



2010 CHAPTER 13

PART 1
SOCIAL SECURITY

Benefit sanctions for offenders

Jobseeker's allowance: sanctions for violent conduct etc. in connection with claim

- 20.—(1) The Jobseekers Order is amended as follows.
(2) After Article 22B insert—

“Violent conduct etc. in connection with claim

Sanctions for violent conduct etc. in connection with claim

- 22C.—(1) This Article applies if—
- (a) a person (“the offender”) is convicted of, or is cautioned in respect of, an offence involving violence or harassment,
 - (b) the conduct constituting the offence was done to, or in relation to, a person who was in the course of exercising functions under this Order on any premises,
 - (c) the conduct occurred while the offender was on those premises for the purposes of a claim to a jobseeker's allowance, and
 - (d) the offender is a person, or a member of a joint-claim couple, with respect to whom the conditions for entitlement to a jobseeker's allowance are or become satisfied.

- (2) In the case of a jobseeker's allowance other than a joint-claim jobseeker's allowance—
- (a) the allowance is not to be payable in respect of the offender for the period of one week beginning with such date as may be prescribed (even though the conditions for entitlement are satisfied); and
 - (b) on the first occasion (if any) on which another sanctions provision applies in the case of the offender, the sanctions period is to be extended in that case by a period of five weeks.
- (3) For the purposes of paragraph (2)(b)—
- (a) the reference to another sanctions provision is to any provision made by or under this Order (other than paragraph (2)) which provides for a jobseeker's allowance not to be payable for a period; and
 - (b) the reference to the sanctions period is to the period for which the allowance would (but for paragraph (2)(b)) not be payable by virtue of that provision
- (4) In the case of a joint-claim jobseeker's allowance—
- (a) the offender is to be treated as subject to sanctions for the purposes of Article 22A for the period of one week beginning with such date as may be prescribed (even though the conditions for entitlement are satisfied); and
 - (b) on the first occasion (if any) on which another sanctions provision applies in the case of the offender, the sanctions period is to be extended in that case by a period of five weeks.
- (5) For the purposes of paragraph (4)(b)—
- (a) the reference to another sanctions provision is to any provision made by or under this Order (other than paragraph (4)) which provides for a member of a joint-claim couple to be (or treated as being) subject to sanctions for the purposes of Article 22A for a period; and
 - (b) the reference to the sanctions period is to the period for which the member of the couple would (but for paragraph (4)(b)) be (or be treated as being) subject to sanctions for those purposes by virtue of that provision.
- (6) Regulations may make provision for paragraphs (2) and (4) not to apply at any time after the end of a prescribed period or otherwise in prescribed circumstances.
- (7) Regulations may make provision for an income-based jobseeker's allowance to be payable in prescribed circumstances even though the preceding provisions of this Article prevent payment of it.

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

This paragraph does not apply in the case of a joint-claim jobseeker's allowance (corresponding provision for which is made by Article 22B(4)).

(8) The provision that may be made by regulations by virtue of paragraph (7) includes, in particular, provision for the allowance to be—

- (a) payable only if prescribed requirements as to the provision of information are complied with;
- (b) payable at a prescribed rate;
- (c) payable for only part of a week.

(9) If—

- (a) a jobseeker's allowance was not payable, or was payable at a reduced rate, as a result of the application of this Article in a case where a person was convicted of an offence involving violence or harassment, and
- (b) the person's conviction is subsequently quashed,

all such payments and other adjustments are to be made as would be necessary if the person had never been convicted of the offence

Article 22C: supplementary

22D.—(1) For the purposes of Article 22C each of the following is an offence involving violence or harassment—

- (a) common assault, battery or affray;
- (b) an offence under section 16, 18, 20, 42 or 47 of the Offences against the Person Act 1861;
- (c) an offence under Article 9 or 10 of the Public Order (Northern Ireland) Order 1987;
- (d) an offence under Article 4 or 6 of the Protection from Harassment (Northern Ireland) Order 1997;
- (e) an ancillary offence in relation to an offence within any of subparagraphs (a) to (d).

(2) In paragraph (1)(e) “ancillary offence”, in relation to an offence, means any of the following—

- (a) aiding, abetting, counselling or procuring the commission of the offence;
- (b) attempting or conspiring to commit the offence.

(3) For the purposes of Article 22C references to a conviction include references to a conviction in relation to which the court makes an order for conditional discharge.

(4) For the purposes of Article 22C “cautioned” means cautioned after the person concerned has admitted the offence.

(5) Regulations may make provision for or in connection with requiring such persons as may be prescribed to notify the Department about prescribed matters for the purposes of Article 22C.

(6) Regulations may amend paragraph (1) or (2) by adding or removing an offence.”.

(3) In Article 37(1)(c) (regulations subject to the confirmatory procedure), after “9,” insert “22D(6),”.

(4) In paragraph 3(d) of Schedule 3 to the 1998 Order (decisions against which an appeal lies: payability of benefit), before “of the Jobseekers Order” insert “or 22C”.