
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 478

The Social Security (Lone Parents and Miscellaneous Amendments) Regulations (Northern Ireland) 2008

Amendment of the Jobseeker's Allowance Regulations

11.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996⁽¹⁾ are amended in accordance with paragraphs (2) to (11).

(2) In regulation 5 (exceptions to requirement to be available immediately: carers, etc.)—

(a) in paragraph (1)⁽²⁾ at the beginning insert “Subject to paragraph (1A),”;

(b) after paragraph (1) insert—

“(1A) In order to be regarded as available for employment, a person who has caring responsibilities in relation to a child is not required to take up employment or attend for interview within the periods referred to in paragraph (1) if those responsibilities make it unreasonable for him to do so, providing he is willing and able—

(a) to take up employment on being given 28 days notice, and

(b) to attend for interview in connection with the opportunity of any such employment on being given 7 days notice.

(1B) For the purposes of paragraph (1A), it is for the claimant to show that it is unreasonable for him to take up employment or attend for interview within the periods referred to in paragraph (1).”, and

(c) in paragraph (5)⁽³⁾—

(i) for “(1) or (2)” substitute “(1), (1A) or (2)”, and

(ii) omit “one week, 48 hour and 24 hour”.

(3) In regulation 11(1)⁽⁴⁾ (part-time students) for “5(1), (2) or (3)” substitute “5(1), (1A), (2) or (3)”.

(4) In regulation 13 (additional restrictions on availability for certain groups) after paragraph (5) add—

“(6) This paragraph applies to a person who has caring responsibilities in relation to a child if an employment officer determines that, due to the type and number of employment vacancies within daily travelling distance of the person's home, he would not satisfy the condition in paragraph (4)(b).

(7) Paragraph (4) has effect in relation to a person to whom paragraph (6) applies as if sub-paragraph (b) were omitted.”.

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

(1) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 358, S.R. 1998 No. 198, S.R. 1999 Nos. 107 and 428 (C. 32), S.R. 2000 Nos. 255 and 350, S.R. 2002 No. 388, S.R. 2004 No. 166 and S.R. 2006 No. 234

(2) Regulation 5(1) was amended by regulation 2(2)(a) of S.R. 2002 No. 388 and regulation 3(2) of S.R. 2006 No. 234

(3) Regulation 5(5) was amended by regulation 2(2)(b) of S.R. 2002 No. 388

(4) Regulation 11(1) was amended by regulation 3 of S.R. 1996 No. 358

- (a) after sub-paragraph (1)(r)(5) add—
- “(s) he is looking after a child for whom he has caring responsibilities during the child’s school holidays or another similar vacation period and it would be unreasonable for him to make other arrangements for the care of that child;
- (t) he is looking after a child for whom he has caring responsibilities at a time when the child—
- (i) is excluded from school or another educational establishment, and
- (ii) is not receiving education pursuant to arrangements made by an education and library board, and
- there are no other arrangements for the care of that child it would be reasonable for him to make.”;
- (b) in paragraph (2) at the beginning, insert “Subject to paragraph (2ZB),”;
- (c) after paragraph (2) insert—
- “(2ZA) A person who has caring responsibilities in relation to a child may be treated as available for employment for more than one week, but for no more than 8 weeks, on the occurrence of any of the circumstances set out in paragraph (2)(a) or (b), or any combination of those circumstances, but on no more than one occasion in any period of 12 months.
- (2ZB) Where a claimant has been treated as available for employment under paragraph (2ZA) in any period of 12 months, the first week in which he is so treated shall count towards the 4 periods allowable under paragraph (2).”.
- (6) In regulation 17(1) and (2)(a) (laid-off and short-time workers) for “5(1) or (2)” substitute “5(1), (1A) or (2)”.
- (7) In regulation 19(1)(n) (circumstances in which a person is to be treated as actively seeking employment) for “14(2)” substitute “14(2) or (2ZA)”.
- (8) 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) after paragraph (a)(6) insert—
- “(aa) where, if regulation 5(1A) applies in his case, he was required to attend on a date less than 7 days from receipt by him of the notification;”;
- (b) in paragraph (c)(7) for “(q) or (r) or (2)” substitute “(q) to (t) or (2) or (2ZA)”.
- (9) In regulation 72 (good cause for the purposes of Article 21(5)(a) and (6)(c) and (d) of the Order)—
- (a) after paragraph (2)(f) add—
- “(g) any child care expenses which were, or would be, necessarily incurred by the person as a result of his being in the employment or of carrying out the jobseeker’s direction if those expenses did, or would, represent an unreasonably high proportion of—
- (i) in the case of employment, the remuneration which it is reasonable to expect that he would derive from that employment, or
- (ii) in any other case, the income which he received, or would receive, while carrying out the jobseeker’s direction.”.

(5) Regulation 14(1)(r) was added by regulation 3(3)(b) of [S.R. 2006 No. 234](#)

(6) Regulation 30(a) was amended by regulation 2(5) of [S.R. 2000 No. 255](#), regulation 2(5) of [S.R. 2002 No. 388](#) and regulation 3(5)(a) of [S.R. 2006 No. 234](#)

(7) Regulation 30(c) was amended by regulation 2(4) of [S.R. 1999 No. 107](#) and regulation 3(5)(b) of [S.R. 2006 No. 234](#)

(b) after paragraph (2)(8) insert—

“(2A) For the purposes of paragraph (2)(d), where the person has caring responsibilities in relation to a child, in considering whether those responsibilities would, or did, make it unreasonable for him to undertake a particular employment or carry out the jobseeker’s direction, regard shall be had, in particular, to the following matters—

(a) child care would not be, or was not, reasonably available to him, or

(b) if it would be, or it was, available, it would be, or was, unsuitable due to his particular needs or those of the child.”;

(c) in paragraph (3) after “(2)(f)” insert “and (g)”, and

(d) in paragraph (6)(a)(9) after “(2)(f)” insert “or (g);”.

(10) After regulation 73 (good cause for the purposes of Article 21(5)(b) of the Order) insert—

“Just cause for the purpose of Articles 21(6)(b) and 22A(2)(e)

73A.—(1) This regulation applies for the purposes of Article 21 (circumstances in which a jobseeker’s allowance is not payable) and Article 22A (denial or reduction of joint-claim jobseeker’s allowance).

(2) In determining whether a person has just cause for any act or omission for the purposes of Articles 21(6)(b) and 22A(2)(e), the matters which are to be taken into account shall include the following—

(a) any caring responsibilities for a child which made it unreasonable for the person to remain in his employment;

(b) any child care expenses which were necessarily incurred by the person as a result of his being in the employment if those expenses represented an unreasonably high proportion of the remuneration which he derived from the employment.

(3) For the purposes of paragraph (2)(a), in considering whether the caring responsibilities made it unreasonable for the person to remain in his employment, regard shall be had, in particular, to the following matters—

(a) child care would not be, or was not, reasonably available to him, or

(b) if it would be, or it was, available, it would be, or was, unsuitable due to his particular needs or those of the child.

(4) For the purposes of paragraph (2)(b), in considering whether child care expenses represented an unreasonably high proportion of remuneration, the principle shall apply that the greater the level of remuneration the higher the proportion which it is reasonable should be represented by such expenses.”.

(11) In regulation 140(1)(b)(10) (meaning of “person in hardship”) for “young person” in each place where it occurs substitute “child or young person”.

Commencement Information

II Reg. 11 in operation at 2.12.2008, see [reg. 1\(1\)](#)

(8) Regulation 72(2) was amended by regulation 6(a) of [S.R. 1998 No. 198](#) and paragraph 27(b) of Schedule 2 to, [S.R. 2000 No. 350](#)

(9) Regulation 72(6) was amended by paragraph 27(b) of Schedule 2 to, [S.R. 2000 No. 350](#) and regulation 2(3) of [S.R. 2004 No. 166](#)

(10) Regulation 140(1)(b) was amended by Article 9(5)(i) of [S.R. 1999 No. 428 \(C.32\)](#)

Changes to legislation: *There are currently no known outstanding effects for the The Social Security (Lone Parents and Miscellaneous Amendments) Regulations (Northern Ireland) 2008, Section 11. (See end of Document for details)*

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