STATUTORY RULES OF NORTHERN IRELAND

1996 No. 358

SOCIAL SECURITY
FAMILY LAW
CHILD SUPPORT

The Social Security and Child Support (Jobseeker's Allowance) (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*1st August 1996*
Coming into operation	*7th October 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 6(1), (4) and (5), 8(2) and (4), 9(4), 10, 11(10) and (12), 14(1) and (4)(*b*), 21(8)(*b*), 22(4), 36(2) and 39 of, and paragraphs 3, 6, 9, 10 and 12 of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**1**), section 5(1)(*h*) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and sections 123(1)(*e*) and 167D of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**3**) and of all other powers enabling it in that behalf, by this statutory rule, which contains only regulations made by virtue of, or consequential upon, those provisions of the Jobseekers (Northern Ireland) Order 1995, hereby makes the following Regulations:

Part I

General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security and Child Support (Jobseeker's Allowance) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 7th October 1996, immediately following the coming into operation of the Jobseeker's Allowance (Amendment) Regulations (Northern Ireland) 1996(**4**), the Social Security (Claims and Payments)

(**1**) S.I. 1995/2705 (N.I. 15)
(**2**) 1992 c. 8
(**3**) 1992 c. 7; section 123(1)(*e*) was added by paragraph 13(5) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 and section 167D was inserted by the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))
(**4**) S.R. 1996 No. 356

(Jobseeker's Allowance Consequential Amendments) Regulations (Northern Ireland) 1996(**5**) and the Income Support (General) (Jobseeker's Allowance Consequential Amendments) Regulations (Northern Ireland) 1996(**6**).

(2) In these Regulations—

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**7**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**8**).

Definitions

2.—(1) Regulation 1(2) of the Jobseeker's Allowance Regulations (interpretation) shall be amended in accordance with paragraphs (2) and (3).

(2) In the definition of "benefit week"—

(a) after "regulation 23 (attendance)" there shall be inserted "requiring him to provide a signed declaration as referred to in regulation 24(6) (provision of information and evidence) or, in the case of a claimant who is not normally required to attend in person, on the day which corresponds with the day of the week specified by the Department in accordance with regulation 24(10) for the provision of a signed declaration";

(b) at the end of paragraph (*a*) after "claimant," "and" shall be omitted, and

(c) after paragraph (*a*) there shall be inserted the following paragraph—

"(aa) where the Department has set a day for payment of a jobseeker's allowance in respect of a claim, but no notice has yet been given or sent to the claimant in accordance with regulation 23, the "benefit week" means a period of 7 days ending on the day which has been set;".

(3) In the definition of "week" for "Part III and regulation 87" there shall be substituted "Parts III, VI, VII, VIII, IX, X, XI, XII and XIII".

Part II

Jobseeking

Part-time students

3. In regulation 11(1)(*b*) of the Jobseeker's Allowance Regulations (part-time students) for "13(4)" there shall be substituted "13(3) or (4)".

Volunteers

4. In regulation 12(*a*) of the Jobseeker's Allowance Regulations (volunteers) for "13(4)" there shall be substituted "13(3) or (4)".

(**5**) S.R. 1996 No. 354
(**6**) S.R. 1996 No. 199
(**7**) S.R. 1996 No. 198; relevant amending regulations are S.R. 1996 No. 356
(**8**) S.R. 1987 No. 459; relevant amending regulations are S.R. 1989 No. 395, S.R. 1992 No. 7, S.R. 1995 Nos. 301 and 434 and S.R. 1996 Nos. 199 and 318

Circumstances in which a person is to be treated as available

5.—(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) and (3).

(2) In paragraph (1)—

(a) in sub-paragraph (*i*) for "for that period" there shall be substituted "for 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", and

(b) for sub-paragraph (*j*) there shall be substituted the following sub-paragraph—

"(j) if the award is terminated other than on the last day of a week, for the period beginning with the beginning of the week in which the award is terminated and ending on the day on which the award is terminated;".

(3) In paragraph (3)—

(a) for "13(3)" there shall be substituted "13(4)", and

(b) for "7(1) or 13(4)" there shall be substituted "7(1), 13(4) or 17(2)".

Laid off and short-time workers

6. In regulation 17(2) of the Jobseeker's Allowance Regulations (laid off and short-time workers) —

(a) at the beginning there shall be inserted "(*a*)";

(b) for "in any week." there shall be substituted "in any week unless sub-paragraph (*b*) or (*c*) applies;", and

(c) after sub-paragraph (*a*) there shall be added the following sub-paragraphs—

"(b) the total number of hours for which a person kept on short-time works and is available for casual employment may be less than 40 in any week if that person has imposed restrictions on his availability which are reasonable in the light of his physical or mental condition;

(c) the total number of hours for which a person kept on short-time works and is available for casual employment may be less than 40 in any week if he has caring responsibilities providing the total number of hours for which he works and is available for casual employment is as many as his caring responsibilities allow and for the specific hours those responsibilities allow and is at least 16 in any week.".

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

7.—(1) Regulation 19(1) of the Jobseeker's Allowance Regulations (circumstances in which a person is to be treated as actively seeking employment) shall be amended in accordance with paragraphs (2) and (3).

(2) In sub-paragraph (*i*) for "for that period" there shall be substituted "for 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".

(3) For sub-paragraph (*j*) there shall be substituted the following sub-paragraph—

"(j) if the award is terminated other than on the last day of a week, for the period beginning with the beginning of the week in which the award is terminated and ending on the day on which the award is terminated;".

Provision of information and evidence

8.—(1) Regulation 24(6) of the Jobseeker's Allowance Regulations (provision of information and evidence) shall be amended in accordance with paragraphs (2) and (3).

(2) For sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

"(a) since making a claim for a jobseeker's allowance or since he last provided a declaration in accordance with this paragraph he has either been available for employment or satisfied the circumstances to be treated as available for employment, save as he has otherwise notified the Department;".

(3) In sub-paragraph (*c*) "payability or" shall be omitted.

Time at which entitlement is to cease

9. In regulation 26(*a*) of the Jobseeker's Allowance Regulations (time at which entitlement is to cease) for "establishes his entitlement" there shall be substituted "shows that he continues to be entitled".

Jobseeker's Agreement to remain in effect

10. In regulation 36 of the Jobseeker's Allowance Regulations (jobseeker's agreement to remain in effect) for paragraph (*b*) there shall be substituted the following paragraph—

"(b) in respect of any part of a period of suspension, where—

(i) the Department has directed under regulation 36(1A) of the Claims and Payments Regulations(**9**) that payment under an award be suspended for a definite or indefinite period on the ground that a question arises whether the conditions for entitlement to that allowance are or were fulfilled or the award ought to be revised;

(ii) subsequently that suspension expires or is cancelled in respect of a part only of the period for which it has been in force, and

(iii) it is then determined that the award should be revised to the effect that there was no entitlement to the allowance in respect of all or any part of the period between the start of the period over which the award has been suspended and the date when the suspension expires or is cancelled, or".

Interpretation of Part IV

11. In regulation 57 of the Jobseeker's Allowance Regulations (interpretation of Part IV) for paragraph (3) there shall be substituted the following paragraph—

"(3) In this regulation any reference to a person acting in place of a person's parents includes a reference to—

(a) where the person is being looked after by a Health and Social Services Board, HSS trust or voluntary organisation which places him with a family, a relative of his, or some other suitable person, the person with whom the person is placed, whether or not any payment is made to him in connection with the placement, or

(b) in any other case, any person with parental responsibility for the child, and for this purpose "parental responsibility" has the meaning it has in the Children (Northern Ireland) Order 1995(**10**) by virtue of Article 6 of that Order.".

(**9**) Paragraph (1A) was inserted by S.R. 1996 No. 354
(**10**) S.I. 1995/755 (N.I. 2)

Attendance, information and evidence for young persons

12. After regulation 65 of the Jobseeker's Allowance Regulations there shall be inserted the following regulation—

"**Attendance, information and evidence**

65A. A young person who does not fall within regulation 61(1)(*a*) or (*f*) shall, if the Department requires him to do so, provide, in addition to the declaration specified in regulation 24(6), a declaration to the effect that since making a claim for a jobseeker's allowance or since he last provided a declaration in accordance with this regulation he has been actively seeking suitable training to the extent necessary to give him his best prospects of securing suitable training save as he has otherwise notified the Department.".

Sanctions for young persons

13. In regulation 67(1)(*b*) of the Jobseeker's Allowance Regulations (sanctions) the word "not" shall be omitted in both places where it occurs.

Part III

Miscellaneous

Jobseeking period

14.—(1) Regulation 47(4) of the Jobseeker's Allowance Regulations (jobseeking period) shall be amended in accordance with paragraphs (2) and (3).

(2) After sub-paragraph (*a*) there shall be added "and either".

(3) For sub-paragraphs (*b*) and (*c*) there shall be substituted the following sub-paragraphs—

"(b) (i) on which the claimant satisfies the conditions specified in Article 4 of the Order (the contribution-based conditions) other than the conditions specified in paragraph (1)(*c*) and (*d*) of that Article, and

(ii) on which a contribution-based jobseeker's allowance is not payable to the claimant by virtue of Article 21 of the Order (circumstances in which jobseeker's allowance is not payable), or

(c) which falls within a period which is treated as a period in which the claimant satisfies the conditions specified in Article 3(2)(*a*) to (*c*) of the Order (entitlement), in accordance with paragraph (2),".

Linking periods

15. In regulation 48(1) of the Jobseeker's Allowance Regulations (linking periods) for sub-paragraph (*d*) there shall be substituted the following sub-paragraph—

"(d) a period in respect of which the claimant is summoned for jury service and is required to attend court.".

Persons approaching retirement

16.—(1) In regulation 49 of the Jobseeker's Allowance Regulations (persons approaching retirement and the jobseeking period) shall be amended in accordance with paragraphs (2) and (3)—

(2) For paragraph (2) there shall be substituted the following paragraph—