

*These notes refer to the Welfare Reform Act (Northern Ireland)
2010 (c.13) which received Royal Assent on 13 August 2010*

Welfare Reform Act (Northern Ireland) 2010

EXPLANATORY NOTES

SCHEDULES

Schedule 1 - Amendments connected to section 4

Part 1

22B: Exemptions from Article 22A

New Article 22B of the 1995 Order makes exemptions from new Article 22A, in the same manner that new Article 22 makes exemptions from new Article 21.

Paragraphs 8 to 15 (Other amendments) of Schedule 1 amend the Jobseekers (Northern Ireland) Order 1995 so that the new provisions are properly cross-referenced throughout that Order and deal with some consequential matters.

Paragraph 16 of Schedule 1 amends Article 16 of the Jobseekers (Northern Ireland) Order to provide that except in prescribed circumstances a single person who is involved in a trades dispute will not qualify for jobseeker's allowance. The exceptions to the general rule are to be prescribed in regulations.

Paragraphs 17 and 18 of Schedule 1 amend Articles 17 and 17A of the Jobseekers (Northern Ireland) Order 1995 to provide that in trade dispute cases involving couples a claim may be accepted from either member of the couple subject to the other conditions in those provisions applying. The claimant can only receive a reduced amount of benefit while either member of a couple is involved in the trade dispute.

Paragraph 19 of Schedule 1 inserts new Article 17B into the Jobseekers (Northern Ireland) Order 1995. The provisions will specify that when the person involved in a trade dispute returns to work, the person (or the person's partner) may be able to receive the full normal rate of jobseeker's allowance that would apply to his or her circumstances for the first 15 days following the person's return to work. The normal rules which prevent jobseeker's allowance being paid when a person is in remunerative work are suspended for the 15 day period to ensure that the claimant cannot be excluded under those provisions. Any benefit awarded under this rule will be recoverable from the claimant or, where the claim is from a couple, the other member of the couple. These provisions are similar to those which currently apply in respect of income support.

Paragraphs 20 to 22 of Schedule 1 make further minor amendments to the Jobseekers (Northern Ireland) Order 1995 to take account of the new provision.

Paragraph 23(2) of Schedule 1 inserts provision into the 1995 Order to allow regulations to be made to ensure that in some circumstances a person who has limited capability for work can claim jobseeker's allowance. There are some people who do not have to meet the jobseeking conditions who will have a choice over which benefit to claim. For example, a disabled lone parent who has a child under seven years of age could claim either employment and support allowance, and be subject to full employment and support allowance conditionality, or he or she could claim jobseeker's allowance without the jobseeking conditions. The regulations will give these groups a choice as to which benefit they would prefer to claim.

Paragraph 23(3) of Schedule 1 is intended to amend an existing provision in Schedule 1 of the Jobseekers (Northern Ireland) Order 1995, which allows people to continue to receive jobseeker's allowance temporarily without being available for work, having entered into a jobseeker's agreement, or actively seeking employment. The amendment reflects the fact that in the future these conditions are going to be referred to as the jobseeking conditions.

Paragraph 23(5)(b) of Schedule 1 provides for regulations to prescribe circumstances in which a person who is in relevant education and who is not required to meet the jobseeking conditions may claim jobseeker's allowance. There are similar provisions relating to income support for this group of persons.

Paragraph 23(6) of Schedule 1 provides for regulations to prescribe circumstances in which people who are not required to meet the jobseeking conditions will be required to be under the qualifying age for state pension credit in order to qualify for jobseeker's allowance. These rules are similar to those that apply in relation to income support.