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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 234**

**The Social Security (Income Support and Jobseeker's Allowance) (Amendment) Regulations (Northern Ireland) 2006**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Income Support and Jobseeker's Allowance) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 30th May 2006.

(2) The Interpretation Act (Northern Ireland) 1954(1) shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendment of the Income Support (General) Regulations**

2. In Schedule 1B(2) (prescribed categories of person) to the Income Support (General) Regulations (Northern Ireland) 1987(3), for paragraph 19 (persons required to attend court) there shall be substituted the following paragraph—

**“Persons required to attend a court or tribunal**

19.—(1) A person who is required to attend a court or tribunal as a justice of the peace, a party to any proceedings, a witness or a juror.

(2) In this paragraph “tribunal” means any tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992(4).”

**Amendment of the Jobseeker's Allowance Regulations**

3.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(5) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 5(1)(6) (exceptions to requirement to be available immediately)—

(a) sub-paragraph (a) shall be omitted;

(b) in sub-paragraph (b), after “voluntary work” there shall be inserted “or who has caring responsibilities”.

(3) In regulation 14 (circumstances in which a person is to be treated as available)—

(a) in paragraph (1)(7)—

(i) after “to whom regulation 15(a), (b)” there shall be inserted “, (bc)”, and

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(1) 1954 c. 33 (N.I.)

(2) Schedule 1B was inserted by regulation 22 of and Schedule 1 to, S.R. 1996 No. 199

(3) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1996 No. 199

(4) 1992 c. 53

(5) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1997 No. 138, S.R. 1998 No. 81, S.R. 1999 No. 107, S.R. 2001 No. 56, S.R. 2002 No. 388 and S.R. 2004 No. 308

(6) Paragraph (1) was substituted by regulation 2(2)(a) of S.R. 2002 No. 388

(7) Paragraph (1) was amended by regulation 2(2) of S.R. 1997 No. 138

- (ii) after “circumstances apply, subject to”, there shall be inserted “paragraph (2B) and to”;
- (b) after paragraph (1)(p)(8) there shall be added the following sub-paragraphs—
- “(q) if he is required to attend a court or tribunal as a justice of the peace, a party to any proceedings, a witness or a juror;
- (r) if, for a maximum of 96 hours before being released, he is in police detention within the meaning in Article 2(3) of the Police and Criminal Evidence (Northern Ireland) Order 1989(9) (general interpretation).”;
- (c) after paragraph (2A)(10), there shall be inserted the following paragraph—
- “(2B) A person shall not be treated as available for employment under paragraph (1)(q)—
- (a) for more than 8 weeks,
- (b) where he does not, before the period during which he is required to attend the court or tribunal, give an employment officer notice, in writing where requested by the employment officer, that he is so required, or
- (c) where he is a prisoner as defined by regulation 85(4)(11) (special cases).”, and
- (d) after paragraph (6) there shall be added the following paragraph—
- “(7) In this regulation, “tribunal” means any tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992.”.
- (4) In regulation 19 (circumstances in which a person is to be treated as actively seeking employment)—
- (a) in paragraph (1), for “paragraph (2)” there shall be substituted “paragraphs (2) and (2A)”;
- (b) after paragraph (1)(t)(12) there shall be added the following sub-paragraphs—
- “(u) in any week during which he is, for not less than 3 days, required to attend a court or tribunal as a justice of the peace, a party to any proceedings, a witness or a juror;
- (v) if, for a maximum of 96 hours before being released, he is in police detention within the meaning in Article 2(3) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (general interpretation).”;
- (c) after paragraph (2) there shall be inserted the following paragraph—
- “(2A) A person shall not be treated as actively seeking employment under paragraph (1)(u)—
- (a) for more than 8 weeks,
- (b) where he does not, before the period during which he is required to attend the court or tribunal, give an employment officer notice, in writing where requested by the employment officer, that he is so required, or
- (c) where he is a prisoner as defined by regulation 85(4) (special cases).”, and
- (d) in paragraph (3), after the definition of “treatment” there shall be inserted the following definition—

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(8) Sub-paragraph (p) was added by regulation 3(2)(b) of [S.R. 2004 No. 308](#)

(9) [S.I. 1989/1341 \(N.I. 12\)](#); Article 2 was amended by Article 3(3) of the Police (Amendment) (Northern Ireland) Order 1995 ([S.I. 1995/2993 \(N.I. 17\)](#)), paragraph 8(3) of Schedule 15 to, the Terrorism Act 2000 ([c. 11](#)) and paragraph 1 of Schedule 3 to, the Police (Northern Ireland) Act 2003 ([c. 6](#))

(10) Paragraph (2A) was inserted by regulation 2(4) of [S.R. 1997 No. 138](#)

(11) The definition of “prisoner” was amended by regulation 5(2)(c) of [S.R. 1998 No. 81](#)

(12) Sub-paragraph (t) was added by regulation 3(3)(b) of [S.R. 2004 No. 308](#)

““tribunal” means any tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992;”.

(5) In regulation 30 (circumstances in which a claimant is to be regarded as having good cause for failing to comply with a notification under regulation 23)—

(a) in paragraph (a)(13), “(a) or” shall be omitted, and

(b) in paragraph (c)(14), after “(ja) to (m)” there shall be inserted “, (q) or (r)”.

(6) In Schedule A1(15) (categories of members of a joint-claim couple who are not required to satisfy the conditions in Article 3(2B)(b) of the Order), for paragraph 15 (members required to attend court) there shall be substituted the following paragraph—

**“Members required to attend a court or tribunal**

**15.**—(1) A member who is required to attend a court or tribunal as a justice of the peace, a party to any proceedings, a witness or a juror.

(2) In this paragraph, “tribunal” means any tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992.”.

Sealed with the Official Seal of the Department for Social Development on 25th May 2006.

L.S.

*John O'Neill*  
A senior officer of the  
Department for Social Development

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(13) Paragraph (a) was amended by regulation 2(5) of S.R. 2000 No. 255 and regulation 2(5) of S.R. 2002 No. 388

(14) Paragraph (c) was amended by regulation 2(4) of S.R. 1999 No. 107

(15) Schedule A1 was inserted by regulation 2(4) and Schedule 1 to, S.R. 2000 No. 350