STATUTORY RULES OF NORTHERN IRELAND

2012 No. 44

HOUSING; RATES; SOCIAL SECURITY

The Jobseeker's Allowance (Sanctions for Failure to Attend) Regulations (Northern Ireland) 2012

Made - - - - 13th February 2012

Coming into operation 6th March 2012

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 22(5), 122(1)(d) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), Articles 10 and 36(2) of, and paragraph 15 of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**2**) and Articles 10(1), 11(3) and (6) and 74(1) of the Social Security (Northern Ireland) Order 1998(**3**), and now vested in it(**4**), section 60(1) and (2)(a) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**5**).

Regulation 3(4) and (5) is made with the consent of the Department of Finance and Personnel(**6**).

The Social Security Advisory Committee has agreed that proposals in respect of regulation 3(4) and (5) should not be referred to it(**7**)

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Jobseeker's Allowance (Sanctions for Failure to Attend) Regulations (Northern Ireland) 2012 and shall come into operation on 6th March 2012.

(2) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) 1992 c. 7; section 22(5) was amended by paragraph 5 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and paragraph 3(3)(b) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (2007 c. 2 (N.I.)) and section 171(1) was amended by paragraph 5 of Schedule 4 to, the Tax Credits Act 2002 (c. 21)

(**2**) S.I. 1995/2705 (N.I. 15); Article 10 was amended by paragraph 8 of Schedule 7 and paragraph 27(3) of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and section 27(1) to (3) of the Welfare Reform Act (Northern Ireland) 2010 (2010 c. 13 (N.I.)) and Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(**3**) S.I. 1998/1506 (N.I. 10); Article 74 was amended by paragraph 17 of Schedule 4 to the Tax Credits Act 2002

(**4**) *See* Article 8(b) of S.R. 1999 No. 481

(**5**) 2000 c. 4 (N.I.)

(**6**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); *seealso* Article 6(b) of S.R. 1999 No. 481

(**7**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(**8**) 1954 c. 33 (N.I.)

Amendment of the Jobseeker's Allowance Regulations

2.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**9**) are amended in accordance with paragraphs (2) to (17).

(2) In regulation 25 (entitlement ceasing on a failure to comply)—

(a) in paragraph (1) for "Subject to regulation 27 (where entitlement is not to cease), entitlement" substitute "Entitlement";

(b) for paragraph (1)(a)(**10**) substitute—

"(a) if a claimant fails to attend on the day specified in a relevant notification, and fails to make contact with an employment officer in the manner set out in that notification before the end of the period of 5 working days beginning with and including the first working day after the day on which the claimant failed to attend;";

(c) in paragraph (1)(b)(i)(**11**)—

(i) for "notification under regulation 23 or 23A" substitute "relevant notification";

(ii) omit "(other than a notice requiring attendance under an employment programme or a training scheme)", and

(iii) after "ceasing" insert "or the benefit not being payable for a period";

(d) in paragraph (1)(b)(ii)(**12**) at the end add "and";

(e) after paragraph (1)(b)(ii) add—

"(iii) that claimant fails to make contact with an employment officer in the manner set out in such a notification before the end of the period of 5 working days beginning with and including the first working day after the day on which that claimant failed to attend at the time specified;";

(f) in paragraph (1)(c)(**13**) before "if" insert "subject to regulation 27,"; and

(g) after paragraph (1) insert—

"(1A) In this regulation and in regulations 27A, 28 and 30—

"relevant notification" means a notification under regulation 23 or 23A (attendance), other than a notification requiring attendance under an employment programme or a training scheme;

"working day" means any day on which the appropriate office is not closed.".

(3) For regulation 27(**14**) (where entitlement is not to cease) substitute—

"**Where entitlement is not to cease under regulation 25(1)(c)**

27. Entitlement to a jobseeker's allowance is not to cease by virtue of regulation 25(1)(c) (entitlement ceasing on a failure to comply) if, before the end of the period of 5 working days beginning with and including the first working day after the day on which a claimant failed to provide a signed declaration in accordance with regulation 24(10) (provision of

(**9**) S.R. 1996 No. 198; relevant amending Rules are S.R. 1996 No. 358, S.R 1997 No. 165, S.R. 1999 Nos. 107, 145 and 428 (C. 32), S.R. 2000 Nos. 37, 255 and 350, S.R. 2001 Nos. 56 and 120, S.R. 2002 Nos. 80 and 388, S.R. 2004 No. 308, S.R. 2006 No. 234, S.R. 2008 No. 478 and S.R. 2011 No. 291

(**10**) Paragraph 1(a) was amended by regulation 2(a) of S.R. 1999 No. 145, regulation 2(4) of S.R. 2000 No. 255 and paragraph 4(a) and (b) of Schedule 2 to S.R. 2000 No. 350

(**11**) Paragraph (1)(b)(i) was substituted by regulation 2(b) of S.R. 1999 No. 145 and amended by regulation 2(5) of S.R. 2000 No. 37, regulation 2(4) of S.R. 2000 No. 255 and paragraph 4(b) and (c) of Schedule 2 to S.R. 2000 No. 350

(**12**) Paragraph (1)(b)(ii) was amended by regulation 2(4) of S.R. 2000 No. 255

(**13**) Paragraph (1)(c) was amended by paragraph 4(c) of Schedule 2 to S.R. 2000 No. 350

(**14**) Regulation 27 was amended by regulation 2(5) of S.R. 2000 No. 255 and paragraph 6 of Schedule 2 to S.R. 2000 No. 350

information and evidence), he makes contact with an employment officer in the manner set out in a notification under regulation 23 or 23A (attendance) and shows that he had good cause for the failure.

Circumstances in which an allowance is not to be payable

27A.—(1) A jobseeker's allowance is not to be payable for the period prescribed in regulation 27B (prescribed period for the purposes of regulation 27A) if either the first or the second condition is satisfied.

(2) The first condition is satisfied if a claimant—

(a) fails to attend on the day specified in a relevant notification;

(b) makes contact with an employment officer in the manner set out in a relevant notification before the end of the period of 5 working days beginning with and including the first working day after the day on which he failed to attend on the day specified; and

(c) fails to show good cause for that failure to attend.

(3) The second condition is satisfied if—

(a) he attends on the day specified in a relevant notification, but fails to attend at the time specified in that notification;

(b) the employment officer has informed him in writing that a failure to attend, on the next occasion on which he is required to attend, at the time specified in a relevant notification, may result in his entitlement to a jobseeker's allowance ceasing or the benefit not being payable for a period;

(c) he fails to attend at the time specified in a relevant notification on the next occasion;

(d) he makes contact with an employment officer in the manner set out in a relevant notification before the end of the period of 5 working days beginning with and including the first working day after the day on which he failed to attend at the time specified; and

(e) he fails to show good cause for that failure to attend.

Prescribed period for the purposes of regulation 27A

27B.—(1) The period prescribed for the purposes of regulation 27A (circumstances in which an allowance is not to be payable) is—

(a) one week on the first occasion on which a jobseeker's allowance is determined not to be payable to the claimant by virtue of regulation 27A; and

(b) 2 weeks on the second and each subsequent occasion during the same jobseeking period on which a jobseeker's allowance is determined not to be payable to the claimant by virtue of regulation 27A.

(2) The period begins—

(a) where, in accordance with regulation 26A(1)(**15**) (jobseeker's allowance) of the Claims and Payments Regulations, a jobseeker's allowance is paid otherwise than fortnightly in arrears, on and including the day 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.".

(**15**) Regulation 26A was inserted by regulation 2(14) of S.R. 1996 No. 354 and amended by regulation 3(4) of S.R. 2000 No. 215

(4) In regulation 28(1)(**16**) (matters to be taken into account in determining whether a claimant has good cause for failing to comply with a notification under regulation 23)—

(a) for "27 (where entitlement is not to cease)" substitute "27A (circumstances in which an allowance is not to be payable)"; and

(b) for "notification under regulation 23 or 23A (attendance)" substitute "relevant notification".

(5) In regulation 30(**17**) (circumstances in which a claimant is to be regarded as having good cause for failing to comply with a notification under regulation 23)—

(a) for "27 (where entitlement is not to cease)" substitute "27A (circumstances in which an allowance is not to be payable)"; and

(b) for "notification under regulation 23 or 23A (attendance)" substitute "relevant notification".

(6) In regulation 47(4)(b)(ii)(**18**) (jobseeking period)—

(a) after "(circumstances in which jobseeker's allowance is not payable)," insert "or regulation 27A (circumstances in which an allowance is not to be payable)"; and

(b) after "Article 22A of the Order" insert "or regulation 27A".

(7) In regulation 55(1)(a)(**19**) (short periods of sickness) after "of the Order apply" add ", or is a person whose jobseeker's allowance is not payable by virtue of regulation 27A (circumstances in which an allowance is not to be payable)".

(8) In regulation 55A(1)(a)(**20**) (periods of sickness and persons receiving treatment outside Northern Ireland) after "of the Order apply" add ", or is a person whose jobseeker's allowance is not payable by virtue of regulation 27A (circumstances in which an allowance is not to be payable)".

(9) In regulation 65(5)(**21**) (active seeking) after "do not apply to a young person" insert "whose jobseeker's allowance is not payable by virtue of regulation 27A (circumstances in which an allowance is not to be payable), or".

(10) In regulation 66(1)(**22**) (the jobseeker's agreement)—

(a) before "read with Part V (sanctions)" insert ", or regulation 27A (circumstances in which an allowance is not to be payable),"; and

(b) before "Articles 21 and 22" insert ", Article 10 or".

(11) In regulation 68(**23**) (reduced amount of allowance)—

(a) in paragraph (1) after "Article 22A(2)(a) to (c), (f) or (g) of the Order " insert "or satisfies a condition referred to in regulation 27A (circumstances in which an allowance is not to be payable)"; and

(b) in paragraph (2) after "Article 22A(2)(a) to (c), (f) or (g) of the Order" insert "or satisfies a condition referred to in regulation 27A ".

(**16**) Regulation 28 was amended by regulation 2(5) of S.R. 2000 No. 255 and paragraph 7 of Schedule 2 to S.R. 2000 No. 350
(**17**) Regulation 30 was amended by regulation 2(4) of S.R. 1999 No. 107, regulation 2(5) of S.R. 2000 No. 255, paragraph 8 of Schedule 2 to S.R. 2000 No. 350, regulation 2(5) of S.R. 2002 No. 388, regulation 3(5) of S.R. 2006 No. 234 and regulation 11(8) of S.R. 2008 No. 478
(**18**) Regulation 47(4)(b) was substituted by regulation 14(3) of S.R. 1996 No. 358 and amended by regulation 2(5) of S.R. 2001 No. 120, regulation 5(3) of S.R. 2002 No. 80 and regulation 5(2) of S.R. 2011 No. 291
(**19**) Regulation 55(1)(a) was amended by regulation 17(2) of S.R. 1996 No. 358 and paragraph 17 of Schedule 2 to S.R. 2000 No. 350
(**20**) Regulation 55A was inserted by regulation 3(6) of S.R. 2004 No. 308
(**21**) Regulation 65(5) was amended by regulation 2(5) of S.R. 2001 No. 56
(**22**) Regulation 66(1) was amended by paragraph 22 of Schedule 2 to S.R. 2000 No. 350
(**23**) Regulation 68 was amended by regulation 6(2) and (3) of S.R. 1997 No. 165, Article 9(9) of S.R. 1999 No. 428 (C. 32) and paragraph 24 of Schedule 2 to S.R. 2000 No. 350