.I. 1995/2705 \(N.I. 15\)](#)

(2) *See* Article 8(b) of [S.R. 1999 No. 481](#)

(3) [S.R. 1996 No. 198](#); relevant amending Regulations are [S.R. 2006 No. 178](#) and [S.R. 2013 No. 308](#)

(4) The definition of “course of study” was substituted by regulation 4(2)(a) of [S.R. 2000 No. 241](#)

(5) [2006 c. 52](#)

(6) Regulation 85A was inserted by regulation 4(3) of [S.R. 2006 No. 178](#)

(7) Paragraph (2) was substituted by regulation 2 of [S.R. 2013 No. 308](#)

(b) after paragraph (2) insert—

“(2A) The exceptions are where the claimant has at any time during the period referred to in paragraph (2)(a)—

- (a) paid either Class 1 or Class 2 contributions by virtue of regulation 114, 118, 146 or 147 of the Social Security (Contributions) Regulations 2001⁽⁸⁾ or by virtue of an Order in Council having effect under section 155 of the Social Security Administration (Northern Ireland) Act 1992⁽⁹⁾; or
- (b) been a Crown servant posted to perform overseas the duties of a Crown servant; or
- (c) been a member of Her Majesty’s forces posted to perform overseas the duties of a member of Her Majesty’s forces.”

Saving

3. The amendment in regulation 2(3) does not apply in relation to a claim for a jobseeker’s allowance which is made or treated as made before these Regulations come into operation.

Sealed with the Official Seal of the Department for Social Development on 22nd October 2014

Anne McCleary
A senior officer of the Department for Social
Development

(8) [S.I. 2001/1004](#); regulation 146 and 147 were amended by regulations 4 and 5 of [S.I. 2007/1838](#); there are other amending instruments but none are relevant to these Regulations

(9) [1992 c. 8](#); section 155 was amended by paragraph 48 of Schedule 2 to the Jobseeker’s (Northern Ireland) Order 1995, paragraph 84 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 ([S.I. 1998/1506](#) (N.I. 10)), paragraph 19 of Schedule 2 and Schedule 3 to the State Pension Credit Act (Northern Ireland) 2002 ([c. 14](#)), Schedule 6 to the Tax Credits Act 2002 ([c. 21](#)), paragraph 4(25) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 ([c. 2](#)) and regulation 3 of [S.R. 2011 No. 357](#)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 85A of the Jobseeker's Allowance Regulations (Northern Ireland) 1996 in relation to the definition of a "person from abroad".

A claimant for a jobseeker's allowance who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland ("the Common Travel Area") is a person from abroad for whom the applicable amount is nil.

The habitual residence test cannot be satisfied unless the claimant has been living in the Common Travel Area for the past 3 months and that the claimant has a right to reside in the Common Travel Area.

Regulation 2 inserts paragraph (2A) so that claimants who have paid either Class 1 or Class 2 contributions whilst working abroad or who have been a Crown servant or member of Her Majesty's forces posted overseas at any time during the past three months will not be required to have been living in the Common Travel Area for the past 3 months in order to satisfy the habitual residence test. The existing requirement to have a right to reside in the Common Travel Area remains.

Regulation 3 provides a saving for claims made or treated as made before 9th November 2014.

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