
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"). They increase to 26 weeks the length of time during which a jobseeker's allowance is not payable following a third, and any subsequent, determination that a claimant has, without good cause, defaulted in one of the ways set out in Articles 21(5)(b) and (c) of the Jobseekers (Northern Ireland) Order 1995. This will only apply when each default arises within 12 months of the next and all three of the defaults have arisen after the claimant has been required to participate in one or more of the four options of the New Deal for 18 to 24 year olds known as the Employment option, the Voluntary Sector option, the Environmental Task Force option and the Full-Time Education and Training option.

The new regulation 69(2), inserted by regulation 2(3), provides that if a claimant who has defaulted in this way on three occasions but subsequently, without defaulting for a fourth time, completes one of the options (or the Department of Higher and Further Education, Training and Employment otherwise becomes satisfied that he should no longer be required to participate) that claimant shall, notwithstanding the imposition of the third sanction, be able to apply for income-based jobseeker's allowance after at least 4 weeks of the third sanction have expired.

Regulation 2(4) provides that persons who have recently left the care of an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, may be treated as persons in hardship for the purposes of Part IX of the Jobseeker's Allowance Regulations.

Where a person may not be entitled to a jobseeker's allowance as a result of a default arising whilst that person is required to participate in one of the New Deal options, regulation 2(5) amends the principal Regulations so as to extend the period during which such a person is prescribed not to be a person in hardship. The effect of the amendment is that the allowance available to a person in hardship is not available to a person under sanction by reason of such a default for the period during which he is required to participate in a New Deal option or for 14 days whichever is the longer. (A training allowance is available to a participant in a New Deal option.)

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.