STATUTORY RULES OF NORTHERN IRELAND

2000 No. 369

HOUSING; RATES; SOCIAL SECURITY

The Social Security (New Deal Pilot) Regulations (Northern Ireland) 2000

Made - - - - 27th November 2000
Approved by resolution of the Assembly on - - - - 11th May 2001

Coming into operation in accordance with regulation 1

The Department for Social Development, in exercise of the powers conferred on it by Articles 8(4), 14(1) and (4)(*a*) and (*b*), 21(2), (8)(*b*) and (10)(*c*), 22(4) and (6), 31(1), (3), (5) and (6)(*a*) and (*c*) and 36(2) of, and paragraph 1(2)(*b*) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**1**) and sections 122(1)(*a*) and (*d*), 132(3) and (4)(*a*), (*b*) and (*c*), 133(2)(*d*) and 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, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**4**), and with the consent of the Department of Finance and Personnel(**5**) in so far as regulations 11(1) and (2)(*a*), 12(3), 13(3), 14(2), 15(1) and (2)(*a*), 16(1) and (2)(*a*) and 17(2) and (3)(*a*) are concerned, and whereas these Regulations are made with a view to ascertaining whether their provisions will, or will be likely to, encourage persons to obtain work or will, or will be likely to, facilitate the obtaining by persons of work, hereby makes the following Regulations:

(**1**) S.I. 1995/2705 (N.I. 15)
(**2**) 1992 c. 7; section 133(2)(*d*) was substituted by paragraph 18(3) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995
(**3**) *See* Article 8(*b*) of, and Part II of Schedule 6 to, the Departments (Transfers and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)
(**4**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**5**) *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

Part I

General

Citation, commencement and duration

1.—(1) These Regulations may be cited as the Social Security (New Deal Pilot) Regulations (Northern Ireland) 2000 and shall come into operation—

(a) for the purposes of regulations 5(4) and (5) and 9(2), on 19th March 2001;

(b) for all other purposes, on 28th November 2000 immediately following the expiry of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 1999(**6**).

(2) These Regulations shall cease to have effect on 27th November 2001, unless revoked with effect from an earlier date.

Interpretation

2.—(1) In these Regulations—

"the Order" means the Jobseekers (Northern Ireland) Order 1995;

"benefit" means jobseeker's allowance or any earnings credited to a person in accordance with regulation 8A of the Social Security (Credits) Regulations (Northern Ireland) 1975(**7**);

"employment officer" means a person who is at any time an employment officer for the purposes of Article 21 of the Order;

"employment-related course" has the same meaning as in regulation 1(2) of the Jobseeker's Allowance Regulations;

"full-time student" has the same meaning as in regulation 1(2) of the Jobseeker's Allowance Regulations;

"gateway interview" means an interview with an employment officer to identify and discuss matters that could help a person find work and matters that are preventing him from finding work;

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**8**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**9**);

"the intensive activity period of the New Deal pilot for 25 plus" means a programme provided in pursuance of arrangements made under section 1 of the Employment and Training Act (Northern Ireland) 1950(**10**) for which only persons who are aged 25 years or over may be eligible, known as the intensive activity period of the New Deal for 25 plus, and which includes for any individual, job search activity and one or more of the following, namely training, study, assistance in pursuing self-employed earner's employment and work experience;

(**6**) S.R. 1999 No. 474; amended by S.R. 2000 No. 109
(**7**) S.R. 1975 No. 113; regulation 8A was inserted by regulation 2(6) of S.R. 1996 No. 430
(**8**) S.R. 1987 No.461; relevant amending Regulations are S.R. 1990 No. 130, S.R. 1991 No. 337, S.R. 1995 No. 89, S.R. 1996 No. 334, S.R. 1997 No. 541 and S.R. 1998 Nos. 182 and 325
(**9**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1989 No. 326, S.R. 1990 No. 387, S.R. 1992 No. 403, S.R. 1995 No. 86, S.R. 1997 No. 541 and S.R. 1998 Nos. 182 and 326
(**10**) 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))

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**11**);

"the New Deal Education and Training Opportunities pilot for 25 plus" means the programme provided in pursuance of arrangements made under section 1 of the Employment and Training Act (Northern Ireland) 1950 for which only persons who are aged 25 years or over may be eligible, known as the New Deal Education and Training Opportunities for 25 plus, being a programme which consists of a qualifying course within the meaning of regulation 17A of the Jobseeker's Allowance Regulations modified in accordance with regulation 19;

"part-time student" has the same meaning as in regulation 1(2) of the Jobseeker's Allowance Regulations;

"week" means any period of 7 days.

(2) In regulations 3 and 4, the references to receiving benefit for not less than the periods or, as the case may be, for less than the period, referred to in those regulations means receiving benefit—

(a) without any period of interruption;

(b) with a period of interruption which did not exceed 28 days, or

(c) with a number of periods of interruption, none of which exceeded 28 days,

and any period of interruption which did not exceed 28 days shall be taken into account in calculating the periods referred to in regulations 3 and 4.

(3) In respect of any period throughout which a member of a joint-claim couple is receiving a joint-claim jobseeker's allowance, the other member of that couple shall, for the purposes of regulations 3 and 4, also be treated as receiving benefit throughout that period.

(4) The Interpretation Act (Northern Ireland) 1954(**12**) shall apply to these Regulations as it applies to an Act of the Assembly.

Application: persons aged 25 and over in receipt of benefit for 18 months

3. This regulation shall apply to any person who—

(a) is sent a letter dated on or before 31st March 2001 inviting him to attend a New Deal pilot gateway interview at an office of the Department of Higher and Further Education, Training and Employment, and

(b) as at the date of letter referred to in regulation 3(*a*) is aged 25 or over but under pensionable age and has been receiving benefit for a period of not less than 18 months.

Application: volunteers

4. This regulation shall apply to any person who—

(a) on or after the date on which these Regulations come into operation and on or before 31st March 2001 attends an office of the Department of Higher and Further Education, Training and Employment pursuant to a notification under regulation 23(**13**) or 23A(**14**) of the Jobseeker's Allowance Regulations and when he so attends volunteers to attend a gateway interview,

(b) on the day he so attends, is aged 25 or over but under pensionable age and has been receiving benefit for a period of less than 18 months, and

(**11**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 356, S.R. 1997 No. 541, S.R. 1998 Nos. 182, 198 and 326, S,R. 1999 Nos. 428 (C. 32) and 474, S.R. 2000 Nos. 109, 197, 255 and 350
(**12**) 1954 c. 33 (N.I.)
(**13**) Regulation 23 was substituted by regulation 2(2) of S.R. 2000 No. 255
(**14**) Regulation 23A was inserted by regulation 2(5) of S.R. 2000 No. 350

(c) in respect of whom an employment officer agrees that he may be given a gateway interview.

Part II

The intensive Activity Period of the New Deal Pilots for 25 Plus

Sanction

5.—(1) In relation to a person to whom paragraph (2) or (4) applies, "employment programme" in Article 21 of the Order means, in addition to the programmes listed in regulation 75(1) of the Jobseeker's Allowance Regulations(**15**) (interpretation), the intensive activity period of the New Deal pilot for 25 plus.

(2) This paragraph applies to any person (other than a person specified in paragraph (4)) to whom regulation 3 or 4 applies and who has been given or sent a notice in writing by an employment officer advising him that if he fails to participate in the intensive activity period of the New Deal pilot for 25 plus his jobseeker's allowance could cease to be payable or could be payable at a lower rate.

(3) In relation to a person to whom paragraph (2) applies, the prescribed period for the purposes of Article 21(2) of the Order shall begin on, and include, the first day of the week following the date on which a jobseeker's allowance is determined not to be payable to the person and shall be—

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

(b) 4 weeks in any case in which on a previous occasion a jobseeker's allowance was determined not to be payable to him in circumstances falling within Article 21(5) of the Order that relate to the intensive activity period of the New Deal pilot for 25 plus and the first date on which a jobseeker's allowance was not payable to him as a result of that determination falls within the period of 12 months preceding the date of the determination mentioned in paragraph (3).

(4) This paragraph applies to a member of a joint-claim couple to whom regulation 3 or 4 applies and who has been given or sent a notice in writing by an employment officer advising him that if he fails to participate in the intensive activity period of the New Deal Pilot for 25 plus the jobseeker's allowance payable to the joint-claim couple of which he is a member could cease to be payable or could be payable at a lower rate.

(5) In relation to a person to whom paragraph (4) applies, the prescribed period for the purposes of Article 22A(3)(**16**) of the Order (denial or reduction of joint-claim jobseeker's allowance) shall begin on the first day of the week following the date on which that person is determined to be subject to sanctions for the purposes of Article 22A of the Order and shall be—

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

(b) 4 weeks in any case in which on a previous occasion a jobseeker's allowance was determined not to be payable to him in circumstances falling within Article 21(5) of the Order or in a case in which he was determined to be subject to sanctions in the circumstances falling within Article 22A(2)(*a*) to (*c*) of the Order that relate to the intensive activity period of the New Deal pilot for 25 plus and the first date on which a jobseeker's allowance was not payable to him or in respect of which he was subject to sanctions as a result of that determination falls within the period of 12 months preceding the date of the determination mentioned in paragraph (3).

(**15**) Regulation 75 was substituted by regulation 8 of S.R. 1997 No. 541 and amended by S.R. 2000 No. 197
(**16**) Article 22A 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))

(6) In this regulation, "week" has the same meaning as "benefit week" in regulation 1(2) of the Jobseeker's Allowance Regulations.

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

6. In relation to a person to whom regulation 3 or 4 applies, "employment" in Articles 21 and 22A of the Order, except Article 21(9), and in Part V of the Jobseeker's Allowance Regulations, means employed earner's employment other than employed earner's employment in which a person is employed whilst participating in the intensive activity period of the New Deal pilot for 25 plus and "employed earner" shall be construed accordingly.

Availability for employment

7.—(1) In relation to a person to whom regulation 3 or 4 applies—

(a) regulation 15(*a*) of the Jobseeker's Allowance Regulations (circumstances in which a person is not to be regarded as available) shall be modified in its application to him as if the following words were added after "full-time student" where those words appear for the first time—

> ", other than where he is a full-time student by virtue of undertaking an employment-related course as part of the intensive activity period of the New Deal pilot for 25 plus,", and

(b) if in any week in which he is participating in the intensive activity period of the New Deal pilot for 25 plus he is as part of that programme undertaking as a full-time student or a part-time student an employment-related course for not less than 3 days in that week, he shall be treated as available for employment for that week.

(2) In this regulation, "week" has the same meaning as "benefit week" in regulation 1(2) of the Jobseeker's Allowance Regulations.

Good Cause

8. Without prejudice to any other circumstances in which a person may be regarded as having good cause for any act or omission for the purposes of Article 21(5)(*b*) or 22A(2)(*b*) of the Order, and in addition to the circumstances listed in regulation 73 of the Jobseeker's Allowance Regulations(**17**) (good cause for the purposes of Article 21(5)(*b*) or 22A(2)(*b*) of the Order), a person to whom regulation 3 or 4 applies is to be regarded as having good cause for an act or omission in relation to the intensive activity period of the New Deal pilot for 25 plus for the purposes of Article 21(5)(*b*) or 22A(2)(*b*) of the Order where he has already participated in that same intensive activity period of the New Deal pilot for 25 plus for one continuous period of 13 weeks or 2 or more periods amounting in total to 13 weeks.

Payability of allowance

9.—(1) An income-based jobseeker's allowance (other than a joint-claim jobseeker's allowance) shall be payable to a person to whom regulation 3 or 4 applies even though Article 21 of the Order prevents payment of a jobseeker's allowance to him if—

(a) an allowance would not otherwise be payable because the circumstances in Article 21(5)(*c*) of the Order apply in relation to the intensive activity period of the New Deal pilot for 25 plus, and

(**17**) Regulation 73 was amended by S.R. 1996 No. 356, S.R. 1997 No. 541 and S.R. 1998 No. 198