STATUTORY RULES OF NORTHERN IRELAND

1997 No. 541

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Amendment) (New Deal) Regulations (Northern Ireland) 1997

Made - - - -	*16th December 1997*
Coming into operation	*5th January 1998*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Articles 6(5), 14(4)(*a*) and (*b*), 21(2), (8)(*b*) and (10)(*c*), 22(4) and 36(2) of, and paragraphs 3(*b*) and 14(*a*) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**1**) and sections 122(1),129(4), 131(1), 132(4)(*a*) and (*b*), 171(1), (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, with the consent of the Department of the Environment for Northern Ireland(**3**) in so far as regulation 17(1), (2)(*b*), (3), (4)(*b*), (5), (6)(*b*), (7), (8)(*b*), (9), (10)(*b*), (11) and (12)(*b*) is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations 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) 1997 and shall come into operation on 5th January 1998.

(2) In these Regulations—

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**5**);

"the Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(**6**);

(**1**) S.I. 1995/2705 (N.I. 15)
(**2**) 1992 c. 7
(**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. 1992 No 78; relevant amending Regulations are S.R. 1993 No. 195, S.R. 1996 No. 622 and S.R. 1997 Nos. 22 and 412
(**6**) S.R. 1987 No. 463; relevant amending Regulations are S.R. 1988 No. 387, S.R. 1993 No. 195, S.R. 1996 No. 622 and S.R. 1997 Nos. 22 and 412

"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**).

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

Meanings of certain expressions used in the Jobseekers (Northern Ireland) Order 1995

2. In regulation 3 of the Jobseeker's Allowance Regulations (meanings of certain expressions used in the Order), for the definition of "employment" there shall be substituted the following definition—

""employment", except as provided in regulations 4 and 75, includes any trade, business, profession, office or vocation;".

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

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

(a) ", 21" shall be omitted;

(b) for "Parts II, IV and V" there shall be substituted "Parts II and IV".

Linking periods

4. In regulation 48(2) of the Jobseeker's Allowance Regulations (linking periods) after sub-paragraph (*e*)(**11**), there shall be added the following sub-paragraph—

"(f) any period throughout which the claimant was participating—

(i) in the Employment Option of the New Deal as specified in regulation 75(1)(*a*)(i)(**12**);

(ii) either in the Voluntary Sector Option of the New Deal as specified in regulation 75(1)(*a*)(ii) or in the Environmental Task Force Option of the New Deal as specified in regulation 75(1)(*a*)(iii) and was not entitled to a jobseeker's allowance because, as a consequence of his participation in either of those options, the claimant was engaged in remunerative work or failed to satisfy the condition specified either in Article 4(1)(*c*) or Article 5(1)(*a*) of the Order.".

Relevant education

5. At the end of regulation 54 of the Jobseeker's Allowance Regulations (relevant education) there shall be added the following paragraph—

(**7**) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1993 Nos. 195 and 414, S.R. 1996 No. 622 and S.R. 1997 Nos. 22 and 412
(**8**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1990 No. 387, S.R. 1993 No. 195, S.R. 1995 Nos. 301 and 434, S.R. 1996 No. 449 and S.R. 1997 Nos. 22 and 412
(**9**) S.R. 1996 No 198; relevant amending Regulations are S.R. 1996 No. 503 and S.R. 1997 Nos. 22, 130 and 412
(**10**) 1954 c. 33 (N.I.)
(**11**) Sub-paragraph (*e*) was added by regulation 2(8)(*e*) of S.R. 1996 No. 503
(**12**) Regulation 75 is substituted by regulation 8 of these Regulations

"(5) A young person who is participating in the Full-Time Education and Training Option of the New Deal as specified in regulation 75(1)(*b*)(ii) shall not be treated as receiving relevant education.".

Prescribed period for the purposes of Article 21(2) of the Jobseekers (Northern Ireland) Order 1995

6. In regulation 69(*a*) of the Jobseeker's Allowance Regulations (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 (i) does not relate to an employment programme specified in regulation 75(1)(*a*), or the training scheme specified in regulation 75(1)(*b*)(ii), 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 (i) relates to an employment programme specified in regulation 75(1)(*a*), or the training scheme specified in regulation 75(1)(*b*)(ii), 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 such a programme or scheme, and".

Good cause for the purposes of Article 21(5)(b) of the Jobseekers (Northern Ireland) Order 1995

7. In regulation 73 of the Jobseeker's Allowance Regulations (good cause for the purposes of Article 21(5)(b) of the Order) after paragraph (2) there shall be inserted the following paragraph—

"(2A) 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, a person is to be regarded as having good cause for any act or omission for those purposes if—

(a) the act or omission relates to an employment programme specified in regulation 75(1)(*a*) or the training scheme specified in regulation 75(1)(*b*)(ii), and

(b) he had not, prior to that act or omission been given or sent a notice in writing by an employment officer referring to the employment programme or training scheme in question ("the specified programme") and advising him that if any of the circumstances mentioned in Article 21(5)(b) of the Order arise in his case in relation to the specified programme his jobseeker's allowance could cease to be payable or could be payable at a lower rate.".

Interpretation of Article 21 of the Jobseekers (Northern Ireland) Order 1995 and Part V of the Jobseeker's Allowance Regulations

8. For regulation 75 of the Jobseeker's Allowance Regulations (interpretation) there shall be substituted the following regulation—

"**Interpretation**

75.—(1) For the purposes of Article 21 of the Order (circumstances in which a jobseeker's allowance is not payable) and of this Part—

(a) "an employment programme" means any one of the following programmes, provided in pursuance of arrangements made by or on behalf of the Department of Economic Development under section 1 of the Employment and Training Act (Northern Ireland) 1950(**13**) and for which only persons who are aged 18 years or over and less than 26 years immediately prior to entry may be eligible, known as—

(i) the Employment Option of the New Deal, being a programme which lasts for any individual for up to 26 weeks and which includes for that individual employed earner's employment, training and support;

(ii) the Voluntary Sector Option of the New Deal, being a programme which lasts for any individual for up to 6 months and which includes for that individual employed earner's employment or a work placement combined in either case with training, support and job search;

(iii) the Environmental Task Force Option of the New Deal, being a programme which lasts for any individual for up to 6 months and which includes for that individual employed earner's employment or a work placement combined in either case with training, support and job search.

(b) "a training scheme" means—

(i) a scheme for training for which persons aged less than 18 years are eligible and for which persons aged 18 years or over and less than 25 years may be eligible, provided in Northern Ireland directly or indirectly by a Training Organisation pursuant to its arrangement with the Department of Economic Development (whether that arrangement is known as an Operating Agreement or by any other name), and

(ii) the scheme, provided in pursuance of arrangements made by or on behalf of the Department of Economic Development under section 1 of the Employment and Training Act (Northern Ireland) 1950 and for which only persons who are aged 18 years or over and less than 26 years immediately prior to entry may be eligible, known as the Full-Time Education and Training Option of the New Deal, being a scheme which lasts for any individual for up to one year and which includes for that individual some or all of the following, namely education, training, work experience and support in job search skills.

(2) In Article 21 of the Order, except paragraph (2), and in this Part, except regulation 69 (prescribed period) and the first occasion on which the word occurs in regulation 72(5A)(*a*)(**14**), "week" means any period of 7 consecutive days.

(3) In Article 21(2) of the Order, regulation 69 and the first occasion on which the word occurs in regulation 72(5A)(*a*), "week" means benefit week.

(4) In Article 21 of the Order, except paragraph (9), and in this Part, "employment" means employed earner's employment other than such employment in which a person is employed whilst participating in an employment programme falling within paragraph (1)(*a*); and "employed earner" shall be construed accordingly.

(5) In Article 21(9) of the Order, "employment" means employed earner's employment.".

(**13**) 1950 c. 29 (N.I.); 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))
(**14**) Paragraph (5A) was inserted by regulation 5(4)(*b*) of S.R. 1997 No. 130

Notional Income

9. In regulation 105 of the Jobseeker's Allowance Regulations (notional income)—

(a) in paragraph (10) after "(concessionary coal)"(**15**) there shall be inserted "or to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of a person's participation in an employment programme specified in regulation 75(1)(*a*) or in a training scheme specified in regulation 75(1)(*b*)(ii)";

(b) in paragraph (13) after "free of charge" there shall be added "or in a case where the service is performed in connection with the claimant's participation in an employment or training programme in accordance with regulation 19(1)(*p*)".

Notional Capital

10. In regulation 113(3) of the Jobseeker's Allowance Regulations (notional capital) after "Independent Living Funds" there shall be inserted "or pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of a person's participation in an employment programme specified in regulation 75(1)(*a*) or in a training scheme specified in regulation 75(1)(*b*)(ii)".

Meaning of "person in hardship"

11. In regulation 140 of the Jobseeker's Allowance Regulations (meaning of "person in hardship")—

(a) in paragraph (2) after "paragraph (3)" there shall be inserted "or (4A)";

(b) after paragraph (4) there shall be inserted the following paragraph—

"(4A) In paragraph (2), a "person in hardship" does not include a claimant to whom Article 21(5)(*b*) or (*c*) of the Order (circumstances in which a jobseeker's allowance is not payable) applies by virtue of any act or omission relating to an employment programme specified in regulation 75(1)(*a*) or to the training scheme specified in regulation 75(1)(*b*)(ii).".

Period when a person is not a person in hardship

12.—(1) After regulation 140 of the Jobseeker's Allowance Regulations there shall be inserted the following regulation—

"**Period when a person is not a person in hardship**

140A.—(1) A claimant who is not a person in hardship by virtue of regulation 140(4A)(**16**) shall not be a person in hardship throughout the period of—

(a) 4 weeks in a case to which regulation 69(*a*)(**17**) (prescribed period for the purposes of Article 21(2) of the Order) applies, or

(b) 2 weeks in any other case,

beginning on, and including, the day from which the decision that Article 21(5)(*b*) or (*c*) of the Order (circumstances in which a jobseeker's allowance is not to be payable) applies by virtue of an act or omission specified in regulation 140(4A) ("the New Deal decision"), has effect by virtue of regulation 69 or, as the case may be, by virtue of regulation 56A(6)

(**15**) Words inserted by regulation 7 of S.R. 1997 No. 412
(**16**) Paragraph (4A) is inserted by regulation 11(*b*) of these Regulations
(**17**) Regulation 69(*a*)(ii) is amended by regulation 6 of these Regulations