STATUTORY INSTRUMENTS

2015 No. 2006

The Welfare Reform (Northern Ireland) Order 2015

PART 3

Working-age benefits

CHAPTER 1

Jobseeker's allowance

Claimant responsibilities for interim period

Claimant commitment for jobseeker's allowance

50.—(1) The Jobseekers Order is amended as follows.

(2) In Article 2 (interpretation), in paragraph (2), after the definition of "employment" insert—

""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;".

(3) In Article 3 (the jobseeker's allowance), in paragraph (2)(b) for "entered into a jobseeker's agreement which remains in force" substitute "accepted a claimant commitment".

(4) For Article 11 (the jobseeker's agreement) substitute—

"**Claimant commitment**

11.—(1) For the purposes of this Order a "claimant commitment" is a record of a claimant's responsibilities in relation to an award of a jobseeker's allowance.

(2) A claimant commitment shall—

(a) be prepared by an employment officer,

(b) be in such form as the Department thinks fit,

(c) include any prescribed information, and

(d) include any other information an employment officer considers it appropriate to include.

(3) Information included in a claimant commitment under paragraph (2)(d) may include—

(a) information in respect of the conditions mentioned in Article 3(2)(a) and (c);

(b) details of any requirement imposed on the claimant by virtue of regulations under Article 10 or 19A, or under a jobseeker's direction;

(c) details of any consequences of a failure to comply with such a requirement.

(4) A claimant shall not be invited to accept a claimant commitment by an employment officer unless, in the opinion of the employment officer, the conditions mentioned in Article

3(2)(a) and (c) would be satisfied with respect to the claimant if he were to act in accordance with, or be treated as acting in accordance with, the proposed claimant commitment.

(5) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed claimant commitment to the Department for it to determine—

(a) whether, if the claimant were to act in accordance with the proposed claimant commitment, he would satisfy—

(i) the condition mentioned in Article 3(2)(a), or

(ii) the condition mentioned in Article 3(2)(c), and

(b) whether it is reasonable to expect the claimant to have to act in accordance with the proposed claimant commitment.

(6) A reference under paragraph (5) may only relate to information included in the proposed claimant commitment under paragraph (3)(a).

(7) On a reference under paragraph (5) the Department—

(a) shall, so far as practicable, dispose of it in accordance with this Article before the end of the period of 14 days from the date of the reference;

(b) may give such directions, with respect to the terms of the proposed claimant commitment, as the Department considers appropriate;

(c) may direct that, if such conditions as it considers appropriate are satisfied, the proposed claimant commitment is to be treated (if accepted) as having been accepted by the claimant on such date as may be specified in the direction.

(8) Regulations may provide—

(a) for such matters as may be prescribed to be taken into account by the Department in giving a direction under paragraph (7)(c), and

(b) for such persons as may be prescribed to be notified of—

(i) any determination of the Department under this Article;

(ii) any direction given by the Department under this Article.

(9) Regulations may provide that, in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in Article 3(2)(b).

(10) For the purposes of this Order a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed."

(5) For Article 12 (variation of jobseeker's agreement) substitute—

"**Variation of claimant commitment**

12.—(1) A claimant commitment may be varied by an employment officer.

(2) An employment officer shall not vary a claimant commitment unless, in the opinion of the employment officer, the conditions mentioned in Article 3(2)(a) and (c) would continue to be satisfied with respect to the claimant if he were to act in accordance with, or be treated as acting in accordance with, the varied claimant commitment.

(3) An employment officer shall, before making a relevant variation of a claimant commitment, notify the claimant of the proposed variation.

(4) For the purposes of this Article a "relevant variation" of a claimant commitment means a variation which relates to information to be included in the claimant commitment in respect of the conditions mentioned in Article 3(2)(a) and (c).

(5) The employment officer may, and if asked to do so by the claimant in prescribed circumstances, shall forthwith refer a relevant variation of a claimant commitment proposed by the employment officer or requested by the claimant to the Department to determine—

(a) whether, if the claimant were to act in accordance with the claimant commitment as proposed to be varied, he would satisfy—

(i) the condition mentioned in Article 3(2)(a), or

(ii) the condition mentioned in Article 3(2)(c), and

(b) in the case of a variation proposed by the employment officer, whether it is reasonable to expect the claimant to have to act in accordance with the claimant commitment as proposed to be varied.

(6) On a reference under paragraph (5) the Department—

(a) shall, so far as practicable, dispose of it in accordance with this Article before the end of the period of 14 days from the date of the reference,

(b) shall give such directions as it considers appropriate as to—

(i) whether the claimant commitment should be varied, and

(ii) if so, the terms on which the claimant is to accept the varied claimant commitment, and

(c) may direct that, if such conditions as it considers appropriate are satisfied, the claimant commitment, as proposed to be varied, is to be treated (if accepted) as having been accepted by the claimant on such date as may be specified in the direction.

(7) Regulations may provide—

(a) for such matters as may be prescribed to be taken into account by the Department in giving a direction under paragraph (6)(b) or (c), and

(b) for such persons as may be prescribed to be notified of—

(i) any determination of the Department under this Article;

(ii) any direction given by the Department under this Article.”

Interviews

51. In Article 10 of the Jobseekers Order (attendance, information and evidence), in paragraphs (1)(a) and (1A)(a) for “attend at such place and at such time” substitute “participate in an interview in such manner, time and place”.

Sanctions

52.—(1) For Article 21 of the Jobseekers Order (circumstances in which a jobseeker’s allowance is not payable) substitute—

“**Higher-level sanctions**

21.—(1) The amount of an award of a jobseeker’s allowance is to be reduced in accordance with this Article in the event of a failure by the claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant—

(a) through misconduct loses employment as an employed earner;

(b) without a good reason voluntarily leaves such employment;

(c) without a good reason refuses or fails to apply for, or accept if offered, a situation in any employment which an employment officer has informed him is vacant or about to become vacant;

(d) without a good reason neglects to avail himself of a reasonable opportunity of employment;

(e) without a good reason fails to participate in any scheme within Article 19A(1) which is prescribed for the purposes of this Article.

(3) For the purposes of paragraph (2)(b), in such circumstances as may be prescribed, including in particular where a person has been dismissed by his employer by reason of redundancy within the meaning of Article 174(1) of the Employment Rights (Northern Ireland) Order 1996 after volunteering or agreeing to be so dismissed, a person who might otherwise be treated as having left his employment voluntarily is to be treated as not having left voluntarily.

(4) Regulations are to provide for—

(a) the amount of a reduction under this Article;

(b) the period for which such a reduction has effect, not exceeding 18 months in relation to any failure sanctionable under this Article.

(5) Regulations under paragraph (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—

(a) the number of failures by the claimant sanctionable under this Article;

(b) the period between such failures.

(6) Regulations may provide—

(a) for cases in which no reduction is to be made under this Article;

(b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.

(7) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this Article by virtue of a failure by one of the claimants which is sanctionable under this Article, the allowance is payable to the other member of the couple.

Other sanctions

21A.—(1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by the claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant—

(a) without a good reason fails to comply with regulations under Article 10(1) or (1A);

(b) without a good reason fails to comply with regulations under Article 19A;

(c) without a good reason refuses or fails to carry out a jobseeker's direction which was reasonable having regard to his circumstances;

(d) without a good reason neglects to avail himself of a reasonable opportunity of a place on a training scheme or employment programme;

(e) without a good reason refuses or fails to apply for, or accept if offered, a place on such a scheme or programme which an employment officer has informed him is vacant or about to become vacant;

(f) without a good reason gives up a place on such a scheme or programme or fails to attend such a scheme or programme having been given a place on it;

(g) through misconduct loses a place on such a scheme or programme.

(3) But a failure is not sanctionable under this Article if it is also sanctionable under Article 21.

(4) Regulations are to provide for—

(a) the amount of a reduction under this Article;

(b) the period for which such a reduction has effect.

(5) Regulations under paragraph (4)(b) may provide that a reduction under this Article in relation to any failure is to have effect for—

(a) a period continuing until the claimant meets a compliance condition specified by the Department,

(b) a fixed period not exceeding 26 weeks which is—

(i) specified in the regulations, or

(ii) determined in any case by the Department, or

(c) a combination of both.

(6) In paragraph (5)(a) "compliance condition" means—

(a) a condition that the failure ceases, or

(b) a condition relating to—

(i) future compliance with a jobseeker's direction or any requirement imposed under Article 10(1) or (1A) or 19A, or

(ii) future avoidance of the failures referred to in paragraph (2)(d) to (g).

(7) A compliance condition specified under paragraph (5)(a) may be—

(a) revoked or varied by the Department;

(b) notified to the claimant in such manner as the Department may determine.

(8) The period fixed under paragraph (5)(b) may in particular depend on either or both of the following—

(a) the number of failures by the claimant sanctionable under this Article;

(b) the period between such failures.

(9) Regulations may provide—

(a) for cases in which no reduction is to be made under this Article;

(b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.

(10) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this Article by virtue of a failure by one of the claimants which is sanctionable under this Article, the allowance is payable to the other member of the couple.

(11) In this Article—

(a) "jobseeker's direction" means a direction given by an employment officer (in such manner as he thinks fit) with a view to achieving one or both of the following—

(i) assisting the claimant to find employment;

(ii) improving the claimant's prospects of being employed;

(b) "training scheme" and "employment programme" have such meaning as may be prescribed.

Claimants ceasing to be available for employment etc.

21B.—(1) Regulations may make provision for reduction of the amount of an award of a jobseeker's allowance other than a joint-claim jobseeker's allowance if the claimant—

(a) was previously entitled to such an allowance or was a member of a couple entitled to a joint-claim jobseeker's allowance, and

(b) ceased to be so entitled by failing to comply with the condition in Article 3(2)(a) or (c) (availability for employment and actively seeking employment).

(2) Regulations may make provision for reduction of the amount of a joint-claim jobseeker's allowance if one of the claimants—

(a) was previously entitled to a jobseeker's allowance other than a joint-claim jobseeker's allowance, and

(b) ceased to be so entitled by failing to comply with the condition in Article 3(2)(a) or (c).

(3) Regulations may make provision for reduction of the amount of an award of joint-claim jobseeker's allowance if—

(a) the couple were previously entitled to a joint-claim jobseeker's allowance but ceased to be so entitled by either or both of them failing to comply with the condition in Article 3(2)(a) or (c), or

(b) either member of the couple was a member of another couple previously entitled to such an allowance and that couple ceased to be so entitled by that person failing to comply with the condition in Article 3(2)(a) or (c).

(4) Regulations are to provide for—

(a) the amount of a reduction under this Article;

(b) the period for which such a reduction has effect.

(5) The period referred to in paragraph (4)(b) must not include any period after the end of the period of 13 weeks beginning with the day on which the claimant's previous entitlement ceased.

(6) Regulations under paragraph (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—

(a) the number of occasions on which a claimant's entitlement has ceased as specified in paragraph (1), (2) or (3);

(b) the period between such occasions.

(7) Regulations may provide for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.

(8) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this Article by virtue of a failure by one of the claimants to comply with the condition in Article 3(2)(a) or (c), the allowance is payable to the other member of the couple.

Hardship payments

21C.—(1) Regulations may make provision for the making of payments ("hardship payments") by way of a jobseeker's allowance to a claimant where—

(a) the amount of the claimant's award is reduced under Articles 21 to 21B, and

(b) the claimant is or will be in hardship.

(2) Regulations under this Article may in particular make provision as to—

(a) circumstances in which a claimant is to be treated as being or not being in hardship;

(b) matters to be taken into account in determining whether a claimant is or will be in hardship;

(c) requirements or conditions to be met by a claimant in order to receive hardship payments;

(d) the amount or rate of hardship payments;

(e) the period for which hardship payments may be made;

(f) whether hardship payments are recoverable."

(2) In Schedule 1 to that Order—

(a) in the heading preceding paragraph 14B for "or just cause" substitute "reason";

(b) before paragraph 14B insert—

"**14AA.** For any purpose of this Order regulations may provide for—

(a) circumstances in which a person is to be treated as having or not having a good reason for an act or omission;

(b) matters which are or are not to be taken into account in determining whether a person has a good reason for an act or omission.";

(c) in paragraph 14B, in sub-paragraph (1)—

(i) for "this Order" substitute "paragraph 14AA";

(ii) for "good cause or just cause" substitute "a good reason".

(3) In Schedule 3 to the Social Security (Northern Ireland) Order 1998 (decisions against which an appeal lies), in paragraph 3, sub-paragraphs (ca) and (d) are repealed.

Procedure for regulation-making powers

53. In Article 37 of the Jobseekers Order (Assembly, etc. control), in paragraph (1)(c) (regulations subject to confirmatory procedure), "8, 9," is repealed.

Consequential amendments

54. Schedule 7 contains consequential amendments relating to Articles 50 to 52.

Claimant responsibilities after introduction of universal credit

Claimant responsibilities for jobseeker's allowance

55.—(1) The Jobseekers Order is amended as follows.

(2) In Article 2 (interpretation), in paragraph (2), at the appropriate places insert—

""work availability requirement" has the meaning given by Article 8E;";

""work preparation requirement" has the meaning given by Article 8C;";

""work search requirement" has the meaning given by Article 8D;";

""work-focused interview requirement" has the meaning given by Article 8B;";

""work-related requirement" has the meaning given by Article 8;".

(3) In Article 3(2) (conditions of entitlement), sub-paragraphs (a) and (c) are repealed.

(4) For Articles 8 to 12 (and the italic heading preceding Article 8) substitute—

"Work-related requirements

Work-related requirements

8.—(1) The following provisions provide for the Department to impose work-related requirements with which claimants must comply for the purposes of this Order.

(2) In this Order "work-related requirement" means—

(a) a work-focused interview requirement (see Article 8B);

(b) a work preparation requirement (see Article 8C);

(c) a work search requirement (see Article 8D);

(d) a work availability requirement (see Article 8E).

Claimant commitment

8A.—(1) A claimant commitment is a record of a claimant's responsibilities in relation to an award of a jobseeker's allowance.

(2) A claimant commitment is to be prepared by the Department and may be reviewed and updated as the Department thinks fit.

(3) A claimant commitment is to be in such form as the Department thinks fit.

(4) A claimant commitment is to include—

(a) a record of the requirements that the claimant must comply with under this Order (or such of them as the Department considers it appropriate to include),

(b) any prescribed information, and

(c) any other information the Department considers it appropriate to include.

(5) For the purposes of this Order a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

Work-focused interview requirement

8B.—(1) In this Order a "work-focused interview requirement" is a requirement that a claimant participate in one or more work-focused interviews as specified by the Department.

(2) A work-focused interview is an interview for prescribed purposes relating to work or work preparation.

(3) The purposes which may be prescribed under paragraph (2) include in particular that of making it more likely in the opinion of the Department that the claimant will obtain paid work (or more paid work or better-paid work).

(4) The Department may specify how, when and where a work-focused interview is to take place.

Work preparation requirement

8C.—(1) In this Order a "work preparation requirement" is a requirement that a claimant take particular action specified by the Department for the purpose of making it more likely in the opinion of the Department that the claimant will obtain paid work (or more paid work or better-paid work).

(2) The Department may under paragraph (1) specify the time to be devoted to any particular action.

(3) Action which may be specified under paragraph (1) includes in particular—

(a) attending a skills assessment;

(b) improving personal presentation;

(c) participating in training;

(d) participating in an employment programme;

(e) undertaking work experience or a work placement;

(f) developing a business plan;

(g) any action prescribed for the purpose in paragraph (1).

Work search requirement

8D.—(1) In this Order a "work search requirement" is a requirement that a claimant take—

(a) all reasonable action, and

(b) any particular action specified by the Department,

for the purpose of obtaining paid work (or more paid work or better-paid work).

(2) The Department may under paragraph (1)(b) specify the time to be devoted to any particular action.

(3) Action which may be specified under paragraph (1)(b) includes in particular—

(a) carrying out work searches;

(b) making applications;

(c) creating and maintaining an online profile;

(d) registering with an employment agency;

(e) seeking references;

(f) any other action prescribed for the purpose in paragraph (1).

(4) Regulations may impose limitations on a work search requirement by reference to the work to which it relates; and the Department may in any particular case specify further such limitations on such a requirement.

(5) A limitation under paragraph (4) may in particular be by reference to—

(a) work of a particular nature,

(b) work with a particular level of remuneration,

(c) work in particular locations, or

(d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

Work availability requirement

8E.—(1) In this Order a "work availability requirement" is a requirement that a claimant be available for work.

(2) For the purposes of this Article "available for work" means able and willing immediately to take up paid work (or more paid work or better-paid work).

(3) Regulations may impose limitations on a work availability requirement by reference to the work to which it relates; and the Department may in any particular case specify further such limitations on such a requirement.

(4) A limitation under paragraph (3) may in particular be by reference to—

(a) work of a particular nature,

(b) work with a particular level of remuneration,

(c) work in particular locations, or

(d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

(5) Regulations may for the purposes of paragraph (2) define what is meant by able and willing immediately to take up work.

Imposition of work-related requirements

8F.—(1) The Department must, except in prescribed circumstances, impose on a claimant—

(a) a work search requirement, and

(b) a work availability requirement.

(2) The Department may, subject to this Order, impose either or both of the following on a claimant—

(a) a work-focused interview requirement;

(b) a work preparation requirement.

Connected requirements

8G.—(1) The Department may require a claimant to participate in an interview for any purpose relating to—

(a) the imposition of a work-related requirement on the claimant;

(b) verifying the claimant's compliance with a work-related requirement;

(c) assisting the claimant to comply with a work-related requirement.

(2) The Department may specify how, when and where such an interview is to take place.

(3) The Department may, for the purpose of verifying the claimant's compliance with a work-related requirement, require a claimant to—

(a) provide to the Department information and evidence specified by the Department in a manner so specified;

(b) confirm compliance in a manner so specified.

(4) The Department may require a claimant to report to the Department any specified changes in the claimant's circumstances which are relevant to—

(a) the imposition of work-related requirements on the claimant;

(b) the claimant's compliance with a work-related requirement.

Imposition of work-related and connected requirements: supplementary

8H.—(1) Regulations may make provision—

(a) where the Department may impose a requirement under the preceding provisions, as to when the requirement must or must not be imposed;

(b) where the Department may specify any action to be taken in relation to a requirement under the preceding provisions, as to what action must or must not be specified;

(c) where the Department may specify any other matter in relation to such a requirement, as to what must or must not be specified in respect of that matter.

(2) Where the Department may impose a work-focused interview requirement, the Department must have regard to such matters as may be prescribed.

(3) Where the Department may specify a particular action under Article 8C(1) or 8D(1)(b), the Department must have regard to such matters as may be prescribed.

(4) Where the Department may impose a requirement under the preceding provisions, the Department may revoke or change what has been imposed or specified.

(5) Where the Department may specify any action to be taken in relation to a requirement imposed under the preceding provisions, the Department may revoke or change what has been specified.

(6) Notification of a requirement imposed under the preceding provisions (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Department may determine.

(7) Regulations must make provision to secure that, in prescribed circumstances, where a claimant has recently been a victim of domestic violence—

(a) a requirement imposed on the claimant under the preceding provisions ceases to have effect for a period of 13 weeks, and

(b) the Department may not impose any other requirement on the claimant during that period.

(8) For the purposes of paragraph (7)—

(a) "domestic violence" has such meaning as may be prescribed;

(b) "victim of domestic violence" means a person on or against whom domestic violence is inflicted or threatened (and regulations under paragraph (7) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);

(c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

Compliance with work-related and connected requirements

8I. Regulations may make provision as to circumstances in which a claimant is to be treated as having—

(a) complied with or not complied with any requirement imposed under the preceding provisions or any aspect of such a requirement, or

(b) taken or not taken any particular action specified by the Department in relation to such a requirement.

Higher-level sanctions

8J.—(1) The amount of an award of jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by a claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant—

(a) fails for no good reason to comply with a requirement imposed under a work preparation requirement to undertake a work placement of a prescribed description;

(b) fails for no good reason to comply with a requirement imposed under a work search requirement to apply for a particular vacancy for paid work;

(c) fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work;

(d) by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay.

(3) It is a failure sanctionable under this Article if, at any time before making the claim by reference to which the award is made, the claimant—

(a) for no good reason failed to take up an offer of paid work, or

(b) by reason of misconduct, or voluntarily and for no good reason, ceased paid work or lost pay.

(4) For the purposes of paragraphs (2) and (3) regulations may provide—

(a) for circumstances in which ceasing to work or losing pay is to be treated as occurring or not occurring by reason of misconduct or voluntarily;

(b) for loss of pay below a prescribed level to be disregarded.

(5) Regulations are to specify—

(a) the amount of a reduction under this Article;

(b) the period for which such a reduction has effect, not exceeding 18 months in relation to any failure sanctionable under this Article.

(6) Regulations under paragraph (5)(b) may in particular provide for the period of a reduction to depend on either or both of the following—

(a) the number of failures by the claimant sanctionable under this Article;

(b) the period between such failures.

(7) Regulations may provide—

(a) for cases in which no reduction is to be made under this Article;

(b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;

(c) for the termination or suspension of a reduction under this Article.

Other sanctions

8K.—(1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by a claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant—

(a) fails for no good reason to comply with a work-related requirement;

(b) fails for no good reason to comply with a requirement under Article 8G.

(3) But a failure by a claimant is not sanctionable under this Article if it is also a failure sanctionable under Article 8J.

(4) Regulations must specify—

(a) the amount of a reduction under this Article;

(b) the period for which such a reduction has effect.

(5) Regulations under paragraph (4)(b) may provide that a reduction under this Article in relation to any failure is to have effect for—

(a) a period continuing until the claimant meets a compliance condition specified by the Department,

(b) a fixed period not exceeding 26 weeks which is—

(i) specified in the regulations, or

(ii) determined in any case by the Department, or

(c) a combination of both.

(6) In paragraph (5)(a) "compliance condition" means—

(a) a condition that the failure ceases, or

(b) a condition relating to future compliance with a work-related requirement or a requirement under Article 8G.

(7) A compliance condition specified under paragraph (5)(a) may be—

(a) revoked or varied by the Department;

(b) notified to the claimant in such manner as the Department may determine.

(8) A period fixed under paragraph (5)(b) may in particular depend on either or both the following—

(a) the number of failures by the claimant sanctionable under this Article;

(b) the period between such failures.

(9) Regulations may provide—

(a) for cases in which no reduction is to be made under this Article;

(b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;

(c) for the termination or suspension of a reduction under this Article.

Concurrent exercise of certain functions by Department for Employment and Learning

8L.—(1) The Department for Employment and Learning may exercise, concurrently with the Department, the functions of the Department under the provisions of this Part specified in paragraph (2); and references to the Department in those provisions are to be construed accordingly.

(2) The provisions are—

(a) Article 8A(2) and (4)(a) and (c);

(b) Article 8B(1), (3) and (4);

(c) Article 8C(1) and (2);

(d) Article 8D(1)(b), (2) and (4);

(e) Article 8E(3);

(f) Article 8G(1), (2), (3) and (4);

(g) Article 8H(1)(b) and (c), (3) and (5);

(h) Article 8I(b).

Delegation and contracting out

8M.—(1) The functions of the Department under Articles 8 to 8I may be exercised by, or by the employees of, such person as the Department may authorise for the purpose (an "authorised person").

(2) An authorisation given by virtue of this Article may authorise the exercise of a function—

(a) wholly or to a limited extent;

(b) generally or in particular cases or areas;

(c) unconditionally or subject to conditions.

(3) An authorisation under this Article—

(a) may specify its duration;

(b) may be varied or revoked at any time by the Department;

(c) does not prevent the Department or another person from exercising the function to which the authorisation relates.

(4) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Department or (as the case may be) an officer of the Department.

(5) Paragraph (4) does not apply—

(a) for the purposes of so much of any contract made between the authorised person and the Department as relates to the exercise of the function, or

(b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).

(6) Where—

(a) the authorisation of an authorised person is revoked, and

(b) at the time of the revocation so much of any contract made between the authorised person and the Department as relates to the exercise of the function is subsisting,

the authorised person is entitled to treat the contract as repudiated by the Department (and not as frustrated by reason of the revocation).

(7) This Article applies in relation to the functions exercisable by the Department for Employment and Learning by virtue of Article 8L as it applies in relation to the functions of the Department mentioned in paragraph (1); and references to the Department in paragraphs (1) to (6) are to be construed accordingly."

(5) In Article 31 (pilot schemes), in paragraph (8), for the words from "ascertaining" to the end substitute—

"testing the extent to which the provision made by the regulations is likely to promote—

(a) people remaining in work, or

(b) people obtaining or being able to obtain work (or more work or better-paid work)."

CHAPTER 2

Employment and support allowance

Conditions of entitlement

Dual entitlement

56. In section 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance), after subsection (6) insert—

"(6A) In subsection (3)(f), in relation to a contributory allowance, the reference to a couple entitled to a joint-claim jobseeker's allowance does not include a couple so entitled by virtue of regulations under paragraph 8A of Schedule 1 to the Jobseekers Order."

Period of entitlement to contributory allowance

57.—(1) After section 1 of the Welfare Reform Act (Northern Ireland) 2007 insert—

"**Duration of contributory allowance**

1A.—(1) The period for which a person is entitled to a contributory allowance by virtue of the first and second conditions set out in Part 1 of Schedule 1 shall not exceed, in the aggregate, the relevant maximum number of days in any period for which his entitlement is established by reference (under the second condition set out in Part 1 of Schedule 1) to the same two tax years.

(2) In subsection (1) the "relevant maximum number of days" is—

(a) 365 days; or

(b) if the Department by order specifies a greater number of days, that number of days.

(3) The fact that a person's entitlement to a contributory allowance has ceased as a result of subsection (1) does not prevent his being entitled to a further such allowance if—

(a) he satisfies the first and second conditions set out in Part 1 of Schedule 1, and

(b) the two tax years by reference to which he satisfies the second condition include at least one year which is later than the second of the two years by reference to which (under the second condition) his previous entitlement was established.

(4) The period for which a person is entitled to a contributory allowance by virtue of the third condition set out in Part 1 of Schedule 1 (youth) shall not exceed—

(a) 365 days; or

(b) if the Department by order specifies a greater number of days, that number of days.

(5) In calculating for the purposes of subsection (1) or (4) the length of the period for which a person is entitled to a contributory allowance, the following are not to be counted—

(a) days in which the person is a member of the support group,

(b) days not falling within paragraph (a) in respect of which the person is entitled to the support component referred to in section 2(1)(b), and

(c) days in the assessment phase, where the days immediately following that phase fall within paragraph (a) or (b).

(6) In calculating for the purposes of subsection (1) or (4) the length of the period for which a person is entitled to a contributory allowance, days occurring before the coming into operation of this section are to be counted (as well as those occurring afterwards)."

(2) In section 25 of that Act (regulations)—

(a) in the heading, after "regulations" insert "and orders";

(b) in subsections (1) and (2) after "regulations" insert "or an order".

(3) In section 26 of that Act (Assembly control) in subsection (1) after "this Part" insert "or any order made under section 1A".

(4) In Schedule 4 to that Act (transition relating to Part 1), in paragraph 7(2), at the end insert—

"(f) make provision modifying the application of section 1A in relation to awards of an employment and support allowance to persons previously entitled to existing awards."

Further entitlement after time-limiting

58.—(1) After section 1A of the Welfare Reform Act (Northern Ireland) 2007 (as inserted by Article 57) insert—

"**Further entitlement after time-limiting**

1B.—(1) Where a person's entitlement to a contributory allowance has ceased as a result of section 1A(1) or (4) but—

(a) the person has not at any subsequent time ceased to have (or to be treated as having) limited capability for work,

(b) the person satisfies the basic conditions, and

(c) the person has (or is treated as having) limited capability for work-related activity,

the claimant is entitled to an employment and support allowance by virtue of this section.

(2) An employment and support allowance entitlement which is based on this section is to be regarded as a contributory allowance for the purposes of this Part."

(2) In section 1 of that Act (employment and support allowance), in the definition of "contributory allowance" in subsection (7), after "subsection (2)(a)" insert "(and see section 1B(2))".

Condition relating to youth

59. In section 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance), after subsection (3) insert—

"(3A) After the coming into operation of this subsection no claim may be made for an employment and support allowance by virtue of the third condition set out in Part 1 of Schedule 1 (youth)."

Claimant responsibilities for interim period

Claimant commitment for employment and support allowance

60.—(1) The Welfare Reform Act (Northern Ireland) 2007 is amended as follows.

(2) In section 1(3) (employment and support allowance) after paragraph (a) insert—

"(aa) has accepted a claimant commitment,".

(3) After section 1B (as inserted by Article 58) insert—

"**Claimant commitment**

1C.—(1) For the purposes of this Part a "claimant commitment" is a record of the claimant's responsibilities in relation to an award of an employment and support allowance.

(2) A claimant commitment is to be prepared by the Department or the Department for Employment and Learning and may be reviewed and updated as that department thinks fit.

(3) A claimant commitment is to be in such form as the Department thinks fit.

(4) A claimant commitment is to include—

(a) any prescribed information, and

(b) any other information the Department or the Department for Employment and Learning considers it appropriate to include.

(5) For the purposes of this Part a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

(6) Regulations may provide that, in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in section 1(3)(aa)."

(4) In section 15(2)(b) (directions about work-related activity) for the words from "by" to "14" substitute "in such manner as the Department or the Department for Employment and Learning thinks fit".

(5) In section 16(1) (contracting out) before paragraph (a) insert—

"(za) any function under section 1C in relation to a claimant commitment;".

(6) In Schedule 2 (supplementary provisions) after paragraph 4 insert—

"Exemption

4A. Regulations may prescribe circumstances in which a person may be entitled to employment and support allowance without having accepted a claimant commitment."

(7) In section 25(2) of the Welfare Reform Act (Northern Ireland) 2010 (action plans: well-being of children), in subsection (5) inserted into section 14 of the Welfare Reform Act (Northern Ireland) 2007—

(a) after "preparing any" insert "claimant commitment or";

(b) after "action plan," insert "the Department or".

Work experience etc.

61. In section 13 of the Welfare Reform Act (Northern Ireland) 2007 (work-related activity), after subsection (7) insert—

"(8) The reference to activity in subsection (7) includes work experience or a work placement."

Hardship payments

62. After section 16 of the Welfare Reform Act (Northern Ireland) 2007 insert—

"**Hardship payments**

16A.—(1) Regulations may make provision for the making of payments ("hardship payments") by way of an employment and support allowance to a person where—

(a) the amount otherwise payable to the person in respect of an employment and support allowance is reduced by virtue of regulations under section 11(3), 12(3) or 13(3), and

(b) the person is or will be in hardship.

(2) Regulations under this section may in particular make provision as to—

(a) circumstances in which a person is to be treated as being or not being in hardship;

(b) matters to be taken into account in determining whether a person is or will be in hardship;

(c) requirements or conditions to be met by a person in order to receive hardship payments;

(d) the amount or rate of hardship payments;

(e) the period for which hardship payments may be made."

Claimant responsibilities after introduction of universal credit

Claimant responsibilities for employment and support allowance

63.—(1) The Welfare Reform Act (Northern Ireland) 2007 is amended as follows.

(2) For sections 11 to 16 (and the italic heading preceding section 11) substitute—

"Work-related requirements

Work-related requirements

11.—(1) The following provisions of this Part provide for the Department to impose work-related requirements with which persons entitled to an employment and support allowance must comply for the purposes of this Part.

(2) In this Part "work-related requirement" means—

(a) a work-focused interview requirement (see section 11B);

(b) a work preparation requirement (see section 11C).

(3) The work-related requirements which may be imposed on a person depend on which of the following groups the person falls into—

(a) persons subject to no work-related requirements (see section 11D);

(b) persons subject to work-focused interview requirement only (see section 11E);

(c) persons subject to work-focused interview and work preparation requirements (see section 11F).

Claimant commitment

11A.—(1) A claimant commitment is a record of the responsibilities of a person entitled to an employment and support allowance in relation to the award of the allowance.

(2) A claimant commitment is to be prepared by the Department and may be reviewed and updated as the Department thinks fit.

(3) A claimant commitment is to be in such form as the Department thinks fit.

(4) A claimant commitment is to include—

(a) a record of the requirements that the person must comply with under this Part (or such of them as the Department considers it appropriate to include),

(b) any prescribed information, and

(c) any other information the Department considers it appropriate to include.

(5) For the purposes of this Part a person accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

Work-focused interview requirement

11B.—(1) In this Part a "work-focused interview requirement" is a requirement that a person participate in one or more work-focused interviews as specified by the Department.

(2) A work-focused interview is an interview for prescribed purposes relating to work or work preparation.

(3) The purposes which may be prescribed under subsection (2) include in particular that of making it more likely in the opinion of the Department that the person will obtain paid work (or more paid work or better-paid work).

(4) The Department may specify how, when and where a work-focused interview is to take place.

Work preparation requirement

11C.—(1) In this Part a "work preparation requirement" is a requirement that a person take particular action specified by the Department for the purpose of making it more likely in the

opinion of the Department that the person will obtain paid work (or more paid work or better-paid work).

(2) The Department may under subsection (1) specify the time to be devoted to any particular action.

(3) Action which may be specified under subsection (1) includes in particular—

(a) attending a skills assessment;

(b) improving personal presentation;

(c) participating in training;

(d) participating in an employment programme;

(e) undertaking work experience or a work placement;

(f) developing a business plan;

(g) any action prescribed for the purpose in subsection (1).

(4) The action which may be specified under subsection (1) includes taking part in a work-focused health-related assessment.

(5) In subsection (4) "work-focused health-related assessment" means an assessment by a health care professional approved by the Department which is carried out for the purpose of assessing—

(a) the extent to which the person's capability for work may be improved by taking steps in relation to the person's physical or mental condition, and

(b) such other matters relating to the person's physical or mental condition and the likelihood of the person obtaining or remaining in work or being able to do so as may be prescribed.

(6) In subsection (5) "health care professional" means—

(a) a registered medical practitioner,

(b) a registered nurse,

(c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Act 1999, or

(d) a member of such other profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 as may be prescribed.

Persons subject to no work-related requirements

11D.—(1) The Department may not impose any work-related requirement on a person falling within this section.

(2) A person falls within this section if—

(a) the person has limited capability for work and work-related activity,

(b) the person has regular and substantial caring responsibilities for a severely disabled person,

(c) the person is a single person responsible for a child under the age of one,

(d) the person is of a prescribed description.

(3) Where a person falls within this section, any work-related requirement previously applying to the person ceases to have effect.

(4) In this section—

"regular and substantial caring responsibilities" has such meaning as may be prescribed;

"severely disabled" has such meaning as may be prescribed.

Persons subject to work-focused interview requirement only

11E.—(1) A person falls within this section if—

(a) the person is a single person responsible for a child who is aged at least one and is under a prescribed age (which may not be less than 3), or

(b) the person is of a prescribed description.

(2) The Department may, subject to this Part, impose a work-focused interview requirement on a person entitled to an employment and support allowance who falls within this section.

(3) The Department may not impose a work preparation requirement on a person falling within this section (and, where a person falls within this section, a work preparation requirement previously applying to the person ceases to have effect).

Persons subject to work preparation and work-focused interview requirement

11F.—(1) A person who does not fall within section 11D or 11E falls within this section.

(2) The Department may, subject to this Part, impose a work preparation requirement or work-focused interview requirement on a person entitled to an employment and support allowance who falls within this section.

Connected requirements

11G.—(1) The Department may require a person entitled to an employment and support allowance to participate in an interview for any purpose relating to—

(a) the imposition of a work-related requirement on the person;

(b) verifying the person's compliance with a work-related requirement;

(c) assisting the person to comply with a work-related requirement.

(2) The Department may specify how, when and where such an interview is to take place.

(3) The Department may, for the purpose of verifying a person's compliance with a work-related requirement, require the person to—

(a) provide to the Department information and evidence specified by the Department in a manner so specified;

(b) confirm compliance in a manner so specified.

(4) The Department may require a person to report to the Department any specified changes in that person's circumstances which are relevant to—

(a) the imposition of work-related requirements on the person;

(b) the person's compliance with a work-related requirement.

Imposition of requirements

11H.—(1) Regulations may make provision—

(a) where the Department may impose a requirement under this Part, as to when the requirement must or must not be imposed;

(b) where the Department may specify any action to be taken in relation to a requirement under this Part, as to what action must or must not be specified;

(c) where the Department may specify any other matter in relation to a requirement under this Part, as to what must or must not be specified in respect of that matter.

(2) Where the Department may impose a work-focused interview requirement, the Department must have regard to such matters as may be prescribed.

(3) Where the Department may specify a particular action under section 11C(1), the Department must have regard to such matters as may be prescribed.

(4) Where the Department may impose a requirement under this Part, the Department may revoke or change what has been imposed or specified.

(5) Where the Department may specify any action to be taken in relation to a requirement imposed under this Part, the Department may revoke or change what has been specified.

(6) Notification of a requirement imposed under this Part (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Department may determine.

(7) Regulations must make provision to secure that, in prescribed circumstances, where a person has recently been a victim of domestic violence—

(a) a requirement imposed on that person under this Part ceases to have effect for a period of 13 weeks, and

(b) the Department may not impose any other requirement on that person during that period.

(8) For the purposes of subsection (7)—

(a) "domestic violence" has such meaning as may be prescribed;

(b) "victim of domestic violence" means a person on or against whom domestic violence is inflicted or threatened (and regulations under subsection (7) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);

(c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

Compliance with requirements

11I. Regulations may make provision as to circumstances in which a person is to be treated as having—

(a) complied with or not complied with any requirement imposed under this Part or any aspect of such a requirement, or

(b) taken or not taken any particular action specified by the Department in relation to such a requirement.

Sanctions

11J.—(1) The amount of an award of an employment and support allowance is to be reduced in accordance with this section in the event of a failure by a person which is sanctionable under this section.

(2) It is a failure sanctionable under this section if a person—

(a) fails for no good reason to comply with a work-related requirement;

(b) fails for no good reason to comply with a requirement under section 11G.

(3) Regulations are to specify—

(a) the amount of a reduction under this section, and

(b) the period for which such a reduction has effect.

(4) Regulations under subsection (3)(b) may provide that a reduction under this section in relation to any failure is to have effect for—

(a) a period continuing until the person meets a compliance condition specified by the Department,

(b) a fixed period not exceeding 26 weeks which is—

(i) specified in the regulations, or

(ii) determined in any case by the Department, or

(c) a combination of both.

(5) In subsection (4)(a) "compliance condition" means—

(a) a condition that the failure ceases, or

(b) a condition relating to future compliance with a work-related requirement or a requirement under section 11G.

(6) A compliance condition specified under subsection (4)(a) may be—

(a) revoked or varied by the Department;

(b) notified to the person in such manner as the Department may determine.

(7) A period fixed under subsection (4)(b) may in particular depend on either or both the following—

(a) the number of failures by the person sanctionable under this section;

(b) the period between such failures.

(8) Regulations may provide—

(a) for cases in which no reduction is to be made under this section;

(b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;

(c) for the termination or suspension of a reduction under this section.

Concurrent exercise of certain functions by Department for Employment and Learning

11K.—(1) The Department for Employment and Learning may exercise, concurrently with the Department, the functions of the Department under the provisions of this Part specified in subsection (2); and references to the Department in those provisions are to be construed accordingly.

(2) The provisions are—

(a) section 11A(2) and (4)(a) and (c);

(b) section 11B(1), (3) and (4);

(c) section 11C(1) and (2);

(d) section 11G(1), (2), (3) and (4);

(e) section 11H(1)(b) and (c), (3) and (5);

(f) section 11I(b).

Delegation and contracting out

11L.—(1) The functions of the Department under sections 11 to 11I may be exercised by, or by the employees of, such person as the Department may authorise for the purpose (an "authorised person").

(2) An authorisation given by virtue of this section may authorise the exercise of a function—

(a) wholly or to a limited extent;

(b) generally or in particular cases or areas;

(c) unconditionally or subject to conditions.

(3) An authorisation under this section—

(a) may specify its duration;

(b) may be varied or revoked at any time by the Department;

(c) does not prevent the Department or another person from exercising the function to which the authorisation relates.

(4) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Department or (as the case may be) an officer of the Department.

(5) Subsection (4) does not apply—

(a) for the purposes of so much of any contract made between the authorised person and the Department as relates to the exercise of the function, or

(b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).

(6) Where—

(a) the authorisation of an authorised person is revoked, and

(b) at the time of the revocation so much of any contract made between the authorised person and the Department as relates to the exercise of the function is subsisting,

the authorised person is entitled to treat the contract as repudiated by the Department (and not as frustrated by reason of the revocation).

(7) This section applies in relation to the functions exercisable by the Department for Employment and Learning by virtue of section 11K as it applies in relation to the functions of the Department mentioned in subsection (1); and references to the Department in subsections (1) to (6) are to be construed accordingly."

(3) In section 19 (pilot schemes), in subsection (3), for the words from "ascertaining" to the end substitute—

"testing the extent to which the provision made by the regulations is likely to promote—

(a) people remaining in work, or

(b) people obtaining or being able to obtain work (or more work or better-paid work)."

(4) In section 24 (interpretation), in subsection (1)—

(a) at the appropriate places insert—

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

""single person" means an individual who is not a member of a couple (within the meaning of Part 2 of the Welfare Reform (Northern Ireland) Order 2015);";

""work" has such meaning as may be prescribed;";

""work-focused interview requirement" has the meaning given by section 11B;";

""work preparation requirement" has the meaning given by section 11C;";

""work-related requirement" has the meaning given by section 11;";

(b) for the definition of "work-related activity" substitute—

""work-related activity", in relation to a person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so;".

(5) In section 25 (regulations), in subsection (3), for "to 15" substitute "to 11J".

(6) In Schedule 2 (supplementary)—

(a) in the heading preceding paragraph 10A, for "cause" substitute "reason";

(b) before paragraph 10A insert—

"**10ZA.** Regulations may for any purpose of this Part provide for—

(a) circumstances in which a person is to be treated as having or not having a good reason for an act or omission;

(b) matters which are or are not to be taken into account in determining whether a person has a good reason for an act or omission.";

(c) in paragraph 10A, in sub-paragraph (1)—

(i) for "section 11, 12 or 13" substitute "paragraph 10ZA";

(ii) for "good cause" substitute "a good reason".

(7) In that Schedule, after paragraph 10A insert—

"Responsibility for children

10B. Regulations may for any purpose of this Part specify circumstances in which a person is or is not responsible for a child."

(8) In that Schedule, in paragraph 13 (information), for "13" substitute "11K".

CHAPTER 3

Income support

Entitlement of lone parents to income support etc.

64.—(1) In section 123(1A)(b) of the Contributions and Benefits Act (lone parents with a child under 7 to be included in regulations as a category of person entitled to income support), for "7" substitute "5".

(2) In section 8 of the Welfare Reform Act (Northern Ireland) 2010 (Assembly procedure: regulations imposing work-related activity requirements on lone parents of children under 7), in the heading and in subsection (1), for "7" substitute "5".

Claimant commitment for income support

65.—(1) The Contributions and Benefits Act is amended as follows.

(2) In section 123 (income support)—

(a) in subsection (1), after paragraph (e) insert—

"(ea) he has accepted a claimant commitment;";

(b) after subsection (1B) insert—

"(1C) Regulations may prescribe circumstances in which a person may be entitled to income support without having accepted a claimant commitment."

(3) After that section insert—

"**Claimant commitment**

123A.—(1) For the purposes of this Part a "claimant commitment" is a record of the claimant's responsibilities in relation to an award of income support.

(2) A claimant commitment is to be prepared by the Department or the Department for Employment and Learning and may be reviewed and updated as that department thinks fit.

(3) A claimant commitment is to be in such form as the Department thinks fit.

(4) A claimant commitment is to include—

(a) any prescribed information, and

(b) any other information the Department or the Department for Employment and Learning considers it appropriate to include.

(5) For the purposes of section 123 and this section a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

(6) Regulations may provide that in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in section 123(1)(ea)."

(4) In section 2F of the Administration Act (directions about work-related activity), in subsection (3)(b), for the words from "by" to "2E" substitute "in such manner as the Department thinks fit".

(5) In section 2G of that Act (contracting out), after subsection (1)(c) insert—

"(d) any function under section 123A of the Contributions and Benefits Act in relation to a claimant commitment."

CHAPTER 4

Entitlement to work

Entitlement to work: jobseeker's allowance

66.—(1) The Jobseekers Order is amended as follows.

(2) In Article 3 (jobseeker's allowance), in paragraph (2), before sub-paragraph (a) insert—

"(za) is entitled to be in employment in the United Kingdom;".

(3) In that Article, after paragraph (3) insert—

"(3A) For the purposes of paragraph (2)(za), a person is entitled to be in employment in the United Kingdom if, and only if—

(a) the person does not under the Immigration Act 1971 require leave to enter or remain in the United Kingdom, or

(b) the person has been granted such leave and—

(i) the leave is not invalid,

(ii) the leave has not for any reason ceased to have effect, and

(iii) the leave is not subject to a condition preventing the person from accepting any employment."

(4) In Schedule 1 (supplementary provisions), after paragraph 8 insert—

"**8ZA.** Regulations may prescribe circumstances in which a person may be entitled to a jobseeker's allowance without being entitled to be in employment in the United Kingdom."

Entitlement to work: employment and support allowance

67.—(1) The Welfare Reform Act (Northern Ireland) 2007 is amended as follows.

(2) In section 1 (employment and support allowance), in subsection (3), before paragraph (a) insert—

"(za) is entitled to be in employment in the United Kingdom,".

(3) In that section, after subsection (3A) insert—

"(3B) For the purposes of subsection (3)(za), a person is entitled to be in employment in the United Kingdom if, and only if—

(a) the person does not under the Immigration Act 1971 require leave to enter or remain in the United Kingdom, or

(b) the person has been granted such leave and—

(i) the leave is not invalid,

(ii) the leave has not for any reason ceased to have effect, and

(iii) the leave is not subject to a condition preventing the person from accepting any employment."

(4) In Schedule 2 (supplementary provisions), after paragraph 4A (as inserted by Article 60) insert—

"Entitlement to work in the United Kingdom

4B. Regulations may provide that in prescribed circumstances a person who is not entitled to be in employment in the United Kingdom may nevertheless be entitled to an employment and support allowance."

Entitlement to work: maternity allowance and statutory payments

68.—(1) The Contributions and Benefits Act is amended as follows.

(2) In section 35 (state maternity allowance)—

(a) in subsection (1), after paragraph (d) insert—

"and

(e) at the commencement of the week referred to in paragraph (a) above she was entitled to engage in the employment referred to in paragraph (b) above.";

(b) in subsection (3), before paragraph (a) insert—

"(za) for circumstances in which subsection (1)(e) above does not apply;".

(3) In section 160 (statutory maternity pay)—

(a) in subsection (2), after paragraph (a) insert—

"(aa) that at the end of the week immediately preceding that 14th week she was entitled to be in that employment;";

(b) in subsection (9), after paragraph (d) insert—

"(da) provide for circumstances in which subsection (2)(aa) above does not apply;".

(4) In section 167ZA (statutory paternity pay: birth)—

(a) in subsection (2), after paragraph (b) insert—

"(ba) that at the end of the relevant week he was entitled to be in that employment;";

(b) after subsection (3) insert—

"(3A) Regulations may provide for circumstances in which subsection (2)(ba) above does not apply."

(5) In section 167ZB (statutory paternity pay: adoption)—

(a) in subsection (2), after paragraph (b) insert—

"(ba) that at the end of the relevant week he was entitled to be in that employment;";

(b) after subsection (3) insert—

"(3A) Regulations may provide for circumstances in which subsection (2)(ba) above does not apply."

(6) In section 167ZL (statutory adoption pay: entitlement)—

(a) in subsection (2), after paragraph (b) insert—

"(ba) that at the end of the relevant week he was entitled to be in that employment;";

(b) in subsection (3), after "(2)(b)" insert ", (ba)";

(c) in subsection (8), before paragraph (a) insert—

"(za) exclude the application of subsection (2)(ba) above in prescribed circumstances;".

(7) After section 169 (age) insert—

"**Entitlement to be in employment**

169A. For the purposes of this Act a person is entitled to engage in or to be in any employment if (and only if)—

(a) the person does not under the Immigration Act 1971 require leave to enter or remain in the United Kingdom, or

(b) the person has been granted such leave and—

(i) the leave is not invalid,

(ii) the leave has not for any reason ceased to have effect, and

(iii) the leave is not subject to a condition preventing the person from accepting that employment."

(8) In Schedule 11 (statutory sick pay: circumstances in which periods of entitlement do not arise)—

(a) in paragraph 2, after sub-paragraph (h) insert—

"(i) the employee is not entitled to be in his employment on the relevant date.";

(b) after paragraph 8 insert—

"**9.** Paragraph 2(i) above does not apply in prescribed circumstances."

Entitlement to work: statutory shared parental pay

69.—(1) Part 12ZC of the Contributions and Benefits Act (inserted by section 5 of the Work and Families Act (Northern Ireland) 2015) is amended as follows.

(2) In section 167ZU(2) (entitlement: birth) after paragraph (c) insert—

"(ca) that at the end of that prescribed week the claimant mother was entitled to be in that employment,".

(3) In section 167ZU(4) (entitlement: birth) after paragraph (d) insert—

"(da) that at the end of that prescribed week the claimant was entitled to be in that employment,".

(4) In section 167ZW(2) (entitlement: adoption) after paragraph (c) insert—

"(ca) that at the end of that prescribed week claimant A was entitled to be in that employment,".

(5) In section 167ZW(4) (entitlement: adoption) after paragraph (d) insert—

"(da) that at the end of that prescribed week claimant B was entitled to be in that employment,".