
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations are made by virtue of, or are consequential upon, provisions in the Jobseekers (Northern Ireland) Order 1995 (“the 1995 Order”).

Article 3 of the 1995 Order introduces a new benefit, to be known as a jobseeker’s allowance, for those available for and actively seeking employment. Many of these Regulations are made under powers contained in Part II of the 1995 Order.

Part I of these Regulations contains provisions relating to citation, commencement and interpretation.

Part II is about jobseeking. Regulation 4 is a general interpretation provision for this Part. Chapter II of Part II contains detailed provisions on the requirement to be available for employment. In particular, they provide that a person—

- (a) must normally be available to take up employment of at least 40 hours per week and if he restricts the hours for which he is available to 40 hours per week the times he is available must offer reasonable prospects of securing employment (regulations 6 and 7);
- (b) may place other restrictions on his availability provided he can show that he has reasonable prospects of securing employment notwithstanding those restrictions (regulation 8).

Regulations 14 to 17 contain provisions setting out the circumstances in which a person is to be treated as available for employment.

Chapter III contains provisions setting out the steps a person must take to establish that he is actively seeking employment (regulation 18) and specifies the circumstances in which a person is to be treated as actively seeking employment (regulations 19 to 22).

Chapter IV contains provisions as to attendance by the claimant (regulation 23) and the provision of information and evidence (regulation 24). Regulations 25 to 30 provide for the circumstances in which entitlement to a jobseeker’s allowance is to cease in the case of a failure to comply with regulation 23 or 24 and for the matters to be taken into account in determining whether to stop entitlement.

Chapter V contains details of the contents of the Jobseeker’s Agreement (regulation 31) and matters relating to backdating (regulation 35), reviews (regulation 41) and appeals (regulations 42 to 45).

Part III also deals with conditions of entitlement. Regulation 46 provides for the number of waiting days at the beginning of a jobseeking period to be 3, and regulation 47 identifies which days count for the purpose of determining the jobseeking period. Regulation 48 provides for certain periods, including any period during which a person is on jury service, to link with jobseeking periods to provide continuity. Regulation 49 treats certain people approaching pensionable age as satisfying the jobseeking conditions. Provisions are included dealing with persons who are temporarily absent from Northern Ireland (regulation 50) and for those who are engaged in remunerative work (regulations 51 to 53). There are also provisions relating to relevant education (regulation 54) and short periods of sickness (regulation 55).

Part IV contains provisions in respect of young people who fall within the prescribed circumstances as referred to in regulation 58 or for whom a direction under Article 18 of the 1995 Order is in operation. It contains special rules for young people as to the availability for employment and actively seeking employment tests, the jobseeker’s agreement and sanctions.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Part V deals with sanctions, when they apply and whether claimants have good cause for their actions (regulations 72 and 73).

Part VI identifies who is and who is not a member of the claimant's family.

Part VII specifies the amount of the contribution-based jobseeker's allowance (regulations 79 to 81) and provides for the calculation of the applicable amount in a variety of situations (regulations 82 to 86 and Schedules 1 to 4).

Part VIII contains provisions for the calculation of income and capital. Chapters II to VI make provision for income not expressly disregarded to be taken into account on a weekly basis; define earnings and prescribe the manner in which earnings and other income are to be calculated; they also prescribe the circumstances in which capital is to be treated as income and a person is to be treated as possessing income which he in fact does not possess. Chapter VI makes provision for the calculation of capital; sets the capital limit over which a person is not to be entitled to benefit at £8,000 and provides for a weekly tariff income on capital over £3,000 but under £8,000 at a rate of £1 for every £250. Chapters VII to IX make special provisions in relation to the calculation of payments made by liable relatives, under child support legislation and in respect of students (regulations 88 to 139 and Schedules 5 to 7).

Part IX contains provision for the payment of "hardship" payments, that is to say, payments of an income-based jobseeker's allowance at less than the full rate to a person who would not otherwise have any payments of a jobseeker's allowance (regulation 145). Regulation 140 identifies the circumstances in which a person is regarded as being in hardship.

Part X contains provision for certain persons from abroad who would otherwise have a nil applicable amount, to be given a reduced applicable amount (regulations 147 to 149).

Part XI contains details enabling the applicable amount to be calculated where the claimant is entitled to a jobseeker's allowance for a period of less than a week (regulations 150 to 155).

Part XII contains additional rules for certain special categories of claimant, namely share fishermen and persons outside Northern Ireland (regulations 156 to 166).

Part XIII contains miscellaneous items relating to the recovery of maintenance, training allowances and trade disputes (regulations 167 to 170).

Articles 2(2), 4(1)(c), 5(1)(f)(iii), (2) and (4), 6(1)(b), (2), (4), (5) and (12), 7(3), 8(2) to (5) and (8), 9(2) to (6) and (8), 10, 11(1), (8), (10), (11) and (12), 12(1), (6)(c) and (7), 13(2), (5) and (7), 14, 15, 17(1), (2)(d), (5) and (6), 19(1), 21(2), (4), (7), (8) and (10)(c), 22(3) to (8), 25(1), (3) and (4), 36(2) and 39 of, and Schedule 1 to, the 1995 Order are some of the enabling provisions under which these Regulations are made, and are brought into operation on 5th February 1996 by virtue of the Jobseekers (1995 Order) (Commencement No. 1) Order (Northern Ireland) 1996 ([S.R. 1996 No. 26 \(C. 3\)](#)). Since these Regulations are made before the end of a period of 6 months from the commencement of the said Articles, they are, accordingly, exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act [1992 \(c. 8\)](#), from reference to the Social Security Advisory Committee.