Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseekers (Northern Ireland) Order 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1995 No. 2705 (N.I. 15)

The Jobseekers (Northern Ireland) Order 1995 [F1]

[F2]

- - - - - - *18th October 1995*

F1 functions transf. by SR 1999/481
F2 mod. by SR 1999/350

Modifications etc. (not altering text)
C1 Order: transfer of functions (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 4 Pt. 1** (with art. 9(2))
C2 Order modified (1.6.2007) by Social Security (Netherlands) Order (Northern Ireland) 2007 (S.R. 2007/295), **art. 2**, Sch.
C3 Order modified (1.10.2007) by Social Security (Ireland) Order (Northern Ireland) 2007 (S.R. 2007/438), **art. 2**, Schs. 1, 2
C4 Order modified (5.10.2009) by Steps to Work (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/297), **art. 2(1)(b)**
C5 Order certain provisions applied (with modifications) (1.10.2010) by Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010 (S.R. 2010/312), regs. 1, **16**, Sch. 2

Part I

Introductory

Title and commencement

1.—(1) This Order may be cited as the Jobseekers (Northern Ireland) Order 1995.

(2) This Order comes into operation on such day or days as the Department may by order appoint[F3].

F3 fully exercised by SR 1996/26,180,285,401

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F4] applies to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

F5["adjudication officer" means an adjudication officer appointed under section 36 of the Administration Act;]

F6"the Administration Act" means the Social Security Administration (Northern Ireland) Act 1992;

"applicable amount" means the applicable amount determined in accordance with regulations under Article 6;

"benefit year" has the meaning given by Article 4(4);

F7"the Benefits Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

"child" means a person under the age of 16;

"claimant" means a person who claims a jobseeker's allowance **[**F8**[**F9except that in relation to a joint-claim couple claiming a joint-claim jobseeker's allowance it means the couple, or each member of the couple, as the context requires;**]]**;

"contribution-based conditions" means the conditions set out in Article 4;

[F9"contribution-based jobseeker's allowance" has the meaning given in Article 3(4);**]**

[F10"couple" means—

(a) two people who are married to, or civil partners of, each other and are members of the same household, or

(b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other otherwise than in prescribed circumstances;**]**

"the Department" means **[**F11the Department for Communities**]** ;

"employed earner" has the meaning prescribed for the purposes of this Order;

"employment", **[**F12except in Article 9,**]** has the meaning prescribed for the purposes of this Order;

[F12**[**F13"employment officer", for any purpose of this Order, means an officer of the Department or the Department for Employment and Learning or such other person as may be designated for that purpose by an order made by the Department;**]]**

"entitled", in relation to a jobseeker's allowance, is to be construed in accordance with—

(a) the provisions of this Order relating to entitlement; and

(b) **[**F14section 1 of the Administration Act and Article 27 of the Social Security (Northern Ireland) Order 1998**]** ;

"family" means—

(a) a**[**F15 couple**]**;

(b) a**[**F15 couple**]** and a member of the same household for whom one of them is, or both are, responsible and who is a child or a person of a prescribed description;

(c) except in prescribed circumstances, a person who is not a member of a**[**F15 couple**]** and a member of the same household for whom that person is responsible and who is a child or a person of a prescribed description;

[F16"FAS payments" means payments made under the Financial Assistance Scheme Regulations 2005;**]**

"income-based conditions" means the conditions set out in Article 5;

[F9"income-based jobseeker's allowance" has the meaning given in Article 3(4);**]**

[F9**[**F17“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance);**]]**

“jobseeker's agreement” has the meaning given by Article 11(1);

[F12**[**F18“jobseeker’s direction” has the meaning given by Article 21A;**]]**

“jobseeking period” has the meaning prescribed for the purposes of this Order;

[F9**[**F8“joint-claim couple” and “joint-claim jobseeker's allowance” have the meanings given by Article 3(4);**]]**

Definition rep. by 2004 c. 33

“National Insurance Fund” means the Northern Ireland National Insurance Fund;

[F9**[**F8“the nominated member”, in relation to a joint-claim couple, shall be construed in accordance with Article 5B(4);**]]**

“Northern Ireland” includes the territorial waters of the United Kingdom adjacent to Northern Ireland;

F19“occupational pension scheme” has the same meaning as it has in the Pension Schemes (Northern Ireland) Act 1993 by virtue of section 1 of that Act;

“pensionable age” has the meaning prescribed for the purposes of this Order;

“pension payments” means—

(a) periodical payments made in relation to a person, under a personal pension scheme or, in connection with the coming to an end of an employment of his, under an occupational pension scheme or a public service pension scheme; and

(b) such other payments as may be prescribed;

“personal pension scheme” means—

(a) a personal pension scheme as defined by section 1 of the Pension Schemes (Northern Ireland) Act 1993;

(b) **[**F20an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004; and

(c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;**]**

[F21“PPF payments” means any payments made in relation to a person—

(a) payable under the pension compensation provisions as specified in Article 146(2) of the Pensions (Northern Ireland) Order 2005 or section 162(2) of the Pensions Act 2004 (the pension compensation provisions); or

(b) payable under Article 150 of the Pensions (Northern Ireland) Order 2005 or section 166 of the Pensions Act 2004 (duty to pay scheme benefits unpaid at assessment date etc.);**]**

“prescribed”**[**F22, except in Article 29 (and in Article 36 so far as relating to regulations under Article 29)**]** means specified in or determined in accordance with regulations;

“public service pension scheme” has the same meaning as it has in the Pension Schemes (Northern Ireland) Act 1993 by virtue of section 1 of that Act;

“regulations”**[**F22, except in Article 29 (and in Article 36 so far as relating to regulations under Article 29)**]** means regulations made by the Departments;

"tax year" means the 12 months beginning with 6th April in any year;

"trade dispute" means any dispute between employers and employees, or between employees and employees, which is connected with the employment or non-employment or the terms of employment or the conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises, or not;

[[F12]"training" has the meaning prescribed for the purposes of this Order and, in relation to prescribed provisions of this Order, if regulations so provide, includes assistance to find training or employment, or to improve a person's prospects of being employed, of such a kind as may be prescribed;**]**

Definition rep. by 2004 c. 33

"week" means a period of 7 days beginning with a Sunday or such other period of 7 days as may be prescribed;

"work" has the meaning prescribed for the purpose of this Order;

[[F23]"work availability requirement" has the meaning given by Article 8E;**]**

[[F23]"work preparation requirement" has the meaning given by Article 8C;**]**

[[F23]"work search requirement" has the meaning given by Article 8D;**]**

[[F23]"work-focused interview requirement" has the meaning given by Article 8B;**]**

[[F23]"work-related requirement" has the meaning given by Article 8;**]**

"year", except in the expression "benefit year", means a tax year.

[F24](2A) . . . . . .

(3) The expressions " **[**[F25]limited capability for work**]**", "linked period", "relevant education" and "remunerative work" are to be read with paragraphs 2, 3, 14 and 1 of Schedule 1.

(4) Subject to any regulations made for the purposes of this paragraph, "earnings" is to be construed for the purpose of this Order in accordance with section 3 of the Benefits Act and paragraph 6 of Schedule 1 to this Order.

F4 1954 c. 33 (NI)

F5 Art. 2(2): definition of "adjudication officer" repealed (18.10.1999 for certain purposes, otherwise prosp.) by Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)), arts. 1(2)(4), 78, Sch. 6 para. 101(a), **Sch. 7**

F6 1992 c. 8

F7 1992 c. 7

F8 1999 NI 11

F9 Words in art. 2(2) repealed (27.9.2017 for specified purposes, 15.11.2017 and 13.12.2017 for specified purposes, 17.1.2018 and further specified dates for specified purposes, 16.5.2018 and further specified dates for specified purposes, 5.9.2018 and further specified dates for specified purposes, 1.2.2019 for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5); S.R. 2018/138, art. 4 (with art. 5); S.R. 2019/7, art. 2(5)-(7) (with art. 2(8)-(12))

F10 Words in art. 2(2) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **69(a)** (with regs. 6-9)

F11 Words in art. 2(2) substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(3), **Sch. 6 para. 39(a)** (with art. 9(2))

F12 Words in art. 2(2) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary

legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, art. 9 (with arts. 10-25)

F13 Words in art. 2(2) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **50(2)**; S.R. 2017/190, art. 3(1)(2)(a)

F14 Art. 2(2) definition of "entitled": words beginning "section 1" and ending "1998" substituted for words beginning "sections 1" and ending "Act;" (18.10.1999 for certain purposes, otherwise prosp.) by Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)), arts. 1(2)(4), 78, **Sch. 6 para. 101(b)**

F15 2004 c.33

F16 Art. 2(2): definition of "FAS payments" inserted (14.2.2006) by Pensions (2004 Act and 2005 Order) (PPF Payments and FAS Payments) (Consequential Provisions) Order (Northern Ireland) 2006 (S.R. 2006/37), arts. 1(1), 2, **Sch. para. 2(2)(a)**

F17 Art. 2(2): definition of "income-related employment and support allowance" inserted (1.7.2008 for certain purposes, otherwise 27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), ss. 28(1), 60(1), **Sch. 3 para. 6(2)(a)** (with s. 29, Sch. 4); S.R. 2008/276, **art. 2(2)(c)**, Sch. Pt. 1

F18 Words in art. 2(2) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 7 para. 2**; S.R. 2017/190, art. 3(1)(2)(h)

F19 1993 c. 49

F20 Art. 2(2): in definition of "personal pension scheme" paras. (b)(c) substituted (6.4.2006) by Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), **art. 13**

F21 Art. 2(2): definition of "PPF payments" inserted (14.2.2006) by Pensions (2004 Act and 2005 Order) (PPF Payments and FAS Payments) (Consequential Provisions) Order (Northern Ireland) 2006 (S.R. 2006/37), arts. 1(1), 2, **Sch. para. 2(2)(b)**

F22 SI 1999/671

F23 Words in art. 2(2) inserted (2.5.2016 for specified purposes, 27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **55(2)**; S.R. 2016/215, art. 2(3)(a)(iii); S.R. 2017/190, art. 9 (with arts. 10-25)

F24 Art. 2(2A) omitted (13.1.2020) by virtue of The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **69(b)** (with regs. 6-9)

F25 Words in art. 2(3) substituted (1.7.2008 for certain purposes, otherwise 27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), ss. 28(1), 60(1), **Sch. 3 para. 6(2)(b)** (with s. 29, Sch. 4 and S.R. 2008/283, reg. 5); S.R. 2008/276, **art. 2(2)(c)**, Sch. Pt. 1

Modifications etc. (not altering text)

C6 Art. 2(2) applied (with modifications) (coming into operation in accordance with reg. 1(1) of the amending Rule) by The Jobseekers Allowance Regulations (Northern Ireland) 2016 (S.R. 2016/218), regs. 1(1), **70**

Part II

The Jobseeker's Allowance

Entitlement

The jobseeker's allowance

3.—(1) An allowance, to be known as a jobseeker's allowance, shall be payable in accordance with the provision of this Order.