STATUTORY RULES OF NORTHERN IRELAND

1998 No. 198

SOCIAL SECURITY

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

Made - - - -	*29th May 1998*
Coming into operation	*6th July 1998*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1)(*d*) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Articles 8(4), 9(4), 21(8) and (10)(*c*) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**2**), and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(**3**) in so far as regulation 9 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that Regulation should not be referred to it(**4**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Amendment) (New Deal) Regulations (Northern Ireland) 1998 and shall come into operation on 6th July 1998.

(2) In these Regulations, "the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**5**).

(3) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Interpretation of the Jobseeker's Allowance Regulations

2. In regulation 1(2) of the Jobseeker's Allowance Regulations (interpretation), in the definition of "jobseeking period" after "regulation 47" there shall be added "except where otherwise provided".

(**1**) 1992 c. 7
(**2**) S.I. 1995/2705 (N.I. 15)
(**3**) *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))
(**4**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992
(**5**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 503 and S.R. 1997 No. 541
(**6**) 1954 c. 33 (N.I.)

Interpretation of Parts II and IV of the Jobseeker's Allowance Regulations

3. In regulation 4 of the Jobseeker's Allowance Regulations (interpretation of Parts II, IV and V)—

(a) in the definition of "casual employment" after "any notice" there shall be inserted "except where otherwise provided";

(b) after the definition of "employment officer" there shall be inserted the following definitions—

> ""examination" in relation to a qualifying course means an examination which is specified as an examination related to the qualifying course in a document signed on behalf of the establishment at which the qualifying course is being undertaken;
>
> "made a claim for a jobseeker's allowance" includes treated as having made a claim for the allowance and treated as having an award of the allowance in accordance with regulation 5, 6 or 7 of the Jobseeker's Allowance (Transitional Provisions) (No. 2) Regulations (Northern Ireland) 1996(**7**);";

(c) after the definition of "a person who is laid off" there shall be inserted the following definitions—

> ""qualifying course" has the meaning given in Regulation 17A;
>
> "term-time" in relation to a qualifying course means the period specified as term-time in relation to a person to whom regulation 17A(2) applies in a document signed on behalf of the establishment at which the qualifying course is being undertaken;
>
> "vacation" in relation to a qualifying course means any period falling within the period of study, which is not term-time;".

Further circumstances in which a person is to be treated as available for employment

4. After regulation 17 of the Jobseeker's Allowance Regulations (laid-off and short-time workers) there shall be inserted the following regulation—

"**Further circumstances in which a person is to be treated as available: full-time students participating in a qualifying course**

17A.—(1) A person to whom paragraph (2) applies shall, notwithstanding regulation 15(*a*) (circumstances in which a person is not to be regarded as available), be treated as available for employment in accordance with paragraph (3).

(2) This paragraph applies to a person—

(a) who is aged 25 years or over, and

(b) who has made a claim for a jobseeker's allowance and has been receiving benefit within a jobseeking period for not less than 2 years as at the date he started, or is due to start, the qualifying course and for the purposes of this paragraph the linking provision set out in regulation 48 shall apply.

(3) Subject to paragraph (4), where an employment officer has determined, having regard to the factors specified in paragraph (5), that a person to whom paragraph (2) applies may undertake a qualifying course, that person shall be treated as available for employment in any week in which he is undertaking the qualifying course as a full-time student and—

(a) which falls wholly or partly in term-time, providing he—

(**7**) S.R. 1996 No. 518

(i) provides evidence, as often as may be required by an employment officer, within 5 days of being so required by the employment officer, consisting of a document signed by him and on behalf of the establishment at which he is undertaking the qualifying course, confirming that he is attending the establishment when required to attend, in such form as may be required by the employment officer, and

(ii) provides evidence, as often as may be required by an employment officer, within 5 days of being so required by the employment officer, consisting of a document signed by him and on behalf of the establishment at which he is undertaking the qualifying course, confirming that he is making satisfactory progress on the course, in such form as may be required by the employment officer;

(b) in which he is taking examinations relating to the qualifying course, or

(c) which falls wholly in a vacation from the qualifying course, if he is willing and able to take up immediately any casual employment.

(4) In a case where the combined duration of—

(a) any qualifying course, other than one falling within paragraph (6), which a person to whom paragraph (2) applies has previously undertaken in respect of which he was, for any part of such qualifying course, treated as available for employment in accordance with paragraph (3), and

(b) the qualifying course which he is currently undertaking,

is more than 1 year, the person shall only be treated as available for employment in accordance with paragraph (3) if he has been receiving benefit within a jobseeking period for not less than 2 years since the last day of the most recent such qualifying course in respect of which he was, for any part, treated as available in accordance with paragraph (3), and for the purposes of this paragraph the linking provision set out in regulation 48 shall apply.

(5) The factors which an employment officer must take into account when determining whether a person may undertake a qualifying course are—

(a) the skills, qualifications and abilities of that person;

(b) whether the course would assist him to acquire new skills and qualifications;

(c) whether he would have to give up a course of study in order to undertake this course;

(d) any needs arising from his physical or mental condition;

(e) the time which has elapsed since he was last engaged in employment as an employed earner or as a self-employed earner;

(f) his work experience;

(g) the number of jobs in the labour market and, if relevant, the local labour market, which require the skills and qualifications which he would acquire on the course, and

(h) any evidence about whether this course or this type of course has facilitated the obtaining by persons of work.

(6) A qualifying course falls within this paragraph if the person had good cause for any act or omission for the purposes of Article 21(5)(*b*) of the Order in relation to that course.

(7) In this regulation—

"benefit" means income support, unemployment benefit or a jobseeker's allowance and "receiving benefit" means receiving benefit which that person has claimed and received as an unemployed person or in accordance with Part II of the Order;

"casual employment" means employment from which the employee can be released without his giving any notice or, if he is required to give notice, employment from which he can be released before the end of the vacation;

"duration" in relation to a qualifying course means the period beginning with the start of the course and ending with the last day of the course;

"jobseeking period" means the period described in regulation 47 and any period treated as a jobseeking period pursuant to regulation 47A(**8**);

"last day" in relation to a qualifying course means the date on which the last day of the course falls, or the date on which the final examination relating to that course is completed, whichever is the later;

"qualifying course" means a course which—

(a) is an employment-related course;

(b) lasts no more than 12 consecutive months, and

(c) except where it falls within paragraph (8), is a course which is not a course of a description falling within Schedule 1 to the Further Education (Northern Ireland) Order 1997(**9**).

(8) A course which is of a standard above that of a course falling within paragraph (*c*) of the definition of "qualifying course" falls within this paragraph if an employment officer so determines in a particular case.".

Further circumstances in which a person is to be treated as actively seeking employment

5. After regulation 21 of the Jobseeker's Allowance Regulations (laid off and short-time workers) there shall be inserted the following regulation—

"**Further circumstances in which a qualifying person is to be treated as actively seeking employment: full-time students participating in a qualifying course**

21A. A person who is treated as available for employment in accordance with regulation 17A(3)(**10**) (further circumstances in which a person is to be treated as available: full-time students participating in a qualifying course) shall be treated as actively seeking employment in any week—

(a) which, in relation to the qualifying course, falls wholly or partly in term-time;

(b) in which he is taking examinations relating to the qualifying course, or

(c) which falls wholly in a vacation from the qualifying course, if in that week he takes such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment for which he is available under regulation 17A(3)(*c*).".

Good cause for the purposes of Article 21(5)(a) and (6)(c) and (d) of the Order

6. In regulation 72 of the Jobseeker's Allowance Regulations (good cause for the purposes of Article 21(5)(*a*) and (6)(*c*) and (*d*) of the Order)—

(**8**) Regulation 47A was inserted by regulation 2(7) of S.R. 1996 No. 503
(**9**) S.I. 1997/1772 (N.I. 15)
(**10**) Regulation 17A is inserted by regulation 4 of these Regulations