STATUTORY RULES OF NORTHERN IRELAND

2000 No. 9

SOCIAL SECURITY

The Jobseeker's Allowance (Amendment) Regulations (Northern Ireland) 2000

Made - - - - 10th February 2000

Coming into operation 6th March 2000

The Department for Social Development, in exercise of the powers conferred on it by Articles 21(2), 22(4) 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) 2000 and shall come into operation on 6th March 2000.

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 1(2) (interpretation) after the definition of "net profit" there shall be inserted the following definition—

> ""the New Deal options" means the employment programmes specified in regulation 75(1)(*a*) and the training scheme specified in regulation 75(1)(*b*)(ii)(**4**);".

(3) For regulation 69 (prescribed period for purposes of Article 21(2) of the Order) there shall be substituted the following regulation—

"**Prescribed period for purposes of Article 21(2)**

69.—(1) The prescribed period for the purposes of Article 21(2) of the Order shall be—

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

(b) 4 weeks, in any case in which—

(**1**) S.I. 1995/2705 (N.I. 15)
(**2**) *See* Article 8(*b*) of S.R. 1999 No. 481
(**3**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1998 No. 541
(**4**) Regulation 75 was substituted by regulation 8 of S.R. 1997 No. 541 and amended by S.R. 1998 Nos. 182 and 198

(i) a jobseeker's allowance is determined not to be payable to the claimant in circumstances falling within Article 21(5) of the Order, and

(ii) one of the following circumstances applies—

(aa) where the determination in head (i) does not relate to one of the New Deal options, on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstances falling within Article 21(5) of the Order, or

(bb) where the determination in head (i) relates to one of the New Deal options, on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstances falling within Article 21(5) of the Order that relate to one of those options, and

(iii) the first date on which the jobseeker's allowance was not payable to him on that previous occasion falls within the period of 12 months preceding the date of the determination mentioned in head (i);

(c) 26 weeks in any case in which—

(i) a jobseeker's allowance is determined not to be payable to the claimant in circumstances falling within Article 21(5) of the Order and the determination relates to an act or omission arising after this regulation comes into operation in respect of one of the New Deal options;

(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) of the Order and each such determination relates to one of the New Deal options; 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)(*bb*) apply, or

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

(2) The prescribed period for the purposes of Article 21(2) of the Order shall begin—

(a) where, in accordance with regulation 26A(1) of the Claims and Payments Regulations(**5**), 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.

(3) In a case falling within paragraph (1)(*c*) in which—

(a) for the first time a determination is made that for a period of 26 weeks a jobseeker's allowance is not payable to the claimant;

(b) no further such determination is made, and

(c) the Department of Higher and Further Education, Training and Employment gives notice in writing to the claimant that he is no longer required to participate in any of the New Deal options,

(**5**) Regulation 26A was inserted by regulation 2(14) of S.R. 1996 No. 354