
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the Jobseeker’s Allowance Regulations”), the Income Support (General) Regulations (Northern Ireland) 1987 (“the Income Support Regulations”), the Housing Benefit (General) Regulations (Northern Ireland) 1987, the Family Credit (General) Regulations (Northern Ireland) 1987 and the Disability Working Allowance (General) Regulations (Northern Ireland) 1992.

In particular, they amend the Jobseeker’s Allowance Regulations by substituting a new regulation 75 into those Regulations (regulation 8). Regulation 75 is an interpretation provision. It prescribes employment programmes and training schemes for the purposes of Article 21 of the Jobseekers (Northern Ireland) Order 1995 (“the Jobseekers Order”) and the Jobseeker’s Allowance Regulations. The effect is that if a person, without good cause, refuses or fails to participate in one of those programmes or schemes, or loses his place on one of those programmes or schemes due to misconduct, he will receive a sanction under Article 21 of the Jobseekers Order. The employment programmes and the training scheme which are prescribed in regulation 75 for the first time by these Regulations are those set out in regulation 75(1)(a)—known as the Employment Option of the New Deal, the Voluntary Sector Option of the New Deal and the Environmental Task Force Option of the New Deal—and regulation 75(1)(b)(ii)—known as the Full-Time Education and Training Option of the New Deal.

These Regulations also amend regulation 69 of the Jobseeker’s Allowance Regulations to provide a different period for a sanction that is applied in relation to one of the new employment programmes and the new training scheme (regulation 6), and they provide an additional case, applicable in relation to the new employment programmes and the new training scheme, where a person is to be regarded as having good cause for the purposes of Article 21(5)(b) of the Jobseekers Order (regulation 7).

The Regulations also allow claims for jobseeker’s allowance separated by periods on certain New Deal programmes to link (regulation 4) and for people on the Full-Time Education and Training Option of the New Deal not to be treated as receiving relevant education (regulation 5).

Where a person may not be entitled to a jobseeker’s allowance as a result of any act or omission whilst on a New Deal programme or scheme, regulation 11 amends the Jobseeker’s Allowance regulations so as to provide that such a person shall not be a person in hardship. Regulation 12 amends those Regulations so as to prescribe the period during which such a person shall not be a person in hardship.

These Regulations also amend both the Jobseeker’s Allowance Regulations (regulation 13) and the Income Support Regulations (regulation 16) by allowing certain periods of participation in the New Deal to be treated as periods of entitlement to those benefits for the purpose of applying the rules on payment of housing costs in those benefits.

These Regulations also make various amendments to the rules on the treatment of income and capital in the benefits referred to in the first paragraph above which are consequential on the introduction of the New Deal—

- (a) they provide that certain payments made to providers pursuant to the New Deal shall not be treated as either notional income (regulations 9(a) and 17(1) and (2)) or as notional capital of the participant (regulations 10 and 17(5) and (6));
- (b) they provide that where a claimant performs a service in connection with the claimant’s participation in an employment programme for not less than three days in a week

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and a training allowance is not paid, he shall not be attributed with notional earnings (regulations 9(b) and 17(3) and (4));

- (c) they provide that certain payments of child care expenses reimbursed in respect of a claimant's participation in the New Deal shall be disregarded (regulations 14(a) and 17(7) and (8));
- (d) they provide that certain other payments made to New Deal participants shall be disregarded both as income other than earnings (regulation 14(b) and 17(9) and (10)) and as capital (regulations 15 and 17(11) and (12)).

In so far as these Regulations are required, for the purposes of regulation 17(1), (2)(b), (3), (4)(b), (5), (6)(b), (7), (8)(b), (9), (10)(b), (11) and (12)(b) to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8), ("the 1992 Act"), after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise they make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the 1992 Act, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.