

STATUTORY INSTRUMENTS

**1995 No. 2705**

**The Jobseekers (Northern Ireland) Order 1995**

**Part II**

**The Jobseeker's Allowance**

*<sup>F1</sup> “Work for your benefit” schemes etc.*

**F1** Arts. 19A, 19B and crossheading inserted (13.8.2010) by [Welfare Reform Act \(Northern Ireland\) 2010](#) (c. 13), **ss. 1(2), 36(1)(a)**

**Schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.**

**19A.**—<sup>F2</sup>(1) Regulations may make provision for or in connection with imposing on claimants in prescribed circumstances a requirement to participate in schemes of any prescribed description that are designed to assist them to obtain employment.

(2) Regulations under this Article may, in particular, require participants to undertake work, or work-related activity, during any prescribed period with a view to improving their prospects of obtaining employment.

(3) In paragraph (2) “work-related activity”, in relation to any person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so

(4) Regulations under this Article may not require a person to participate in a scheme unless the person would (apart from the regulations) be required to meet the jobseeking conditions.

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

- (a) for notifying participants of the requirement to participate in a scheme within paragraph (1);
- (b) for securing that participants are not required to meet the jobseeking conditions or are not required to meet such of those conditions as are specified in the regulations;
- (c) for suspending any jobseeker's agreement to which a person is a party for any period during which the person is a participant;

<sup>F3</sup>(d) .....

<sup>F3</sup>(e) .....

<sup>F3</sup>(f) .....

<sup>F4</sup>(6) .....

<sup>F4</sup>(7) .....

<sup>F4</sup>(8) .....

<sup>F4</sup>(9) .....

*Status: Point in time view as at 27/09/2017.*

*Changes to legislation: The Jobseekers (Northern Ireland) Order 1995, Cross Heading: "Work for your benefit" schemes etc. is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(10) In this Article—

[<sup>F5</sup>“claimant”, in relation to a joint-claim couple claiming a joint-claim jobseeker's allowance, means either or both of the members of the couple;]

“the jobseeking conditions” means the conditions set out in Article 3(2)(a) to (c);

“participant”, in relation to any time, means any person who is required at that time to participate in a scheme within paragraph (1).]

- F2** Art. 19A repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, art. 9 (with arts. 10-25)
- F3** Arts. 19A(5)(d)-(f) repealed (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 3**; S.R. 2017/190, art. 3(1)(2)(j)
- F4** Arts. 19A(6)-(9) repealed (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 3**; S.R. 2017/190, art. 3(1)(2)(j)
- F5** Words in art. 19A(10) repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)

#### Article 19A: supplemental

**19B.**—[<sup>F6</sup>(1) For the purposes of, or in connection with, any scheme within Article 19A(1) the Department <sup>F7</sup>... may—

- (a) make arrangements (whether or not with other persons) for the provision of facilities;
- (b) provide support (by whatever means) for arrangements made by other persons for the provision of facilities;
- (c) make payments (by way of fees, grants, loans or otherwise) to persons undertaking the provision of facilities under arrangements within sub-paragraph (a) or (b);
- (d) make payments (by way of grants, loans or otherwise) to persons participating in the scheme;
- (e) make payments in respect of incidental expenses.

(2) In paragraph (1) “facilities” includes services, and any reference to the provision of facilities includes the making of payments to persons participating in the scheme.

(3) The power of [<sup>F8</sup>the Department for Communities or the Department for the Economy] to make an order under Article 4 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (status of trainees) includes power to make, in relation to—

- (a) persons participating in any scheme within Article 19A(1), and
- (b) payments received by them by virtue of paragraph (1),

provision corresponding to any provision which (by virtue of Article 4(1) or (2) of that Order) may be made in relation to persons using such facilities, and to such payments received by them, as are mentioned in Article 4(1) of that Order.]

- F6** [Art. 19B](#) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, art. 9 (with arts. 10-25)

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| <p><b>F7</b> Words in art. 19B(1) omitted (8.5.2016) by virtue of <a href="#">The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76)</a>, art. 1(3), <b>Sch. 6 para. 43(a)</b> (with art. 9(2))</p> <p><b>F8</b> Words in art. 19B(3) substituted (8.5.2016) by <a href="#">The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76)</a>, art. 1(3), <b>Sch. 6 para. 43(b)</b> (with art. 9(2))</p> |
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## Recovery of overpayments

20. In the Administration Act, insert after section 69—

### *“Jobseeker's allowance*

#### **Recovery of jobseeker's allowance: severe hardship cases.**

**69A.—**(1) Where—

- (a) a severe hardship direction is revoked; and
- (b) it is determined by an adjudication officer that—
  - (i) whether fraudulently or otherwise, any person has misrepresented, or failed to disclose, any material fact; and
  - (ii) in consequence of the failure of misrepresentation, payment of a jobseeker's allowance has been made during the relevant period to the person to whom the direction related,

an adjudication officer may determine that the Department is entitled to recover the amount of the payment.

(2) In this section—

“severe hardship direction” means a direction given under Article 18 of the Jobseekers (Northern Ireland) Order 1995; and

“the relevant period” means—

- (a) if the revocation is under Article 18(3)(a) of that Order, the period beginning with the date of the change of circumstances and ending with the date of the revocation; and
- (b) if the revocation is under Article 18(3)(b) or (c) of that Order, the period during which the direction was in force.

(3) Where a severe hardship direction is revoked, the Department may certify whether there has been misrepresentation of a material fact or failure to disclose a material fact.

(4) If the Department certifies that there has been such misrepresentation or failure to disclose, it may certify—

- (a) who made the misrepresentation or failed to make the disclosure; and
- (b) whether or not a payment of jobseeker's allowance has been made in consequence of the misrepresentation or failure.

(5) If the Department certifies that a payment has been made, it may certify the period during which a jobseeker's allowance would not have been paid but for the misrepresentation or failure to disclose.

(6) A certificate under this section shall be conclusive as to any matter certified.

(7) Subsections (3) and (6) to (10) of section 69 above apply to a jobseeker's allowance recoverable under subsection (1) above as they apply to a jobseeker's allowance recoverable under section 69(1) above.

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**Status:** Point in time view as at 27/09/2017.

**Changes to legislation:** The Jobseekers (Northern Ireland) Order 1995, Cross Heading: "Work for your benefit" schemes etc. is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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(8) The other provisions of section 69 above do not apply to a jobseeker's allowance recoverable under subsection (1) above.”.]

**Status:**

Point in time view as at 27/09/2017.

**Changes to legislation:**

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