

SCHEDULES

SCHEDULE 1

AMENDMENTS CONNECTED TO SECTION 4

PART 1

AMENDMENTS OF JOBSEEKERS (NORTHERN IRELAND) ORDER 1995

Directions given by officers of Departments etc.

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;

(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
- (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

Status: This is the original version (as it was originally enacted).

(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;

(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."