
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 418

SOCIAL SECURITY

The Jobseeker's Allowance (Amendment) (New Deal) Regulations (Northern Ireland) 1998

Made - - - - *24th November 1998*

Coming into operation *25th November 1998*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 8(4) and 36(2) of the Jobseekers (Northern Ireland) Order 1995⁽¹⁾ and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Jobseeker's Allowance (Amendment) (New Deal) Regulations (Northern Ireland) 1998 and shall come into operation on the day after the day on which they are made.

Full-time students undertaking a qualifying course

2.—(1) Regulation 17A of the Jobseeker's Allowance Regulations (Northern Ireland) 1996⁽²⁾ (further circumstances in which a person is to be treated as available: full-time students participating in a qualifying course) shall be amended in accordance with paragraphs (2) to (5).

(2) In paragraph (2)(b) at the beginning there shall be inserted "subject to paragraph (2A).".

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

"(2A) A person who has been receiving benefit in accordance with paragraph (b) of the definition of "receiving benefit" in paragraph (7)(3) shall, for the purposes of paragraph (2)(b), be treated as having received benefit within a jobseeking period."

(4) In the definition of "benefit" in paragraph (7), for the words from "receiving benefit" (in the second place where those words occur) to the end there shall be substituted—

"receiving—

(a) benefit which that person has claimed and received as an unemployed person or in accordance with Part II of the Order, or

⁽¹⁾ S.I. 1995/2705 (N.I. 15)

⁽²⁾ S.R. 1996 No. 198; regulation 17A was inserted by regulation 4 of S.R. 1998 No. 198

⁽³⁾ Definition substituted by regulation 2(4) of these Regulations

- (b) income support which that person has claimed and received as an asylum seeker pursuant to regulation 70(3A) of the Income Support Regulations⁽⁴⁾ but only to the extent that—
 - (i) any periods in respect of which he was in receipt of income support as an asylum seeker pursuant to regulation 70(3A) of the Income Support Regulations link with the jobseeking period which includes the date on which he started, or is due to start, the qualifying course and for this purpose, such periods shall link where they are separated by a period of 12 weeks or less in respect of which he was not in receipt of income support, and
 - (ii) he is, at the date he started, or is due to start, the qualifying course, a person to whom paragraph (7A) applies;”.
- (5) After paragraph (7), there shall be inserted the following paragraphs—
 - “(7A) Subject to paragraph (7B), this paragraph shall apply in the case of a person—
 - (a) who—
 - (i) is a refugee within the definition of Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951⁽⁵⁾, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967⁽⁶⁾, or
 - (ii) has been granted exceptional leave⁽⁷⁾—
 - (aa) to enter the United Kingdom by an immigration officer appointed for the purposes of the immigration Act 1971⁽⁸⁾, or
 - (bb) to remain in the United Kingdom by the Secretary of State, and
 - (b) who was in receipt of income support as an asylum seeker pursuant to regulation 70(3A) of the Income Support Regulations at any time during the period of 12 weeks immediately preceding the beginning of the jobseeking period which includes the date on which he started, or is due to start, the qualifying course.
 - (7B) Paragraph (7A) shall include a person who has been recorded as a refugee by the Secretary of State within the definition in sub-paragraph (a) of that paragraph and whose claim for income support was determined in accordance with regulation 21A⁽⁹⁾(2) or (3) of the Income Support Regulations (treatment of refugees).”.

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

L.S.

24th November 1998.

John O'Neill
Assistant Secretary

(4) Paragraph (3A) was inserted by regulation 2(3) of [S.R. 1993 No. 311](#) and amended by regulation 4(3) of [S.R. 1996 No. 11](#)
 (5) Cmd. 9171
 (6) Cmnd. 3906
 (7) See Home Office evidence to the House of Commons Home Affairs Committee, Sub-Committee on Race Relations and Immigration (SCORRI) 1984–5 Session; 17th December 1994; paragraphs 44 to 47
 (8) [1971 c. 77](#) as amended by the British Nationality Act 1981 (c. 61)
 (9) Regulation 21A was inserted by regulation 2(3) of [S.R. 1996 No. 449](#)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Jobseeker's Allowance Regulations (Northern Ireland) 1996 in relation to those persons who are undertaking qualifying courses as defined for the purposes of Parts II and IV of those Regulations by providing that refugees and persons given exceptional leave to enter or remain in the United Kingdom on humanitarian grounds, may count periods of receipt of income support towards the 2 year qualifying period which a person must satisfy before he may undertake a qualifying course (regulation 2).

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security 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.