

2017 No. 185

SOCIAL SECURITY

**The Jobseeker's Allowance (Hardship) (Amendment)
Regulations (Northern Ireland) 2017**

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| <i>Made</i> | - - - - | <i>11th September 2017</i> |
| <i>Laid before Parliament</i> | | <i>13th September 2017</i> |
| <i>Coming into operation</i> | - | <i>25th October 2017</i> |

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by Articles 2(2), 21C(1), (2)(a) and (e) and 36(2) of, and paragraph 10(1) and (2) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 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 and Commencement

1. These Regulations may be cited as the Jobseeker's Allowance (Hardship) (Amendment) Regulations (Northern Ireland) 2017 and come into operation on 25th October 2017.

Amendment of the Jobseeker's Allowance Regulations (Northern Ireland) 1996

2.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(c) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 140(1) (meaning of "person in hardship")—

- (a) in sub-paragraph (g)(d) after "physical" insert "or mental";
- (b) in sub-paragraph (j)(ii) for "hardship." substitute "hardship; or";
- (c) at the end of sub-paragraph (k)(e) insert "or";

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- (a) S.I. 1995/2705 (N.I. 15); Article 2(2) is cited for the meaning of "prescribed" and "regulations". Article 21C was inserted by Article 52(1) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)) and is repealed by Schedule 12 to that Order from a date to be appointed. 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). Paragraph 10 of Schedule 1 was amended by paragraph 16(5) and (6) of Schedule 7 and paragraph 27(7) of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and paragraph 114 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)).
 - (b) S.I. 2015/2006. Article 4 was amended by Article 4 of Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999 (N.I. 1)). Functions under or for the purposes of the Jobseekers (Northern Ireland) Order 1995 are vested in the Department for Communities by virtue of 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 Rules are S.R. 1996 Nos. 358 and 503, S.R. 1999 No. 428 (C. 32), S.R. 2000 Nos. 9 and 350 and S.R. 2014 No. 235.
 - (d) Sub-paragraph (g) was amended by Article 9(5)(i) and (12) of S.R. 1999 No. 428 (C. 32).
 - (e) Sub-paragraph (k) was added by regulation 2(4) of S.R. 2000 No. 9.

(d) after sub-paragraph (k) add—

“(l) is a person who is homeless within the meaning of Article 3 of the Housing (Northern Ireland) Order 1988^(a)”.

(3) In regulation 141(2)^(b) (circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship) for “Article 3(2)(d)(ii)” substitute “Article 3(2A)(b)”.

(4) In regulation 146A(1)^(c) (meaning of “couple in hardship”)—

(a) in sub-paragraph (d) after “physical” insert “or mental”;

(b) at the end of sub-paragraph (g) for “, or” substitute “; or”;

(c) at the end of sub-paragraph (h) insert “; or”;

(d) after sub-paragraph (h) add—

“(i) either member of the couple is a person who is homeless within the meaning of Article 3 of the Housing (Northern Ireland) Order 1988.”.

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

11th September 2017

Damian Hinds
Minister of State
Department for Work and Pensions

(a) S.I. 1988/1990 (N.I. 23); Article 3 was amended by Article 135 of the Housing (Northern Ireland) Order 2003 (S.I. 2003/412 (N.I. 2)).

(b) Regulation 141(2) was amended by regulation 26(2) of S.R. 1996 No. 358, regulation 2(15) of S.R. 1996 No. 503 and regulation 3(2) of S.R. 2014 No. 235.

(c) Regulation 146A was inserted by regulation 2(3) of S.R. 2000 No. 350. There are amendments to that regulation which are not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations amends the Jobseeker's Allowance Regulations (Northern Ireland) 1996 (S.R. 1996 No. 198).

The amendments in paragraph (2)(a) and (d) provide that a person with a long-term mental impairment, or who is homeless within the meaning of legislation applying in Northern Ireland, is a person in hardship for the purposes of these Regulations. This means that the person may receive immediate hardship payments of jobseeker's allowance in cases where that allowance would otherwise not be paid or the amount paid is being reduced.

The amendments in paragraph (4)(a) and (d) make identical provision in relation to a couple claiming jobseeker's allowance where either member of the couple has a mental impairment or is homeless.

Paragraphs (2)(c) and (4)(c) make consequential amendments and paragraphs (2)(b), (3) and (4)(b) make previously missed consequential amendments.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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