

SCHEDULES

SCHEDULE 1

AMENDMENTS CONNECTED TO SECTION 4

PART 1

AMENDMENTS OF JOBSEEKERS (NORTHERN IRELAND) ORDER 1995

Other amendments

- 8.** In Article 2(2) (interpretation)—
- (a) after the definition of “the applicable amount” insert—
““the basic conditions” means the conditions set out in Article 3A(7);”, and
 - (b) after the definition of “jobseeker’s agreement” insert—
““the jobseeking conditions” means the conditions set out in Article 3A(7)(a) to (c);”.
- 9.** In Article 3(4) (the jobseeker’s allowance), for the definition of “a joint-claim jobseeker’s allowance” substitute—
““a joint-claim jobseeker’s allowance” means a jobseeker’s allowance entitlement to which is based on Article 3B.”.
- 10.** In Article 4(1) (the contribution-based conditions), for “Article 3(2)(d)” substitute “Article 3A(1)(b)”.
- 11.**—(1) Article 5 (the income-based conditions) is amended as follows.
- (2) In paragraph (1), for “Article 3(2A)(b)” substitute “Article 3A(3)(b)”.
 - (3) After that paragraph insert—
“(1A) The conditions referred to in Article 3A(4)(d) are that the claimant—
 - (a) satisfies the conditions set out in paragraph (1)(a), (b), (c), (dd), (de) and (e)
 - (b) is not a member of a couple the other member of which is entitled to an income-based jobseeker’s allowance; and

(c) is a person—

(i) who has reached the age of 18; or

(ii) who has reached the age of 16 but not the age of 18 and falls within a prescribed description of person.”.

12. In Article 5A(1) (the conditions for claims by joint-claim couples), for “Article 3(2B)(c)” substitute “Article 3B(1)(c)”.

13. In Article 6(11A) (amount payable by way of a jobseeker’s allowance), for “Article 3(2C)” substitute “Article 3A(8)”.

14. In Article 11 (the jobseeker’s agreement)—

(a) in paragraph (2), for “Article 3” substitute “Article 3A”;

(b) in paragraph (5), for “Article 3(2)(a) and (c)” substitute “Article 3A(7)(a) and (c)”,

(c) in paragraph (6)(a)—

(i) in head (i), for “Article 3(2)(a)” substitute “Article 3A(7)(a)”, and

(ii) in head (ii), for “Article 3(2)(c)” substitute “Article 3A(7)(c)”, and

(d) in paragraph (10), for “Article 3(2)(b)” substitute “Article 3A(7)(b)”.

15. In Article 12 (variation of jobseeker’s agreement)—

(a) in paragraph (4), for “Article 3(2)(a) and (c)” substitute “Article 3A(7)(a) and (c)”, and

(b) in paragraph (5)(a)—

(i) in head (i), for “Article 3(2)(a)” substitute “Article 3A(7)(a)”, and

(ii) in head (ii), for “Article 3(2)(c)” substitute “Article 3A(7)(c)”.

16.—(1) Article 16 (trade disputes) is amended as follows.

(2) In paragraph (1), at the beginning insert “Except in prescribed circumstances,”.

(3) In paragraph (2), at the beginning insert “Except in prescribed circumstances,”.

(4) After paragraph (2) insert—

“(2A) Paragraphs (1) and (2) do not apply to a person who is a member of a couple unless the other member of the couple is a person to whom either of those paragraphs apply (but see instead the provision made by Article 17).”.

17.—(1) Article 17 (effect on other claimants) is amended as follows.

(2) For paragraph (1) substitute—

“(1) Except in prescribed circumstances, paragraph (2) applies in relation to any person (“P”) who—

Status: This is the original version (as it was originally enacted).

- (a) is a member of a couple, and
- (b) claims an income-based jobseeker's allowance

in any case where, if paragraph (2A) of Article 16 were to be disregarded, either P or the other member of the couple (but not both) would be prevented by that Article from being entitled to a jobseeker's allowance.

(1A) In this Article any reference to the relevant person is to the member of the couple concerned who would be prevented by that Article from being so entitled (whether or not that person is also the claimant)."

(3) In paragraph (2)—

- (a) in sub-paragraph (a), for "A" substitute "the relevant person",
- (b) in sub-paragraph (b), for the words from "where" to "them" substitute "any portion of the applicable amount which is included in respect of the couple", and
- (c) in sub-paragraph (c), for "A" (in both places) substitute "the relevant person" and for "A's" substitute "that person's".

(4) In paragraph (4), for "A" (in both places) substitute "the relevant person".

18.—(1) Article 17A (trade disputes: joint-claim couples) is amended as follows.

(2) After paragraph (1) insert—

"(1A) Article 16 shall apply as if paragraph (2A) of that Article were omitted."

(3) In paragraph (4), omit sub-paragraph (b) (together with the "or" immediately before it).

(4) In paragraph (5)—

- (a) for sub-paragraph (b) substitute—
 - "(b) references to the relevant person are to the person mentioned in paragraph (4)(a);", and
- (b) omit sub-paragraph (c) (but not the "and" at the end of it).

19. After Article 17A insert—

"Other provision relating to a person's return to work

17B.—(1) This Article applies if a person ("P") returns to work with the same employer after a period during which—

- (a) P is, or would be, prevented by Article 16 from being entitled to a jobseeker's allowance, or
- (b) Article 17(2) applies in a case where (if paragraph (2A) of Article 16 were to be disregarded) P would be prevented by that Article from being so entitled.

(2) It does not matter whether or not the return to work is before the end of the stoppage of work in question.

(3) In the case of a claim for an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance—

(a) P is to be treated as not engaged in remunerative work until the end of the period of 15 days beginning with the day on which P returns to work, and

(b) any sum paid by way of a jobseeker's allowance for that period of 15 days to P or, if P is a member of a couple, to the other member of the couple is recoverable in accordance with regulations from the person to whom it was paid or from any prescribed person or, where the person to whom it was paid is a member of a couple, from the other member of the couple.

(4) In the case of a claim for a joint-claim jobseeker's allowance—

(a) P is to be treated as meeting the jobseeking conditions, and as not engaged in remunerative work, until the end of the period of 15 days beginning with the day on which P returns to work, and

(b) any sum paid by way of a joint-claim jobseeker's allowance for that period of 15 days in respect of the couple is recoverable in accordance with regulations from each member of the couple or from any prescribed person.”.

20. In—

(a) Article 19A(8) (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.), which is inserted by section 1, and

(b) Article 22C(7) (sanctions for violent conduct in connection with claim), which is inserted by section 20,

for “Article 22B(4)” substitute “Article 22B(1)”.

21. In Article 24(2) (members of the forces), for “Article 21(6)(b)” substitute “Article 20C(5)(c)”.

22. In Article 36(4)(b) (regulations and orders), which is inserted by section 1, after “Article” insert “13A, 13C, 20B or”.

23.—(1) Schedule 1 (supplementary provisions) is amended as follows.

(2) In paragraph 2, at the end add—

“(4) Regulations may provide that the condition in Article 3A(7)(e) (person not to have limited capability for work) is not to apply in prescribed circumstances to a person whose claim to a jobseeker's allowance is based on meeting condition B in Article 3A.”.

(3) For paragraph 8 substitute—

Status: This is the original version (as it was originally enacted).

“8. Regulations may prescribe circumstances in which a person may be entitled to an income-based jobseeker’s allowance without being required to meet the jobseeking conditions in any case where the person would not otherwise be so entitled.”.

(4) In paragraph 8A(1), for “conditions referred to in Article 3(2B)(b)” substitute “basic conditions”.

(5) In paragraph 14—

(a) renumber the existing text as sub-paragraph (1), and

(b) after that sub-paragraph (as renumbered) insert—

“(2) Regulations may provide that the condition in Article 3A(7)(f) (person not to be receiving relevant education) is not to apply in prescribed circumstances to a person whose claim to a jobseeker’s allowance is based on meeting condition B in Article 3A.”

(6) After paragraph 14 insert—

“Pensionable age

14A. Regulations may provide that in prescribed circumstances the condition in Article 3A(7)(g) (person to be under pensionable age) is to have effect in relation to a person whose claim to a jobseeker’s allowance is based on meeting condition B in Article 3A as if for “pensionable age” there were substituted “the qualifying age for state pension credit (within the meaning of the State Pension Credit Act (Northern Ireland) 2002)”.”.