STATUTORY RULES OF NORTHERN IRELAND

1997 No. 138

SOCIAL SECURITY

The Social Security (Jobseeker's Allowance and Mariners' Benefits) (Miscellaneous Amendments) Regulations (Northern Ireland) 1997

Made - - - -	*10th March 1997*
Coming into operation	*11th March 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Articles 8(2) and (4) and 9(4) of, and paragraph 5 of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**1**) and sections 117(1) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Jobseeker's Allowance and Mariners' Benefits) (Miscellaneous Amendments) Regulations (Northern Ireland) 1997 and shall come into operation on 11th March 1997.

(2) In these Regulations "the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**3**).

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

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

2.—(1) Regulation 14 of the Jobseeker's Allowance Regulations (circumstances in which a person is to be treated as available) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1) for "to whom regulation 15 (circumstances in which a person is not to be regarded as available) applies," there shall be substituted "to whom regulation 15(*a*), (*b*) or (*c*) (circumstances in which a person is not to be regarded as available) applies,".

(**1**) S.I.1995/2705 (N.I. 15)
(**2**) 1992 c. 7
(**3**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 Nos. 358 and 503
(**4**) 1954 c. 33 (N.I.)

(3) In paragraph (1) for sub-paragraph (*i*)(**5**) there shall be substituted the following sub-paragraph—

"(i) if the period beginning on and including the date of claim and ending on the day before the beginning of the first week after the date of claim is less than 7 days and the circumstances in paragraph (2A) apply, for any part of that period when he is not treated as available for employment under any other provision of this regulation;".

(4) After paragraph (2) there shall be inserted the following paragraph—

"(2A) A person shall be treated as available for employment under paragraph (1)(*i*) only if—

(a) where a pattern of availability is recorded in his jobseeker's agreement, or where he has restricted the hours for which he is available in accordance with regulation 13(3) or (4) (additional restrictions) or 17(2)(**6**) (laid off and short-time workers) and that restriction has been agreed with an employment officer, he is available for employment during such of the period referred to in paragraph (1)(*i*) as he is not treated as available for employment under any other provision of this regulation, in accordance with—

(i) his pattern of availability or, as the case may be, the hours to which he has restricted his availability in accordance with regulation 13(3) or (4) or 17(2);

(ii) any other restrictions he has placed on his availability for employment which will apply in the first week after the date of claim, provided those restrictions have been agreed with an employment officer, and

(iii) if he falls within regulation 5 (exceptions to requirement to be available immediately), that regulation;

(b) where no pattern of availability is recorded in his jobseeker's agreement, he is available for employment during such of the period referred to in paragraph (1)(*i*) as he is not treated as available for employment under any other provision of this regulation—

(i) in accordance with any restrictions he has placed on his availability for employment which will apply in the first week after the date of claim, provided those restrictions have been agreed with an employment officer;

(ii) for 8 hours on each day falling within that period on which he is not treated as available for employment to any extent under any other provision of this regulation, and

(iii) if he falls within regulation 5, in accordance with that regulation.".

Circumstances in which a person is not to be regarded as available for employment

3. In regulation 15 of the Jobseeker's Allowance Regulations (circumstances in which a person is not to be regarded as available) after paragraph (*b*) there shall be inserted the following paragraph—

"(*bb*) if the period beginning on and including the date of claim and ending on the day before the beginning of the first week after the date of claim is less than 7 days, for that period, unless he is treated as available for employment for that period in accordance with regulation 14 (circumstances in which a person is to be treated as available);".

(**5**) Sub-paragraph (*i*) was amended by regulation 5(2)(*a*) of S.R. 1996 No. 358
(**6**) Regulation 17(2) was amended by regulation 6 of S.R. 1996 No. 358