
STATUTORY INSTRUMENTS

1995 No. 2705

The Jobseekers (Northern Ireland) Order 1995

Part II

The Jobseeker's Allowance

[^{F1}Work-related requirements]

F1 Arts. 8-8M and cross-heading substituted (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) for arts. 8-12 and cross-heading by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), **55(4)**; S.R. 2016/215, art. 2(3)(a)(iii); S.R. 2017/190, art. 9 (with arts. 10-25)

[^{F1}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).]

[^{F1}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—

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](#)

- (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

^{F2}**8L.**

<p>F2 Art. 8L omitted (8.5.2016) by virtue of The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(3), Sch. 6 para. 40 (with art. 9(2))</p>
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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).

^{F3}(7)]

F3 Art. 8M(7) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(3), [Sch. 6 para. 41](#) (with art. 9(2))

Actively seeking employment

9.—^{F4}(1) For the purposes of this Order, a person is actively seeking employment in any week if he takes in that week such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment.

(2) Regulations may make provision—

- (a) with respect to steps which it is reasonable, for the purposes of paragraph (1), for a person to be expected to have to take in any week;
- (b) as to circumstances (for example, his skills, qualifications, abilities and physical or mental limitations) which, in particular, are to be taken into account in determining whether, in relation to any steps taken by a person, the requirements of paragraph (1) are satisfied in any week.

(3) Regulations may make provision for acts of a person which would otherwise be relevant for purposes of this Article to be disregarded in such circumstances (including circumstances constituted by, or connected with, his behaviour or appearance) as may be prescribed.

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(4) Regulations may prescribe circumstances in which, for the purposes of this Order, a person is to be treated as actively seeking employment.

(5) Regulations under paragraph (4) may, in particular, provide for a person who is actively seeking employment—

- (a) only in his usual occupation,
- (b) only at a level of remuneration not lower than that which he is accustomed to receive, or
- (c) only in his usual occupation and at a level of remuneration not lower than that which he is accustomed to receive,

to be treated, for the permitted period determined in his case for the purposes of Article 8(5), as actively seeking employment during that period.

(6) Regulations may provide for this Article, and any regulations made under it, to have effect in relation to a person who has reached the age of 16 but not the age of 18 as if “employment” included “training”.

(7) Where it has been determined^{F5} (“the first determination”) that a person is to be treated, for the purposes of this Order, as actively seeking employment in any week, the question whether he is actively seeking employment in that week may subsequently be determined^{F6} on a review of the first determination.

(8) For the purposes of this Article—

“employment” means employed earner's employment or, in prescribed circumstances—

- (a) self-employed earner's employment; or
- (b) employed earner's employment and self-employed earner's employment; and “employed earner's employment” and

“self-employed earner's employment” have the same meanings as in the Benefits Act.]

F4 Arts. 8-8M and cross-heading substituted (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) for arts. 8-12 and cross-heading by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), [arts. 2\(2\), 55\(4\)](#); [S.R. 2016/215](#), [art. 2\(3\)\(a\)\(iii\)](#); [S.R. 2017/190](#), [art. 9](#) (with arts. 10-25)

F5 prosp. in pt. rep. by [1998 NI 10](#)

F6 prosp. in pt. subst. by [1998 NI 10](#)

Attendance, information and evidence

10.—^{F7}(1) Regulations may make provision for requiring a claimant^{F8} (other than a joint-claim couple claiming a joint-claim jobseeker's allowance)]

- (a) To ^{F9}participate in an interview in such manner, time and place] as^{F8} an employment officer] may specify; and
- (b) to provide information and such evidence as may be prescribed as to his circumstances, his availability for employment and the extent to which he is actively seeking employment.

^{F8}(1A) Regulations may make provision—

- (a) for requiring each member of a joint-claim couple claiming a joint-claim jobseeker's allowance to ^{F10}participate in an interview in such manner, time and place] as ^{F11}an employment officer] , may specify;

- (b) for requiring a member of such a couple to provide information and such evidence as may be prescribed as to his circumstances, his availability for employment and the extent to which he is actively seeking employment;
 - (c) for requiring such a couple to jointly provide information and such evidence as may be prescribed as to the circumstances of each or either member of the couple, the availability for employment of each or either member of the couple and the extent to which each or either member of the couple is actively seeking employment;
 - (d) where any requirement to provide information or evidence is imposed on such a couple by virtue of sub-paragraph (c), for the joint obligation of the couple to be capable of being discharged by the provision of the information or evidence by one member of the couple.]
- (2) Regulations under paragraph (1)[^{F8} or (1A)] may, in particular—
- [^{F12}(a) provide for entitlement to a jobseeker's allowance to cease at such time as may be determined in accordance with any such regulations if, when a person fails to comply with such regulations, that person (or, if that person is a member of a joint-claim couple, either member of the couple) does not make prescribed contact with an employment officer within a prescribed period of the failure;]
 - ^{F13}(ca)
 - ^{F13}(d)
 - ^{F14}(2A)
 - ^{F14}(3)]

- F7** Arts. 8-8M and cross-heading substituted (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) for arts. 8-12 and cross-heading by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **arts. 2(2), 55(4)**; S.R. 2016/215, **art. 2(3)(a)(iii)**; S.R. 2017/190, art. 9 (with arts. 10-25)
- F8** 1999 NI 11
- F9** Words in art. 10(1)(a) substituted (1.6.2016 for specified purposes, 27.9.2017 in so far as not already in force) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **arts. 2(2), 51**; S.R. 2016/234, art. 2(2)(a)(i); S.R. 2017/190, art. 3(1)(2)(b)
- F10** Words in art. 10(1A)(a) substituted (1.6.2016 for specified purposes, 27.9.2017 in so far as not already in force) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **arts. 2(2), 51**; S.R. 2016/234, art. 2(2)(a)(i); S.R. 2017/190, art. 3(1)(2)(b)
- F11** Words in art. 10(1A)(a) substituted (1.6.2016 for specified purposes, 27.9.2017 in so far as not already in force) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 7 para. 3(2)**; S.R. 2016/234, art. 2(2)(a)(ii); S.R. 2017/190, art. 3(1)(2)(h)
- F12** Art. 10(2)(a) substituted for art. 10(2)(a)-(c) (1.6.2016 for specified purposes, 27.9.2017 in so far as not already in force) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 7 para. 3(3)**; S.R. 2016/234, art. 2(2)(a)(ii); S.R. 2017/190, art. 3(1)(2)(h)
- F13** Art. 10(2)(ca)(d) repealed (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 3**; S.R. 2017/190, art. 3(1)(2)(j)
- F14** Art. 10(2A)(3) repealed (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 3**; S.R. 2017/190, art. 3(1)(2)(j)

Modifications etc. (not altering text)

- C1** Art. 10(2) modified (temp. from 22.9.2010) by [Welfare Reform \(2010 Act\) \(Commencement No. 1 and Transitory Provision\) Order \(Northern Ireland\) 2010 \(S.R. 2010/327\)](#), **art. 3(a)**

The jobseeker's agreement

11.—^{F15}(1) An agreement which is entered into by a claimant and an employment officer and which complies with the prescribed requirements in force at the time when the agreement is made is referred to in this Order as “a jobseeker's agreement”.

(2) A jobseeker's agreement shall have effect only for the purposes of Article 3.

(3) A jobseeker's agreement shall be in writing and be signed by both parties.

^{F16}(3A) The agreement may be in electronic form and signed by means of an electronic signature (within the meaning given in section 7(2) of the Electronic Communications Act 2000 ^{F17}).]

(4) A copy of the agreement shall be given to the claimant.

(5) An employment officer shall not enter into a jobseeker's agreement with a claimant unless, in the officer's opinion, the conditions mentioned in Article 3(2)(a) and (c) would be satisfied with respect to the claimant if he were to comply with, or be treated as complying with, the proposed agreement.

(6) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed jobseeker's agreement to ^{F18} an adjudication officer for him to determine—

(a) whether, if the claimant concerned were to comply with the proposed agreement, 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 comply with the proposed agreement.

(7) ^{F18} An adjudication officer to whom a reference is made under paragraph (6)—

(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 on which the employment officer is to enter into a jobseeker's agreement with the claimant, as ^{F18} the adjudication officer considers appropriate;

(c) may direct that, if such conditions as ^{F18} he considers appropriate are satisfied, the proposed jobseeker's agreement is to be treated (if entered into) as having effect on such date, before it would otherwise have effect, 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 ^{F18} an adjudication officer 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 ^{F18} an adjudication officer under this Article;

(ii) any direction given by ^{F18} an adjudication officer under this Article.

^{F19}(9) Any determination of adjudication officer under this Article shall be binding.

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

(11) Regulations may provide that, in prescribed circumstances, a jobseeker's agreement is to be treated as having effect on a date, to be determined in accordance with the regulations, before it would otherwise have effect.

(12) Except in such circumstances as may be prescribed, a jobseeker's agreement entered into by a claimant shall cease to have effect on the coming to an end of an award of a jobseeker's allowance made to him^{F20} or to a joint-claim couple of which he is a member.].

(13) In this Article and Article 12 “employment officer” means an officer of the Department or such other person as may be designated for the purposes of this Article by an order made by the Department.]

- F15** Arts. 8-8M and cross-heading substituted (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) for arts. 8-12 and cross-heading by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), [arts. 2\(2\)](#), 55(4); S.R. 2016/215, [art. 2\(3\)\(a\)\(iii\)](#); S.R. 2017/190, art. 9 (with arts. 10-25)
- F16** Art. 11(3A) inserted (1.2.2012) by [Social Security \(Electronic Communications\) Order \(Northern Ireland\) 2011 \(S.R. 2011/298\)](#), arts. 1, [3\(2\)](#)
- F17** 2000 c. 7
- F18** prosp. in pt. subst. by [1998 NI 10](#)
- F19** prosp. in pt. rep. by [1998 NI 10](#)
- F20** [1999 NI 11](#)

Variation of jobseeker's agreement

12.—^{F21}(1) A jobseeker's agreement may be varied, in the prescribed manner, by agreement between the claimant and any employment officer.

(2) Any agreement to vary a jobseeker's agreement shall be in writing and be signed by both parties.

^{F22}(2A) Any agreement to vary a jobseeker's agreement may be in electronic form and signed by means of an electronic signature (within the meaning given in section 7(2) of the Electronic Communications Act 2000).]

(3) A copy of the agreement, as varied, shall be given to the claimant.

(4) An employment officer shall not agree to a variation of a jobseeker's agreement, unless, in the officer's opinion, the conditions mentioned in Article 3(2)(a) and (c) would continue to be satisfied with respect to the claimant if he were to comply with, or be treated as complying with, the agreement as proposed to be varied.

(5) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed variation of a jobseeker's agreement to^{F23} an adjudication officer for him to determine—

(a) whether, if the claimant concerned were to comply with the agreement 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) whether it is reasonable to expect the claimant to have to comply with the agreement as proposed to be varied.

(6) ^{F23}An adjudication officer to whom a reference is made under paragraph (5)—

(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^{F23} he considers appropriate as to—

(i) whether the jobseeker's agreement should be varied, and

- (ii) if so, the terms on which the claimant and the employment officer are to enter into an agreement to vary it;
- (c) may bring the jobseeker's agreement to an end where the claimant fails, within a prescribed period, to comply with a direction given under sub-paragraph (b)(ii);
- (d) may direct that, if—
 - (i) the jobseeker's agreement is varied, and
 - (ii) such conditions as^{F23} he considers appropriate are satisfied,
 the agreement as varied is to be treated as having effect on such date, before it would otherwise have effect, as may be specified in the direction.
- (7) Regulations may provide—
 - (a) or such matters as may be prescribed to be taken into account by^{F23} an adjudication officer in giving a direction under paragraph (6)(b) or (d); and
 - (b) for such persons as may be prescribed to be notified of—
 - (i) any determination of^{F23} an adjudication officer under this Article;
 - (ii) any direction given by^{F23} an adjudication officer under this Article.
- ^{F24}(8) Any determination of an adjudication officer under this Article shall be binding.]

- F21** Arts. 8-8M and cross-heading substituted (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) for arts. 8-12 and cross-heading by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **arts. 2(2), 55(4)**; S.R. 2016/215, **art. 2(3)(a)(iii)**; S.R. 2017/190, **art. 9** (with arts. 10-25)
- F22** Art. 12(2A) inserted (1.2.2012) by [Social Security \(Electronic Communications\) Order \(Northern Ireland\) 2011 \(S.R. 2011/298\)](#), arts. 1, **3(3)**
- F23** prosp. in pt. subst. by [1998 NI 10](#)
- F24** prosp. in pt. rep. by [1998 NI 10](#)

^{F25}**Jobseeker's agreement: reviews and appeals**

13.—(1) Any determination of, or direction given by, an adjudication officer under Article 11 or 12 may be reviewed (by a different adjudication officer) on the application of the claimant or of an employment officer.

(2) Regulations may make provision with respect to the procedure to be followed on a review under this Article.

(3) The claimant may appeal to a social security appeal tribunal against any determination of, or direction given by, an adjudication officer on a review under this Article.

(4) A social security appeal tribunal determining an appeal under this Article may give a direction of a kind which an adjudication officer may give under Article 11(7)(b) or (c) or (as the case may be) Article 12(6)(b) or (d).

(5) Where a social security appeal tribunal gives a direction under paragraph (4) of a kind which may be given by an adjudication officer under Article 12(6)(b)(ii), an adjudication officer may bring the job seeker's agreement to an end if the claimant fails to comply with the direction within a prescribed period.

(6) An appropriate person may, on the ground that it was erroneous in point of law, appeal to a Commissioner against the decision of a social security appeal tribunal on an appeal under this Article.

(7) Any of the following is an appropriate person for the purposes of paragraph (6)—

- (a) the claimant;
- (b) an adjudication officer;
- (c) in prescribed circumstances, a trade union;
- (d) in prescribed circumstances, any other association which exists to promote the interests and welfare of its members.

(8) Subsections (7) to (10) of section 21 of the Administration Act (appeals to Commissioners) shall apply in relation to appeals under this Article as they apply in relation to appeals under that section.

(9) In this Article "Commissioner" has the same meaning as in the Administration Act.

F25 prosp. in pt. rep. by 1998 NI 10

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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- power to am. (prosp.) by [1998 c. 47 s.87](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order modified by [S.R. 2019/211 art. 2\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Affecting Order revoked (19.12.2020) without ever being in force by S.R. 2020/347, arts. 1(1), 2)
- Order modified by [S.R. 2024/21 art.002\(2\)\(c\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 para. 14(1) Sch. 1 para. 14 renumbered as Sch. 1 para. 14(1) by [2010 c. 13 \(N.I.\) Sch. 1 para. 23\(5\)\(a\)](#)
- Sch. 1 para. 2(4) added by [2010 c. 13 \(N.I.\) Sch. 1 para. 23\(2\)](#)
- Sch. 1 para. 14(2) inserted by [2010 c. 13 \(N.I.\) Sch. 1 para. 23\(5\)\(b\)](#)
- Sch. 1 para. 14A and cross heading inserted by [2010 c. 13 \(N.I.\) Sch. 1 para. 23\(6\)](#)
- Sch. 1 para. 8ZA inserted by [S.I. 2015/2006 \(N.I.\) art. 66\(4\)](#)
- art. 3(1A) substituted for art. 3(2)-(2D) by [2010 c. 13 \(N.I.\) s. 4\(2\)\(a\)](#)
- art. 3(2)(za) inserted by [S.I. 2015/2006 \(N.I.\) art. 66\(2\)](#)
- art. 3(3A) inserted by [S.I. 2015/2006 \(N.I.\) art. 66\(3\)](#)
- art. 3A3B inserted by [2010 c. 13 \(N.I.\) s. 4\(3\)](#)
- art. 3A(6) repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 1](#)
- art. 5(1A) inserted by [2010 c. 13 \(N.I.\) Sch. 1 para. 11\(3\)](#)
- art. 11(4A) amendment to earlier affecting provision [2010 c. 13 \(N.I.\) s. 25\(1\)](#) by [S.I. 2015/2006 \(N.I.\) Sch. 7 para. 14\(2\)\(b\)](#)
- art. 11(4A) inserted by [2010 c. 13 \(N.I.\) s. 25\(1\)](#)
- art. 13A-13C and cross-heading inserted by [2010 c. 13 \(N.I.\) Sch. 1 para. 3](#)
- art. 16(2A) inserted by [2010 c. 13 \(N.I.\) Sch. 1 para. 16\(4\)](#)
- art. 17(1)(1A) substituted for art. 17(1) by [2010 c. 13 \(N.I.\) Sch. 1 para. 17\(2\)](#)
- art. 17A(1A) inserted by [2010 c. 13 \(N.I.\) Sch. 1 para. 18\(2\)](#)
- art. 17B inserted by [2010 c. 13 \(N.I.\) Sch. 1 para. 19](#)
- art. 20A20B and cross-heading inserted by [2010 c. 13 \(N.I.\) Sch. 1 para. 4](#)
- art. 20C20D inserted by [2010 c. 13 \(N.I.\) Sch. 1 para. 5](#)