
STATUTORY INSTRUMENTS

1995 No. 2705

The Jobseekers (Northern Ireland) Order 1995

Part I

Introductory

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F1} applies to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

[^{F2}“adjudication officer” means an adjudication officer appointed under section 36 of the Administration Act;]

“the Administration Act” means the Social Security Administration (Northern Ireland) Act 1992^{F3};

“applicable amount” means the applicable amount determined in accordance with regulations under Article 6;

“benefit year” has the meaning given by Article 4(4);

“the Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992^{F4};

“child” means a person under the age of 16;

“claimant” means a person who claims a jobseeker's allowance^{F5} except that in relation to a joint-claim couple claiming a joint-claim jobseeker's allowance it means the couple, or each member of the couple, as the context requires;]

“contribution-based conditions” means the conditions set out in Article 4;

“contribution-based jobseeker's allowance” has the meaning given in Article 3(4);

[^{F6}“couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners otherwise than in prescribed circumstances;]

“the Department” means the Department of Health and Social Services;

“employed earner” has the meaning prescribed for the purposes of this Order;

“employment”, except in Article 9, has the meaning prescribed for the purposes of this Order;

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“entitled”, in relation to a jobseeker's allowance, is to be construed in accordance with—

- (a) the provisions of this Order relating to entitlement; and
- (b) [^{F7}section 1 of the Administration Act and Article 27 of the Social Security (Northern Ireland) Order 1998] ;

“family” means—

- (a) a^{F8} couple];
- (b) a^{F8} couple] and a member of the same household for whom one of them is, or both are, responsible and who is a child or a person of a prescribed description;
- (c) except in prescribed circumstances, a person who is not a member of a^{F8} couple] and a member of the same household for whom that person is responsible and who is a child or a person of a prescribed description;

[^{F9}“FAS payments” means payments made under the Financial Assistance Scheme Regulations 2005;]

“income-based conditions” means the conditions set out in Article 5;

“income-based jobseeker's allowance” has the meaning given in Article 3(4);

“jobseeker's agreement” has the meaning given by Article 11(1);

“jobseeking period” has the meaning prescribed for the purposes of this Order;

[^{F5}“joint-claim couple” and “joint-claim jobseeker's allowance” have the meanings given by Article 3(4);]

Definition rep. by 2004 c. 33

“National Insurance Fund” means the Northern Ireland National Insurance Fund;

[^{F5}“the nominated member”, in relation to a joint-claim couple, shall be construed in accordance with Article 5B(4);]

“Northern Ireland” includes the territorial waters of the United Kingdom adjacent to Northern Ireland;

“occupational pension scheme” has the same meaning as it has in the Pension Schemes (Northern Ireland) Act 1993^{F10} by virtue of section 1 of that Act;

“pensionable age” has the meaning prescribed for the purposes of this Order;

“pension payments” means—

- (a) periodical payments made in relation to a person, under a personal pension scheme or, in connection with the coming to an end of an employment of his, under an occupational pension scheme or a public service pension scheme; and
- (b) such other payments as may be prescribed;

“personal pension scheme” means—

- (a) a personal pension scheme as defined by section 1 of the Pension Schemes (Northern Ireland) Act 1993;
- (b) a contract or trust scheme approved under Chapter III of Part XIV of the Income and Corporation Taxes Act 1988^{F11}; and
- (c) a personal pension scheme approved under Chapter IV of that Part of that Act;

[^{F12}“PPF payments” means any payments made in relation to a person—

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- (a) payable under the pension compensation provisions as specified in Article 146(2) of the Pensions (Northern Ireland) Order 2005 or section 162(2) of the Pensions Act 2004 (the pension compensation provisions); or
- (b) payable under Article 150 of the Pensions (Northern Ireland) Order 2005 or section 166 of the Pensions Act 2004 (duty to pay scheme benefits unpaid at assessment date etc.);]

“prescribed”^[F13], except in Article 29 (and in Article 36 so far as relating to regulations under Article 29)] means specified in or determined in accordance with regulations;

“public service pension scheme” has the same meaning as it has in the Pension Schemes (Northern Ireland) Act 1993 by virtue of section 1 of that Act;

“regulations”^[F13], except in Article 29 (and in Article 36 so far as relating to regulations under Article 29)] means regulations made by the Departments;

“tax year” means the 12 months beginning with 6th April in any year;

“trade dispute” means any dispute between employers and employees, or between employees and employees, which is connected with the employment or non-employment or the terms of employment or the conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises, or not;

“training” has the meaning prescribed for the purposes of this Order and, in relation to prescribed provisions of this Order, if regulations so provide, includes assistance to find training or employment, or to improve a person's prospects of being employed, of such a kind as may be prescribed;

Definition rep. by 2004 c. 33

“week” means a period of 7 days beginning with a Sunday or such other period of 7 days as may be prescribed;

“work” has the meaning prescribed for the purpose of this Order;

“year”, except in the expression “benefit year”, means a tax year.

[^{F6}(2A) For the purposes of this Order, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.]

(3) The expressions “capable of work”, “linked period”, “relevant education” and “remunerative work” are to be read with paragraphs 2, 3, 14 and 1 of Schedule 1.

(4) Subject to any regulations made for the purposes of this paragraph, “earnings” is to be construed for the purpose of this Order in accordance with section 3 of the Benefits Act and paragraph 6 of Schedule 1 to this Order.

F1 1954 c. 33 (NI)

F2 Art. 2(2): definition of "adjudication officer" repealed (18.10.1999 for certain purposes, otherwise prosp.) by [Social Security \(Northern Ireland\) Order 1998 \(S.I. 1998/1506 \(N.I. 10\)\)](#), arts. 1(2)(4), 78, Sch. 6 para. 101(a), [Sch. 7](#)

F3 1992 c. 8

F4 1992 c. 7

F5 1999 NI 11

F6 2004 c.33

F7 Art. 2(2) definition of "entitled": words beginning "section 1" and ending "1998" substituted for words beginning "sections 1" and ending "Act;" (18.10.1999 for certain purposes, otherwise prosp.) by [Social Security \(Northern Ireland\) Order 1998 \(S.I. 1998/1506 \(N.I. 10\)\)](#), arts. 1(2)(4), 78, [Sch. 6 para. 101\(b\)](#)

F8 2004 c.33

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- F9** Art. 2(2): definition of "FAS payments" inserted (14.2.2006) by Pensions (2004 Act and 2005 Order) (PPF Payments and FAS Payments) (Consequential Provisions) Order (Northern Ireland) 2006 (S.R. 2006/37), arts. 1(1), 2, **Sch. para. 2(2)(a)**
- F10** 1993 c. 49
- F11** 1988 c. 1
- F12** Art. 2(2): definition of "PPF payments" inserted (14.2.2006) by Pensions (2004 Act and 2005 Order) (PPF Payments and FAS Payments) (Consequential Provisions) Order (Northern Ireland) 2006 (S.R. 2006/37), arts. 1(1), 2, **Sch. para. 2(2)(b)**
- F13** SI 1999/671

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