

2016 No. 233

SOCIAL SECURITY

**The Jobseeker's Allowance (Extended Period of Sickness)
(Amendment) Regulations (Northern Ireland) 2016**

Made - - - - *17th May 2016*

Coming into operation - *23rd May 2016*

The Department for Communities makes the following Regulations in exercise of the powers conferred by paragraph 2(1) 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 (Extended Period of Sickness) (Amendment) Regulations (Northern Ireland) 2016 and come into operation on 23rd May 2016.

Amendment of the Jobseeker's Allowance Regulations

2.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(c) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 55 (short periods of sickness) after paragraph (6)(d) add—

“(7) For the purposes of calculating the number of occasions under paragraph (3), any occasion to which regulation 55ZA applies to the claimant is to be disregarded.”.

(3) In regulation 55ZA(e) (extended period of sickness)—

(a) In paragraph (1)—

(i) in sub-paragraph (b) after “disablement” insert “(“the initial condition”);

(ii) in sub-paragraph (c)(i)—

(aa) for the first “that disease or disablement” substitute “the initial condition or any other disease or disablement”; and

(bb) for “he does not expect to be unable to work on account of that disease or disablement for” substitute “not”;

(a) S.I. 1995/2705 (N.I. 15); paragraph 2 of Schedule 1 to the Jobseekers (Northern Ireland) Order 1995 provides that questions about whether a person has limited capability for work are to be determined for the purposes of that Order in accordance with Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)), as the Department considers appropriate in the person's case

(b) See Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))

(c) S.R. 1996 No. 198; relevant amending Regulation is S.R. 2015 No. 138

(d) Paragraph 6 was added by regulation (2)(4)(e) of S.R. 2015 No. 138

(e) Regulation 55ZA was inserted by regulation 2(5) of S.R. 2015 No. 138

- (iii) in sub-paragraph (c)(ii), after “that regulation” insert “, and declares that he has been unable to work or expects to be unable to work, on account of the initial condition or any other disease or disablement, for 2 weeks or less”;
- (b) in paragraph (3) at the beginning insert “Subject to paragraph (3A),”;
- (c) after paragraph (3) insert—
 - “(3A) In a case where paragraph (1)(c)(ii) applies, but the period in which the person has been unable to work or expects to be unable to work in fact exceeds 2 weeks, the evidence that is required for the purposes of paragraph (1)(b) is the evidence that is required in a case where paragraph (1)(c)(i) applies.”; and
- (d) in paragraph (4) before “disease or disablement” omit “the”.

Sealed with the Official Seal of the Department for Communities on 17th May 2016

(L.S.)

Anne McCleary
A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations (Northern Ireland) 1996 ("the 1996 Regulations") concerning the circumstances in which a claimant is treated as capable of work (or as not having limited capability for work) on account of a period of disease or disablement.

Regulation 2(2) amends regulation 55 of the 1996 Regulations by adding a new paragraph which provides that where a claimant satisfies the requirements for a short period of sickness, but goes on to satisfy the requirements for an extended period of sickness under regulation 55ZA of the 1996 Regulations, in respect of the same period of sickness, the short period of sickness under regulation 55 is disregarded for the purpose of calculating the maximum number of short periods of sickness which a person may have under regulation 55(3).

Regulation 2(3) amends regulation 55ZA of the 1996 Regulations. It ensures that regulation 55ZA continues to apply where a claimant's original health condition changes (the period of sickness or disablement must still be continuous, in accordance with paragraph (4) of regulation 55ZA). It also ensures that where a period of sickness is initially expected to last for two weeks or less, but ends up lasting for more than two weeks, the claimant is required to provide the same supporting medical evidence as someone who expected to be unable to work for longer than two weeks at the outset.

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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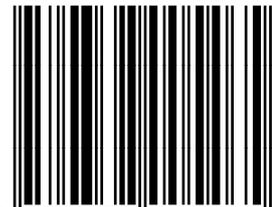
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