STATUTORY RULES OF NORTHERN IRELAND

2002 No. 388

SOCIAL SECURITY

The Jobseeker's Allowance (Amendment) Regulations (Northern Ireland) 2002

Made - - - - 16th December 2002

Coming into operation in accordance with regulation 1

The Department for Social Development, in exercise of the powers conferred by Articles 8(4), 10(1)(a), (1A)(a) and (2)(d)(ii) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**1**), and now vested in it(**2**), 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) 2002 and shall come into operation on–

(a) for the purposes of regulation 2(4), on 17th December 2002;

(b) for all other purposes, on 1st January 2003.

Amendment of the Jobseeker's Allowance Regulations

2.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**3**) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 5 (exceptions to requirement to be available immediately: carers, voluntary workers, persons providing a service and persons under an obligation to provide notice)–

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

"(1) In order to be regarded as available for employment –

(a) a person who has caring responsibilities is not required to be able to take up employment immediately, providing he is willing and able to take up employment on being given 48 hours' notice, and

(**1**) S.I. 1995/2705 (N.I. 15); Article 10(1) was amended by Articles 56 and 67 of, and paragraph 7 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))

(**2**) *See* Article 8(*b*) of, and Part II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)

(**3**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1997 No. 138, S.R. 2000 No. 255 and S.R. 2000 No. 350

(b) a person who is engaged in voluntary work is not required to be able to take up employment immediately, providing he is willing and able–

(i) to take up employment on being given one week's notice, and

(ii) to attend for interview in connection with the opportunity of any such employment on being given 48 hours' notice.";

(b) in paragraph (5) after "take up employment immediately, the" there shall be inserted "one week,";

(c) after paragraph (5) there shall be inserted the following paragraph–

"(6) In this regulation "week" means any period of 7 consecutive days.".

(3) For regulation 12 (volunteers) there shall be substituted the following regulation–

"**12.**—(1) Paragraph (2) applies if in any week a person is engaged in voluntary work and–

(a) he has restricted the total number of hours for which he is available in accordance with regulation 7(2), 13(3) or (4) or 17(2) (restrictions on availability or laid off and short-time workers), and

(b) the hours in which he is engaged in voluntary work fall in whole or in part within his pattern of availability.

(2) In determining whether a person to whom this paragraph applies is available for employment no matter relating to his voluntary work shall be relevant providing–

(a) on being given one week's notice, he is willing and able to re-arrange the hours in which he is engaged in voluntary work in order to take up employment at times falling within his pattern of availability;

(b) on being given 48 hours' notice, he is willing and able to re-arrange the hours in which he is engaged in voluntary work in order to attend for interview at times falling within his pattern of availability in connection with the opportunity of any such employment, and

(c) he complies with the requirements of regulation 6.

(3) In paragraph (2) "week" means any period of 7 consecutive days.".

(4) In regulation 15(**4**) (circumstances in which a person is not to be regarded as available) before paragraph (c) there shall be inserted the following paragraph–

"(bc) if he is on paternity leave or ordinary adoption leave under Article 107A of the Employment Rights (Northern Ireland) Order 1996(**5**);".

(5) In regulation 30(a)(**6**) (circumstances in which a claimant is to be regarded as having good cause for failing to comply with a notice under regulation 23) after "regulation 5(1)" there shall be inserted "(a) or (b)".

(**4**) Regulation 15 was amended by regulation 3 of S.R. 1997 No. 138

(**5**) S.I. 1996/1919 (N.I. 16); Article 107A was inserted by Article 3 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))

(**6**) Paragraph (a) was amended by regulation 2(5) of S.R. 2000 No. 255 and paragraph 8 of Schedule 2 to S.R. 2000 No. 350