

2016 No. 241

SOCIAL SECURITY

**The Jobseeker's Allowance (Sanctions) (Amendment)
Regulations (Northern Ireland) 2016**

Made - - - - *6th June 2016*

Laid before Parliament *13th June 2016*

Coming into operation in accordance with regulation 1(1)

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by Articles 2(2), 10, 21(2)(e) and (3) to (6), 21A(4), (5) and (9), 21B(1) to (4), (6) and (7), 22(4) and 36(1) and (2) of, and paragraph 14AA of Schedule 1 to, the Jobseekers Order (Northern Ireland) 1995(a).

Those powers are exercisable by the Secretary of State by virtue of Article 4(1)(b) of the Welfare Reform (Northern Ireland) Order 2015(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Jobseeker's Allowance (Sanctions) (Amendment) Regulations (Northern Ireland) 2016 and come into operation immediately after the coming into operation of the Universal Credit Regulations (Northern Ireland) 2016(c).

(2) In these Regulations—

“the Order” means the Jobseekers Order (Northern Ireland) 1995;

“the JSA Regulations” means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(d).

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

(a) S.I. 1995/2705 (N.I. 15); Article 10 was amended by Article 51 of, paragraph 3 of Schedule 7 and Part 3 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)) (“the 2015 Order”), Article 21 was substituted and Articles 21A and 21B inserted by Article 52(1) of the 2015 Order, Article 36(2) was amended by paragraph 55 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and paragraph 14AA was inserted by 52(2)(b) of the 2015 Order. Article 2(2) is cited for the meaning it gives to ‘prescribed’. Those powers are vested in the Department for Communities by virtue of Article 8(b) of S.R. 1999 No. 481. See also section 1(7) of the Departments Act (Northern Ireland) 2016 c. 5 (N.I.)

(b) S.I. 2015/2006 (N.I. 1)

(c) S.R.2016 No. 216

(d) S.R. 1996 No. 198; relevant amending Rules are S.R. 1996 Nos. 356 and 358, S.R. 1997 Nos. 130, 165, and 541, S.R. 1998 No. 198, S.R. 1999 Nos. 145 and 428 (C. 32), S.R. 2000 Nos. 9, 37, 197, 255 and 350, S.R. 2001 Nos. 56, 120 and 151, S.R. 2002 Nos. 80, 275 and 363, S.R. 2004 No. 166, S.R. 2007 No. 262, S.R. 2008 Nos. 112, 478 and 498, S.R. 2009 Nos. 141 and 341, S.R. 2010 No. 144, S.R. 2011 No. 291, S.R. 2012 Nos. 14, 44 and 181, S.R. 2014 No. 150 and S.R. 2015 No. 146

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

Amendment of Part V of the JSA Regulations

2.—(1) Part V of the JSA Regulations (sanctions) is amended in accordance with paragraphs (2) to (9).

(2) For regulation 69(a) (prescribed period for purposes of Article 21(2)) substitute—

“The period of a reduction under Article 21: higher level sanctions

69.—(1) Subject to paragraphs (3) and (4), a reduction under Article 21 (higher level sanctions) is to have effect for—

- (a) 13 weeks, where there has been no previous sanctionable failure by the claimant that falls within paragraph (2);
- (b) 26 weeks, where there has been only one previous sanctionable failure by the claimant that falls within paragraph (2);
- (c) 78 weeks, where there have been 2 or more previous sanctionable failures by the claimant that fall within paragraph (2)(a) and, if applicable, (b) and the most recent of those failures—
 - (i) falls within paragraph (2)(c), and
 - (ii) resulted in a reduction that has effect for 26 weeks under sub-paragraph (b) or 78 weeks under this sub-paragraph, or would have done but for paragraph (4).

(2) A previous sanctionable failure referred to in paragraph (1) falls within this paragraph if—

- (a) the failure resulted in a decision to reduce the claimant’s award in accordance with Article 21;
- (b) in the case of a joint-claim couple, the failure was by the same claimant; and
- (c) the date of the failure is within 52 weeks but not within 2 weeks of the date of the claimant’s current sanctionable failure.

(3) Where claimant’s award has been reduced in relation to a sanctionable failure which is specified in Article 21(2)(a), (b) or (d) and which occurred before the date of claim for a jobseeker’s allowance, any such failure must not be counted for the purpose of determining the period of a reduction for a subsequent sanctionable failure under Article 21.

(4) Where a sanctionable failure which is specified in Article 21(2)(a), (b) or (d) occurs on or before the date on which a claim for a jobseeker’s allowance is made—

- (a) except where sub-paragraph (b) applies, the reduction relating to that failure is to have effect for the period set out in paragraph (1) that applies in the claimant’s case (the “applicable sanction period”) minus the period beginning with and including the day after the date of the sanctionable failure and ending with the day before the date of claim;
- (b) if—
 - (i) the failure was in relation to employment which was due to last for a limited period,
 - (ii) the limited period ends on or before the end of the applicable sanction period, and
 - (iii) the date of claim is on or before the last day of the limited period,

the reduction relating to that failure is to have effect for the period beginning with and including the day after the date of the sanctionable failure and ending with the last day of

(a) Regulation 69 was substituted by regulation 2(3) of S.R. 2000 No. 9 and amended by regulation 2(2) and (3) of S.R. 2000 No. 197, paragraph 25 of Schedule 2 to S.R. 2000 No. 350, regulation 4 of S.R. 2001 No. 151, regulation 2(3) of S.R. 2009 No. 141 and regulation 2 of S.R. 2009 No. 341

the limited period minus the period beginning with and including the day after the date of the sanctionable failure and ending with the day before the date of claim.

(5) In paragraph (4)(b), “limited period” means a specific term which is fixed, or which can be ascertained, before it begins, by reference to some relevant circumstance.

(6) The period of a reduction under Article 21 begins—

- (a) on and including the first day of the benefit week in which the sanctionable failure occurred where, on the date of the determination to reduce the award, the claimant has not been paid a jobseeker’s allowance since the sanctionable failure occurred; or
- (b) in any other case, on and including the first day of the benefit week after the end of the benefit week in respect of which the claimant was last paid a jobseeker’s allowance.

The period of a reduction under Article 21A: Other sanctions

69A.—(1) A reduction under Article 21A (other sanctions) is to have effect for—

- (a) 4 weeks, where there has been no previous sanctionable failure by the claimant that falls within paragraph (2); or
- (b) 13 weeks, where there has been—
 - (i) only one previous sanctionable failure by the claimant that falls within paragraph (2), or
 - (ii) more than one previous sanctionable failure and the most recent of those failures falls within paragraph (2).

(2) A previous sanctionable failure falls within this paragraph if—

- (a) the failure resulted in a decision to reduce the claimant’s award in accordance with Article 21A;
- (b) in the case of a joint-claim couple, the failure was by the same claimant; and
- (c) the date of the failure is within 52 weeks but not within 2 weeks of the date of the claimant’s current sanctionable failure.

(3) The period of a reduction under Article 21A begins—

- (a) on and including the first day of the benefit week in which the sanctionable failure occurred where, on the date of the determination to reduce the award, the claimant has not been paid a jobseeker’s allowance since the sanctionable failure occurred; or
- (b) in any other case, on and including the first day of the benefit week after the end of the benefit week in respect of which the claimant was last paid a jobseeker’s allowance.

The period of a reduction under Article 21B: Claimants ceasing to be available for employment etc.

69B.—(1) Subject to paragraph (5), the amount of an award of a jobseeker’s allowance, other than a joint-claim jobseeker’s allowance, is to be reduced in accordance with this regulation and regulation 70 (amount of a reduction) if the claimant—

- (a) was previously entitled to a jobseeker’s allowance, or was a member of a couple entitled to a joint-claim jobseeker’s allowance; and
- (b) ceased to be so entitled by failing to comply with the condition in Article 3(2)(a) or (c) (availability for employment and actively seeking employment).

(2) Subject to paragraph (5), the amount of an award of a joint-claim jobseeker’s allowance is to be reduced in accordance with this regulation and regulation 70 (amount of a reduction) if the case falls within either paragraph (3) or (4).

- (3) A case falls within this paragraph if—
- (a) one of the claimants was previously entitled to a jobseeker’s allowance, other than a joint-claim jobseeker’s allowance; and
 - (b) ceased to be so entitled by failing to comply with the condition in Article 3(2)(a) or (c).
- (4) A case falls within this paragraph if—
- (a) the couple were previously entitled to a joint-claim jobseeker’s allowance but ceased to be so entitled by either or both of them failing to comply with the condition in Article 3(2)(a) or (c); or
 - (b) either member of the couple was a member of another couple previously entitled to such an allowance and that couple ceased to be so entitled by that person failing to comply with the condition in Article 3(2)(a) or (c).
- (5) This regulation does not apply where—
- (a) the claimant had been treated as available for work under regulation 14(a) (circumstances in which a person is to be treated as available), or as actively seeking employment under regulation 19(b) (circumstances in which a person is to be treated as actively seeking employment);
 - (b) the claimant ceased to be so treated due to no longer falling within regulation 14 or 19;
 - (c) as a result of (b), the claimant’s award was terminated for failing to comply with the conditions in Article 3(2)(a) or (c) (availability for employment and actively seeking employment); and
 - (d) the Department considers that a reduction is not appropriate in the claimant’s circumstances.
- (6) Subject to paragraph (7), a reduction under this regulation is to have effect for a period of—
- (a) 4 weeks, where there has been only one occasion on which the claimant’s previous entitlement ceased; or
 - (b) 13 weeks, where there has been two or more occasions on which the claimant’s previous entitlement ceased and the date of the most recent occasion was within 52 weeks but not within 2 weeks of the last previous occasion.
- (7) The period specified in paragraph (6) is to be reduced by the period beginning with and including the first day of the benefit week following the benefit week in which the claimant was last paid an award of jobseeker’s allowance and ending with the day before the date of claim or where regulation 3(g) of the Claims and Payments Regulations (claims not required for entitlement to benefit in certain cases) applies, the day before the suspension ends.
- (8) The period of a reduction under this regulation begins on the date of claim or where regulation 3(g) of the Claims and Payments Regulations applies, the date on which the suspension ends.”.
- (3) For regulation 70(c) (sanctions of discretionary length) substitute—

“The amount of a reduction under Article 21 and 21A and regulation 69B

70.—(1) Subject to paragraph (2), the amount of a reduction under Article 21 or 21A or regulation 69B is—

(a) Regulation 14 has been amended but not in ways relevant to these Regulations
 (b) Regulation 19 has been amended but not in ways relevant to these Regulations
 (c) Regulation 70 was amended by Article 9(3)(d) of S.R. 1999 No. 428 (C. 32) and paragraph 26 of Schedule 2 to S.R. 2000 No. 350

- (a) 100% of the allowance payable to the claimant; or
- (b) in the case of a joint-claim couple—
 - (i) 100% of the allowance payable to the couple, where the reduction relates to a sanctionable failure by each member of the couple, or
 - (ii) an amount calculated in accordance with paragraph (3), where the reduction relates to a sanctionable failure by only one member of the couple.

(2) In a case where the following circumstances apply—

- (a) a claimant’s award is already reduced in accordance with Article 21 or 21A or regulation 69B; or
- (b) in the case of a joint-claim couple, an award of a joint-claim jobseeker’s allowance is already reduced in accordance with Article 21 or 21A or regulation 69B as a result of a sanctionable failure by one or each member of the couple and the current sanctionable failure is by the same claimant,

no reduction is to be made for any days when those circumstances apply.

(3) The amount referred to in paragraph (1)(b)(ii) is such amount which, after its deduction from the full amount of the award of a joint-claim jobseeker’s allowance, leaves the following amount—

- (a) in any case in which the member of the couple, who is not the member whose sanctionable failure led to the reduction, satisfies the conditions set out in Article 4 of the Order (contribution based conditions), a rate equal to the amount calculated in accordance with Article 6(1) (amount payable by way of a jobseeker’s allowance);
- (b) in any case where the couple are a couple in hardship for the purposes of Part IXA(a), a rate equal to the amount calculated in accordance with regulation 146G (applicable amount in hardship cases for joint-claim couples);
- (c) in any other case, a rate calculated in accordance with Article 6(3A)(b) (amount payable by way of a joint-claim jobseeker’s allowance) save that the applicable amount shall be the amount determined by reference to paragraph 1(1) of Schedule 1 which would have been the applicable amount had the member of the couple who is not subject to sanctions been a single claimant.”.

(4) After regulation 70 insert—

“Cases in which no reduction is to be made under Article 21 or 21A

70A.—(1) No reduction is to be made under Article 21 (higher-level sanctions) where—

- (a) the sanctionable failure is listed in Article 21(2)(a), (b) or (d);
- (b) the sanctionable failure occurs before a claim to a jobseeker’s allowance is made; and
- (c) the period of the reduction as calculated under sub-paragraph (a) or (b) of regulation 69(4) is the same as, or shorter than, the period between and including the date of the sanctionable failure and the date of claim.

(2) No reduction is to be made under Article 21A (other sanctions) where the sanctionable failure is specified in Article 21A(2)(a) (failure to comply with regulations under Article 10(1) or (1A)) and—

- (a) is a failure to comply with regulation 24 (provision of information and evidence); or

(a) Part IXA was inserted by regulation 2(3) of S.R. 2000 No. 350
 (b) Article 6(3A) was inserted by paragraph 6(3) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

- (b) unless paragraph (3) or (4) applies, is a failure to comply with regulation 23 (attendance) or 23A(a) (attendance by members of a joint-claim couple).
- (3) This paragraph applies where the claimant—
- (a) fails to participate on the day specified in a relevant notification;
 - (b) makes contact with an employment officer in the manner set out in a relevant notification before the end of the period of 5 working days beginning with and including the first working day after the day on which the claimant failed to participate on the day specified; and
 - (c) fails to show a good reason for that failure to participate.
- (4) This paragraph applies where—
- (a) the claimant fails to participate in an interview at the time specified in a relevant notification, but makes contact with an employment officer in the manner set out in the notification on the day specified in the notification;
 - (b) the Department has informed the claimant in writing that a failure to participate in an interview at the time specified in a relevant notification, on the next occasion on which a claimant is required to participate in an interview, at the time specified in a relevant notification, may result in the claimant's entitlement to a jobseeker's allowance or a joint-claim jobseeker's allowance ceasing or the award being subject to a reduction;
 - (c) the claimant fails to participate in an interview at the time specified in a relevant notification on the next occasion;
 - (d) the claimant makes contact with an employment officer in the manner set out in a relevant notification before the end of the period of 5 working days after the day on which the claimant failed to participate in an interview at the time specified; and
 - (e) the claimant fails to show a good reason for that failure to participate in an interview at the time specified.
- (5) In this regulation "relevant notification" has the meaning given in regulation 25 (entitlement ceasing on a failure to comply).

Application of a reduction to a new award

- 70B.**—(1) Subject to paragraph (4), this regulation applies where—
- (a) the amount of an award is reduced in accordance with Article 21 or 21A or regulation 69B;
 - (b) that award ("the previous award") is terminated;
 - (c) the reduction period had either not yet begun or not ended when the previous award was terminated;
 - (d) a new award is made to the claimant who had been entitled to the previous award; and
 - (e) in the case of an award of a joint-claim jobseeker's allowance, the reduction to the previous award was made in relation to a sanctionable failure by the claimant who is entitled to the new award.
- (2) Where this regulation applies, the reduction period that would have applied to the previous award but for the award having terminated applies to the new award from the first day of the benefit week in which the claim for the new award is made for the outstanding period.
- (3) In this regulation—

(a) Regulation 23A was inserted by paragraph 2 of Schedule 2 to S.R. 2000 No. 350

“outstanding period” means the period determined under regulation 69, 69A or 69B in relation to the previous award minus—

- (a) the benefit week in respect of which the previous award was reduced; and
- (b) the period beginning with the first day of the benefit week after the benefit week in which the previous award was terminated and ending with the first day of the benefit week in which entitlement to the new award begins;

“reduction period” means the period determined under regulation 69, 69A or 69B in relation to the previous award.

(4) This regulation does not apply where the Department is satisfied that, since the date of the most recent sanctionable failure, the claimant has been in employment for a period of, or more than one period where the total of those periods amounts to, at least 26 weeks.”.

(5) For regulation 72(a) (good cause for the purposes of Article 21(5)(a) and (6)(c) and (d) of the Order) substitute—

“Good reason for the purpose of Article 21(2)(c) and (d) and 21A(2)(c) of the Order

72. A person is not to be regarded as having a good reason for any act or omission for the purposes of Article 21(2)(c) and (d) and Article 21A(2)(c) if, and to the extent that, the reason for that act or omission relates to the time it took, or would normally take, for the person to travel from his home to the place of the employment, or a place mentioned in the jobseeker’s direction, and back to his home where that time was or is normally less than one hour and 30 minutes either way, by a route and means appropriate to his circumstances and to the employment, or to the carrying out of the jobseeker’s direction, unless, in view of the health of the person or any caring responsibilities of his, that time was or is unreasonable.”.

(6) Omit regulations 73(b) (good cause for the purposes of Article 21(5)(b) of the Order) and 73A(c) (just cause for the purposes of Articles 21(6)(b) and 22A(2)(e)).

(7) In regulation 74 (person of prescribed description for the purpose of Article 22(3) of the Order)—

- (a) in paragraph (1)(d)—
 - (i) omit “and Article 22B(3)”, and
 - (ii) for “Article 21(6)(b) or (d) or 22A(2)(e) or (g) of the Order (circumstances in which a jobseeker’s allowance is not payable)” substitute “Article 21(2)(b) or (d) of the Order (higher-level sanctions)”; and
- (b) in paragraph (4)(e) omit “and Article 22B(3)”.

(8) Omit regulations 74A(f) (person in receipt of a training allowance) and 74B(g) (reduced allowance where one member of a joint-claim couple is subject to a sanction).

(9) In regulation 75 (h) (interpretation)—

- (a) in paragraph (1)—

(a) Regulation 72 was amended by regulation 5(4) of S.R. 1997 No. 130, regulation 6 of S.R. 1998 No. 198, paragraph 27 of Schedule 2 to S.R. 2000 No. 350, regulation 2(3) of S.R. 2004 No. 166, regulation 11(9) of S.R. 2008 No. 478, regulation 2(12) of S.R. 2010 No. 144 and regulation 2 of S.R. 2012 No. 181

(b) Regulation 73 was amended by regulation 5 of S.R. 1996 No. 356, regulation 7 of S.R. 1997 No. 541, regulation 7 of S.R. 1998 No. 198, paragraph 28 of Schedule 2 to S.R. 2000 No. 350, regulation 2(4) of S.R. 2009 No. 141 and regulation 2(5) of S.R. 2012 No. 14

(c) Regulation 73A was inserted by regulation 11(10) of S.R. 2008 No. 478

(d) Paragraph (1) was amended by paragraph 29(a) of Schedule 2 to S.R. 2000 No. 350

(e) Paragraph (4) was amended by paragraph 29(b) of Schedule 2 to S.R. 2000 No. 350

(f) Regulation 74A was inserted by regulation 6 of S.R. 1996 No. 356 and amended by paragraph 30 of Schedule 2 to S.R. 2000 No. 350

(g) Regulation 74B was inserted by paragraph 31 of Schedule 2 to S.R. 2000 No. 350 and amended by regulation 2(12) of S.R. 2012 No. 44

(h) Regulation 75 was substituted by regulation 8 of S.R. 1997 No. 541

- (i) for “Article 21 of the Order (circumstances in which a jobseeker’s allowance is not payable), Article 22A of the Order (denial or reduction of joint-claim jobseeker’s allowance)” substitute “Article 21A of the Order (other sanctions)”,
- (ii) for sub-paragraph (a) substitute—
 - “(a) “an employment programme” means a programme or scheme which is designed to assist a claimant to prepare for or move into work;”, and
- (iii) for sub-paragraph (b) substitute—
 - “(b) “a training scheme” means a scheme or course which is designed to assist a claimant to gain the skills, knowledge or experience that will make it more likely, in the opinion of the Department for Employment and Learning, that the claimant will obtain work or be able to do so.” (a);
- (b) omit paragraph (2);
- (c) for paragraph (3)(b) substitute—
 - “(3) In Article 21A of the Order and in this Part, “week” means any period of 7 consecutive days.”;
- (d) for paragraph (4)(c) substitute—
 - “(4) In Article 21 and in this Part, “employment” means employed earner’s employment other than such employment in which a person is employed whilst participating in an employment programme falling within paragraph (1)(a) and “employed earner” shall be construed accordingly; and for the purposes of paragraph (4) of regulation 70B includes self-employment where the claimant’s income as calculated under Part VIII exceeds his applicable amount as calculated under Articles 6(1), 14 and 15 of the Order.”; and
- (e) for paragraph (5) substitute—
 - “(5) In this Part—
 - “current sanctionable failure” means a failure which is sanctionable under Article 21 (higher-level sanctions), Article 21A (other sanctions) or Article 21B of the Order (claimants ceasing to be available for employment etc) in relation to which the Department has not yet determined whether the amount of an award is to be reduced in accordance with Article 21 or 21A or regulation 69B;
 - “sanctionable failure” means a failure which is sanctionable under Article 21 (higher-level sanctions), Article 21A (other sanctions) or Article 21B of the Order (claimants ceasing to be available for employment etc).”.

Amendment of Part IX of the JSA Regulations

3.—(1) Part IX of the JSA Regulations (hardship) is amended in accordance with paragraphs (2) to (5).

(2) In regulation 140 (meaning of “person in hardship”)—

(a) for sub-paragraph (1)(f)(i)(d) substitute—

“(i) where the person has an award, a jobseeker’s allowance is not payable because it is suspended or the award is reduced in accordance with Article 21 (higher level sanctions) or 21A of the Order (other sanctions) or regulation

(a) Paragraph (1) was amended by regulation 8 of S.R. 1998 No. 198, regulation 2(4) of S.R. 2000 No. 197, paragraph 32(a) and (b) of Schedule 2 to S.R. 2000 No. 350, regulation 5(a) of S.R. 2001 No. 151, regulation 2(4) of S.R. 2002 No. 275, regulation 2 of S.R. 2007 No. 262, regulation 3(3) of S.R. 2008 No. 498, regulation 2(5) of S.R. 2009 No. 141 and regulation 2(6) of S.R. 2012 No. 14

(b) Paragraph (3) was amended by paragraph 32(d) of Schedule 2 to S.R. 2000 No. 350

(c) Paragraph (4) was amended by paragraph 32(e) of Schedule 2 to S.R. 2000 No. 350 and regulation 4(8) of S.R. 2008 No. 112

(d) Paragraph (1)(f)(i) was amended by regulation 2(13) of S.R. 2012 No. 44 and regulation 11(2)(a) of S.R. 2014 No. 150

69B (the period of a reduction under Article 21B: claimants ceasing to be available for employment etc.), and”;

(b) in paragraph (2)(a) omit “, (4A), (4B) or (4C)”;

(c) omit paragraphs (4A), (4B) and (4C)(b).

(3) Omit regulation 140A(c) (period when a person is not a person in hardship).

(4) In regulation 141(6)(d) (circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship) from “regulations” to “to him” substitute “his award of jobseeker’s allowance has been reduced in accordance with Article 21 (higher level sanctions) or 21A of the Order (other sanctions) or regulation 69B (the period of a reduction under Article 21B: claimants ceasing to be available for employment etc.)”.

(5) In regulation 142(5) (further circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship)—

(a) from “Article 21” to “to him” substitute “his award of jobseeker’s allowance has been reduced in accordance with Article 21 (higher level sanctions) or 21A of the Order (other sanctions) or regulation 69B (the period of a reduction under Article 21B: claimants ceasing to be available for employment etc.)”; and

(b) in sub-paragraph (a) for “Article 21 of the Order” substitute “the reduction”.

Amendment of Part IXA of the JSA Regulations

4.—(1) Part IXA of the JSA Regulations(e) (hardship for joint-claim couples) is amended in accordance with paragraphs (2) to (5).

(2) In regulation 146A (meaning of “couple in hardship”)—

(a) for paragraph (1)(c)(i)(f) substitute—

“(i) where the couple have an award, a joint-claim jobseeker’s allowance is not payable because it is suspended or the award is reduced in accordance with Article 21 (higher level sanctions) or Article 21A of the Order (other sanctions) or regulation 69B (the period of a reduction under Article 21B: claimants ceasing to be available for employment etc.), and”;

(b) in paragraph (2) omit “, (5), (5A) or (5B)”(g); and

(c) omit paragraphs (5), (5A) and (5B)(h).

(3) Omit regulation 146B (i) (period when a joint-claim couple is not in hardship).

(4) In regulation 146C(6)(j) (circumstances in which a joint-claim jobseeker’s allowance is payable where a joint-claim couple is a couple in hardship) for the words from “regulations” to “payable to the couple” substitute “the award of joint-claim jobseeker’s allowance has been reduced in accordance with Article 21 (higher level sanctions) or 21A (other sanctions) of the Order or regulation 69B (the period of a reduction under Article 21B: claimants ceasing to be available for employment etc.)”.

(a) Paragraph (2) was amended by Article 9(5)(i) of S.R. 1999 No. 428 (C. 32), paragraph 45(b) of Schedule 2 to S.R. 2000 No. 350, regulation 2(6)(a) of S.R. 2009 No. 141 and regulation 11(2)(b) of S.R. 2014 No. 150

(b) Paragraph (4A) was inserted by regulation 11(b) of S.R. 1997 No. 541 and amended by regulation 8 of S.R. 2001 No. 151 and regulation 2(6)(b) of S.R. 2009 No. 141. Paragraph (4B) was inserted by regulation 2(6)(c) of S.R. 2009 No. 141. Paragraph (4C) was inserted by 11(2)(c) of S.R. 2014 No. 150

(c) Regulation 140A was inserted by regulation 12 of S.R. 1997 No. 541 and amended by regulation 2(5) of S.R. 2000 No. 9 and regulation 2(7) of S.R. 2009 No. 141

(d) Regulation 141(6) was amended by regulation 2(14) of S.R. 2012 No. 44 and regulation 11(3) of S.R. 2014 No. 150

(e) Part IXA was inserted by regulation 2(3) of S.R. 2000 No. 350

(f) Paragraph (1)(c)(i) was amended by regulation 2(15) of S.R. 2012 No. 44

(g) Paragraph (2) was amended by regulation 2(8)(a) of S.R. 2009 No. 141 and regulation 12(2)(a) of S.R. 2014 No. 150

(h) Paragraph (5) was amended by regulation 2(8)(b) of S.R. 2009 No. 141. Paragraph (5A) was inserted by regulation 2(8)(c) of S.R. 2009 No. 141. Paragraph (5B) was inserted by regulation 12(2)(b) of S.R. 2014 No. 150

(i) Regulation 146B was amended by regulation 2(9) of S.R. 2009 No. 141

(j) Regulation 146C(6) was amended by regulation 2(16) of S.R. 2012 No. 44 and regulation 12(3) of S.R. 2014 No. 150

(5) In regulation 146D(5) (further circumstances in which a joint-claim jobseeker’s allowance is payable to a couple in hardship)—

- (a) from “Article 22A(5)(a)” to “payable to them” substitute “the award of joint-claim jobseeker’s allowance has been reduced in accordance with Article 21 (higher level sanctions) or 21A (other sanctions) of the Order or regulation 69B (the period of a reduction under Article 21B: claimants ceasing to be available for employment etc.)”; and
- (b) in sub-paragraph (a), for “Article 22A of the Order” substitute “the reduction”.

Further consequential amendments of the JSA Regulations

5.—(1) The JSA Regulations are amended in accordance with paragraphs (2) to (23).

(2) In regulation 4 (interpretation of Parts II, IV and V) omit the definition of “employment officer”(a).

(3) In regulation 17A(6)(b) (further circumstances in which a person is to be treated as available: full-time students participating in a qualifying course) for “good cause” substitute “a good reason” and for “21(5)(b)” substitute “21A(2)(d), (e) or (f)”.

(4) In regulation 23(c) (attendance) and 23A(d) (attendance by members of a joint-claim couple) for “attend at such place and at such time” in each place where it occurs substitute “participate in an interview in such manner, time and place”.

(5) In Regulation 24 (provision of information and evidence)—

- (a) in paragraph (8)(e) for “when he attends” substitute “at the time he is required to participate in an interview”; and
- (b) in paragraph (10)(f) for “on the day on which he is required to attend” substitute “at the time he is required to participate in an interview”.

(6) In regulation 25 (entitlement ceasing on a failure to comply)—

- (a) in paragraph (1)(a)(g) for “attend” substitute “participate in an interview”;
- (b) in paragraph (1)(b)(i) from “that claimant attends” to “required to attend” substitute “that claimant makes contact with an employment officer on the day specified in the relevant notification but fails to participate in an interview at the time specified in that notification, and the Department has informed that claimant in writing that a failure to participate in an interview, on the next occasion on which he is required to participate in an interview”; and
- (c) in paragraph (1)(b)(ii) and (iii) for “attend” substitute “participate”.

(7) In regulation 26(h) (time at which entitlement is to cease)—

- (a) in paragraph (b) for “attend” substitute “participate in an interview”; and
- (b) after paragraph (c) for “attended” substitute “participated in an interview”.

(8) In regulation 27(i) (where entitlement is not to cease under regulation 25(1)(c)) for “good cause” substitute “a good reason”.

(a) The definition of “employment officer” was amended by regulation 2(2) of S.R. 2000 No. 37

(b) Regulation 17A was inserted by regulation 4 of S.R. 1998 No. 198

(c) Regulation 23 was substituted by regulation 2(2) of S.R. 2000 No. 255

(d) Regulation 23A was inserted by paragraph 2 of Schedule 2 to S.R. 2000 No. 350

(e) Paragraph (8) was amended by regulation 2(3) of S.R. 2000 No. 255 and paragraph 3(f) of Schedule 2 to S.R. 2000 No. 350

(f) Paragraph (10) was amended by regulation 2(4)(c) of S.R. 2000 No. 37, regulation 2(3) of S.R. 2000 No. 255 and paragraph 3(h) of Schedule 2 to S.R. 2000 No. 350

(g) Paragraph (1) was amended by regulation 2(b) of S.R. 1999 No. 145, regulation 2(5) of S.R. 2000 No. 37, regulation 2(4) of S.R. 2000 No. 255, paragraph 4(c) of Schedule 2 to S.R. 2000 No. 350, regulation 2(2) of S.R. 2012 No. 44 and regulation 19(2) of S.R. 2014 No. 150

(h) Regulation 26 was amended by regulation 9 of S.R. 1996 No. 358, regulation 2(5) of S.R. 2000 No. 255 and paragraph 5(b) of Schedule 2 to S.R. 2000 No. 350

(i) Regulation 27 was substituted by regulation 2(3) of S.R. 2012 No. 44

(9) Omit regulations 27A (circumstances in which an allowance is not to be payable) to 30 (circumstances in which a claimant is to be regarded as having good cause for failing to comply with a notification under regulation 23).

(10) In regulation 47 (jobseeking period), for paragraph (4)(b)(ii)(a) substitute—

“(ii) on which a contribution-based jobseeker’s allowance is not payable to the claimant by virtue of Article 21 (higher-level sanctions) or 21A (other sanctions) of the Order or regulation 69B (the period of a reduction under Article 21B: claimants ceasing to be available for employment etc.) or on which the claimant is a member of a joint-claim couple and a joint claim jobseeker’s allowance is not payable or is reduced because he is subject to sanctions by virtue of Article 21 or 21A of the Order or by regulation 69B or by virtue of a restriction imposed pursuant to section 5B, 6, 7 or 8 of the Fraud Act (loss of benefit provisions);”.

(11) In regulation 52(1)(b) (persons treated as engaged in remunerative work) for “good cause” substitute “a good reason”.

(12) In regulation 55(1)(a)(c) (short periods of sickness) omit from “or is a person to whom” to “Article 19A of the Order (“work for your benefit” schemes etc.)”.

(13) In regulation 55A(1)(a)(d) (periods of sickness and persons receiving treatment outside Northern Ireland) omit from “or is a person to whom” to “Article 19A of the Order (“work for your benefit” schemes etc.)”.

(14) In regulation 61 (other young persons in prescribed circumstances) in paragraph (1)(f)(e)—

(a) for “Article 21(5)(b) or (c) or (6)(c) or (d) or 22A(2)(b), (c), (f) or (g)” substitute “Article 21(2)(c) or (d) or 21A(2)(d), (e), (f) or (g)”; and

(b) for “rendered not payable in accordance with Article 21(6)(a) or (b)” substitute “reduced in accordance with Article 21(2)(a) or (b)”.

(15) In regulation 63 (reduced payments under Article 19 of the Order)—

(a) in paragraph (1)(b)(f) from “Article 21(5)(b) or (c)” to “Part V (sanctions)” substitute “Article 21(2)(a) or (b) or 21A(2)(c) to (g) of the Order”;

(b) in paragraphs (1)(b)(i) and (ii), (c)(i)(g), (d)(i) and (4) for “good cause” in each place where those words occur substitute “a good reason”;

(c) in paragraph (1)(c)(i) for “Article 21(5)(b)(i), (ii) or (iv) or 22A(2)(b)(i), (ii) or (iv) of the Order” in both places where it occurs substitute “Article 21A(2)(d) or (e) of the Order or failed to attend a training scheme or employment programme”;

(d) in paragraph (1)(d)(i) for “done an act or omission falling within Article 21(5)(b)(iii) or 22A(2)(b)(iii) of the Order” in both places where it occurs substitute “given up a place on a training scheme or employment programme”; and

(e) in paragraph (4)(h)—

(i) for “done an act or omission falling within Article 21(5)(b)(iii) or 22A(2)(b)(iii)” substitute “given up a place on a training scheme or employment programme”, and

(ii) for “Article 21(5)(c) or 22A(2)(c)” substitute “Article 21A(2)(g)”.

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- (a) Regulation 47(4)(b)(ii) was amended by regulation 2(5) of S.R. 2001 No. 120, regulation 5(3) of S.R. 2002 No. 80, regulation 5(2) of S.R. 2011 No. 291, regulation 2(6) of S.R. 2012 No. 44 and regulation 19(3) of S.R. 2014 No. 150
- (b) Regulation 52(1) was amended by regulation 3(3) of S.R. 2002 No. 363 and regulation 7(4) of S.R. 2015 No. 146
- (c) Regulation 55(1)(a) was amended by regulation 17(2) of S.R. 1996 No. 358, paragraph 17 of Schedule 2 to S.R. 2000 No. 350, regulation 2(7) of S.R. 2012 No. 44 and regulation 19(5) of S.R. 2014 No. 150
- (d) Regulation 55A(1)(a) was amended by regulation 2(8) of S.R. 2012 No. 44 and regulation 19(6) of S.R. 2014 No. 150
- (e) Regulation 61(1)(f) was amended by paragraph 19(b) of Schedule 2 to S.R. 2000 No. 350
- (f) Paragraph (1)(b) was amended by paragraph 21(a)(i) of Schedule 2 to S.R. 2000 No. 350
- (g) Paragraph (1)(c)(i) was amended by paragraph 21(a)(ii) of Schedule 2 to S.R. 2000 No. 350. Paragraph (1)(d)(i) was amended by paragraph 21(a)(iii) of Schedule 2 to S.R. 2000 No. 350
- (h) Paragraph (4) was amended by paragraph 21(b) of Schedule 2 to S.R. 2000 No. 350

(16) In regulation 64(2) (availability for employment)(a) from “Article 21(5)(b) or (c) or (6)(c) or (d)” to “22A(2)(d) or (e)” substitute “Article 21(2)(c) or (d) or 21A(2)(d), (e), (f) or (g) of the Order or in accordance with Article 21(2)(a) or (b)”.

(17) In regulation 65 in paragraph (5)(b) (active seeking)—

- (a) omit “whose jobseeker’s allowance is not payable by virtue of regulation 27A (circumstances in which an allowance is not to be payable), or”; and
- (b) from “Article 21(5)(b) or (c) or (6)(c) or (d)” to “22A(2)(d) or (e)” substitute “Article 21(2)(c) or (d) or 21A(2)(a), (d), (e), (f) or (g) of the Order or in accordance with Article 21(2)(a) or (b) of the Order”.

(18) In regulation 66(1)(c) (the jobseeker’s agreement) from “may be rendered” to “22B” substitute “Article 21(2)(a), (b), (c) or (d) or 21A(2)(a), (c), (d), (e), (f) or (g)”.

(19) In regulation 67 (sanctions)—

- (a) for “good cause” in each place where those words occur substitute “a good reason”;
- (b) in paragraph (1)(d)—
 - (i) for “Article 21(5)(b) or Article 22A(2)(b)” in each place where those references appear substitute “Article 21A(2)(d), (e) or (f)”, and
 - (ii) in sub-paragraph (b) for “Article 21(5)(b)(i), (ii) or (iv) or Article 22A(2)(b)(i), (ii) or (iv) of the Order” substitute “Article 21A(2)(d) or (e) of the Order or failed to attend a training scheme or employment programme” and for “in the case of an act or omission falling within Article 21(5)(b)(iii) or Article 22A(2)(b)(iii) of the Order” substitute “in the case where he has given up a place on a training scheme or employment programme”;
- (c) in paragraph (2)(e)—
 - (i) for “Article 21(6)(c) or (d) or 22A(2)(f) or (g)” in both places where those references appear substitute “Article 21(2)(c) or (d)”, and
 - (ii) from “Article 21(5)(b) or (c) or (6)(c) or (d)” to “22A(2)(d) or (e)” substitute “Article 21(2)(a), (b), (c) or (d) or 21A(2)(d), (e), (f) or (g)”; and
- (d) in paragraph (3)(f)—
 - (i) for “done an act or omission falling within Article 21(5)(b)(iii) or 22A(2)(b)(iii) of the Order” substitute “given up a place on a training scheme or employment programme”, and
 - (ii) for “Article 21(5)(c) or 22A(2)(c)” substitute “Article 21A(2)(g)”.

(20) In regulation 68 (reduced amount of allowance)—

- (a) in paragraph (1)(g)—
 - (i) for “Article 21(5) or (6)(c) or (d) or within Article 22A(2)(a) to (c), (f) or (g)” substitute “Article 21(2)(c) or (d) or 21A(2)(a), (c), (d), (e), (f) or (g)”, and
 - (ii) omit from “or satisfies” to “regulation 27A (circumstances in which an allowance is not to be payable)”;
- (b) in paragraph (2)(h)—

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- (a) Regulation 64(2) was amended by regulation 2(4) of S.R. 2001 No. 56
 - (b) Regulation 65(5) was amended by regulation 2(5) of S.R. 2001 No 56 and regulation 2(9) of S.R. 2012 No. 44
 - (c) Regulation 66(1) was amended by paragraph 22 of Schedule 2 to S.R. 2000 No. 350 and regulation 2(10) of S.R. 2012 No. 44
 - (d) Paragraph (1) was amended by regulation 13 of S.R. 1996 No. 358 and paragraph 23(a) of Schedule 2 to S.R. 2000 No. 350
 - (e) Paragraph (2) was amended by paragraph 23(b) of Schedule 2 to S.R. 2000 No. 350
 - (f) Paragraph (3) was amended by paragraph 23(c) of Schedule 2 to S.R. 2000 No. 350
 - (g) Paragraph (1) was amended by regulation 6(2) of S.R. 1997 No. 165, Article 9(9) of S.R. 1999 No. 428 (C. 32), paragraph 24 of Schedule 2 to S.R. 2000 No. 350 and regulation 2(11)(a) of S.R. 2012 No. 44
 - (h) Paragraph (2) was amended by regulation 6(3) of S.R. 1997 No. 165, Article 9(9) of S.R. 1999 No. 428 (C. 32), paragraph 24 of Schedule 2 to S.R. 2000 No. 350 and regulation 2(11)(b) of S.R. 2012 No. 44

- (i) for “Article 21(5) or (6)(c) or (d) or within Article 22A(2)(a) to (c), (f) or (g)” substitute “Article 21(2)(c) or (d) or 21A(2)(a), (c), (d), (e), (f) or (g)”, and
- (ii) omit from “or satisfies” to “regulation 27A”.

(21) In regulation 87(7)(b)(a) (transitional supplement to income-based jobseeker’s allowance)—

- (a) in sub-paragraph (a) of the inserted paragraph (2A) for “Article 21(6)(a) or (b)” substitute “Article 21(2)(a) or (b)”; and
- (b) in the inserted paragraph (2B) for “Article 21(6)(b)” substitute “Article 21(2)(b)”.

(22) In regulation 152(1)(c)(b) (relevant week) from “is not payable” to “regulation 27A (circumstances in which an allowance is not to be payable)” substitute “is reduced for any period in accordance with regulation 69 (the period of a reduction under Article 21: higher-level sanctions), 69A (the period of a reduction under Article 21A: other sanctions) or 69B (the period of a reduction under Article 21B: claimants ceasing to be available for employment etc.)”.

(23) In regulation 161(3)(d)(c) (additional conditions for payment of a jobseeker’s allowance) for “good cause” substitute “good reason”.

Consequential amendments relating to sanctions

6.—(1) In regulation 8A(5) of the Social Security (Credits) Regulations (Northern Ireland) 1975 (credits for unemployment)(d), for sub-paragraphs (ba), (c) and (cc) substitute—

- “(c) a week in respect of which, in relation to the person concerned, a jobseeker’s allowance was reduced in accordance with Article 21 (higher-level sanctions) or 21A (other sanctions), or regulations made under Article 21B of the Jobseekers Order (claimants ceasing to be available for employment etc); or”.

(2) In the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(e)—

- (a) in regulation 3 (revision of decisions)—
 - (i) for paragraph (6)(f) substitute—

“(6) A decision of the Department under Article 9 or 11 that a jobseeker’s allowance is reduced in accordance with Article 21 or 21A of the Jobseekers Order or regulation 69B of the Jobseeker’s Allowance Regulations may be revised at any time by the Department.”,

and
 - (ii) after paragraph (6A)(g) insert—

“(6B) A decision of the Department under Article 9 or 11 awarding a jobseeker’s allowance may be revised where the Department makes a decision under regulation 69B of the Jobseeker’s Allowance Regulations that the amount of the award is to be reduced in accordance with regulations 69B and 70 of the Jobseeker’s Allowance Regulations.”;
- (b) in regulation 6 (supersession of decisions) in paragraph (2) for sub-paragraphs (f) and (fa) substitute—

(a) Regulation 87(7)(b) was amended by regulation 20(b) of S.R. 1996 No. 358

(b) Regulation 152(1)(c) was amended by paragraph 50(a) of Schedule 2 to S.R. 2000 No. 350, regulation 2(17) of S.R. 2012 No. 44 and regulation 19(7) of S.R. 2014 No. 150

(c) Regulation 161(3) was amended by regulation 15 of S.R. 1996 No. 356

(d) S.R. 1975 No. 113; regulation 8A was inserted by regulation 2(6) of S.R. 1996 No. 430. Sub-paragraph (ba) was inserted by regulation 17 of S.R. 2014 No. 150, sub-paragraph (c) was amended by regulation 3(1)(a) of S.R. 2012 No. 44 and sub-paragraph (cc) was inserted by regulation 3(a) of S.R. 2001 No. 120 and amended by regulation 3(1)(b) of S.R. 2012 No. 44

(e) S.R. 1999 No. 162; relevant amending Regulations are S.R. 1999 No. 408, S.R. 2000 No. 365, S.R. 2001 No. 176, S.R. 2003 No. 224, S.R. 2003 No. 405, S.R. 2012 No. 44 and S.R. 2014 No. 150

(f) Paragraph (6) was amended by regulation 4(a) of S.R. 2000 No. 365, regulation 3(2)(a) of S.R. 2012 No. 44 and regulation 20(2) of S.R. 2014 No. 150

(g) Paragraph (6A) was inserted by paragraph 3(a) of Schedule 4 to S.R. 2001 No. 176 and amended by regulation 14(3) of S.R. 2003 No. 405

- “(f) is a decision that a jobseeker’s allowance is payable at the full rate to which the claimant would be entitled in the absence of any reduction where the award is reduced under Article 21 of the Jobseekers Order;
- (fa) is a decision that a jobseeker’s allowance is payable at the full rate to which the claimant would be entitled in the absence of any reduction where the award is reduced under Article 21A of the Jobseekers Order(a);”; and
- (c) in regulation 7 (date from which a decision superseded under Article 11 takes effect)—
- (i) for paragraph (8)(b) substitute—
- “(8) A decision to which regulation 6(2)(f) applies shall take effect from the beginning of the period specified in regulation 69(6) of the Jobseeker’s Allowance Regulations.”; and
- (ii) for paragraph (8ZA)(c) substitute—
- “(8ZA) A decision to which regulation 6(2)(fa) applies shall take effect from the beginning of the period specified in regulation 69A(3) of the Jobseeker’s Allowance Regulations.”.
- (3) In the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014(d)—
- (a) omit regulations 9 (good cause), 10 (consequences of failure to participate in the Scheme), 11 (hardship) and 12 (hardship for joint-claim couples); and
- (b) in regulation 22(2) (contracting out certain functions in relation to the Scheme) omit sub-paragraph (c) and the “and” which precedes it.

Signed by authority of the Secretary of State for Work and Pensions

Priti Patel
Minister of State,
Department for Work and Pensions

6th June 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the 1996 Regulations”). They implement the powers in Article 21, 21A and 21B of the Jobseekers (Northern Ireland) Order 1995 (“the Order”) as inserted by the Welfare Reform (Northern Ireland) Order 2015 (“the 2015 Order”) in relation to sanctions for failures to comply with requirements under the Order and the 1996 Regulations. They also make consequential changes to various other sets of regulations.

Regulation 2 inserts a revised sanctions regime into Part V of the 1996 Regulations to provide three different levels of sanctions for different types of failures.

Regulation 2(2) substitutes regulation 69 and inserts new regulations 69A and 69B. New regulation 69 sets out the sanctions periods for the higher level sanctions which apply to failures specified in Article 21(2) of the Order. These are failures to comply with requirements in relation to employment or under prescribed Article 19A employment schemes (Article 19A of the Order relates to “work for your benefit” schemes for assisting a person to obtain employment etc.).

The periods are 13 weeks for a first failure, 26 weeks for a second failure within 52 weeks of the first failure and 78 weeks for any subsequent failure within 52 weeks of a previous failure that resulted in a 26 or 78 weeks week sanction, or would have done but for regulation 69(4). The

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- (a) Sub-paragraph (f) was substituted by regulation 3(3)(a) of S.R. 1999 No. 408 and amended by regulation 4(b) of S.R. 2000 No. 365, regulation 3(4)(c) of S.R. 2003 No. 224 and regulation 3(2)(b) of S.R. 2012 No. 44. Sub-paragraph (fa) was inserted by regulation 20(3) of S.R. 2014 No. 150
- (b) Paragraph (8) was substituted by regulation 3(4) of S.R. 1999 No. 408 and amended by regulation 4(c) of S.R. 2000 No. 365 and regulation 3(2)(c) of S.R. 2012 No. 44
- (c) Paragraph (8ZA) was inserted by regulation 20(4) of S.R. 2014 No. 150
- (d) S.R. 2014 No. 150

sanction period does not increase where the second or subsequent failure occurs within 2 weeks of the previous failure or, in the case of joint claimants, if the failure was not by the same claimant. The sanctions run concurrently.

Paragraph (3) of regulation 69 provides that a sanction in relation to a failure listed in Article 21(2)(a) (lost employment through misconduct), 21(2)(b) (left employment voluntarily) or 21(2)(d) (neglected to avail self of an opportunity of employment) which occurs before the claim is made, does not count for the purposes of determining the sanction period of a subsequent failure and paragraph (4) provides for reduced sanction periods for these “pre-claim” failures.

Paragraph (6) of regulation 69 applies the sanction from the first day of the benefit week in which the failure occurred unless payment has already been made by the date of determination to reduce the award, in which case the sanction applies from the first day of the benefit week after the one for which the claimant was last paid jobseeker’s allowance.

New regulation 69A sets out the sanction which applies to failures specified in Article 21A(2) of the Order. These are failures to comply with requirements relating to employment programmes or training schemes, jobseeker’s directions, the jobseeker’s conditions or Article 19A employment schemes not prescribed under Article 21. Under regulation 69A, the sanction for such failures will be applied for 4 weeks for a first failure and 13 weeks for any second or subsequent failure within 52 weeks of the most recent failure. The sanction period does not increase where the second or subsequent failure occurs within 2 weeks of the previous failure or, in the case of joint claimants, if the failure was not by the same claimant. The sanctions run concurrently. Paragraph (3) of regulation 69A deals with the start of the sanction period and is substantially the same as regulation 69(6).

New regulation 69B specifies the sanction period for the purpose of Article 21B of the Order. Article 21B addresses the situation where the claimant was disentitled for failing to meet the jobseeking conditions of actively seeking or being available for work. In such cases the sanction will usually be applied to a subsequent award of jobseeker’s allowance. Regulation 69B specifies how the sanction period is to be calculated and makes special provision where, in relation to the previous award, the claimant would have been treated as entitled to jobseeker’s allowance without meeting the jobseeking conditions but for their “treated as” status coming to an end.

Regulation 2(3) substitutes a new regulation 70 which specifies the amount of a reduction under Article 21, 21A or 21B. New regulation 70(2) provides for the reduction not to be applied for any period during which a reduction under those Articles already applies. Specific provision is made for joint-claim couples where the amount of the reduction differs depending on whether both or only one member of the joint-claim couple was responsible for the failure in question.

Regulation 2(4) inserts a new regulation 70A dealing with cases where no reduction is to be made. Regulation 70A(1) applies to pre-claim failures under Article 21(2)(a), (b) or (d) where the period of the reduction under regulation 69 is the same as, or shorter than, the period between the failure and the date of claim. Regulation 70A(2) preserves the current position whereby failures to provide information or evidence are not sanctioned but may lead to disentitlement where they relate to failure to provide a declaration required under regulation 24; and failures to attend are only sanctioned where the provisions in new regulation 70A(3) or (4) apply whilst in other cases they continue to lead to disentitlement under regulation 25.

Regulation 2(4) also inserts a new regulation 70B which deals with the application of a sanction to a new award where a previous award was terminated before a sanction period applicable to that award had ended. This does not apply where the claimant has been in employment for 6 months since the failure.

Regulation 2(5) to (9) makes consequential amendments, in particular to ensure that other regulations that refer to the current sanctions provisions correctly cross-refer to the new provisions. They also omit the detailed regulations dealing with matters to be taken into account in determining whether the claimant had good cause for an act or omission (in accordance with paragraph 14AA of Schedule 1 to the Order (as inserted by Article 52(2) of the 2015 Order) and

amend references to refer to good reason rather than good cause. Article 52(2) also changed good or just cause to “a good reason”.

Regulation 3 makes amendments to Part IX of the 1996 Regulations (hardship) as a consequence of the new sanctions regulations described above. The changes are to ensure that the relevant cross-references are included. Regulation 4 makes similar amendments to Part IXA of the 1996 Regulations (hardship for joint-claim couples).

Regulation 5 makes further consequential amendments to the 1996 Regulations, in particular so as to insert the correct cross-references to the new sanctions provisions and to amend references to good cause so as to refer to good reason. Regulation 5 also amends regulations 23 and 23A (attendance at specified place) to bring those regulations into line with the amended Article 10 of the Order. Article 10 was amended by Article 51 of the 2015 Order to enable claimants to be interviewed without having to attend in person at the Social Security/Jobs and Benefits Office.

Regulation 6 makes consequential amendments to the Social Security (Credits) Regulations (Northern Ireland) 1975 so that a credit for unemployment will not be available where a jobseeker’s allowance is reduced in accordance with the new jobseeker’s allowance sanctions regulations. It makes consequential amendments to the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999: it amends regulation 3 of those Regulations, which specifies when a decision may be revised, regulation 6 which specifies when a decision may be superseded and regulation 7 which specifies the time when a supersession takes effect. It also makes consequential amendments to the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014 so as to remove the sanctions provisions in those Regulations, which are no longer needed because of the new jobseeker’s allowance sanctions provisions described above.

An assessment of the impact of this instrument has been carried out. Copies of the impact assessment may be obtained from the Better Regulation Unit of the Department for Work and Pensions, 2D Caxton House, Tothill Street, London SW1 9NA. It is also available alongside this instrument and the Explanatory Memorandum on www.legislation.gov.uk.

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