

Status: Point in time view as at 20/06/2011. This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Welfare Reform Act (Northern Ireland) 2010, SCHEDULE 1. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 1

Section 4.

AMENDMENTS CONNECTED TO SECTION 4

PART 1

AMENDMENTS OF JOBSEEKERS (NORTHERN IRELAND) ORDER 1995

Introduction

1 The Jobseekers Order is amended as follows.

Work-focused interviews etc.

2 In Article 10(1) (attendance, information and evidence), after “other than a” insert “claimant whose claim is based on meeting condition B in Article 3A or a”.

3 After Article 13 insert—

“Work-focused interviews etc.

Persons not required to meet the jobseeking conditions

13A.—(1) Regulations may make provision for or in connection with imposing on a person—

- (a) who makes a claim for a jobseeker's allowance (other than a joint-claim jobseeker's allowance), and
- (b) to whom Article 10(1) does not apply,

a requirement to take part in a work-focused interview as an additional condition which the person must meet before the person becomes entitled to the allowance.

(2) Regulations may make provision for or in connection with imposing on a person—

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(a) who is entitled to a jobseeker's allowance (other than a joint-claim jobseeker's allowance), and

(b) to whom Article 10(1) does not apply,

a requirement to take part in one or more work-focused interviews as a condition of continuing to be entitled to the full amount of the allowance payable apart from the regulations.

(3) No requirement may be imposed by virtue of this Article on a person who—

(a) is not a member of a couple, and

(b) is responsible for, and a member of the same household as, a child under the age of one.

(4) In this Article and Articles 13B and 13C “work-focused interview”, in relation to any person, means an interview conducted for such purposes connected with employment or training in the case of that person as may be prescribed

(5) The purposes which may be so prescribed include—

(a) purposes connected with a person's existing or future employment or training prospects or needs; and

(b) (in particular) assisting or encouraging a person to enhance the person's employment prospects.

Provision which may be made by regulations under Article 13A

13B.—(1) Regulations under Article 13A(1) or (2) may, in particular, make provision—

(a) prescribing circumstances in which a person is to be subject to a requirement to take part in one or more work-focused interviews (a “relevant requirement”);

(b) for notifying a person of a relevant requirement;

(c) prescribing the work-focused interviews in which a person who is subject to a relevant requirement is required to take part;

(d) for determining, in relation to work-focused interviews under the regulations, when and how the interview is to be conducted and, if it is to be conducted face to face, where it is to take place;

(e) for notifying persons who are subject to a relevant requirement of what is determined in respect of the matters mentioned in subparagraph (d);

(f) prescribing circumstances in which a person who is a party to a work-focused interview under the regulations is to be regarded as having, or not having, taken part in it;

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- (g) for securing that the appropriate consequence follows if a person who is subject to a relevant requirement—
 - (i) fails to take part in the work-focused interview, and
 - (ii) does not, within a prescribed period, show that the person had good cause for that failure;
 - (h) prescribing matters which are, or are not, to be taken into account in determining whether a person has good cause for any failure to comply with the regulations;
 - (i) prescribing circumstances in which a person is, or is not, to be regarded as having good cause for any such failure.
- (2) For the purposes of paragraph (1)(g) “the appropriate consequence” means—
- (a) in the case of regulations under Article 13A(1), that the person is to be regarded as not having made a claim for the allowance or, if the allowance has already been awarded (because the case is within paragraph (6)), the entitlement to it is to cease immediately;
 - (b) in the case of regulations under Article 13A(2), that the amount of the allowance is to be reduced by the prescribed amount until the prescribed time
- (3) Regulations under Article 13A(2) may, in relation to any such reduction, provide—
- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
 - (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
 - (c) where the person is also entitled to one or more relevant benefits, for determining the extent, and the order, in which the jobseeker’s allowance and the relevant benefits are to be reduced in order to give effect to the required reduction.
- (4) Regulations under Article 13A(1) or (2) may provide that a relevant requirement that would otherwise apply to a person by virtue of the regulations—
- (a) is, in any prescribed circumstances, either not to apply or not to apply until such time as is prescribed;
 - (b) is not to apply if the Department or the Department for Employment and Learning determines that a work-focused interview would not be of assistance to the person or would otherwise not be appropriate in the circumstances;

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(c) is not to apply until such time as the Department or the Department for Employment and Learning determines, if that Department determines that a work-focused interview would not be of assistance to the person, or would otherwise not be appropriate in the circumstances, until that time.

(5) The regulations may make provision for treating a person in relation to whom a relevant requirement does not apply, or does not apply until a particular time, as having complied with the requirement to such extent and for such purposes as may be prescribed.

(6) Where—

(a) a person is subject to a relevant requirement as a result of regulations under Article 13A(1), and

(b) the interview is postponed by or under provision of the regulations made as a result of paragraph (4)(a) or (c),

the time to which it is so postponed may be a time falling after an award of the allowance.

(7) In this Article “relevant benefit”, in relation to any person, means any benefit in relation to which the person is required to take part in a work-focused interview by virtue of regulations made under section 2A of the Administration Act.

Action plans in connection with work-focused interview

13C.—(1) The Department or the Department for Employment and Learning must in prescribed circumstances provide an action plan to a person subject to a requirement imposed under Article 13A to take part in a work-focused interview.

(2) In this Article an “action plan” means a document prepared for such purposes as may be prescribed.

(3) Regulations may make provision about—

(a) the form of action plans;

(b) the content of action plans;

(c) the review and updating of action plans.

(4) Regulations may make provision for reconsideration of an action plan at the request of the person to whom it is provided and may, in particular, make provision about—

(a) the circumstances in which reconsideration may be requested;

(b) the period within which any reconsideration must take place;

(c) the matters to which regard must be had when deciding on reconsideration whether the plan should be changed;

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- (d) notification of the decision on reconsideration;
- (e) the giving of directions for the purpose of giving effect to the decision on reconsideration.

(5) In preparing any action plan, the Department or the Department for Employment and Learning must have regard (so far as practicable) to its impact on the well-being of any child who may be affected by it.”.

Directions given by officers of Departments etc.

4 After Article 20 insert—

“Claimants to comply with directions etc.

Requirements imposed on claimants by officers of Departments, etc.

20A.—(1) A claimant must carry out any direction given by an officer of the Department or of the Department for Employment and Learning to the claimant with a view to achieving one or both of the following—

- (a) assisting the claimant to find employment;
- (b) improving the claimant's existing or future prospects of being or remaining employed.

(2) A direction under paragraph (1)—

- (a) must be reasonable, having regard to the claimant's circumstances;
- (b) must be in writing; and
- (c) may be varied or revoked by a subsequent direction given under that paragraph.

(3) If an officer of the Department or of the Department for Employment and Learning notifies a claimant of a place on a training scheme which is vacant or about to become vacant, the claimant

- (a) must apply for the place; and
- (b) if offered the place, must accept it and attend the scheme.

(4) If an officer of the Department or of the Department for Employment and Learning notifies a claimant of a place on an employment programme which is vacant or about to become vacant, the claimant—

- (a) must apply for the place; and
- (b) if offered the place, must accept it and attend the programme.

(5) If an officer of the Department or of the Department for Employment and Learning notifies a claimant of a situation in any employment which is vacant or about to become vacant, the claimant—

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- (a) must apply for the situation; and
 - (b) if offered the situation, must accept it.
- (6) In the case of a person whose claim to a jobseeker's allowance is based on meeting condition B in Article 3A—
- (a) a paragraph (1)(a) direction may not be given except as mentioned in paragraph (7); and
 - (b) paragraphs (4) and (5) do not apply (but see paragraph (7)).
- (7) If a person whose claim to a jobseeker's allowance is based on meeting condition B in Article 3A so agrees—
- (a) a paragraph (1)(a) direction may be given to the person; and
 - (b) a paragraph (1)(b) direction may require the person to apply for a place on an employment programme and, if offered the place, accept it and attend the programme.
- (8) Regulations may, in the case of a person of a prescribed description whose claim to a jobseeker's allowance is based on meeting condition B in Article 3A, provide—
- (a) for a paragraph (1)(b) direction not to be given or not to be given in prescribed circumstances;
 - (b) for paragraph (3) not to apply or not to apply in prescribed circumstances.
- (9) For the purposes of this Article—
- “employment programme” has such meaning as may be prescribed;
 - “paragraph (1)(a) direction” means a direction under paragraph (1) given with a view to achieving the purpose mentioned in subparagraph (a) of that paragraph;
 - “paragraph (1)(b) direction” means a direction under paragraph (1) given with a view to achieving the purpose mentioned in subparagraph (b) of that paragraph;
 - “training scheme” has such meaning as may be prescribed.
- (10) For the purposes of the application of this Article in the case of a joint-claim couple claiming a joint-claim jobseeker's allowance
- (a) a direction or notification under this Article may be given to only one member of the couple, or
 - (b) separate directions or notifications under this Article may be given to each member of the couple,
- and references in this Article to a claimant are to be read accordingly.
- (11) Nothing in any provision of this Article is to be read as prejudicing the generality of any other provision of this Article or of Article 20B.

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(12) For the sanctions for failure to comply with this Article, see Articles 21 and 22A (as read with Articles 20C and 20D).

Work-related activity: Article 3A(4) claimants

20B.—(1) Regulations may make provision for or in connection with imposing on a person—

- (a) whose claim to a jobseeker's allowance is based on meeting condition B in Article 3A, and
- (b) who is not a lone parent of a child under the age of 3,

a requirement to undertake work-related activity in accordance with regulations.

(2) Regulations under this Article may, in particular, make provision—

- (a) prescribing circumstances in which a person is to be subject to any requirement imposed by the regulations (a “relevant requirement”);
- (b) for notifying a person of a relevant requirement;
- (c) prescribing the time or times at which a person who is subject to a relevant requirement is required to undertake work-related activity and the amount of work-related activity the person is required at any time to undertake;
- (d) prescribing circumstances in which a person who is subject to a relevant requirement is, or is not, to be regarded as undertaking work-related activity.

(3) Regulations under this Article may include provision that in such circumstances as the regulations may provide a person's obligation under the regulations to undertake work-related activity at a particular time is not to apply, or is to be treated as not having applied.

(4) Regulations under this Article must include provision for securing that lone parents are entitled (subject to meeting any prescribed conditions) to restrict the times at which they are required to undertake work-related activity.

(5) In prescribed circumstances, the Department or the Department for Employment and Learning may by direction given to a person subject to a requirement imposed under paragraph (1) provide that the activity specified in the direction is—

- (a) to be the only activity which, in the person's case, is to be regarded as being work-related activity; or
- (b) to be regarded, in the person's case, as not being work-related activity.

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(6) But a direction under paragraph (5) may not specify medical or surgical treatment as the only activity which, in any person's case, is to be regarded as being work-related activity.

(7) A direction under paragraph (5) given to any person—

- (a) must be reasonable, having regard to the person's circumstances;
- (b) must be given to the person by being included in an action plan provided to the person under Article 13C; and
- (c) may be varied or revoked by a subsequent direction under that paragraph.

(8) Where a direction under paragraph (5) varies or revokes a previous direction, it may provide for the variation or revocation to have effect from a time before the giving of the direction.

(9) For the purposes of this Article—

“lone parent” means a person who—

- (a) is not a member of a couple, and
- (b) is responsible for, and a member of the same household as, a child;

“work-related activity”, in relation to a person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so.

(10) Nothing in this Article is to be read as prejudicing the generality of any provision of Article 20A.

(11) For the sanctions for failure to comply with this Article, see Article 21 (as read with Articles 20C and 20D).”.

5 Before Article 21 (but after the italic heading immediately before that Article) insert—

“Definitions for purposes of Articles 21 and 22A

20C.—(1) This Article applies for the purposes of Articles 21 and 22A.

(2) A person (“P”) is in breach of a jobseeker's direction if P has, without good cause, refused or failed to carry out a direction given to P under Article 20A(1).

(3) A person (“P”) is in breach of a training scheme requirement if P—

- (a) has, without good cause, refused or failed to do as mentioned in Article 20A(3);
- (b) has, without good cause, neglected to avail himself or herself of a reasonable opportunity of a place on a training scheme;
- (c) has, without good cause, given up a place on a training scheme;

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(d) has, without good cause, failed to attend a training scheme on which P has been given a place; or

(e) has lost a place on a training scheme through misconduct.

(4) A person (“P”) is in breach of an employment programme requirement if P—

(a) has, without good cause, refused or failed to do as mentioned in Article 20A(4);

(b) has, without good cause, neglected to avail himself or herself of a reasonable opportunity of a place on an employment programme;

(c) has, without good cause, given up a place on an employment programme;

(d) has, without good cause, failed to attend an employment programme on which P has been given a place; or

(e) has lost a place on an employment programme through misconduct.

(5) A person (“P”) is in breach of an employment requirement if P—

(a) has, without good cause, refused or failed to do as mentioned in Article 20A(5);

(b) has lost employment as an employed earner through misconduct;

(c) has, without just cause, voluntarily left employment as an employed earner; or

(d) has, without good cause, neglected to avail himself or herself of a reasonable opportunity of employment.

(6) A person (“P”) is in breach of a work-related activity requirement if P has, without good cause, refused or failed to comply with a requirement imposed on P under Article 20B.

(7) In this Article “employment programme” and “training scheme” have the same meaning as in Article 20A.

Article 20C: supplemental

20D.—(1) A person is not to be regarded as breaching any requirement under Article 20C merely because the person refuses to seek or accept employment in a situation which is vacant in consequence of a stoppage of work due to a trade dispute.

(2) A person is not to be regarded as breaching a jobseeker's direction, a training scheme requirement or an employment programme requirement under Article 20C if—

(a) a direction is in force under Article 18 with respect to the person; and

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(b) the person has acted in such a way as to risk—

- (i) having that direction revoked under Article 18(3)(b), or
- (ii) having the amount of jobseeker's allowance reduced by virtue of Article 19 because the condition mentioned in Article 19(3)(b) or (c) is satisfied.

(3) In such circumstances as may be prescribed, a person who might otherwise be regarded as having left employment voluntarily is to be treated for the purposes of Article 20C as not having left voluntarily

(4) The circumstances that may be prescribed include, in particular, where the person has been dismissed by reason of redundancy within the meaning of Article 174(1) of the Employment Rights (Northern Ireland) Order 1996 after volunteering or agreeing to be so dismissed.

(5) Regulations must make provision for the purpose of enabling any person of a prescribed description to accept any employed earner's employment without breaching an employment requirement by virtue of Article 20C(5)(c) or (d) should the person leave that employment voluntarily and without just cause at any time during a trial period.

(6) "Trial period" has such meaning as may be prescribed.

(7) Regulations may for the purposes of Article 20C—

- (a) prescribe matters which are, or are not, to be taken into account in determining whether a person has good cause or just cause for any act or omission;
- (b) prescribe circumstances in which a person is, or is not, to be regarded as having good cause or just cause for any act or omission.

(8) Subject to those regulations, in determining whether, for the purposes of Article 20C, a person has, or does not have, good cause or just cause for any act or omission, any matter relating to the level of remuneration in the employment in question is to be disregarded.

(9) Regulations may, in the case of a person of a prescribed description whose claim to a jobseeker's allowance is based on meeting condition B in Article 3A, provide that Article 20C(3)(b) to (e)—

- (a) are not to apply, or
- (b) are not to apply in prescribed circumstances.

(10) Regulations may make provision for the purposes of Article 20C(6)—

- (a) prescribing the evidence which a person who is subject to a requirement imposed under Article 20B needs to provide in order to show compliance with the requirement;

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(b) prescribing matters which are, or are not, to be taken into account in determining whether a person has complied with such a requirement.

(11) Regulations may make provision for determining, for the purposes of this Article, the day on which a person's employment is to be regarded as starting.”.

6 For Articles 21 and 22 substitute—

“Certain circumstances in which a jobseeker's allowance is not payable

21.—(1) This Article applies in relation to a jobseeker's allowance other than a joint-claim jobseeker's allowance (as to which see Article 22A).

(2) In the case of a claimant whose claim to a jobseeker's allowance is not based on meeting condition B in Article 3A, a jobseeker's allowance is not payable in respect of the claimant for the relevant period if the claimant is in breach of—

- (a) a jobseeker's direction,
- (b) a training scheme requirement,
- (c) an employment programme requirement, or
- (d) an employment requirement,

even though the claimant meets the conditions for entitlement to the allowance.

(3) In the case of a claimant whose claim to a jobseeker's allowance is based on meeting condition B in Article 3A, a jobseeker's allowance is not payable in respect of the claimant for the relevant period if the claimant is in breach of—

- (a) a jobseeker's direction,
- (b) a training scheme requirement, or
- (c) a work-related activity requirement,

even though the claimant meets the conditions for entitlement to the allowance.

(4) In this Article “the relevant period” means—

- (a) in any case where the allowance is not payable because the claimant is in breach of an employment requirement, such period as may be determined by the Department; and
- (b) in any other case, such period as may be prescribed.

(5) The period which may be determined or prescribed under paragraph (4) must be at least one week but not more than 26 weeks.

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(6) Regulations may prescribe—

- (a) circumstances which the Department is to take into account, and
 - (b) circumstances which the Department is not to take into account,
- in determining a period under paragraph (4)(a).

Exemptions from Article 21

22.—(1) In such circumstances as may be prescribed, an income-based jobseeker's allowance is payable in respect of a claimant even though Article 21 prevents payment of a jobseeker's allowance to the claimant.

(2) An income-based jobseeker's allowance is payable by virtue of paragraph (1) only if the claimant has complied with such requirements as to the provision of information as may be prescribed for the purposes of this paragraph.

(3) Regulations under paragraph (1) may, in particular, provide for an income-based jobseeker's allowance payable by virtue of that paragraph to be

- (a) payable at a prescribed rate;
- (b) payable for a prescribed period (which may differ from the period fixed under Article 21(4)).”

7 For Articles 22A and 22B substitute—

“Certain circumstances in which a joint-claim jobseeker's allowance is not payable

22A.—(1) This Article applies in relation to a joint-claim jobseeker's allowance.

(2) A member of a joint-claim couple is subject to sanctions for the purposes of this Article for the relevant period if the member is in breach of—

- (a) a jobseeker's direction,
- (b) a training scheme requirement,
- (c) an employment programme requirement, or
- (d) an employment requirement.

(3) In this Article “the relevant period” means—

- (a) in any case where the member is subject to sanctions because the member is in breach of an employment requirement, such period as may be determined by the Department; and
- (b) in any other case, such period as may be prescribed.

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(4) The period which may be determined or prescribed under paragraph (3) must be at least one week but not more than 26 weeks.

(5) Even though the couple meet the conditions for entitlement to a joint-claim jobseeker's allowance—

(a) the allowance is not payable for any period during which both members of the couple are subject to sanctions; and

(b) the amount of the allowance payable in respect of the couple for any period during which only one member of the couple is subject to sanctions is reduced to an amount calculated by the prescribed method (“the reduced amount”).

(6) The method prescribed for calculating the reduced amount may, in particular, involve—

(a) deducting amounts from, or making percentage reductions of, the amount which would be the amount of the allowance if neither member of the couple were subject to sanctions;

(b) disregarding portions of the applicable amount;

(c) treating amounts as being income or capital of the couple.

(7) During any period for which the amount of a joint-claim jobseeker's allowance is the reduced amount, the allowance is payable to the member of the couple who is not subject to sanctions

(8) Regulations may prescribe—

(a) circumstances which the Department is to take into account, and

(b) circumstances which the Department is not to take into account,

in determining a period under paragraph (3)(a).

Exemptions from Article 22A

22B.—(1) In such circumstances as may be prescribed, a joint-claim jobseeker's allowance is payable in respect of a joint-claim couple even though Article 22A(5)(a) prevents payment of the allowance to the couple.

(2) A jobseeker's allowance is payable by virtue of paragraph (1) only if the couple have complied with such requirements as to the provision of information as may be prescribed for the purposes of this paragraph.

(3) Regulations under paragraph (1) may, in particular, provide for a jobseeker's allowance payable by virtue of that paragraph to be—

(a) payable at a prescribed rate;

(b) payable for a prescribed period (which may differ from the period during which both members of the couple are subject to sanctions for the purposes of Article 22A).”

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Other amendments

8 In Article 2(2) (interpretation)—

(a) after the definition of “the applicable amount” insert—

““the basic conditions” means the conditions set out in Article 3A(7);”, and

(b) after the definition of “jobseeker's agreement” insert—

““the jobseeking conditions” means the conditions set out in Article 3A(7)(a) to (c);”.

9 In Article 3(4) (the jobseeker's allowance), for the definition of “a joint-claim jobseeker's allowance” substitute—

““a joint-claim jobseeker's allowance” means a jobseeker's allowance entitlement to which is based on Article 3B.”.

10 In Article 4(1) (the contribution-based conditions), for “Article 3(2)(d)” substitute “ Article 3A(1)(b) ”.

11.—(1) Article 5 (the income-based conditions) is amended as follows.

(2) In paragraph (1), for “Article 3(2A)(b)” substitute “ Article 3A(3)(b) ”.

(3) After that paragraph insert—

“(1A) The conditions referred to in Article 3A(4)(d) are that the claimant—

(a) satisfies the conditions set out in paragraph (1)(a), (b), (c), (dd), (de) and (e)

(b) is not a member of a couple the other member of which is entitled to an income-based jobseeker's allowance; and

(c) is a person—

(i) who has reached the age of 18; or

(ii) who has reached the age of 16 but not the age of 18 and falls within a prescribed description of person.”.

12 In Article 5A(1) (the conditions for claims by joint-claim couples), for “Article 3(2B)(c)” substitute “ Article 3B(1)(c) ”.

13 In Article 6(11A) (amount payable by way of a jobseeker's allowance), for “Article 3(2C)” substitute “ Article 3A(8) ”.

14 In Article 11 (the jobseeker's agreement)—

(a) in paragraph (2), for “Article 3” substitute “ Article 3A ”;

(b) in paragraph (5), for “Article 3(2)(a) and (c)” substitute “ Article 3A(7)(a) and (c) ”,

(c) in paragraph (6)(a)—

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- (i) in head (i), for “Article 3(2)(a)” substitute “ Article 3A(7)(a) ”, and
- (ii) in head (ii), for “Article 3(2)(c)” substitute “ Article 3A(7)(c) ”, and
- (d) in paragraph (10), for “Article 3(2)(b)” substitute “ Article 3A(7)(b) ”.

15 In Article 12 (variation of jobseeker's agreement)—

- (a) in paragraph (4), for “Article 3(2)(a) and (c)” substitute “ Article 3A(7)(a) and (c) ”, and
- (b) in paragraph (5)(a)—
 - (i) in head (i), for “Article 3(2)(a)” substitute “ Article 3A(7)(a) ”, and
 - (ii) in head (ii), for “Article 3(2)(c)” substitute “ Article 3A(7)(c) ”.

16.—(1) Article 16 (trade disputes) is amended as follows.

(2) In paragraph (1), at the beginning insert “ Except in prescribed circumstances, ”.

(3) In paragraph (2), at the beginning insert “ Except in prescribed circumstances, ”.

(4) After paragraph (2) insert—

“(2A) Paragraphs (1) and (2) do not apply to a person who is a member of a couple unless the other member of the couple is a person to whom either of those paragraphs apply (but see instead the provision made by Article 17).”.

17.—(1) Article 17 (effect on other claimants) is amended as follows.

(2) For paragraph (1) substitute—

“(1) Except in prescribed circumstances, paragraph (2) applies in relation to any person (“P”) who—

- (a) is a member of a couple, and
- (b) claims an income-based jobseeker's allowance

in any case where, if paragraph (2A) of Article 16 were to be disregarded, either P or the other member of the couple (but not both) would be prevented by that Article from being entitled to a jobseeker's allowance.

(1A) In this Article any reference to the relevant person is to the member of the couple concerned who would be prevented by that Article from being so entitled (whether or not that person is also the claimant).”.

(3) In paragraph (2)—

- (a) in sub-paragraph (a), for “A” substitute “ the relevant person ”,
- (b) in sub-paragraph (b), for the words from “where” to “them” substitute “ any portion of the applicable amount which is included in respect of the couple ”, and

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(c) in sub-paragraph (c), for “A” (in both places) substitute “ the relevant person ” and for “A's” substitute “ that person's ”.

(4) In paragraph (4), for “A” (in both places) substitute “ the relevant person ”.

18.—(1) Article 17A (trade disputes: joint-claim couples) is amended as follows.

(2) After paragraph (1) insert—

“(1A) Article 16 shall apply as if paragraph (2A) of that Article were omitted.”.

(3) In paragraph (4), omit sub-paragraph (b) (together with the “or” immediately before it).

(4) In paragraph (5)—

(a) for sub-paragraph (b) substitute—

“(b) references to the relevant person are to the person mentioned in paragraph (4)(a);”, and

(b) omit sub-paragraph (c) (but not the “and” at the end of it).

19 After Article 17A insert—

“Other provision relating to a person's return to work

17B.—(1) This Article applies if a person (“P”) returns to work with the same employer after a period during which—

(a) P is, or would be, prevented by Article 16 from being entitled to a jobseeker's allowance, or

(b) Article 17(2) applies in a case where (if paragraph (2A) of Article 16 were to be disregarded) P would be prevented by that Article from being so entitled.

(2) It does not matter whether or not the return to work is before the end of the stoppage of work in question.

(3) In the case of a claim for an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance—

(a) P is to be treated as not engaged in remunerative work until the end of the period of 15 days beginning with the day on which P returns to work, an

(b) any sum paid by way of a jobseeker's allowance for that period of 15 days to P or, if P is a member of a couple, to the other member of the couple is recoverable in accordance with regulations from the person to whom it was paid or from any prescribed person or, where the person to whom it was paid is a member of a couple, from the other member of the couple.

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- (4) In the case of a claim for a joint-claim jobseeker's allowance—
- (a) P is to be treated as meeting the jobseeking conditions, and as not engaged in remunerative work, until the end of the period of 15 days beginning with the day on which P returns to work, and
 - (b) any sum paid by way of a joint-claim jobseeker's allowance for that period of 15 days in respect of the couple is recoverable in accordance with regulations from each member of the couple or from any prescribed person.”.

20 In—

- (a) Article 19A(8) (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.), which is inserted by section 1, and
- (b) Article 22C(7) (sanctions for violent conduct in connection with claim), which is inserted by section 20,

for “Article 22B(4)” substitute “ Article 22B(1) ”.

21 In Article 24(2) (members of the forces), for “Article 21(6)(b)” substitute “ Article 20C(5)(c) ”.

22 In Article 36(4)(b) (regulations and orders), which is inserted by section 1, after “Article” insert “ 13A, 13C, 20B or ”.

23.—(1) Schedule 1 (supplementary provisions) is amended as follows.

(2) In paragraph 2, at the end add—

“(4) Regulations may provide that the condition in Article 3A(7)(e) (person not to have limited capability for work) is not to apply in prescribed circumstances to a person whose claim to a jobseeker's allowance is based on meeting condition B in Article 3A.”.

(3) For paragraph 8 substitute—

“**8** Regulations may prescribe circumstances in which a person may be entitled to an income-based jobseeker's allowance without being required to meet the jobseeking conditions in any case where the person would not otherwise be so entitled.”.

(4) In paragraph 8A(1), for “conditions referred to in Article 3(2B)(b)” substitute “ basic conditions ”.

(5) In paragraph 14—

- (a) renumber the existing text as sub-paragraph (1), and
- (b) after that sub-paragraph (as renumbered) insert—

“(2) Regulations may provide that the condition in Article 3A(7) (f) (person not to be receiving relevant education) is not to apply

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in prescribed circumstances to a person whose claim to a jobseeker's allowance is based on meeting condition B in Article 3A.”

(6) After paragraph 14 insert—

“Pensionable age

14A Regulations may provide that in prescribed circumstances the condition in Article 3A(7)(g) (person to be under pensionable age) is to have effect in relation to a person whose claim to a jobseeker's allowance is based on meeting condition B in Article 3A as if for “pensionable age” there were substituted “the qualifying age for state pension credit (within the meaning of the State Pension Credit Act (Northern Ireland) 2002)”.”.

PART 2

AMENDMENTS OF OTHER STATUTORY PROVISIONS

The Social Security Administration (Northern Ireland) Act 1992 (c. 8)

24 In section 2A of the Administration Act (claim or full entitlement to certain benefits conditional on work-focused interview), at the end add—

“(9) For the purposes of this section—

- (a) the references in subsections (4)(a) and (5)(c) to a relevant benefit include references to a jobseeker's allowance in relation to which a person is required to take part in a work-focused interview by virtue of regulations made under Article 13A of the Jobseekers (Northern Ireland) Order 1995;
- (b) the reference in subsection (5)(c) to any reduction of the amount of benefit payable to any person under subsection (4)(b) includes a reference to any reduction of the amount of a jobseeker's allowance payable in respect of that person by virtue of those regulations.”.

The Social Security (Northern Ireland) Order 1998 (NI 10)

25 In paragraph 3(d) of Schedule 3 to the 1998 Order (decisions against which an appeal lies), after “Article 21” insert “ or 22A ”.

The Welfare Reform Act (Northern Ireland) 2007 (c. 2)

26 In section 1(6) of the Welfare Reform Act (employment and support allowance), in the definition of “joint-claim jobseeker's allowance”, for “Article 3(2B)” substitute “ Article 3B ”.

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Changes to legislation:

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