
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the 1996 Regulations”) concerning the circumstances in which a claimant is treated as capable of work (or as not having limited capability for work) on account of a period of disease or disablement.

Regulation 2(2) amends regulation 55 of the 1996 Regulations by adding a new paragraph which provides that where a claimant satisfies the requirements for a short period of sickness, but goes on to satisfy the requirements for an extended period of sickness under regulation 55ZA of the 1996 Regulations, in respect of the same period of sickness, the short period of sickness under regulation 55 is disregarded for the purpose of calculating the maximum number of short periods of sickness which a person may have under regulation 55(3).

Regulation 2(3) amends regulation 55ZA of the 1996 Regulations. It ensures that regulation 55ZA continues to apply where a claimant’s original health condition changes (the period of sickness or disablement must still be continuous, in accordance with paragraph (4) of regulation 55ZA). It also ensures that where a period of sickness is initially expected to last for two weeks or less, but ends up lasting for more than two weeks, the claimant is required to provide the same supporting medical evidence as someone who expected to be unable to work for longer than two weeks at the outset.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions 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.