STATUTORY RULES OF NORTHERN IRELAND

2001 No. 151

HOUSING; RATES; SOCIAL SECURITY

The Social Security (New Deal Amendment) Regulations (Northern Ireland) 2001

Made - - - -	*3rd April 2001*
Coming into operation	*9th April 2001*

The Department for Social Development, in exercise of the powers conferred on it by Articles 6(5), 14(4)(*a*) and (*b*), 21(2) and (10)(*c*), 22(4), 22B(4) and 36(2) of, and paragraph 3(*b*) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**1**) and sections 122(1)(*a*) and (*d*), 131(1), 132(4)(*a*) and (*b*), 171(3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**), and now vested in it(**3**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**4**) in so far as regulations 13(1), (2), (3)(*a*), (4), (5)(*a*), (6), (7)(*a*), (8), (9)(*a*), (10), (11)(*a*), (12), (13)(*a*), (14), (15)(*a*) and 14(1), (2)(*a*) and (5) are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of those regulations should not be referred to it(**5**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (New Deal Amendment) Regulations (Northern Ireland) 2001 and shall, subject to paragraph (2), come into operation on 9th April 2001.

(2) Regulations 10(*b*)(iii) and 13(*b*)(iv) shall respectively come into operation immediately after regulations 6(*b*) and 12(*b*)(iii) of the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2001(**6**).

(3) In these Regulations—

(**1**) S.I. 1995/2705 (N.I. 15); Article 22B was inserted by paragraph 14 of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) 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)

(**2**) 1992 c. 7

(**3**) *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)

(**4**) *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)); consent function transferred from the Department of the Environment to the Department of Finance and Personnel; *see* Article 6(*b*) of, and Part II of Schedule 4 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999

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

(**6**) S.R. 2001 No. 78

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**7**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**8**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**9**).

(4) The Interpretation Act (Northern Ireland) 1954(**10**) shall apply to these Regulations as it applies to an Act of the Assembly.

Interpretation

2. In regulation 1(2) of the Jobseeker's Allowance Regulations—

(a) after the definition of "polygamous marriage" there shall be inserted the following definition—

> ""Preparation for Employment Programme for 50 plus" means the programme known by that name and provided in pursuance of arrangements made under section 1 of the Employment and Training Act (Northern Ireland) 1950(**11**), being a programme lasting for up to 52 weeks for any one individual aged 50 years or over on the day that he first joined any such programme, and consisting for that individual of any one or more of the following elements, namely employed earner's employment, assistance in pursuing self-employed earner's employment, education and training, work experience, assistance with job search, motivation and skills training;";

(b) after the definition of "self-employed earner" there shall be inserted the following definition—

> ""self-employment route" means—
>
> (a) that part of the Employment Option of the New Deal which is specified in regulation 75(1)(*a*)(i)(*bb*), or
>
> (b) assistance in pursuing self-employed earner's employment whilst participating in—
>
> (i) the Preparation for Employment Programme specified in regulation 75(1)(*a*)(v)(**12**), or
>
> (ii) the Preparation for Employment Programme for 50 plus".

Linking periods

3. In regulation 48(2) of the Jobseeker's Allowance Regulations (linking periods), for sub-paragraph (*f*)(ii)(**13**), there shall be substituted the following—

> "(ii) in the Voluntary Sector Option of the New Deal as specified in regulation 75(1)(*a*)(ii), in the Environmental Task Force Option of the New Deal as specified in regulation 75(1)

(**7**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1993 No. 414, S.R. 1998 Nos. 182, 325 and 326, S.R. 1999 No. 390 and S.R. 2000 No. 109
(**8**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1995 No. 301, S.R. 1997 No. 541, S.R. 1998 Nos. 182 and 326 and S.R. 2001 No. 78
(**9**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1997 No. 541, S.R. 1998 Nos. 182 and 326, S.R. 1999 No. 391 and S.R. 2000 Nos. 9, 109, 197 and 350 and S.R. 2001 No. 78
(**10**) 1954 c. 33 (N.I.)
(**11**) 1950 c. 29; section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10)) and Article 5 of the Industrial Training (Northern Ireland) Order 1990 (S.I. 1990/1200 (N.I. 8))
(**12**) Head (v) is inserted by regulation 5 of these Regulations
(**13**) Sub-paragraph (*f*) was added by regulation 4 of S.R. 1997 No. 541

(*a*)(iii) or in the Preparation for Employment Programme as specified in regulation 75(1)(*a*)(v) or in the Preparation for Employment Programme for 50 plus and was not entitled to a jobseeker's allowance because, as a consequence of his participation, the claimant was engaged in remunerative work or failed to satisfy the condition specified either in Article 4(1)(*c*) or in Article 5(1)(*a*) of the Order.".

Prescribed period for the purposes of Article 21(2) and 22A(3) of the Order

4. In regulation 69 of the Jobseeker's Allowance Regulations(**14**) (prescribed period for purposes of Article 21(2) and 22A(3))—

(a) in paragraph (1)(*a*), for "sub-paragraph (*b*) or (*c*)" there shall be substituted "sub-paragraph (*b*), (*c*) or (*d*)";

(b) in paragraph (1)(*b*)(ii)(*aa*), after "New Deal Options" there shall be inserted "or the Preparation for Employment Programme specified in regulation 75(1)(*a*)(v)";

(c) in paragraph (1)(*b*)(ii)(*bb*) for "and" at the end of the paragraph there shall be substituted "or";

(d) after paragraph (1)(*b*)(ii)(*bb*) there shall be added the following sub-head —

"(cc) where the determination in head (i) relates to the Preparation for Employment Programme specified in regulation 75(1)(*a*)(v), on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstances falling within Article 21(5) or Article 22A(2)(*a*) to (*c*) of the Order that relate to any Preparation for Employment Programme specified in regulation 75(1)(*a*)(v), and";

(e) after paragraph (1)(*c*) there shall be added the following sub-paragraph—

"(d) 26 weeks in any case (other than a case where a jobseeker's allowance is determined not to be payable in circumstances relating to the employment programme known as "Core Gateway" specified in regulation 75(1)(*a*)(iv)(**15**)) in which —

(i) a jobseeker's allowance is determined not to be payable to the claimant in circumstances falling within Article 21(5) or Article 22A(2)(*a*) to (*c*) of the Order and the determination relates to an act or omission arising after this regulation comes into operation in respect of the Preparation for Employment Programme specified in regulation 75(1)(*a*)(v);

(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) or Article 22A(2)(*a*) to (*c*) of the Order and each such determination relates to any Preparation for Employment Programme specified in regulation 75(1)(*a*)(v), 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)(*cc*) apply, or

(**14**) Regulation 69 was substituted by regulation 2(3) of S.R. 2000 No. 9 and amended by regulation 2(2) and (3) of S.R. 2000 No. 197 and paragraph 25 of Schedule 2 to S.R. 2000 No. 350

(**15**) Head (iv) was added by regulation 2(4)(*b*) of S.R. 2000 No. 197

(bb) itself an earlier determination falling within head (i).”

(f) in paragraph (3)—

(i) after “(1)(*c*)” there shall be inserted “or (*d*)”;

(ii) in sub-paragraph (*c*), after “New Deal options” there shall be inserted “or the Preparation for Employment Programme specified in regulation 75(1)(*a*)(v)”;

(g) in paragraph (4)(*a*)(i)—

(i) after “Department of Higher and Further Education, Training and Employment” there shall be added “either”;

(ii) after “New Deal options” there shall be added “or the day on which the claimant is or was no longer required to participate in the Preparation for Employment Programme specified in regulation 75(1)(*a*)(v)”.

Interpretation of Articles 21 and 22A of the Order and Part V of the Jobseeker’s Allowance Regulations

5. In regulation 75 of the Jobseeker’s Allowance Regulations(**16**) (interpretation)—

(a) in paragraph (i)(*a*) after head (iv) there shall be added the following head—

“(v) the Preparation for Employment Programme, that is to say, the programme known by that name and provided in pursuance of arrangements made under section 1 of the Employment and Training Act (Northern Ireland) 1950, being a programme lasting for any one individual for up to 52 weeks for any one individual aged 25 years or over and less than 50 years on the first required entry date to any such programme, and consisting for that individual of any one or more of the following elements, namely employed earner’s employment, assistance in pursuing self-employed earner’s employment, education and training, work experience, assistance with job search, motivation and skills training;”;

(b) in paragraph (4), after “within paragraph (1)(*a*)”, there shall be inserted “or the Preparation for Employment Programme for 50 plus”.

Notional income

6. In regulation 105 of the Jobseeker’s Allowance Regulations (notional income)—

(a) in paragraph (10A)(*c*)(**17**), after head (i) there shall be inserted the following head—

“(ia) in the Preparation for Employment Programme for 50 plus;”;

(b) in paragraph (13A)(**18**), at the end of sub-paragraph (*b*)(i) there shall be added “, other than where the service is performed in connection with the claimant’s participation in the Preparation for Employment Programme for 50 plus or in the Preparation for Employment Programme specified in regulation 75(1)(*a*)(v)”.

Notional capital

7. In regulation 113(3A) of the Jobseeker’s Allowance Regulations (notional capital)(**19**), after sub-paragraph (*b*)(i) there shall be inserted the following—

(**16**) Regulation 75 was substituted by regulation 8 of S.R. 1997 No. 541 and amended by S.R. 1998 No. 182, S.R. 2000 Nos. 197 and 350

(**17**) Paragraph (10A) was inserted by regulation 2(1)(*b*) of S.R. 1998 No. 326

(**18**) Paragraph (13A) was inserted by regulation 8(*b*) of S.R. 2000 No. 109

(**19**) Paragraph (3A) was inserted by regulation 3(1)(*b*) of S.R. 1998 No. 326

"(ia) in the Preparation for Employment Programme for 50 plus".

Meaning of "person in hardship" and "couple in hardship"

8. In regulation 140(4A) of the Jobseeker's Allowance Regulations(**20**) (meaning of "person in hardship"), for the words from "an employment programme" to the end of that paragraph there shall be substituted "one of the New Deal Options.".

Housing costs

9. In Schedule 2 to the Jobseeker's Allowance Regulations (housing costs)—

(a) in paragraph 4(4A)(**21**) (housing costs not met), at the end of paragraph (*a*), there shall be added "or in the Preparation for Employment Programme for 50 plus";

(b) in paragraph 13 (linking rule)—

(i) in sub-paragraph (1)(*ee*)(i)(**22**), after "regulation 75(1)(*a*)" there shall be inserted ", or in the Preparation for Employment Programme for 50 plus";

(ii) in sub-paragraph (3A)(**23**)—

(aa) in paragraph (*a*), after "regulation 75(1)(*a*)" there shall be inserted "or in the Preparation for Employment Programme for 50 plus";

(bb) at the end, there shall be added "or activity";

(iii) in sub-paragraph (14)(*c*), after paragraph (ii)(**24**) there shall be added the following paragraph—

"or

(iii) the Preparation for Employment Programme for 50 plus,".

Income to be disregarded

10. In Schedule 6 to the Jobseeker's Allowance Regulations (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 14, for sub-paragraph (*d*)(**25**) there shall be substituted the following sub-paragraph—

"(d) any child care expenses reimbursed to the claimant in respect of his participation in a New Deal option or in the Preparation for Employment Programme for 50 plus";

(b) for paragraph 58(**26**), there shall be substituted the following paragraph—

"**58.** Any mandatory top-up payment made to a person pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of that person's participation in—

(a) the self-employment route;

(b) an employment programme specified in—

(i) regulation 75(1)(*a*)(ii) (Voluntary Sector Option of the New Deal);

(**20**) Regulation 140(4A) was inserted by regulation 11(*b*) of S.R. 1997 No. 541
(**21**) Paragraph 4(4A) was inserted by regulation 13(2) of S.R. 1997 No. 541
(**22**) Paragraph 13(1)(*ee*) was inserted by regulation 13(3)(*a*) of S.R. 1997 No. 541
(**23**) Paragraph 13(3A) was inserted by regulation 13(3)(*b*) of S.R. 1997 No. 541
(**24**) Paragraph 13(14) was added by regulation 12(*b*)(iii) of S.R. 2001 No. 78
(**25**) Paragraph 14(*d*) was inserted by regulation 14(*a*)(i) of S.R. 1997 No. 541
(**26**) Paragraph 58 was substituted by regulation 4(5)(*a*) of S.R. 1998 No. 182