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STATUTORY RULES OF NORTHERN IRELAND

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2000 No. 9

**SOCIAL SECURITY**

**The Jobseeker's Allowance (Amendment) Regulations  
(Northern Ireland) 2000**

*Made* . . . . . 10th February 2000

*Coming into operation* . . . . . 6th March 2000

The Department for Social Development, in exercise of the powers conferred on it by Articles 21(2), 22(4) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(a) and now vested in it(b), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

*Citation and commencement*

**1.** These Regulations may be cited as the Jobseeker's Allowance (Amendment) Regulations (Northern Ireland) 2000 and shall come into operation on 6th March 2000.

*Amendment of the Jobseeker's Allowance Regulations*

**2.**—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(c) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation) after the definition of "net profit" there shall be inserted the following definition—

““the New Deal options” means the employment programmes specified in regulation 75(1)(a) and the training scheme specified in regulation 75(1)(b)(ii)(d);”.

(3) For regulation 69 (prescribed period for purposes of Article 21(2) of the Order) there shall be substituted the following regulation—

*“Prescribed period for purposes of Article 21(2)*

**69.**—(1) The prescribed period for the purposes of Article 21(2) of the Order shall be—

(a) 2 weeks, in any case which does not fall within sub-paragraph (b) or (c);

(b) 4 weeks, in any case in which—

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(a) S.I. 1995/2705 (N.I. 15)  
(b) See Article 8(b) of S.R. 1999 No. 481  
(c) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1998 No. 541  
(d) Regulation 75 was substituted by regulation 8 of S.R. 1997 No. 541 and amended by S.R. 1998 Nos. 182 and 198

- (i) a jobseeker's allowance is determined not to be payable to the claimant in circumstances falling within Article 21(5) of the Order, and
  - (ii) one of the following circumstances applies—
    - (aa) where the determination in head (i) does not relate to one of the New Deal options, on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstances falling within Article 21(5) of the Order, or
    - (bb) where the determination in head (i) relates to one of the New Deal options, on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstances falling within Article 21(5) of the Order that relate to one of those options, and
  - (iii) the first date on which the jobseeker's allowance was not payable to him on that previous occasion falls within the period of 12 months preceding the date of the determination mentioned in head (i);
- (c) 26 weeks in any case in which—
- (i) a jobseeker's allowance is determined not to be payable to the claimant in circumstances falling within Article 21(5) of the Order and the determination relates to an act or omission arising after this regulation comes into operation in respect of one of the New Deal options;
  - (ii) on 2 or more previous occasions a jobseeker's allowance has been determined not to be payable to the claimant in circumstances falling within Article 21(5) of the Order and each such determination relates to one of the New Deal options; and
  - (iii) no more than 12 months have elapsed between the beginning of the day on which the determination mentioned in head (i) is made and the beginning of the first day on which a jobseeker's allowance was not payable to the claimant as a result of the determination which most recently preceded it whether the preceding determination is either—
    - (aa) a determination falling within sub-paragraph (b)(i) to which the circumstances in sub-paragraph (b)(ii)(bb) apply, or
    - (bb) itself an earlier determination falling within head (i).
- (2) The prescribed period for the purposes of Article 21(2) of the Order shall begin—
- (a) where, in accordance with regulation 26A(1) of the Claims and Payments Regulations<sup>(a)</sup>, a jobseeker's allowance is paid otherwise than fortnightly in arrears, on and including the day

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(a) Regulation 26A was inserted by regulation 2(14) of S.R. 1996 No. 354

following the end of the last benefit week in respect of which that allowance was paid, and

(b) in any other case, on and including the first day of the benefit week following the date on which a jobseeker's allowance is determined not to be payable.

(3) In a case falling within paragraph (1)(c) in which—

(a) for the first time a determination is made that for a period of 26 weeks a jobseeker's allowance is not payable to the claimant;

(b) no further such determination is made, and

(c) the Department of Higher and Further Education, Training and Employment gives notice in writing to the claimant that he is no longer required to participate in any of the New Deal options,

an income-based jobseeker's allowance shall be payable to the claimant during the period specified in paragraph (4) even though Article 21 of the Order would otherwise prevent the payment of such an allowance.

(4) The period referred to in paragraph (3) shall—

(a) begin on and include either—

(i) the day specified in a notice by the Department of Higher and Further Education, Training and Employment as being the day on which the claimant is or was no longer required to participate in any of the New Deal options, or

(ii) the day four weeks after the first day on which a jobseeker's allowance was not payable as a result of the first determination mentioned in paragraph (3),

whichever is the later;

(b) end on the last day when a jobseeker's allowance was not payable as a result of the first determination mentioned in paragraph (3), but

(c) not include any period during which a jobseeker's allowance is again determined not to be payable to the claimant in circumstances falling within Article 21(5) or (6) of the Order.”.

(4) At the end of regulation 140(1) (meaning of “person in hardship”) there shall be added the following sub-paragraph—

“(k) is a person—

(i) who, pursuant to the Children Order(a), was being looked after by an authority, as defined in Article 2 of that Order;

(ii) with whom the authority had a duty, pursuant to that Order, to take reasonable steps to keep in touch, or

(iii) who, pursuant to that Order, qualified for advice and assistance from an authority,

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(a) S.I. 1995/755 (N.I. 2)

but in respect of whom (i), (ii) or, as the case may be, (iii) had not applied for a period of 3 years or less as at the date on which he complies with the requirements of regulation 143, and

(iv) as at the date on which he complies with the requirements of regulation 143, is under the age of 21.”.

(5) In regulation 140A(a) (period when a person is not a person in hardship)—

(a) for paragraph (1) there shall be substituted the following paragraph—

“(1) A claimant who is not a person in hardship by virtue of regulation 140(4A)(b) shall not be a person in hardship throughout the period beginning on, and including, the day on which a New Deal decision has effect by virtue of regulation 69 or, as the case may be, by virtue of regulation 7(8) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(c) and ending—

(a) on the last day on which he is required to participate in a New Deal option, or

(b) on the day which is 14 days after the day on which the New Deal decision had effect,

whichever is the later.”;

(b) after paragraph (3) there shall be added the following paragraph—

“(4) In this regulation, “New Deal decision” means a decision that Article 21(5)(b) or (c) of the Order applies by virtue of an act or omission relating to one of the New Deal options.”.

Sealed with the Official Seal of the Department for Social Development on 10th February 2000.

(L.S.)

*John O’Neill*  
Senior Officer of the Department  
for Social Development

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(a) Regulation 140A was inserted by regulation 12 of S.R. 1997 No. 541  
(b) Paragraph (4A) was inserted by regulation 11(b) of S.R. 1997 No. 541  
(c) S.R. 1999 No. 162; to which there are amendments not relevant to these Regulations

## 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"). They increase to 26 weeks the length of time during which a jobseeker's allowance is not payable following a third, and any subsequent, determination that a claimant has, without good cause, defaulted in one of the ways set out in Articles 21(5)(b) and (c) of the Jobseekers (Northern Ireland) Order 1995. This will only apply when each default arises within 12 months of the next and all three of the defaults have arisen after the claimant has been required to participate in one or more of the four options of the New Deal for 18 to 24 year olds known as the Employment option, the Voluntary Sector option, the Environmental Task Force option and the Full-Time Education and Training option.

The new regulation 69(2), inserted by regulation 2(3), provides that if a claimant who has defaulted in this way on three occasions but subsequently, without defaulting for a fourth time, completes one of the options (or the Department of Higher and Further Education, Training and Employment otherwise becomes satisfied that he should no longer be required to participate) that claimant shall, notwithstanding the imposition of the third sanction, be able to apply for income-based jobseeker's allowance after at least 4 weeks of the third sanction have expired.

Regulation 2(4) provides that persons who have recently left the care of an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, may be treated as persons in hardship for the purposes of Part IX of the Jobseeker's Allowance Regulations.

Where a person may not be entitled to a jobseeker's allowance as a result of a default arising whilst that person is required to participate in one of the New Deal options, regulation 2(5) amends the principal Regulations so as to extend the period during which such a person is prescribed not to be a person in hardship. The effect of the amendment is that the allowance available to a person in hardship is not available to a person under sanction by reason of such a default for the period during which he is required to participate in a New Deal option or for 14 days whichever is the longer. (A training allowance is available to a participant in a New Deal option.)

These Regulations 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 Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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