
STATUTORY INSTRUMENTS

1995 No. 2705

The Jobseekers (Northern Ireland) Order 1995

Part II

The Jobseeker's Allowance

Jobseeking

Variation of jobseeker's agreement

12.—(1) A jobseeker's agreement may be varied, in the prescribed manner, by agreement between the claimant and any employment officer.

(2) Any agreement to vary a jobseeker's agreement shall be in writing and be signed by both parties.

(3) A copy of the agreement, as varied, shall be given to the claimant.

(4) An employment officer shall not agree to a variation of a jobseeker's agreement, unless, in the officer's opinion, the conditions mentioned in Article 3(2)(a) and (c) would continue to be satisfied with respect to the claimant if he were to comply with, or be treated as complying with, the agreement as proposed to be varied.

(5) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed variation of a jobseeker's agreement to an adjudication officer for him to determine—

(a) whether, if the claimant concerned were to comply with the agreement as proposed to be varied, he would satisfy—

(i) the condition mentioned in Article 3(2)(a), or

(ii) the condition mentioned in Article 3(2)(c); and

(b) whether it is reasonable to expect the claimant to have to comply with the agreement as proposed to be varied.

(6) An adjudication officer to whom a reference is made under paragraph (5)—

(a) shall so far as practicable dispose of it in accordance with this Article before the end of the period of 14 days from the date of the reference;

(b) shall give such directions as he considers appropriate as to—

(i) whether the jobseeker's agreement should be varied, and

(ii) if so, the terms on which the claimant and the employment officer are to enter into an agreement to vary it;

(c) may bring the jobseeker's agreement to an end where the claimant fails, within a prescribed period, to comply with a direction given under sub-paragraph (b)(ii);

(d) may direct that, if—

(i) the jobseeker's agreement is varied, and

- (ii) such conditions as varied is to be treated as having effect on such date, before it would otherwise have effect, as may be specified in the direction.
- (7) Regulations may provide—
 - (a) or such matters as may be prescribed to be taken into account by an adjudication officer in giving a direction under paragraph (6)(b) or (d); and
 - (b) for such persons as may be prescribed to be notified of—
 - (i) any determination of an adjudication officer under this Article;
 - (ii) any direction given by an adjudication officer under this Article.
- (8) Any determination of an adjudication officer under this Article shall be binding.