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STATUTORY RULES OF NORTHERN IRELAND

2013 No. 250

SOCIAL SECURITY

**The Jobseeker's Allowance (Domestic Violence) (Amendment)
Regulations (Northern Ireland) 2013**

Made - - - - 24th October 2013

Coming into operation - 29th October 2013

Approved by resolution of the Assembly on 28th January 2014

The Department for Social Development makes the following Regulations in exercise of the powers conferred by paragraph 8B(4) of Schedule 1 to the Jobseekers (Northern Ireland) Order 1995(a), and now vested in it(b).

Citation and commencement

1. These Regulations may be cited as the Jobseeker's Allowance (Domestic Violence) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 29th October 2013.

Amendment of the Jobseeker's Allowance Regulation

2. In regulation 14A(10) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(c) (circumstances in which a person is to be treated as available) for the definition of "domestic violence" substitute—

““coercive behaviour” means an act of assault, humiliation or intimidation or other abuse that is used to harm, punish or frighten V;

“controlling behaviour” means an act designed to make V subordinate or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance or escape or regulating their everyday behaviour;

“domestic violence” means any incident or pattern of incidents of controlling behaviour, coercive behaviour, violence or abuse including but not limited to—

- (a) psychological abuse;
- (b) physical abuse;

(a) S.I. 1995/2705 (N.I. 15); paragraph 8B of Schedule 1 was inserted by section 23(1) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.))
(b) See Article 8(b) of S.R. 1999 No. 481
(c) S.R. 1996 No. 198; regulation 14A was inserted by regulation 2(2) of S.R. 2012 No. 155

- (c) sexual abuse;
 - (d) financial abuse; and
 - (e) emotional abuse;
- regardless of the gender or sexuality of V;”.

Sealed with the Official Seal of the Department for Social Development on 24th October 2013

(L.S.)

Anne McCleary
A senior officer of the Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the definition of “domestic violence” in paragraph (10) of regulation 14A of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996, (“the Jobseeker’s Allowance Regulations”), which makes provision for a jobseeker’s allowance claimant to be treated as meeting the requirement to be available for work for a period of 4 weeks on notifying the Department for Social Development that they have had domestic violence inflicted on or threatened against them at any time in the 26 weeks before that notification, by their partner, a former partner or a family member.

The definition of domestic violence previously referred to abuse of a kind specified as psychological, physical, sexual, financial or emotional. The amendment made by these Regulations now includes incidents of controlling or coercive behaviour, violence or abuse including, but not limited to psychological, physical, sexual, financial or emotional abuse, regardless of the sexuality or gender of the claimant.

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

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