STATUTORY RULES OF NORTHERN IRELAND

1998 No. 421

HOUSING; RATES; SOCIAL SECURITY

The Social Security (New Deal Pilot) Regulations (Northern Ireland) 1998

Made - - - -	*27th November 1998*
Coming into operation	*30th November 1998*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Articles 8(4), 14(4)(*a*) and (*b*), 21(2), (8)(*b*) and (10)(*c*), 22(4) and (6), 31(1), (3) and (6)(*a*) of, and paragraph 1(2)(*b*) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**1**) and sections 122(1), 132(4)(*a*) and (*b*), 133(2)(*d*) and 171(3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**) 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(**3**), and with the consent of the Department of the Environment for Northern Ireland(**4**) and in so far as regulations 11(1) and (2)(*c*), 12(3), 13(3), 14(2) and (3)(*c*), 15(1) and (2)(*c*) and 16(1) and (2)(*c*) 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:

Part I

General

Citation, commencement and duration

1.—(1) These Regulations may be cited as the Social Security (New Deal Pilot) Regulations (Northern Ireland) 1998 and shall come into operation on 30th November 1998.

(2) These Regulations shall cease to have effect on 29th November 1999, unless revoked with effect from an earlier date.

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

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(**5**);

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**6**);

"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;

"the Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(**7**);

"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 the 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.

"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 18;

(**5**) Regulation 8A was inserted by regulation 2(6) of S.R. 1996 No. 430.
(**6**) S.R. 1992 No. 78; relevant amending Regulations are S.R. 1992 No. 403, S.R. 1994 No. 327, S.R. 1995 No. 86, S.R. 1997 No. 541 and S.R. 1998 No. 326.
(**7**) S.R. 1987 No. 463; relevant amending Regulations are S.R. 1992 No. 148, S.R. 1994 No. 327, S.R. 1995 No. 86, S.R. 1997 No. 541 and S.R. 1998 No. 326.
(**8**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 No. 130, S.R. 1991 No. 327, S.R. 1995 No. 89, S.R. 1996 No. 334, S.R. 1997 No. 541 and S.R. 1998 No. 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 No. 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)).
(**11**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 356, S.R. 1997 No. 541 and S.R. 1998 Nos. 198 and 326.

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

"week" means any period of seven days.

(2) In regulations 3 and 4, the references to receiving benefit for not less than 18 months or, as the case may be, for less than 18 months, referred to in those regulations means receiving benefit–

(a) without any period of interruption, or

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

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

3. This regulation shall apply to any person who–

(a) on or after the date these Regulations come into operation attends an office of the Department or of the Department of Economic Development pursuant to a notice under regulation 23 of the Jobseeker's Allowance Regulations, and

(b) on any day when he so attends 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 these Regulations come into operation, attends an office of the Department or of the Department of Economic Development pursuant to a notice under regulation 23 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

(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 Pilot for 25 Plus

Sanction

5.—(1) In relation to a person to whom paragraph (2) 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(**13**) (interpretation), the intensive activity period of the New Deal pilot for 25 plus.

(**12**) 1954 c. 33 (N.I.).
(**13**) Regulation 75 was substituted by regulation 8 of S.R. 1997 No. 541.

(2) This paragraph applies to any person 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, in regulation 69(*a*) of the Jobseeker's Allowance Regulations(**14**) (prescribed period for the purposes of Article 21(2) of the Order) for sub-paragraph (ii) there shall be substituted the following sub-paragraph–

"(ii) either–

(aa) where the determination mentioned in sub-paragraph (i) does not relate to the intensive activity period of the New Deal pilot for 25 plus, 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 (circumstances in which a jobseeker's allowance is not payable), or

(bb) where the determination mentioned in sub-paragraph (i) relates to the intensive activity period of the New Deal pilot for 25 plus, 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 the intensive activity period of the New Deal pilot for 25 plus, and".

Interpretation of Article 21 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 Article 21 of the Order, except paragraph (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 three 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*) of the Order, and in addition

(**14**) Regulation 69(*a*)(ii) was substituted by regulation 6 of S.R. 1997 No. 541.

to the circumstances listed in regulation 73 of the Jobseeker's Allowance Regulations(**15**) (good cause for the purposes of Article 21(5)(*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*) of the Order where he has already participated in the 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. An income-based 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

(b) he has already participated in the 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, and the applicable amount of a person to whom this regulation applies shall be the amount determined in accordance with regulation 83, 84, 85, 86, 145 or 148 of the Jobseeker's Allowance Regulations (applicable amounts), as appropriate.

Part III

Consequential Provisions

Scope of Part III

10.—(1) Regulations 11 and 13 to 16 shall only apply in relation to a person to whom regulation 3 or 4 applies in so far as those regulations relate to that person's participation in the intensive activity period of the New Deal pilot for 25 plus.

(2) Regulation 12 shall only apply in any week in which a person to whom regulation 3 or 4 applies is participating in the intensive activity period of the New Deal pilot for 25 plus.

Definition of "training allowance"

11.—(1) The definition of "training allowance" in each of the regulations specified in paragraph (2) (which are interpretation provisions) shall be modified in its application to persons to whom this Part applies as if at the end there were added "nor does it include 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 the programme known as the intensive activity period of the New Deal pilot for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 1998(**16**) in regulation 2(1) of those Regulations".

(2) The regulations to which paragraph (1) refers are–

(a) regulation 2(1) of the Disability Working Allowance Regulations(**17**);

(b) regulation 2(1) of the Family Credit Regulations(**18**);

(c) regulation 2(1) of the Housing Benefit Regulations(**19**);

(**15**) Regulation 73 was amended by S.R. 1996 No. 356, S.R. 1997 No. 541 and S.R. 1998 No. 198.
(**16**) S.R. 1998 No. 421.
(**17**) Definition inserted by S.R. 1992 No. 403.
(**18**) Definition inserted by S.R. 1992 No. 148.
(**19**) Definition inserted by S.R. 1990 No. 136.