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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 138**

**SOCIAL SECURITY**

**The Social Security (Jobseeker's Allowance  
and Mariners' Benefits) (Miscellaneous  
Amendments) Regulations (Northern Ireland) 1997**

*Made* - - - - *10th March 1997*  
*Coming into operation* *11th March 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Articles 8(2) and (4) and 9(4) of, and paragraph 5 of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(1) and sections 117(1) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(2) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Jobseeker's Allowance and Mariners' Benefits) (Miscellaneous Amendments) Regulations (Northern Ireland) 1997 and shall come into operation on 11th March 1997.

(2) In these Regulations “the Jobseeker's Allowance Regulations” means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(3).

(3) The Interpretation Act (Northern Ireland) 1954(4) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

**Circumstances in which a person is to be treated as available for employment**

2.—(1) Regulation 14 of the Jobseeker's Allowance Regulations (circumstances in which a person is to be treated as available) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1) for “to whom regulation 15 (circumstances in which a person is not to be regarded as available) applies,” there shall be substituted “to whom regulation 15(a), (b) or (c) (circumstances in which a person is not to be regarded as available) applies,”.

(3) In paragraph (1) for sub-paragraph (i)(5) there shall be substituted the following sub-paragraph—

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(1) S.I.1995/2705 (N.I. 15)  
(2) 1992 c. 7  
(3) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 Nos. 358 and 503  
(4) 1954 c. 33 (N.I.)  
(5) Sub-paragraph (i) was amended by regulation 5(2)(a) of S.R. 1996 No. 358

“(i) if the period beginning on and including the date of claim and ending on the day before the beginning of the first week after the date of claim is less than 7 days and the circumstances in paragraph (2A) apply, for any part of that period when he is not treated as available for employment under any other provision of this regulation;”.

(4) After paragraph (2) there shall be inserted the following paragraph—

“(2A) A person shall be treated as available for employment under paragraph (1)(i) only if—

- (a) where a pattern of availability is recorded in his jobseeker’s agreement, or where he has restricted the hours for which he is available in accordance with regulation 13(3) or (4) (additional restrictions) or 17(2)(6) (laid off and short-time workers) and that restriction has been agreed with an employment officer, he is available for employment during such of the period referred to in paragraph (1) (i) as he is not treated as available for employment under any other provision of this regulation, in accordance with—
  - (i) his pattern of availability or, as the case may be, the hours to which he has restricted his availability in accordance with regulation 13(3) or (4) or 17(2);
  - (ii) any other restrictions he has placed on his availability for employment which will apply in the first week after the date of claim, provided those restrictions have been agreed with an employment officer, and
  - (iii) if he falls within regulation 5 (exceptions to requirement to be available immediately), that regulation;
- (b) where no pattern of availability is recorded in his jobseeker’s agreement, he is available for employment during such of the period referred to in paragraph (1) (i) as he is not treated as available for employment under any other provision of this regulation—
  - (i) in accordance with any restrictions he has placed on his availability for employment which will apply in the first week after the date of claim, provided those restrictions have been agreed with an employment officer;
  - (ii) for 8 hours on each day falling within that period on which he is not treated as available for employment to any extent under any other provision of this regulation, and
  - (iii) if he falls within regulation 5, in accordance with that regulation.”.

### **Circumstances in which a person is not to be regarded as available for employment**

**3.** In regulation 15 of the Jobseeker’s Allowance Regulations (circumstances in which a person is not to be regarded as available) after paragraph (b) there shall be inserted the following paragraph—

“(bb) if the period beginning on and including the date of claim and ending on the day before the beginning of the first week after the date of claim is less than 7 days, for that period, unless he is treated as available for employment for that period in accordance with regulation 14 (circumstances in which a person is to be treated as available);”.

### **Actively seeking employment in the period at the beginning of a claim**

**4.** After regulation 18 of the Jobseeker’s Allowance Regulations (steps to be taken by persons actively seeking employment) there shall be inserted the following regulation—

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(6) Regulation 17(2) was amended by regulation 6 of S.R. 1996 No. 358

**“Actively seeking employment in the period at the beginning of a claim**

**18A.**—(1) Paragraph (2) applies in any case where the period beginning on and including the date of claim and ending on the day before the beginning of the first week after the date of claim is less than 7 days.

(2) Where this paragraph applies, a person is actively seeking employment in the period referred to in paragraph (1) if he takes in that period such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment and in determining whether a person has taken such steps—

- (a) the steps which it is reasonable for him to be expected to have to take include those referred to in regulation 18(2) (steps to be taken by persons actively seeking employment), and
- (b) regard shall be had to all the circumstances of the case, including those matters referred to in regulation 18(3)(7).”.

**Circumstances in which a person is to be treated as actively seeking employment**

**5.** Regulation 19(1)(i) of the Jobseeker’s Allowance Regulations(**8**) (circumstances in which a person is to be treated as actively seeking employment) shall be omitted.

**Revocations**

**6.** Regulation 6(3) of the Social Security (Mariners' Benefits) Regulations (Northern Ireland) 1975(**9**) and regulation 7(2) of the Social Security and Child Support (Jobseeker’s Allowance) (Amendment) Regulations (Northern Ireland) 1996(**10**) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland  
on

10th March 1997.

*John O'Neill*  
Assistant Secretary

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(7) Paragraph (3) was amended by regulation 2(5)(a) of S.R. 1996 No. 503

(8) Sub-paragraph (i) was amended by regulation 7(2) of S.R. 1996 No. 358

(9) S.R. 1975 No. 108, to which there are amendments not relevant to these Regulations

(10) S.R. 1996 No. 358

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Jobseeker's Allowance Regulations (Northern Ireland) 1996 ("the Jobseeker's Allowance Regulations"), the Social Security (Mariners' Benefits) Regulations (Northern Ireland) 1975 and the Social Security and Child Support (Jobseeker's Allowance) (Amendment) Regulations (Northern Ireland) 1996.

Regulation 2 amends regulation 14 of the Jobseeker's Allowance Regulations (circumstances in which a person is to be treated as available for employment). It provides for a person to be treated as available for employment in a part-week at the beginning of a claim if the circumstances set out in regulation 14(2A) apply. A new regulation 14(2A), setting out those circumstances, is inserted into the Jobseeker's Allowance Regulations by regulation 2(4) of these Regulations.

Regulation 3 amends regulation 15 of the Jobseeker's Allowance Regulations (circumstances in which a person is not to be regarded as available for employment) by providing that a person is not to be regarded as available for employment for a part-week at the beginning of a claim unless he is treated as available for that part-week in accordance with regulation 14 of the Jobseeker's Allowance Regulations.

Regulation 4 inserts a new regulation 18A into the Jobseeker's Allowance Regulations to make provision for determining whether a person is actively seeking employment in a part-week at the beginning of a claim for a jobseeker's allowance.

Regulation 5 amends regulation 19 of the Jobseeker's Allowance Regulations (circumstances in which a person is to be treated as actively seeking employment). It omits one of the circumstances where a person is treated as actively seeking employment under the Jobseeker's Allowance Regulations, namely in a part-week at the beginning of a claim.

Regulation 6 revokes a provision in the Social Security (Mariners' Benefits) Regulations (Northern Ireland) 1975 as this provision relates to the payment of Establishment Benefit under the Merchant Navy Established Service Scheme which is no longer paid. It also revokes regulation 7(2) of the Social Security and Child Support (Jobseeker's Allowance) (Amendment) Regulations (Northern Ireland) 1996.

These Regulations correspond to provision contained in Regulations made by the Secretary of State for Social Security and the Secretary of State for Education and Employment in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.