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## STATUTORY INSTRUMENTS

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# 1995 No. 2705

## The Jobseekers (Northern Ireland) Order 1995

### Part II

#### The Jobseeker's Allowance

##### *Entitlement*

##### **The jobseeker's allowance**

**3.**—(1) An allowance, to be known as a jobseeker's allowance, shall be payable in accordance with the provision of this Order.

(2) Subject to the provisions of this Order, a claimant is entitled to a jobseeker's allowance if he—

- (a) [<sup>F1</sup>is available for employment;]
- (b) has [<sup>F2</sup>accepted a claimant commitment] ;
- (c) [<sup>F1</sup>is actively seeking employment;]
- [<sup>F3</sup>(d) satisfies the conditions set out in Article 4;]
- (e) is not engaged in remunerative work;
- [<sup>F4</sup>(f) does not have limited capability for work;]
- (g) is not receiving relevant education;
- (h) is under pensionable age; and
- (i) is in Northern Ireland

[<sup>F3</sup>(2A) [<sup>F5</sup>Subject to the provisions of this Order, a claimant who is not a member of a joint-claim couple is entitled to a jobseeker's allowance if he satisfies—

- (a) the conditions set out in sub-paragraphs (a) to (c) and (e) to (i) of paragraph (2); and
- (b) the conditions set out in Article 5.]

(2B) [<sup>F5</sup>Subject to the provisions of this Order, a joint-claim couple are entitled to a jobseeker's allowance if—

- (a) a claim for the allowance is made jointly by the couple;
- (b) each member of the couple satisfies the conditions set out in sub-paragraphs (a) to (c) and (e) to (i) of paragraph (2); and
- (c) the conditions set out in Article 5A are satisfied in relation to the couple.]

(2C) [<sup>F5</sup>Regulations may prescribe circumstances in which paragraph (2A) is to apply to a claimant who is a member of a joint-claim couple.]

(2D) [<sup>F5</sup>Regulations may, in respect of cases where a person would (but for the regulations) be a member of two or more joint-claim couples, make provision for only one of those couples to be a

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joint-claim couple; and the provision which may be so made includes provision for the couple which is to be the joint-claim couple to be nominated—

- (a) by the persons who are the members of the couples, or
  - (b) in default of one of the couples being so nominated, by the Department.]]
- (3) A jobseeker's allowance is payable in respect of a week.
- (4) [F6In this Order—

<sup>F3c</sup>“a contribution-based jobseeker's allowance” means a jobseeker's allowance entitlement to which is based on the claimant's satisfying conditions which include those set out in Article 4; . . .

“an income-based jobseeker's allowance” means a jobseeker's allowance entitlement to which is based on the claimant's satisfying conditions which include those set out in Article 5.[F3 or a joint-claim jobseeker's allowance;]

[F3“a joint-claim couple” means a [F7 couple] who—

- (a) are not members of any family whose members include a person in respect of whom a member of the couple is entitled to child benefit, and
- (b) are of a prescribed description;

“a joint-claim jobseeker's allowance” means a jobseeker's allowance entitlement to which arises by virtue of paragraph (2B).]]

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| <b>F1</b> | Art. 3(2)(a)(c) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by <a href="#">The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006)</a> , arts. 2(2), <b>55(3)</b> ; S.R. 2017/190, art. 9 (with arts. 10-25)   |
| <b>F2</b> | Words in art. 3(2)(b) substituted (2.5.2016 for specified purposes, 27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by <a href="#">The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006)</a> , arts. 2(2), <b>50(3)</b> ; S.R. 2016/215, art. 2(3)(a)(i); S.R. 2017/190, art. 9 (with arts. 10-25) |
| <b>F3</b> | 1999 NI 11  |
| <b>F4</b> | Art. 3(2)(f) substituted (27.10.2008) by <a href="#">Welfare Reform Act (Northern Ireland) 2007 (c. 2)</a> , ss. 28(1), 60(1), <b>Sch. 3 para. 6(3)</b> (with s. 29, Sch. 4 and S.R. 2008/283, reg. 5); S.R. 2008/276, <b>art. 2(2)(d)</b> , Sch. Pt. 2   |
| <b>F5</b> | Art. 3(2A)-(2D) repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by <a href="#">The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006)</a> , art. 2(2), <b>Sch. 12 Pt. 1</b> ; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)       |
| <b>F6</b> | Art. 3(4) repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by <a href="#">The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006)</a> , art. 2(2), <b>Sch. 12 Pt. 1</b> ; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)             |
| <b>F7</b> | 2004 c.33   |

### The contribution-based conditions

- 4.—(1) The conditions referred to in [F8 Article 3(2)(d)] are that the claimant—
- (a) has actually paid Class 1 contributions in respect of one ( “the base year”) of the last two complete years before the beginning of the relevant benefit year and satisfies the additional conditions set out in paragraph (2);

- (b) has, in respect of the last two complete years before the beginning of the relevant benefit year, either paid Class 1 contributions or been credited with earnings and satisfies the additional condition set out in paragraph (3);
  - (c) does not have earnings in excess of the prescribed amount; and
  - (d) is not entitled to income support.
- (2) The additional conditions mentioned in paragraph (1)(a) are that—
- (a) the contributions have been paid before the week for which the jobseeker's allowance is claimed;
  - [<sup>F9</sup>(b) the claimant's relevant earnings for the base year upon which primary Class 1 contributions have been paid or treated as paid are not less than the base year's lower earnings limit multiplied by 26.]
- [<sup>F10</sup>(2A) Regulations may make provision for the purposes of paragraph (2)(b) for determining the claimant's relevant earnings for the base year.
- (2B) Regulations under paragraph (2A) may, in particular, make provision—
- (a) for making that determination by reference to the amount of a person's earnings for periods comprised in the base year;
  - (b) for determining the amount of a person's earnings for any such period by—
    - (i) first determining the amount of the earnings for the period in accordance with regulations made for the purposes of section 3(2) of the Benefits Act, and
    - (ii) then disregarding so much of the amount found in accordance with head (i) as exceeded the base year's lower earnings limit (or the prescribed equivalent).]
- (3) The additional condition mentioned in paragraph (1)(b) is that the earnings factor derived [<sup>F11</sup> from so much of the claimant's earnings as did not exceed the upper earnings limit and] upon which primary Class 1 contributions have been paid or treated as paid or [<sup>F11</sup> from so much of the claimant's earnings as did not exceed the upper earnings limit and] credited is not less, in each of the two complete years, than the lower earnings limit for the year multiplied by 50.
- [<sup>F12</sup>(3A) Where primary Class 1 contributions have been paid or treated as paid on any part of a person's earnings, [<sup>F13</sup>paragraph (3)] shall have effect as if such contributions had been paid or treated as paid on so much of the earnings as did not exceed the upper earnings limit.]
- [<sup>F14</sup>(3B) Regulations may—
- (a) provide for the first set of conditions to be taken to be satisfied in the case of persons—
    - (i) who have been entitled to any prescribed description of benefit during any prescribed period or at any prescribed time, or
    - (ii) who satisfy other prescribed conditions;
  - (b) with a view to securing any relaxation of the requirements of the first set of conditions in relation to persons who have been entitled as mentioned in sub-paragraph (a)(i), provide for that set of conditions to apply in relation to them subject to prescribed modifications.
- (3C) In paragraph (3B)—
- “the first set of conditions” means the condition set out in paragraph (1)(a) and the additional conditions set out in paragraph (2);
- “benefit” means—
- (za) [<sup>F15</sup> universal credit;]
  - (a) any benefit within the meaning of section 121(1) of the Benefits Act,
  - (b) any benefit under Parts 7 to 12 of the Benefits Act,

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- (c) credits under regulations under section 22(5) of the Benefits Act,
  - (d) a <sup>F16</sup>[contribution-based] jobseeker's allowance, and
  - (e) working tax credit.]
- (4) For the purposes of this Article—
- (a) “benefit year” means a period which is a benefit year for the purposes of Part II of the Benefits Act or such other period as may be prescribed for the purposes of this Article;
  - (b) “the relevant benefit year” is the benefit year which includes—
    - (i) the beginning of the jobseeking period which includes the week for which a jobseeker's allowance is claimed, or
    - (ii) (if earlier) the beginning of any linked period; and
  - (c) other expressions which are used in this Article and the Benefits Act have the same meaning in this Article as they have in the Act.

- F8** 1999 NI 11
- F9** Art. 4(2)(b) substituted (1.11.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), ss. 11(2), 36(2); S.R. 2010/341, art. 2(2)(a)
- F10** Art. 4(2A)(2B) inserted (1.10.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), ss. 11(3), 36(2); S.R. 2010/341, art. 2(1)(a)
- F11** 2002 c. 19
- F12** 1998 NI 10
- F13** Words in art. 4(3A) substituted (1.11.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), ss. 11(4), 36(2); S.R. 2010/341, art. 2(2)(a)
- F14** Art. 4(3B)(3C) inserted (16.12.2011 only in so far as it inserts Article 4(3B)(a) and (3C) otherwise prosp.) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), ss. 11(5), 36(2); S.R. 2011/430, art. 2(a)
- F15** Words in art. 4(3C) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), Sch. 2 para. 29; S.R. 2017/190, art. 4(1)(2)(g)(i)
- F16** Words in art. 4(3C) repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), Sch. 12 Pt. 1; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)

#### Modifications etc. (not altering text)

- C1** Art. 4 applied (with modifications) (coming into operation in accordance with reg. 1(1) of the amending Rule) by The Jobseekers Allowance Regulations (Northern Ireland) 2016 (S.R. 2016/218), regs. 1(1), 69
- C2** Art. 4 applied (with modifications) (coming into operation in accordance with reg. 1(1) of the amending Rule) by The Jobseekers Allowance Regulations (Northern Ireland) 2016 (S.R. 2016/218), regs. 1(1), 75

### The income-based conditions

- 5.—<sup>F17</sup>(1) The conditions referred to in<sup>F18</sup> Article 3(2A)(b)] are that the claimant—
- (a) has an income which does not exceed the applicable amount (determined in accordance with regulations under Article 6) or has no income;
  - (b) is not entitled to income support<sup>F19</sup>, state pension credit or an income-related employment and support allowance];
  - (c) is not a member of a family one of whose members is entitled to income support;

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- (d) is not a member of a family one of whose members is entitled to an income-based jobseeker's allowance;
- [<sup>F20</sup>(dd) is not a member of a [<sup>F21</sup> couple] the other member of which is entitled to state pension credit;]
- [<sup>F22</sup>(de) is not a member of a couple the other member of which is entitled to an income-related employment and support allowance;]
- (e) is not a member of a [<sup>F21</sup> couple] the other member of which is engaged in remunerative work; and
- (f) is a person—
- (i) who has reached the age of 18; or
  - (ii) in respect of whom a direction under Article 18 is in force; or
  - (iii) who has, in prescribed circumstances to be taken into account for a prescribed period, reached the age of 16 but not the age of 18.
- (2) Regulations may provide for one or both of the following conditions to be included in the income-based conditions, in the case of a person to whom paragraph (1)(f)(ii) or (iii) applies—
- (a) a condition that the claimant must register for employment;
  - (b) a condition that the claimant must register for training.
- (3) In paragraph (1)(f)(iii) “period” includes—
- (a) a period of a determinate length;
  - (b) a period defined by reference to the happening of a future event; and
  - (c) a period of a determinate length but subject to earlier determination upon the happening of a future event.
- (4) Regulations under paragraph (2) may, in particular, make provision by reference to persons designated by the Department for the purpose of the regulations.]

**F17** Arts. 5-5B repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)

**F18** 1999 NI 11

**F19** Words in art. 5(1)(b) substituted (27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), ss. 28(1), 60(1), **Sch. 3 para. 6(4)(a)** (with s. 29, Sch. 4); S.R. 2008/276, **art. 2(2)(d)**, Sch. Pt. 2

**F20** 2002 c. 14 (NI)

**F21** 2004 c.33

**F22** Art. 5(1)(de) inserted (27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), ss. 28(1), 60(1), **Sch. 3 para. 6(4)(b)** (with s. 29, Sch. 4); S.R. 2008/276, **art. 2(2)(d)**, Sch. Pt. 2

### [<sup>F23</sup>The conditions for claims by joint-claim couples

- 5A.**—[<sup>F17</sup>(1) The conditions referred to in Article 3(2B)(c) are—
- (a) that the income of the joint-claim couple does not exceed the applicable amount (determined in accordance with regulations under Article 6) or the couple have no income;
  - (b) that no member of a family of which the couple are members is entitled to income support;
  - (c) that no member of any such family (other than the couple) is entitled to an income-based jobseeker's allowance;

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- [<sup>F24</sup>(cc) that neither member of the couple is entitled to state pension credit;]
- [<sup>F25</sup>(cd) that neither member of the couple is entitled to an income-related employment and support allowance;]
- (d) that at least one member of the couple has reached the age of 18; and
- (e) that if only one member of the couple has reached the age of 18, the other member of the couple is a person—
- (i) in respect of whom a direction under Article 18 is in force; or
- (ii) who has, in prescribed circumstances to be taken into account for a prescribed period, reached the age of 16.
- (2) Paragraphs (2) and (4) of Article 5 shall apply in relation to a member of the couple to whom paragraph (1)(e)(i) or (ii) applies as they apply in relation to a claimant to whom paragraph (1)(f)(ii) or (iii) of that Article applies.
- (3) In paragraph (1)(e)(ii) “period” shall be construed in accordance with Article 5(3).]]

- F17** Arts. 5-5B repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 1](#); S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)
- F23** 1999 NI 11
- F24** 2002 c. 14 (NI)
- F25** Art. 5A(1)(cd) inserted (27.10.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), ss. 28(1), 60(1), [Sch. 3 para. 6\(5\)](#) (with s. 29, Sch. 4); S.R. 2008/276, [art. 2\(2\)\(d\)](#), Sch. Pt. 2

### Joint-claim couples: the nominated member

- 5B.**—[<sup>F17</sup>(1) Where a joint-claim couple make a claim for a joint-claim jobseeker's allowance, they may nominate one of them as the member of the couple to whom the allowance is to be payable.
- (2) In default of one of them being so nominated, the allowance shall be payable to whichever of them is nominated by the Department.
- (3) Paragraphs (1) and (2) have effect subject to Article 6A(4) and (7).
- (4) In this Order references to the nominated member of a joint-claim couple are, except where Article 22A(7) applies, to the member of the couple nominated under paragraph (1) or (2); and where Article 22A(7) applies, references to the nominated member of such a couple are to the member of the couple to whom Article 22A(7) provides for the allowance to be payable.
- (5) Nothing in this Article or Article 22A(7) affects the operation of any statutory provision by virtue of which any amount of the allowance is required or authorised to be paid to someone other than the nominated member of the couple.]

- F17** Arts. 5-5B repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 1](#); S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)

### Amount payable by way of a jobseeker's allowance

- 6.**—(1) In the case of a [<sup>F26</sup>contribution-based] jobseeker's allowance, the amount payable in respect of a claimant (“his personal rate”) shall be calculated by—

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- (a) determining the age-related amount applicable to him; and
  - (b) making prescribed deductions in respect of earnings [<sup>F27</sup>, pension payments, PPF payments and FAS payments] .
- (2) The age-related amount applicable to a claimant, for the purposes of paragraph (1)(a), shall be determined in accordance with regulations.
- (3) [<sup>F28</sup>In the case of an income-based jobseeker's allowance]<sup>F29</sup> (other than a joint-claim jobseeker's allowance)], the amount payable shall be—
  - (a) if a claimant has no income, the applicable amount;
  - (b) if a claimant has an income, the amount by which the applicable amount exceeds his income.]
- [<sup>F29</sup>(3A) [<sup>F28</sup>In the case of a joint-claim jobseeker's allowance, the amount payable in respect of a joint-claim couple shall be—
  - (a) if the couple have no income, the applicable amount;
  - (b) if the couple have an income, the amount by which the applicable amount exceeds the couple's income.]]
- (4) Except in prescribed circumstances, a jobseeker's allowance shall not be payable where the amount otherwise payable would be less than a prescribed minimum.
- (5) The applicable amount shall be such amount or the aggregate of such amounts as may be determined in accordance with regulations.
- (6) [<sup>F30</sup>Where a claimant]<sup>F29</sup> is entitled to both a contribution-based jobseeker's allowance and an income-based jobseeker's allowance] but has no income, the amount payable]<sup>F29</sup> by way of a jobseeker's allowance] shall be—
  - (a) the applicable amount, if that is greater than his personal rate; and
  - (b) his personal rate, if it is not.]
- (7) [<sup>F30</sup>Where the amount payable to a claimant to whom paragraph (6) applies is the applicable amount, the amount payable to him by way of a jobseeker's allowance shall be taken to consist of two elements—
  - (a) one being an amount equal to his personal rate; and
  - (b) the other being an amount equal to the excess of the applicable amount over his personal rate.]
- (8) [<sup>F30</sup>Where a claimant]<sup>F29</sup> is entitled to both a contribution-based jobseeker's allowance and an income-based conditions] and has an income, the amount payable]<sup>F29</sup> by way of a jobseeker's allowance] shall be—
  - (a) the amount by which the applicable amount exceeds his income, if the amount of that excess is greater than his personal rate; and
  - (b) his personal rate, if it is not.]
- (9) [<sup>F30</sup>Where the amount payable to a claimant to whom paragraph (8) applies is the amount by which the applicable amount exceeds his income, the amount payable to him by way of a jobseeker's allowance shall be taken to consist of two elements—
  - (a) one being an amount equal to his personal rate; and
  - (b) the other being an amount equal to the amount by which the difference between the applicable amount and his income exceeds his personal rate.]

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(10) <sup>F30</sup>The element of a jobseeker's allowance mentioned in paragraph (7)(a) and that mentioned in paragraph (9)(a) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the claimant's entitlement to a contribution-based jobseeker's allowance.]

(11) <sup>F30</sup>The element of a jobseeker's allowance mentioned in paragraph (7)(b) and that mentioned in paragraph (9)(b) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the claimant's entitlement to an income-based jobseeker's allowance.]

<sup>F29</sup>(11A) <sup>F30</sup>In paragraphs (6) to (11) “claimant” does not include—

- (a) a joint-claim couple, or
- (b) a member of such a couple (other than a person to whom regulations under Article 3(2C) apply);

but Article 6A, which contains corresponding provisions relating to joint-claim couples, applies instead.]]

(12) Regulations under paragraph (5) may provide that, in prescribed cases, an applicable amount is to be nil.

- F26** Words in art. 6(1) repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 1](#); S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)
- F27** Words in art. 6(1)(b) substituted (14.2.2006) by [Pensions \(2004 Act and 2005 Order\) \(PPF Payments and FAS Payments\) \(Consequential Provisions\) Order \(Northern Ireland\) 2006 \(S.R. 2006/37\)](#), arts. 1(1), 2, [Sch. para. 2\(3\)](#)
- F28** Art. 6(3)(3A) repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 1](#); S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)
- F29** 1999 NI 11
- F30** Art. 6(6)-(11A) repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 1](#); S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)

### <sup>F31</sup>Amount payable in respect of joint-claim couple

**6A.**—<sup>F32</sup>(1) This Article applies where—

- (a) a joint-claim couple are entitled to a joint-claim jobseeker's allowance, and
- (b) one or each of the members of the couple is in addition entitled to a contribution-based jobseeker's allowance;

and in such a case the provisions of this Article have effect in relation to the couple in place of Article 6(3A).

(2) If a joint-claim couple falling within paragraph (1) have no income, the amount payable in respect of the couple by way of a jobseeker's allowance shall be—

- (a) the applicable amount, if that is greater than the couple's personal rate; and
- (b) the couple's personal rate, if it is not.

(3) Where the amount payable in accordance with paragraph (2) is the applicable amount, the amount payable in respect of the couple by way of a jobseeker's allowance shall be taken to consist of two elements—



- (a) one being an amount equal to the couple's personal rate; and
  - (b) the other being an amount equal to the excess of the applicable amount over the couple's personal rate.
- (4) Where the amount payable in accordance with paragraph (2) is the couple's personal rate, then—
- (a) if each member of the couple is entitled to a contribution-based jobseeker's allowance, an amount equal to the member's own personal rate shall be payable in respect of the member by way of such an allowance;
  - (b) if only one of them is so entitled, an amount equal to that member's personal rate shall be payable in respect of the member by way of such an allowance;
- and in either case nothing shall be payable in respect of the couple by way of a joint-claim jobseeker's allowance.
- (5) If a joint-claim couple falling within paragraph (1) have an income, the amount payable in respect of the couple by way of a jobseeker's allowance shall be—
- (a) the amount by which the applicable amount exceeds the couple's income, if the amount of that excess is greater than the couple's personal rate; and
  - (b) the couple's personal rate, if it is not.
- (6) Where the amount payable in accordance with paragraph (5) is the amount by which the applicable amount exceeds the couple's income, the amount payable in respect of the couple by way of a jobseeker's allowance shall be taken to consist of two elements—
- (a) one being an amount equal to the couple's personal rate; and
  - (b) the other being an amount equal to the amount by which the difference between the applicable amount and the couple's income exceeds the couple's personal rate.
- (7) Where the amount payable in accordance with paragraph (5) is the couple's personal rate, paragraph (4) shall apply as it applies in a case where the amount payable in accordance with paragraph (2) is that rate.
- (8) The element of a jobseeker's allowance mentioned in paragraph (3)(a) and that mentioned in paragraph (6)(a) shall be treated, for the purpose of identifying the source of the allowance, as attributable—
- (a) in a case where only one member of the joint-claim couple is entitled to a contribution-based jobseeker's allowance, to that member's entitlement to such an allowance; and
  - (b) in a case where each member of the couple is entitled to a contribution-based jobseeker's allowance, rateably according to their individual entitlements to such an allowance.
- (9) The element of a jobseeker's allowance mentioned in paragraph (3)(b) and that mentioned in paragraph (6)(b) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the couple's entitlement to a joint-claim jobseeker's allowance.
- (10) In this Article “the couple's personal rate”, in relation to a joint-claim couple, means—
- (a) where only one member of the couple is entitled to a contribution-based jobseeker's allowance, that member's personal rate;
  - (b) where each member of the couple is entitled to such an allowance, the aggregate of their personal rates.]]

**F31** 1999 NI 11

**F32** Art. 6A repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art.

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2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)

### **Duration of a [<sup>F33</sup>contribution-based] jobseeker's allowance**

7.—(1) The period for which a person is entitled to a [<sup>F34</sup>contribution-based] jobseeker's allowance shall not exceed, in the aggregate, 182 days in any period for which his entitlement is established by reference (under Article 4(1)(b)) to the same two years.

(2) The fact that a person's entitlement to a [<sup>F35</sup>contribution-based] jobseeker's allowance ("his previous entitlement") has ceased as a result of paragraph (1) does not prevent his being entitled to a further [<sup>F35</sup>contribution-based] jobseeker's allowance if—

- (a) he satisfies the contribution-based conditions; and
- (b) the two years by reference to which he satisfies those conditions include at least one year which is later than the second of the two years by reference to which his previous entitlement was established.

(3) Regulations may provide that a person who would be entitled to a [<sup>F36</sup>contribution-based] jobseeker's allowance but for the operation of prescribed provisions of, or made under, this Order shall be treated as if entitled to the allowance for the purposes of this Article.

- F33** Words in art. 7 heading repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)
- F34** Words in art. 7(1) repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)
- F35** Words in art. 7(2) repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)
- F36** Words in art. 7(3) repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)

### *[<sup>F37</sup>Work-related requirements]*

- F37** Arts. 8-8M and cross-heading substituted (2.5.2016 for specified purposes, 27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) for arts. 8-12 and cross-heading by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), **55(4)**; S.R. 2016/215, art. 2(3)(a)(iii); S.R. 2017/190, art. 9 (with arts. 10-25)

### **[<sup>F37</sup>Work-related requirements**

8.—(1) The following provisions provide for the Department to impose work-related requirements with which claimants must comply for the purposes of this Order.

- (2) In this Order “work-related requirement” means—
- (a) a work-focused interview requirement (see Article 8B);
  - (b) a work preparation requirement (see Article 8C);
  - (c) a work search requirement (see Article 8D);
  - (d) a work availability requirement (see Article 8E).]

### [<sup>F37</sup> Claimant commitment

**8A.**—(1) A claimant commitment is a record of a claimant's responsibilities in relation to an award of a jobseeker's allowance.

(2) A claimant commitment is to be prepared by the Department and may be reviewed and updated as the Department thinks fit.

(3) A claimant commitment is to be in such form as the Department thinks fit.

(4) A claimant commitment is to include—

- (a) a record of the requirements that the claimant must comply with under this Order (or such of them as the Department considers it appropriate to include),
- (b) any prescribed information, and
- (c) any other information the Department considers it appropriate to include.

(5) For the purposes of this Order a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

### Work-focused interview requirement

**8B.**—(1) In this Order a “work-focused interview requirement” is a requirement that a claimant participate in one or more work-focused interviews as specified by the Department.

(2) A work-focused interview is an interview for prescribed purposes relating to work or work preparation.

(3) The purposes which may be prescribed under paragraph (2) include in particular that of making it more likely in the opinion of the Department that the claimant will obtain paid work (or more paid work or better-paid work).

(4) The Department may specify how, when and where a work-focused interview is to take place.

### Work preparation requirement

**8C.**—(1) In this Order a “work preparation requirement” is a requirement that a claimant take particular action specified by the Department for the purpose of making it more likely in the opinion of the Department that the claimant will obtain paid work (or more paid work or better-paid work).

(2) The Department may under paragraph (1) specify the time to be devoted to any particular action.

(3) Action which may be specified under paragraph (1) includes in particular—

- (a) attending a skills assessment;
- (b) improving personal presentation;
- (c) participating in training;
- (d) participating in an employment programme;
- (e) undertaking work experience or a work placement;
- (f) developing a business plan;

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(g) any action prescribed for the purpose in paragraph (1).

### **Work search requirement**

**8D.**—(1) In this Order a “work search requirement” is a requirement that a claimant take—

- (a) all reasonable action, and
- (b) any particular action specified by the Department,

for the purpose of obtaining paid work (or more paid work or better-paid work).

(2) The Department may under paragraph (1)(b) specify the time to be devoted to any particular action.

(3) Action which may be specified under paragraph (1)(b) includes in particular—

- (a) carrying out work searches;
- (b) making applications;
- (c) creating and maintaining an online profile;
- (d) registering with an employment agency;
- (e) seeking references;
- (f) any other action prescribed for the purpose in paragraph (1).

(4) Regulations may impose limitations on a work search requirement by reference to the work to which it relates; and the Department may in any particular case specify further such limitations on such a requirement.

(5) A limitation under paragraph (4) may in particular be by reference to—

- (a) work of a particular nature,
- (b) work with a particular level of remuneration,
- (c) work in particular locations, or
- (d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

### **Work availability requirement**

**8E.**—(1) In this Order a “work availability requirement” is a requirement that a claimant be available for work.

(2) For the purposes of this Article “available for work” means able and willing immediately to take up paid work (or more paid work or better-paid work).

(3) Regulations may impose limitations on a work availability requirement by reference to the work to which it relates; and the Department may in any particular case specify further such limitations on such a requirement.

(4) A limitation under paragraph (3) may in particular be by reference to—

- (a) work of a particular nature,
- (b) work with a particular level of remuneration,
- (c) work in particular locations, or
- (d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

(5) Regulations may for the purposes of paragraph (2) define what is meant by able and willing immediately to take up work.

### **Imposition of work-related requirements**

**8F.**—(1) The Department must, except in prescribed circumstances, impose on a claimant—

- (a) a work search requirement, and
- (b) a work availability requirement.

(2) The Department may, subject to this Order, impose either or both of the following on a claimant—

- (a) a work-focused interview requirement;
- (b) a work preparation requirement.

### **Connected requirements**

**8G.**—(1) The Department may require a claimant to participate in an interview for any purpose relating to—

- (a) the imposition of a work-related requirement on the claimant;
- (b) verifying the claimant's compliance with a work-related requirement;
- (c) assisting the claimant to comply with a work-related requirement.

(2) The Department may specify how, when and where such an interview is to take place.

(3) The Department may, for the purpose of verifying the claimant's compliance with a work-related requirement, require a claimant to—

- (a) provide to the Department information and evidence specified by the Department in a manner so specified;
- (b) confirm compliance in a manner so specified.

(4) The Department may require a claimant to report to the Department any specified changes in the claimant's circumstances which are relevant to—

- (a) the imposition of work-related requirements on the claimant;
- (b) the claimant's compliance with a work-related requirement.

### **Imposition of work-related and connected requirements: supplementary**

**8H.**—(1) Regulations may make provision—

- (a) where the Department may impose a requirement under the preceding provisions, as to when the requirement must or must not be imposed;
- (b) where the Department may specify any action to be taken in relation to a requirement under the preceding provisions, as to what action must or must not be specified;
- (c) where the Department may specify any other matter in relation to such a requirement, as to what must or must not be specified in respect of that matter.

(2) Where the Department may impose a work-focused interview requirement, the Department must have regard to such matters as may be prescribed.

(3) Where the Department may specify a particular action under Article 8C(1) or 8D(1)(b), the Department must have regard to such matters as may be prescribed.

(4) Where the Department may impose a requirement under the preceding provisions, the Department may revoke or change what has been imposed or specified.

(5) Where the Department may specify any action to be taken in relation to a requirement imposed under the preceding provisions, the Department may revoke or change what has been specified.

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(6) Notification of a requirement imposed under the preceding provisions (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Department may determine.

(7) Regulations must make provision to secure that, in prescribed circumstances, where a claimant has recently been a victim of domestic violence—

- (a) a requirement imposed on the claimant under the preceding provisions ceases to have effect for a period of 13 weeks, and
- (b) the Department may not impose any other requirement on the claimant during that period.

(8) For the purposes of paragraph (7)—

- (a) “domestic violence” has such meaning as may be prescribed;
- (b) “victim of domestic violence” means a person on or against whom domestic violence is inflicted or threatened (and regulations under paragraph (7) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);
- (c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

#### **Compliance with work-related and connected requirements**

**8I.** Regulations may make provision as to circumstances in which a claimant is to be treated as having—

- (a) complied with or not complied with any requirement imposed under the preceding provisions or any aspect of such a requirement, or
- (b) taken or not taken any particular action specified by the Department in relation to such a requirement.

#### **Higher-level sanctions**

**8J.—**(1) The amount of an award of jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by a claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant—

- (a) fails for no good reason to comply with a requirement imposed under a work preparation requirement to undertake a work placement of a prescribed description;
- (b) fails for no good reason to comply with a requirement imposed under a work search requirement to apply for a particular vacancy for paid work;
- (c) fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work;
- (d) by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay.

(3) It is a failure sanctionable under this Article if, at any time before making the claim by reference to which the award is made, the claimant—

- (a) for no good reason failed to take up an offer of paid work, or
- (b) by reason of misconduct, or voluntarily and for no good reason, ceased paid work or lost pay.

(4) For the purposes of paragraphs (2) and (3) regulations may provide—

- (a) for circumstances in which ceasing to work or losing pay is to be treated as occurring or not occurring by reason of misconduct or voluntarily;

- (b) for loss of pay below a prescribed level to be disregarded.
- (5) Regulations are to specify—
  - (a) the amount of a reduction under this Article;
  - (b) the period for which such a reduction has effect, not exceeding 18 months in relation to any failure sanctionable under this Article.
- (6) Regulations under paragraph (5)(b) may in particular provide for the period of a reduction to depend on either or both of the following—
  - (a) the number of failures by the claimant sanctionable under this Article;
  - (b) the period between such failures.
- (7) Regulations may provide—
  - (a) for cases in which no reduction is to be made under this Article;
  - (b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
  - (c) for the termination or suspension of a reduction under this Article.

#### **Other sanctions**

- 8K.**—(1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by a claimant which is sanctionable under this Article.
- (2) It is a failure sanctionable under this Article if a claimant—
    - (a) fails for no good reason to comply with a work-related requirement;
    - (b) fails for no good reason to comply with a requirement under Article 8G.
  - (3) But a failure by a claimant is not sanctionable under this Article if it is also a failure sanctionable under Article 8J.
  - (4) Regulations must specify—
    - (a) the amount of a reduction under this Article;
    - (b) the period for which such a reduction has effect.
  - (5) Regulations under paragraph (4)(b) may provide that a reduction under this Article in relation to any failure is to have effect for—
    - (a) a period continuing until the claimant meets a compliance condition specified by the Department,
    - (b) a fixed period not exceeding 26 weeks which is—
      - (i) specified in the regulations, or
      - (ii) determined in any case by the Department, or
    - (c) a combination of both.
  - (6) In paragraph (5)(a) “compliance condition” means—
    - (a) a condition that the failure ceases, or
    - (b) a condition relating to future compliance with a work-related requirement or a requirement under Article 8G.
  - (7) A compliance condition specified under paragraph (5)(a) may be—
    - (a) revoked or varied by the Department;
    - (b) notified to the claimant in such manner as the Department may determine.

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(8) A period fixed under paragraph (5)(b) may in particular depend on either or both the following—

- (a) the number of failures by the claimant sanctionable under this Article;
- (b) the period between such failures.

(9) Regulations may provide—

- (a) for cases in which no reduction is to be made under this Article;
- (b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
- (c) for the termination or suspension of a reduction under this Article.

### Concurrent exercise of certain functions by Department for Employment and Learning

<sup>F38</sup>8L. ....

**F38** Art. 8L omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(3), [Sch. 6 para. 40](#) (with art. 9(2))

### Delegation and contracting out

**8M.**—(1) The functions of the Department under Articles 8 to 8I may be exercised by, or by the employees of, such person as the Department may authorise for the purpose (an “authorised person”).

(2) An authorisation given by virtue of this Article may authorise the exercise of a function—

- (a) wholly or to a limited extent;
- (b) generally or in particular cases or areas;
- (c) unconditionally or subject to conditions.

(3) An authorisation under this Article—

- (a) may specify its duration;
- (b) may be varied or revoked at any time by the Department;
- (c) does not prevent the Department or another person from exercising the function to which the authorisation relates.

(4) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Department or (as the case may be) an officer of the Department.

(5) Paragraph (4) does not apply—

- (a) for the purposes of so much of any contract made between the authorised person and the Department as relates to the exercise of the function, or
- (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).

(6) Where—

- (a) the authorisation of an authorised person is revoked, and
- (b) at the time of the revocation so much of any contract made between the authorised person and the Department as relates to the exercise of the function is subsisting,

the authorised person is entitled to treat the contract as repudiated by the Department (and not as frustrated by reason of the revocation).



<sup>F39</sup>(7) .....]

**F39** Art. 8M(7) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(3), [Sch. 6 para. 41](#) (with art. 9(2))

### Actively seeking employment

9.—<sup>F40</sup>(1) For the purposes of this Order, a person is actively seeking employment in any week if he takes in that week such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment.

(2) Regulations may make provision—

- (a) with respect to steps which it is reasonable, for the purposes of paragraph (1), for a person to be expected to have to take in any week;
- (b) as to circumstances (for example, his skills, qualifications, abilities and physical or mental limitations) which, in particular, are to be taken into account in determining whether, in relation to any steps taken by a person, the requirements of paragraph (1) are satisfied in any week.

(3) Regulations may make provision for acts of a person which would otherwise be relevant for purposes of this Article to be disregarded in such circumstances (including circumstances constituted by, or connected with, his behaviour or appearance) as may be prescribed.

(4) Regulations may prescribe circumstances in which, for the purposes of this Order, a person is to be treated as actively seeking employment.

(5) Regulations under paragraph (4) may, in particular, provide for a person who is actively seeking employment—

- (a) only in his usual occupation,
- (b) only at a level of remuneration not lower than that which he is accustomed to receive, or
- (c) only in his usual occupation and at a level of remuneration not lower than that which he is accustomed to receive,

to be treated, for the permitted period determined in his case for the purposes of Article 8(5), as actively seeking employment during that period.

(6) Regulations may provide for this Article, and any regulations made under it, to have effect in relation to a person who has reached the age of 16 but not the age of 18 as if “employment” included “training”.

(7) Where it has been determined<sup>F41</sup> (“the first determination”) that a person is to be treated, for the purposes of this Order, as actively seeking employment in any week, the question whether he is actively seeking employment in that week may subsequently be determined<sup>F42</sup> on a review of the first determination.

(8) For the purposes of this Article—

“employment” means employed earner's employment or, in prescribed circumstances—

- (a) self-employed earner's employment; or
- (b) employed earner's employment and self-employed earner's employment; and “employed earner's employment” and

“self-employed earner's employment” have the same meanings as in the Benefits Act.]

**F40** Arts. 8-8M and cross-heading substituted (2.5.2016 for specified purposes, 27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which “the amending

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provisions" are brought into force by secondary legislation) for arts. 8-12 and cross-heading by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **arts. 2(2), 55(4)**; S.R. 2016/215, **art. 2(3)(a)(iii)**; S.R. 2017/190, art. 9 (with arts. 10-25)

**F41** prosp. in pt. rep. by [1998 NI 10](#)

**F42** prosp. in pt. subst. by [1998 NI 10](#)

**Attendance, information and evidence**

**10.**—<sup>F43</sup>(1) Regulations may make provision for requiring a claimant<sup>F44</sup> (other than a joint-claim couple claiming a joint-claim jobseeker's allowance)

- (a) To [<sup>F45</sup>participate in an interview in such manner, time and place] as<sup>F44</sup> an employment officer] may specify; and
- (b) to provide information and such evidence as may be prescribed as to his circumstances, his availability for employment and the extent to which he is actively seeking employment.

<sup>F44</sup>(1A) Regulations may make provision—

- (a) for requiring each member of a joint-claim couple claiming a joint-claim jobseeker's allowance to [<sup>F46</sup>participate in an interview in such manner, time and place] as [<sup>F47</sup>an employment officer] , may specify;
- (b) for requiring a member of such a couple to provide information and such evidence as may be prescribed as to his circumstances, his availability for employment and the extent to which he is actively seeking employment;
- (c) for requiring such a couple to jointly provide information and such evidence as may be prescribed as to the circumstances of each or either member of the couple, the availability for employment of each or either member of the couple and the extent to which each or either member of the couple is actively seeking employment;
- (d) where any requirement to provide information or evidence is imposed on such a couple by virtue of sub-paragraph (c), for the joint obligation of the couple to be capable of being discharged by the provision of the information or evidence by one member of the couple.]

(2) Regulations under paragraph (1)<sup>F44</sup> or (1A)] may, in particular—

<sup>F48</sup>(a) provide for entitlement to a jobseeker's allowance to cease at such time as may be determined in accordance with any such regulations if, when a person fails to comply with such regulations, that person (or, if that person is a member of a joint-claim couple, either member of the couple) does not make prescribed contact with an employment officer within a prescribed period of the failure;]

<sup>F49</sup>(ca) .....

<sup>F49</sup>(d) .....

<sup>F50</sup>(2A) .....

<sup>F50</sup>(3) .....]

**F43** Arts. 8-8M and cross-heading substituted (2.5.2016 for specified purposes, 27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) for arts. 8-12 and cross-heading by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **arts. 2(2), 55(4)**; S.R. 2016/215, **art. 2(3)(a)(iii)**; S.R. 2017/190, art. 9 (with arts. 10-25)

**F44** [1999 NI 11](#)

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- F45** Words in art. 10(1)(a) substituted (1.6.2016 for specified purposes, 27.9.2017 in so far as not already in force) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), **51**; S.R. 2016/234, art. 2(2)(a)(i); S.R. 2017/190, art. 3(1)(2)(b)
- F46** Words in art. 10(1A)(a) substituted (1.6.2016 for specified purposes, 27.9.2017 in so far as not already in force) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), **51**; S.R. 2016/234, art. 2(2)(a)(i); S.R. 2017/190, art. 3(1)(2)(b)
- F47** Words in art. 10(1A)(a) substituted (1.6.2016 for specified purposes, 27.9.2017 in so far as not already in force) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 7 para. 3(2)**; S.R. 2016/234, art. 2(2)(a)(ii); S.R. 2017/190, art. 3(1)(2)(h)
- F48** Art. 10(2)(a) substituted for art. 10(2)(a)-(c) (1.6.2016 for specified purposes, 27.9.2017 in so far as not already in force) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 7 para. 3(3)**; S.R. 2016/234, art. 2(2)(a)(ii); S.R. 2017/190, art. 3(1)(2)(h)
- F49** Art. 10(2)(ca)(d) repealed (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 3**; S.R. 2017/190, art. 3(1)(2)(j)
- F50** Art. 10(2A)(3) repealed (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 3**; S.R. 2017/190, art. 3(1)(2)(j)

#### Modifications etc. (not altering text)

- C3** Art. 10(2) modified (temp. from 22.9.2010) by [Welfare Reform \(2010 Act\) \(Commencement No. 1 and Transitory Provision\) Order \(Northern Ireland\) 2010 \(S.R. 2010/327\)](#), **art. 3(a)**

### The jobseeker's agreement

**11.**—<sup>F51</sup>(1) An agreement which is entered into by a claimant and an employment officer and which complies with the prescribed requirements in force at the time when the agreement is made is referred to in this Order as “a jobseeker's agreement”.

(2) A jobseeker's agreement shall have effect only for the purposes of Article 3.

(3) A jobseeker's agreement shall be in writing and be signed by both parties.

<sup>F52</sup>(3A) The agreement may be in electronic form and signed by means of an electronic signature (within the meaning given in section 7(2) of the Electronic Communications Act 2000 <sup>F53</sup>.)

(4) A copy of the agreement shall be given to the claimant.

(5) An employment officer shall not enter into a jobseeker's agreement with a claimant unless, in the officer's opinion, the conditions mentioned in Article 3(2)(a) and (c) would be satisfied with respect to the claimant if he were to comply with, or be treated as complying with, the proposed agreement.

(6) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed jobseeker's agreement to <sup>F54</sup> an adjudication officer for him to determine—

(a) whether, if the claimant concerned were to comply with the proposed agreement, he would satisfy—

(i) the condition mentioned in Article 3(2)(a), or

(ii) the condition mentioned in Article 3(2)(c); and

(b) whether it is reasonable to expect the claimant to have to comply with the proposed agreement.

(7) <sup>F54</sup> An adjudication officer to whom a reference is made under paragraph (6)—

(a) shall so far as practicable dispose of it in accordance with this Article before the end of the period of 14 days from the date of the reference;

*Status: Point in time view as at 15/11/2017.*

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- (b) may give such directions, with respect to the terms on which the employment officer is to enter into a jobseeker's agreement with the claimant, as<sup>F54</sup> the adjudication officer considers appropriate;
- (c) may direct that, if such conditions as<sup>F54</sup> he considers appropriate are satisfied, the proposed jobseeker's agreement is to be treated (if entered into) as having effect on such date, before it would otherwise have effect, as may be specified in the direction.
- (8) Regulations may provide—
- (a) for such matters as may be prescribed to be taken into account by<sup>F54</sup> an adjudication officer in giving a direction under paragraph (7)(c); and
- (b) for such persons as may be prescribed to be notified of—
- (i) any determination of<sup>F54</sup> an adjudication officer under this Article;
- (ii) any direction given by<sup>F54</sup> an adjudication officer under this Article.
- <sup>F55</sup>(9) Any determination of adjudication officer under this Article shall be binding.
- (10) Regulations may provide that, in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in Article 3(2)(b).
- (11) Regulations may provide that, in prescribed circumstances, a jobseeker's agreement is to be treated as having effect on a date, to be determined in accordance with the regulations, before it would otherwise have effect.
- (12) Except in such circumstances as may be prescribed, a jobseeker's agreement entered into by a claimant shall cease to have effect on the coming to an end of an award of a jobseeker's allowance made to him<sup>F56</sup> or to a joint-claim couple of which he is a member.].
- (13) In this Article and Article 12 “employment officer” means an officer of the Department or such other person as may be designated for the purposes of this Article by an order made by the Department.]

- F51** Arts. 8-8M and cross-heading substituted (2.5.2016 for specified purposes, 27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) for arts. 8-12 and cross-heading by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), 55(4); S.R. 2016/215, art. 2(3)(a)(iii); S.R. 2017/190, art. 9 (with arts. 10-25)
- F52** Art. 11(3A) inserted (1.2.2012) by [Social Security \(Electronic Communications\) Order \(Northern Ireland\) 2011 \(S.R. 2011/298\)](#), arts. 1, 3(2)
- F53** 2000 c. 7
- F54** prosp. in pt. subst. by 1998 NI 10
- F55** prosp. in pt. rep. by 1998 NI 10
- F56** 1999 NI 11

### Variation of jobseeker's agreement

12.—<sup>F57</sup>(1) A jobseeker's agreement may be varied, in the prescribed manner, by agreement between the claimant and any employment officer.

(2) Any agreement to vary a jobseeker's agreement shall be in writing and be signed by both parties.

<sup>F58</sup>(2A) Any agreement to vary a jobseeker's agreement may be in electronic form and signed by means of an electronic signature (within the meaning given in section 7(2) of the Electronic Communications Act 2000).]

(3) A copy of the agreement, as varied, shall be given to the claimant.

(4) An employment officer shall not agree to a variation of a jobseeker's agreement, unless, in the officer's opinion, the conditions mentioned in Article 3(2)(a) and (c) would continue to be satisfied with respect to the claimant if he were to comply with, or be treated as complying with, the agreement as proposed to be varied.

(5) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed variation of a jobseeker's agreement to<sup>F59</sup> an adjudication officer for him to determine—

(a) whether, if the claimant concerned were to comply with the agreement as proposed to be varied, he would satisfy—

(i) the condition mentioned in Article 3(2)(a), or

(ii) the condition mentioned in Article 3(2)(c); and

(b) whether it is reasonable to expect the claimant to have to comply with the agreement as proposed to be varied.

(6) <sup>F59</sup>An adjudication officer to whom a reference is made under paragraph (5)—

(a) shall so far as practicable dispose of it in accordance with this Article before the end of the period of 14 days from the date of the reference;

(b) shall give such directions as<sup>F59</sup> he considers appropriate as to—

(i) whether the jobseeker's agreement should be varied, and

(ii) if so, the terms on which the claimant and the employment officer are to enter into an agreement to vary it;

(c) may bring the jobseeker's agreement to an end where the claimant fails, within a prescribed period, to comply with a direction given under sub-paragraph (b)(ii);

(d) may direct that, if—

(i) the jobseeker's agreement is varied, and

(ii) such conditions as<sup>F59</sup> he considers appropriate are satisfied,

the agreement as varied is to be treated as having effect on such date, before it would otherwise have effect, as may be specified in the direction.

(7) Regulations may provide—

(a) or such matters as may be prescribed to be taken into account by<sup>F59</sup> an adjudication officer in giving a direction under paragraph (6)(b) or (d); and

(b) for such persons as may be prescribed to be notified of—

(i) any determination of<sup>F59</sup> an adjudication officer under this Article;

(ii) any direction given by<sup>F59</sup> an adjudication officer under this Article.

<sup>F60</sup>(8) Any determination of an adjudication officer under this Article shall be binding.]

**F57** Arts. 8-8M and cross-heading substituted (2.5.2016 for specified purposes, 27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) for arts. 8-12 and cross-heading by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **arts. 2(2)**, 55(4); S.R. 2016/215, **art. 2(3)(a)(iii)**; S.R. 2017/190, art. 9 (with arts. 10-25)

**F58** Art. 12(2A) inserted (1.2.2012) by [Social Security \(Electronic Communications\) Order \(Northern Ireland\) 2011 \(S.R. 2011/298\)](#), arts. 1, **3(3)**

**F59** prosp. in pt. subst. by 1998 NI 10

**F60** prosp. in pt. rep. by 1998 NI 10

*Status: Point in time view as at 15/11/2017.*

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### <sup>F61</sup> **Jobseeker's agreement: reviews and appeals**

**13.**—(1) Any determination of, or direction given by, an adjudication officer under Article 11 or 12 may be reviewed (by a different adjudication officer) on the application of the claimant or of an employment officer.

(2) Regulations may make provision with respect to the procedure to be followed on a review under this Article.

(3) The claimant may appeal to a social security appeal tribunal against any determination of, or direction given by, an adjudication officer on a review under this Article.

(4) A social security appeal tribunal determining an appeal under this Article may give a direction of a kind which an adjudication officer may give under Article 11(7)(b) or (c) or (as the case may be) Article 12(6)(b) or (d).

(5) Where a social security appeal tribunal gives a direction under paragraph (4) of a kind which may be given by an adjudication officer under Article 12(6)(b)(ii), an adjudication officer may bring the job seeker's agreement to an end if the claimant fails to comply with the direction within a prescribed period.

(6) An appropriate person may, on the ground that it was erroneous in point of law, appeal to a Commissioner against the decision of a social security appeal tribunal on an appeal under this Article.

(7) Any of the following is an appropriate person for the purposes of paragraph (6)—

- (a) the claimant;
- (b) an adjudication officer;
- (c) in prescribed circumstances, a trade union;
- (d) in prescribed circumstances, any other association which exists to promote the interests and welfare of its members.

(8) Subsections (7) to (10) of section 21 of the Administration Act (appeals to Commissioners) shall apply in relation to appeals under this Article as they apply in relation to appeals under that section.

(9) In this Article "Commissioner" has the same meaning as in the Administration Act.

**F61** prosp. in pt. rep. by [1998 NI 10](#)

## *Income and Capital*

### **Income and capital: general**

**14.**—(1) In relation to a claim for a jobseeker's allowance, the income and capital of a person shall be calculated or estimated in such manner as may be prescribed.

(2) A person's income in respect of a week shall be calculated in accordance with prescribed rules.

(3) The rules may provide for the calculation to be made by reference to an average over a period (which need not include the week concerned).

(4) Circumstances may be prescribed in which—

- (a) a person is treated as possessing capital or income which he does not possess;
- (b) capital or income which a person does possess is to be disregarded;
- (c) income is to be treated as capital;
- (d) capital is to be treated as income;

## Income and capital: income-based jobseeker's allowance

15.—<sup>F62</sup>(1) No person shall be entitled to an income-based jobseeker's allowance if his capital, or a prescribed part of it, exceeds the prescribed amount.

(2) Where a person claiming an income-based jobseeker's allowance is a member of a family, the income and capital of any member of that family shall, except in prescribed circumstances, be treated as the income and capital of the claimant.

<sup>F63</sup>(2A) Paragraphs (1) and (2) do not apply as regards a joint-claim jobseeker's allowance; but a joint-claim couple shall not be entitled to a joint-claim jobseeker's allowance if the couple's capital, or a prescribed part of it, exceeds the prescribed amount.

(2B) Where a joint-claim couple claim a joint-claim jobseeker's allowance—

- (a) the couple's income and capital includes the separate income and capital of each of them; and
- (b) the income and capital of any other person who is a member of any family of which the couple are members shall, except in prescribed circumstances, be treated as income and capital of the couple.]

(3) Regulations may provide that capital not exceeding the amount prescribed under paragraph (1)<sup>F63</sup> or (2A)], but exceeding a prescribed lower amount, shall be treated, to a prescribed extent, as if it were income of a prescribed amount.]

**F62** Art. 15 repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)

**F63** 1999 NI 11

## Trade disputes

### Trade disputes

16.—(1) Where—

- (a) there is a stoppage of work which causes a person not to be employed on any day, and
- (b) the stoppage is due to a trade dispute at his place of work,

that person, is not entitled to a jobseeker's allowance for the week which includes that day unless he proves that he is not directly interested in the dispute.

(2) A person who withdraws his labour on any day in furtherance of a trade dispute, but to whom paragraph (1) does not apply, is not entitled to a jobseeker's allowance for the week which includes that day.

(3) If a person who is prevented by paragraph (1) from being entitled to a jobseeker's allowance proves that during the stoppage—

- (a) he became bona fide employed elsewhere;
- (b) his employment was terminated by reason of redundancy within the meaning of<sup>F64</sup> Article 174(1) of the Employment Rights (Northern Ireland) Order 1996], or
- (c) he bona fide resumed employment with his employer but subsequently left for a reason other than the trade dispute,

paragraph (1) shall be taken to have ceased to apply to him on the occurrence of the event referred to in sub-paragraph (a) or (b) or (as the case may be) the first event referred to in sub-paragraph (c).

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(4) In this Article “place of work”, in relation to any person, means the premises or place at which he was employed.

(5) Where separate branches of work which are commonly carried on as separate businesses in separate premises or at separate places are in any case carried on in separate departments on the same premises or at the same place, each of those departments shall, for the purposes of paragraph (4), be deemed to be separate premises or (as the case may be) a separate place.

F64 1996 NI 16

### Effect on other claimants

17.—<sup>F65</sup>(1) Except in prescribed circumstances, paragraph (2) applies in relation to a claimant for an income-based jobseeker's allowance where a member of his family ( “A”) is, or would be, prevented by Article 16 from being entitled to a jobseeker's allowance.

(2) For the purposes of calculating the claimant's entitlement to an income-based jobseeker's allowance—

- (a) any portion of the applicable amount which is included in respect of A shall be disregarded for the period for which this paragraph applies to the claimant;
- (b) where the claimant and A are a<sup>F66</sup> couple], any portion of the applicable amount which is included in respect of them shall be reduced to one half for the period for which this paragraph applies to the claimant;
- (c) except so far as regulations provide otherwise, there shall be treated as the claimant's income—
  - (i) any amount which becomes, or would on an application duly made become, available to A in relation to that period by way of repayment of income tax deducted from A's<sup>F67</sup> taxable earnings (as defined by section 10 of the Income Tax (Earnings and Pensions) Act 2003 under regulations made under section 684 of that Act (PAYE regulations)); and
  - (ii) any other payment which the claimant or any member of his family receives or is entitled to obtain because A is without employment for that period; and
- (d) any payment by way of a jobseeker's allowance for that period or any part of it which apart from this sub-paragraph would be made to the claimant—
  - (i) shall not be made, if the weekly rate of payment ( “the rate”) would be equal to or less than the prescribed sum; and
  - (ii) shall be at a weekly rate equal to the difference between the rate and the prescribed sum, if the rate would be more than the prescribed sum.

(3) Where a reduction under paragraph (2)(b) would not produce a sum which is a multiple of 5p, the reduction shall be to the nearest lower sum which is such a multiple.

(4) Where A returns to work with the same employer after a period during which paragraph (2) applied to the claimant (whether or not his return is before the end of any stoppage of work in relation to which he is, or would be, prevented from being entitled to a jobseeker's allowance), paragraph (2) shall cease to apply to the claimant at the commencement of the day on which A returns to work.

(5) In relation to any period of less than a week, paragraph (2) shall have effect subject to such modifications as may be prescribed.

(6) Paragraphs (7) to (9) apply where an order made under section 132 of the Administration Act (annual up-rating of benefits) has the effect of increasing the sum prescribed in regulations made



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under Article 6(5) as the personal allowance for a single person aged not less than 25 (“the personal allowance”).

(7) For the sum prescribed in regulations made under paragraph (2)(d) there shall be substituted, from the time when the order comes into operation, a sum arrived at by increasing the prescribed sum by the percentage by which the personal allowance has been increase by the order.

(8) If the sum arrived at under paragraph (7) is not a multiple of 50p—

- (a) any remainder of 25p or less shall be disregarded;
- (b) any remainder of more than 25p shall be rounded up to the nearest 50p.

(9) The order shall state the sum substituted for the sum prescribed in regulations made under paragraph (2)(d).

(10) Nothing in paragraph (7) prevents the making of further regulations under paragraph (2)(d) varying the prescribed sum.]

**F65** Arts. 17-19 repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)

**F66** 2004 c.33

**F67** 2003 c. 1

### [<sup>F68</sup>Trade disputes: joint-claim couples

**17A.**—[<sup>F65</sup>(1) Articles 16 and 17 shall, in relation to a joint-claim couple claiming a joint-claim jobseeker's allowance, apply in accordance with this Article.

(2) Where each member of the couple is prevented by Article 16 from being entitled to a jobseeker's allowance, the couple are not entitled to a joint-claim jobseeker's allowance.

(3) But where only one member of the couple is prevented by that Article from being entitled to a jobseeker's allowance, the couple are not for that reason alone prevented from being entitled to a joint-claim jobseeker's allowance.

(4) Article 17(1) does not have effect in relation to the couple but, except in prescribed circumstances, Article 17(2) applies for the purposes of calculating the couple's entitlement to a joint-claim jobseeker's allowance where—

- (a) a member of the couple, or
- (b) any other person who is a member of any family of which the couple are members,

is, or would be, prevented by Article 16 from being entitled to a jobseeker's allowance.

(5) Where Article 17(2) applies in relation to the couple by virtue of paragraph (4), that provision and Article 17(4) apply with the following modifications—

- (a) references to the claimant are to be taken as references to the couple;
- (b) references to “A” are to the person mentioned in paragraph (4)(a) or (b);
- (c) Article 17(2)(b) has effect as if for “where the claimant and A are a [<sup>F69</sup>couple],” there were substituted “where A is a member of the couple,”; and
- (d) Article 17(2)(c)(ii) has effect as if for “of his family” there were substituted “of any family of which the couple are members”.]]

**F65** Arts. 17-19 repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#),

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art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)

**F68** 1999 NI 11

**F69** 2004 c.33

## Persons under 18

### Severe hardship

- 18.**—<sup>F65</sup>(1) If it appears to the Department—
- (a) that a person—
    - (i) has reached the age of 16 but not the age of 18,
    - (ii) is not entitled to a jobseeker's allowance or to income support, and
    - (iii) is registered for training but is not being provided with any training, and
  - (b) that severe hardship will result to him unless a jobseeker's allowance is paid to him, the Department may direct that this Article is to apply to him.
- (2) A direction may be given so as to have effect for a specified period.
- (3) The Department may revoke a direction if—
- (a) it appears to the Department that there has been a change of circumstances as a result of which failure to receive a jobseeker's allowance need no longer result in severe hardship to the person concerned;
  - <sup>F70</sup>(b) it appears to the Department that the person concerned—
    - (i) failed to pursue an opportunity of obtaining training, or
    - (ii) rejected an offer of training,
 and has not shown good reason for doing so; or
  - (c) the Department is satisfied that it was given in ignorance of some material fact or was based on a mistake as to some material fact and considers that, but for the ignorance or mistake, the Department would not have given the direction.
- <sup>F70</sup>(4) In this Article—
- “period” includes—
- (a) a period of a determinate length;
  - (b) a period defined by reference to the happening of a future event; and
  - (c) a period of a determinate length but subject to earlier determination upon the happening of a future event.]

**F65** Arts. 17-19 repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)

**F70** prosp. in pt. subst. by 1998 NI 10

### Reduced payments

**19.**—<sup>F65</sup>(1) Regulations may provide for the amount of an income-based jobseeker's allowance<sup>F71</sup> payable in respect of] any young person to whom this Article applies to be reduced—

- (a) in such circumstances,
- (b) by such a percentage, and
- (c) for such a period,

as may be prescribed.

[<sup>F71</sup>(1A) Regulations may provide for the amount of a joint-claim jobseeker's allowance payable in respect of any joint-claim couple where a member of the couple is a young person to whom this Article applies to be reduced—

- (a) in such circumstances,
- (b) by such a percentage, and
- (c) for such a period,

as may be prescribed.]

(2) This Article applies to any young person in respect of whom—

- (a) a direction is in force under Article 18; and
- (b) <sup>F72</sup>either of the conditions mentioned in paragraph (3) is satisfied.

(3) The conditions are that—

- (a) the young person was previously entitled to an income-based jobseeker's allowance and that entitlement ceased by virtue of the revocation of a direction under Article 18;
- <sup>F72</sup>(b) he has failed to complete a course of training and no certificate has been issued to him under paragraph (4) with respect to that failure.

<sup>F72</sup>(4) Where a young person who has failed to complete a course of training—

- (a) claims that there was [<sup>F73</sup>a good reason] for the failure, and
- (b) applies to the Department for a certificate under this paragraph,

the Department shall, if it is satisfied that there was [<sup>F73</sup>a good reason] for the failure, issue a certificate to that effect and give a copy of it to the young person.

<sup>F72</sup>(5) In this Article “young person” means a person who has reached the age of 16 but not the age of 18.]

- F65** Arts. 17-19 repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)
- F71** 1999 NI 11
- F72** prosp. in pt. subst. by 1998 NI 10
- F73** Words in art. 19(4) substituted (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 7 para. 4**; S.R. 2017/190, art. 3(1)(2)(h)

.....

*[<sup>F74</sup> “Work for your benefit” schemes etc.*

- F74** Arts. 19A, 19B and crossheading inserted (13.8.2010) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), **ss. 1(2), 36(1)(a)**

Status: Point in time view as at 15/11/2017.

Changes to legislation: The Jobseekers (Northern Ireland) Order 1995, Part II is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**Schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.**

**19A.**—<sup>F75</sup>(1) Regulations may make provision for or in connection with imposing on claimants in prescribed circumstances a requirement to participate in schemes of any prescribed description that are designed to assist them to obtain employment.

(2) Regulations under this Article may, in particular, require participants to undertake work, or work-related activity, during any prescribed period with a view to improving their prospects of obtaining employment.

(3) In paragraph (2) “work-related activity”, in relation to any person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so

(4) Regulations under this Article may not require a person to participate in a scheme unless the person would (apart from the regulations) be required to meet the jobseeking conditions.

(5) Regulations under this Article may, in particular, make provision—

- (a) for notifying participants of the requirement to participate in a scheme within paragraph (1);
- (b) for securing that participants are not required to meet the jobseeking conditions or are not required to meet such of those conditions as are specified in the regulations;
- (c) for suspending any jobseeker's agreement to which a person is a party for any period during which the person is a participant;

<sup>F76</sup>(d) .....

<sup>F76</sup>(e) .....

<sup>F76</sup>(f) .....

<sup>F77</sup>(6) .....

<sup>F77</sup>(7) .....

<sup>F77</sup>(8) .....

<sup>F77</sup>(9) .....

(10) In this Article—

[<sup>F78</sup>“claimant”, in relation to a joint-claim couple claiming a joint-claim jobseeker's allowance, means either or both of the members of the couple;]

“the jobseeking conditions” means the conditions set out in Article 3(2)(a) to (c);

“participant”, in relation to any time, means any person who is required at that time to participate in a scheme within paragraph (1).]

**F75** Art. 19A repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, art. 9 (with arts. 10-25)

**F76** Arts. 19A(5)(d)-(f) repealed (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 3**; S.R. 2017/190, art. 3(1)(2)(j)

**F77** Arts. 19A(6)-(9) repealed (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 3**; S.R. 2017/190, art. 3(1)(2)(j)

**F78** Words in art. 19A(10) repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)

## Article 19A: supplemental

**19B.**—<sup>F79</sup>(1) For the purposes of, or in connection with, any scheme within Article 19A(1) the Department <sup>F80</sup> ... may—

- (a) make arrangements (whether or not with other persons) for the provision of facilities;
- (b) provide support (by whatever means) for arrangements made by other persons for the provision of facilities;
- (c) make payments (by way of fees, grants, loans or otherwise) to persons undertaking the provision of facilities under arrangements within sub-paragraph (a) or (b);
- (d) make payments (by way of grants, loans or otherwise) to persons participating in the scheme;
- (e) make payments in respect of incidental expenses.

(2) In paragraph (1) “facilities” includes services, and any reference to the provision of facilities includes the making of payments to persons participating in the scheme.

(3) The power of [<sup>F81</sup>the Department for Communities or the Department for the Economy] to make an order under Article 4 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (status of trainees) includes power to make, in relation to—

- (a) persons participating in any scheme within Article 19A(1), and
- (b) payments received by them by virtue of paragraph (1),

provision corresponding to any provision which (by virtue of Article 4(1) or (2) of that Order) may be made in relation to persons using such facilities, and to such payments received by them, as are mentioned in Article 4(1) of that Order.]

**F79** Art. 19B repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 4](#); [S.R. 2017/190](#), art. 9 (with arts. 10-25)

**F80** Words in art. 19B(1) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(3), [Sch. 6 para. 43\(a\)](#) (with art. 9(2))

**F81** Words in art. 19B(3) substituted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(3), [Sch. 6 para. 43\(b\)](#) (with art. 9(2))

## Recovery of overpayments

**20.** In the Administration Act, insert after section 69—

*“Jobseeker’s allowance*

### **Recovery of jobseeker’s allowance: severe hardship cases.**

**69A.**—(1) Where—

- (a) a severe hardship direction is revoked; and
- (b) it is determined by an adjudication officer that—
  - (i) whether fraudulently or otherwise, any person has misrepresented, or failed to disclose, any material fact; and

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- (ii) in consequence of the failure of misrepresentation, payment of a jobseeker's allowance has been made during the relevant period to the person to whom the direction related,  
an adjudication officer may determine that the Department is entitled to recover the amount of the payment.
- (2) In this section—  
“severe hardship direction” means a direction given under Article 18 of the Jobseekers (Northern Ireland) Order 1995; and  
“the relevant period” means—
- (a) if the revocation is under Article 18(3)(a) of that Order, the period beginning with the date of the change of circumstances and ending with the date of the revocation; and
- (b) if the revocation is under Article 18(3)(b) or (c) of that Order, the period during which the direction was in force.
- (3) Where a severe hardship direction is revoked, the Department may certify whether there has been misrepresentation of a material fact or failure to disclose a material fact.
- (4) If the Department certifies that there has been such misrepresentation or failure to disclose, it may certify—
- (a) who made the misrepresentation or failed to make the disclosure; and
- (b) whether or not a payment of jobseeker's allowance has been made in consequence of the misrepresentation or failure.
- (5) If the Department certifies that a payment has been made, it may certify the period during which a jobseeker's allowance would not have been paid but for the misrepresentation or failure to disclose.
- (6) A certificate under this section shall be conclusive as to any matter certified.
- (7) Subsections (3) and (6) to (10) of section 69 above apply to a jobseeker's allowance recoverable under subsection (1) above as they apply to a jobseeker's allowance recoverable under section 69(1) above.
- (8) The other provisions of section 69 above do not apply to a jobseeker's allowance recoverable under subsection (1) above.”.]

#### *Denial of jobseeker's allowance*

### **[<sup>F82</sup>Higher-level sanctions**

**21.**—[<sup>F83</sup>(1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by the claimant which is sanctionable under this Article.

- (2) It is a failure sanctionable under this Article if a claimant—
- (a) through misconduct loses employment as an employed earner;
- (b) without a good reason voluntarily leaves such employment;
- (c) without a good reason refuses or fails to apply for, or accept if offered, a situation in any employment which an employment officer has informed him is vacant or about to become vacant;
- (d) without a good reason neglects to avail himself of a reasonable opportunity of employment;

- (e) without a good reason fails to participate in any scheme within Article 19A(1) which is prescribed for the purposes of this Article.
- (3) For the purposes of paragraph (2)(b), in such circumstances as may be prescribed, including in particular where a person has been dismissed by his employer by reason of redundancy within the meaning of Article 174(1) of the Employment Rights (Northern Ireland) Order 1996 after volunteering or agreeing to be so dismissed, a person who might otherwise be treated as having left his employment voluntarily is to be treated as not having left voluntarily.
- (4) Regulations are to provide for—
- (a) the amount of a reduction under this Article;
  - (b) the period for which such a reduction has effect, not exceeding 18 months in relation to any failure sanctionable under this Article.
- (5) Regulations under paragraph (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—
- (a) the number of failures by the claimant sanctionable under this Article;
  - (b) the period between such failures.
- (6) Regulations may provide—
- (a) for cases in which no reduction is to be made under this Article;
  - (b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.
- (7) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this Article by virtue of a failure by one of the claimants which is sanctionable under this Article, the allowance is payable to the other member of the couple.]]

- F82** Arts. 21-21C substituted (1.6.2016 for specified purposes, 27.9.2017 in so far as not already in force) for art. 21 by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), **52(1)**; [S.R. 2016/234](#), art. 2(2)(a)(i); [S.R. 2017/190](#), art. 3(1)(2)(c)
- F83** Arts. 21-21C repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 4**; [S.R. 2017/190](#), art. 9 (with arts. 10-25)

## [<sup>F82</sup>Other sanctions

**21A.**—[<sup>F83</sup>(1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by the claimant which is sanctionable under this Article.

- (2) It is a failure sanctionable under this Article if a claimant—
- (a) without a good reason fails to comply with regulations under Article 10(1) or (1A);
  - (b) without a good reason fails to comply with regulations under Article 19A;
  - (c) without a good reason refuses or fails to carry out a jobseeker's direction which was reasonable having regard to his circumstances;
  - (d) without a good reason neglects to avail himself of a reasonable opportunity of a place on a training scheme or employment programme;
  - (e) without a good reason refuses or fails to apply for, or accept if offered, a place on such a scheme or programme which an employment officer has informed him is vacant or about to become vacant;

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- (f) without a good reason gives up a place on such a scheme or programme or fails to attend such a scheme or programme having been given a place on it;
  - (g) through misconduct loses a place on such a scheme or programme.
- (3) But a failure is not sanctionable under this Article if it is also sanctionable under Article 21.
- (4) Regulations are to provide for—
- (a) the amount of a reduction under this Article;
  - (b) the period for which such a reduction has effect.
- (5) Regulations under paragraph (4)(b) may provide that a reduction under this Article in relation to any failure is to have effect for—
- (a) a period continuing until the claimant meets a compliance condition specified by the Department,
  - (b) a fixed period not exceeding 26 weeks which is—
    - (i) specified in the regulations, or
    - (ii) determined in any case by the Department, or
  - (c) a combination of both.
- (6) In paragraph (5)(a) “compliance condition” means—
- (a) a condition that the failure ceases, or
  - (b) a condition relating to—
    - (i) future compliance with a jobseeker's direction or any requirement imposed under Article 10(1) or (1A) or 19A, or
    - (ii) future avoidance of the failures referred to in paragraph (2)(d) to (g).
- (7) A compliance condition specified under paragraph (5)(a) may be—
- (a) revoked or varied by the Department;
  - (b) notified to the claimant in such manner as the Department may determine.
- (8) The period fixed under paragraph (5)(b) may in particular depend on either or both of the following—
- (a) the number of failures by the claimant sanctionable under this Article;
  - (b) the period between such failures.
- (9) Regulations may provide—
- (a) for cases in which no reduction is to be made under this Article;
  - (b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.
- (10) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this Article by virtue of a failure by one of the claimants which is sanctionable under this Article, the allowance is payable to the other member of the couple.
- (11) In this Article—
- (a) “jobseeker's direction” means a direction given by an employment officer (in such manner as he thinks fit) with a view to achieving one or both of the following—
    - (i) assisting the claimant to find employment;
    - (ii) improving the claimant's prospects of being employed;
  - (b) “training scheme” and “employment programme” have such meaning as may be prescribed.]



**F82** Arts. 21-21C substituted (1.6.2016 for specified purposes, 27.9.2017 in so far as not already in force) for art. 21 by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), **52(1)**; [S.R. 2016/234](#), art. 2(2)(a)(i); [S.R. 2017/190](#), art. 3(1)(2)(c)

**F83** Arts. 21-21C repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 4**; [S.R. 2017/190](#), art. 9 (with arts. 10-25)

### Claimants ceasing to be available for employment etc.

**21B.**—<sup>F83</sup>(1) Regulations may make provision for reduction of the amount of an award of a jobseeker's allowance other than a joint-claim jobseeker's allowance if the claimant—

- (a) was previously entitled to such an 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) Regulations may make provision for reduction of the amount of a joint-claim jobseeker's allowance if one of the claimants—

- (a) 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).

(3) Regulations may make provision for reduction of the amount of an award of joint-claim jobseeker's allowance 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).

(4) Regulations are to provide for—

- (a) the amount of a reduction under this Article;
- (b) the period for which such a reduction has effect.

(5) The period referred to in paragraph (4)(b) must not include any period after the end of the period of 13 weeks beginning with the day on which the claimant's previous entitlement ceased.

(6) Regulations under paragraph (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—

- (a) the number of occasions on which a claimant's entitlement has ceased as specified in paragraph (1), (2) or (3);
- (b) the period between such occasions.

(7) Regulations may provide for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.

(8) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this Article by virtue of a failure by one of the claimants to comply with the condition in Article 3(2)(a) or (c), the allowance is payable to the other member of the couple.]

*Status: Point in time view as at 15/11/2017.*

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- F82** Arts. 21-21C substituted (1.6.2016 for specified purposes, 27.9.2017 in so far as not already in force) for art. 21 by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), **52(1)**; [S.R. 2016/234](#), art. 2(2)(a)(i); [S.R. 2017/190](#), art. 3(1)(2)(c)
- F83** Arts. 21-21C repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 4**; [S.R. 2017/190](#), art. 9 (with arts. 10-25)

## Hardship payments

**21C.**—<sup>[F83]</sup>(1) Regulations may make provision for the making of payments (“hardship payments”) by way of a jobseeker's allowance to a claimant where—

- (a) the amount of the claimant's award is reduced under Articles 21 to 21B, and
  - (b) the claimant is or will be in hardship.
- (2) Regulations under this Article may in particular make provision as to—
- (a) circumstances in which a claimant is to be treated as being or not being in hardship;
  - (b) matters to be taken into account in determining whether a claimant is or will be in hardship;
  - (c) requirements or conditions to be met by a claimant in order to receive hardship payments;
  - (d) the amount or rate of hardship payments;
  - (e) the period for which hardship payments may be made;
  - (f) whether hardship payments are recoverable.]]

- F82** Arts. 21-21C substituted (1.6.2016 for specified purposes, 27.9.2017 in so far as not already in force) for art. 21 by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), **52(1)**; [S.R. 2016/234](#), art. 2(2)(a)(i); [S.R. 2017/190](#), art. 3(1)(2)(c)
- F83** Arts. 21-21C repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 4**; [S.R. 2017/190](#), art. 9 (with arts. 10-25)

## Exemptions from Article 21 <sup>[F84]</sup> and 21A]

**22.**—(1) <sup>[F85]</sup>Nothing in Article 21, or in regulations under that Article, shall be taken to <sup>[F86]</sup>authorise reduction] of a jobseeker's allowance merely because the claimant refuses to seek or accept employment in a situation which is vacant in consequence of a stoppage of work due to a trade dispute.]

(2) <sup>[F85]</sup>Article <sup>[F87]</sup>21A] does not apply, in the circumstances mentioned in paragraph <sup>[F88]</sup>(2)(c) to (g)] of that Article, if—

- (a) a direction is in force under Article 18 with respect to the claimant; and
- (b) he has acted in such a way as to risk—
  - (i) having that direction revoked under paragraph (3)(b) of Article 18; or
  - (ii) having the amount of his jobseeker's allowance reduced by virtue of Article 19, because <sup>F89</sup> he has failed to complete a course of training.]

(3) <sup>[F85]</sup>Regulations shall make provision for the purpose of enabling any person of a prescribed description to accept any employed earner's employment without falling within Article <sup>[F90]</sup>21(2)(b)

or (d)] should he leave that employment voluntarily and without [<sup>F90</sup>good reason] at any time during a trial period.]

(4) In such circumstances as may be prescribed, an income-based jobseeker's allowance shall be<sup>F91</sup> payable in respect of] a claimant even though Article 21 prevents payment of a jobseeker's allowance to him.

(5) A jobseeker's allowance shall be payable by virtue of paragraph (4) only if the claimant has complied with such requirements as to the provision of information as may be prescribed for the purposes of this paragraph.

(6) Regulations under paragraph (4) may, in particular, provide for a jobseeker's allowance payable by virtue of that paragraph to be—

- (a) payable at a prescribed rate;
- (b) payable for a prescribed period (which may differ from the period fixed under Article 21(2) or (3)).

(7) [<sup>F92</sup>In paragraph (3), “trial period” has such meaning as may be prescribed.]

(8) [<sup>F92</sup>Regulations may make provision for determining, for the purposes of this Article, the day on which a person's employment is to be regarded as commencing.]

- F84** Words in art. 22 heading inserted (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 7 para. 6\(a\)](#); S.R. 2017/190, art. 3(1)(2)(h)
- F85** [Art. 22\(1\)-\(3\)](#) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 4](#); S.R. 2017/190, art. 9 (with arts. 10-25)
- F86** Words in art. 22(1) substituted (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 7 para. 6\(b\)](#); S.R. 2017/190, art. 3(1)(2)(h)
- F87** Word in art. 22(2) substituted (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 7 para. 6\(c\)](#); S.R. 2017/190, [art. 3\(1\)\(2\)\(h\)](#)
- F88** Words in art. 22(2) substituted (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 7 para. 6\(c\)](#); S.R. 2017/190, art. 3(1)(2)(h)
- F89** prosp. in pt. subst. by 1998 NI 10
- F90** Words in art. 22(3) substituted (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 7 para. 6\(d\)](#); S.R. 2017/190, art. 3(1)(2)(h)
- F91** 1999 NI 11
- F92** [Art. 22\(7\)\(8\)](#) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 4](#); S.R. 2017/190, art. 9 (with arts. 10-25)

## Denial or reduction of joint-claim jobseeker's allowance

<sup>F93</sup>**22A.** . . . . .

- F93** [Arts. 22A-22D](#) repealed (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 3](#); S.R. 2017/190, art. 3(1)(2)(j)

## Exemptions from Article 22A

<sup>F93</sup>**22B.** . . . . .

**Status:** Point in time view as at 15/11/2017.

**Changes to legislation:** The Jobseekers (Northern Ireland) Order 1995, Part II is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**F93** Arts. 22A-22D repealed (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 3**; S.R. 2017/190, art. 3(1)(2)(j)

*[<sup>F94</sup>Violent conduct etc. in connection with claim]*

**F94** Arts. 22C-22D and preceding cross-heading inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 20(2), 36(1)(f)**

**Sanctions for violent conduct etc. in connection with claim**

<sup>F95</sup>**22C** .....

**F95** Art. 22D repealed (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 7 para. 7, Sch. 12 Pt. 3**; S.R. 2017/190, art. 3(1)(2)(h)(j)

**Article 22C: supplementary**

<sup>F95</sup>**22D** .....

**F95** Art. 22D repealed (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 7 para. 7, Sch. 12 Pt. 3**; S.R. 2017/190, art. 3(1)(2)(h)(j)

*Miscellaneous*

**[<sup>F96</sup>Contracting out**

**22E.**—<sup>F97</sup>[<sup>F98</sup>(1) .....

(2) The following functions of officers of the Department <sup>F99</sup>... may be exercised by, or by employees of, such person (if any) as that Department may authorise for the purpose, namely—

- (a) specifying places and times, and being contacted, under Article 10;
- (b) entering into or varying any jobseeker's agreement under Article 11 or 12 and referring any proposed agreement or variation to the Department under Article 11 or 12;
- (c) giving notifications under Article 18 <sup>F100</sup> ...;

<sup>F101</sup>(d) .....

(3) Regulations may provide for any of the following functions of the Department <sup>F102</sup>... to be exercisable by, or by employees of, such person (if any) as that Department may authorise for the purpose—

- (a) any function under regulations under Article 10, <sup>F103</sup>... 19A <sup>F103</sup>..., except the making of an excluded decision (see paragraph (4));
- (b) the function under Article 10(1) of the 1998 Order (revision of decisions) so far as relating to decisions (other than excluded decisions) that relate to any matter arising under any such regulations;

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- (c) the function under Article 11(1) of the 1998 Order (superseding of decisions) so far as relating to decisions (other than excluded decisions) that relate to any matter arising under any such regulations;
  - (d) any function under Chapter 2 of Part 2 of the 1998 Order (social security decisions), except Article 25(2) and (3) (decisions involving issues arising on appeal in other cases), which relates to the exercise of any of the functions within sub-paragraphs (a) to (c).
- (4) Each of the following is an “excluded decision” for the purposes of paragraph (3)—
- (a) a decision about whether a person has failed to comply with a requirement imposed by regulations under Article 10, <sup>F104</sup> ... or 19A;
  - (b) a decision about whether a person had good cause for failure to comply with such a requirement;
  - (c) a decision about not paying or reducing a jobseeker's allowance in consequence of a failure to comply with such a requirement.
- (5) Regulations under paragraph (3) may provide that a function to which that paragraph applies may be exercised
- (a) either wholly or to such extent as the regulations may provide,
  - (b) either generally or in such cases as the regulations may provide, and
  - (c) either unconditionally or subject to the fulfilment of such conditions as the regulations may provide.
- (6) An authorisation given by virtue of any provision made by or under this Article may authorise the exercise of the function concerned—
- (a) either wholly or to such extent as may be specified in the authorisation,
  - (b) either generally or in such cases as may be so specified, and
  - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified;
- but, in the case of an authorisation given by virtue of regulations under paragraph (3), this paragraph is subject to the regulations.
- (7) An authorisation given by virtue of any provision made by or under this Article—
- (a) may specify its duration,
  - (b) may be revoked at any time by the Department <sup>F105</sup> ..., and
  - (c) does not prevent the Department <sup>F106</sup> ... or any other person from exercising the function to which the authorisation relates.
- (8) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Department <sup>F107</sup> ... or (as the case may be) an officer of that Department.
- (9) But paragraph (8) does not apply—
- (a) for the purposes of so much of any contract made between the authorised person and the Department <sup>F108</sup> ... as relates to the exercise of the function, or
  - (b) for the purposes of any criminal proceedings brought in respect of anything done by the authorised person (or an employee of that person).
- (10) Any decision which an authorised person makes in exercise of a function of the Department <sup>F109</sup> ... has effect as a decision of the Department under Article 9 of the 1998 Order.
- (11) Where—

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(a) the authorisation of an authorised person is revoked at any time, an  
 (b) at the time of the revocation so much of any contract made between the authorised person and the Department <sup>F110</sup>... as relates to the exercise of the function is subsisting,  
 the authorised person is entitled to treat the contract as repudiated by the Department <sup>F110</sup>... (and not as frustrated by reason of the revocation).

(12) In this Article—

- (a) “the 1998 Order” means the Social Security (Northern Ireland) Order 1998;
- (b) “authorised person” means a person authorised to exercise any function by virtue of any provision made by or under this Article;
- (c) references to functions of the Department <sup>F111</sup>... under any statutory provision include functions which the Department has by virtue of the application of Article 9(1)(c) of the 1998 Order in relation to the statutory provision.]]

- F96** Art. 22E inserted (20.6.2011 for specified purposes otherwise prosp.) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), **ss. 26(2)**, 36(2); S.R. 2011/213, **art. 2**
- F97** Art. 22E(1) (as inserted by 2010 c. 13 (N.I.), s. 26(2)) repealed (17.2.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **art. 2(2)**, **Sch. 12 Pt. 2**; S.R. 2016/46, **art. 3(6)(b)**
- F98** Art. 22E repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **art. 2(2)**, **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)
- F99** Words in art. 22E(2) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), **art. 1(3)**, **Sch. 6 para. 44(a)** (with art. 9(2))
- F100** Words in art. 22E(2)(c) (as inserted by 2010 c. 13 (N.I.), s. 26(2)) repealed (17.2.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **art. 2(2)**, **Sch. 12 Pt. 2**; S.R. 2016/46, **art. 3(6)(b)**
- F101** Art. 22E(2)(d) (as inserted by 2010 c. 13 (N.I.), s. 26(2)) repealed (17.2.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **art. 2(2)**, **Sch. 12 Pt. 2**; S.R. 2016/46, **art. 3(6)(b)**
- F102** Words in art. 22E(3) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), **art. 1(3)**, **Sch. 6 para. 44(a)** (with art. 9(2))
- F103** Words in art. 22E(3)(a) (as inserted by 2010 c. 13 (N.I.), s. 26(2)) repealed (17.2.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **art. 2(2)**, **Sch. 12 Pt. 2**; S.R. 2016/46, **art. 3(6)(b)**
- F104** Word in art. 22E(4)(a) (as inserted by 2010 c. 13 (N.I.), s. 26(2)) repealed (17.2.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), **art. 2(2)**, **Sch. 12 Pt. 2**; S.R. 2016/46, **art. 3(6)(b)**
- F105** Words in art. 22E(7)(b) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), **art. 1(3)**, **Sch. 6 para. 44(b)** (with art. 9(2))
- F106** Words in art. 22E(7)(c) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), **art. 1(3)**, **Sch. 6 para. 44(b)** (with art. 9(2))
- F107** Words in art. 22E(8) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), **art. 1(3)**, **Sch. 6 para. 44(b)** (with art. 9(2))
- F108** Words in art. 22E(9)(a) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), **art. 1(3)**, **Sch. 6 para. 44(b)** (with art. 9(2))
- F109** Words in art. 22E(10) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), **art. 1(3)**, **Sch. 6 para. 44(c)** (with art. 9(2))
- F110** Words in art. 22E(11) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), **art. 1(3)**, **Sch. 6 para. 44(d)** (with art. 9(2))
- F111** Words in art. 22E(12)(c) omitted (8.5.2016) by virtue of [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), **art. 1(3)**, **Sch. 6 para. 44(e)** (with art. 9(2))

## Supplementary provisions

23. Further provisions in relation to a jobseeker's allowance are set out in Schedule 1.

## Members of the forces

24.—(1) Regulations may modify any provision of this Order, in such manner as the Secretary of State thinks proper, in its application to persons who are or have been members of Her Majesty's forces.

(2) <sup>F112</sup>The regulations may, in particular, provide for <sup>F113</sup>Article 21(2)(b)] not to apply in relation to a person who is discharged from Her Majesty's forces at his own request.]

(3) For the purposes of this Article, Her Majesty's forces shall be taken to consist of such establishments and organisations in which persons serve under the control of the Defence Council as may be prescribed by regulations made by the Secretary of State.

(4) The power to make regulations under this Article is exercisable by statutory instrument.

**F112** Art. 24(2) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, art. 9 (with arts. 10-25)

**F113** Words in art. 24(2) substituted (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 7 para. 8**; S.R. 2017/190, art. 3(1)(2)(h)

## Recovery of sums in respect of maintenance

25.—<sup>F114</sup>(1) Regulations may make provision for the court to have power to make a recovery order against any person where an award of income-based jobseeker's allowance has been made to that person's spouse<sup>F115</sup> or civil partner].

(2) In this Article "recovery order" means an order requiring the person against whom it is made to make payments to the Department or to such other person or persons as the court may determine.

(3) Regulations under this Article may make provision for the transfer by the Department of the right to receive payments under, and to exercise rights in relation to, a recovery order.

(4) Regulations made under this Article may, in particular, include provision—

(a) as to the matters to which the court is, or is not, to have regard in determining any application under the regulations; and

(b) as to the enforcement of recovery orders.

(5) In this Article, "the court" means a court of summary jurisdiction.]

**F114** Art. 25 repealed (27.9.2017, 15.11.2017, 13.12.2017, 17.1.2018, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, **Sch. 2** (with arts. 7, 8, 10-25, **Sch. 3**); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)

**F115** 2004 c.33

## Effect of alteration of rates

26. In the Administration Act, insert after section 139—

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**“Effect of alteration of rates of a jobseeker's allowance.**

**139A.**—(1) This section applies where—

- (a) an award of a jobseeker's allowance is in force in favour of any person ( “the recipient”); and
- (b) an alteration—
  - (i) in any component of the allowance, or
  - (ii) in the recipient's benefit income, affects the amount of the jobseeker's allowance to which he is entitled.

(2) Subsection (3) applies where, as a result of the alteration, the amount of the jobseeker's allowance to which the recipient is entitled is increased or reduced.

(3) As from the commencing date, the amount of the jobseeker's allowance payable to or for the recipient under the award shall be the increased or reduced amount, without any further decision of an adjudication officer, and the award shall have effect accordingly.

(4) In any case where—

- (a) here is an alteration of a kind mentioned in subsection (1)(b); and
- (b) before the commencing date (but after that date is fixed) an award of a jobseeker's allowance is made in favour of a person,

the award may provide for the jobseeker's allowance to be paid as from the commencing date, in which case the amount of the jobseeker's allowance shall be determined by reference to the components applicable on that date, or may provide for an amount determined by reference to the components applicable at the date of the award.

(5) In this section—

“alteration” means—

- (a) in relation to any component of a jobseeker's allowance, its alteration by or under any enactment; and
- (b) in relation to a person's benefit income, the alteration of any of the applicable sums by any enactment or by an order under section 132 above, to the extent that any such alteration affects the amount of the recipient's benefit income;

“applicable sums” has the same meaning as in section 139 above;

“benefit income”, in relation to a recipient, means so much of his income as consists of—

- (a) benefit under the Contributions and Benefits Act; or
- (b) a war disablement pension or war widow's pension;

“the commencing date” in relation to an alteration, means the date on which the alteration comes into operation in relation to the recipient;

“component”, in relation to a jobseeker's allowance, means any of the sums specified in regulations under the Jobseekers (Northern Ireland) Order 1995 which are relevant in calculating the amount payable by way of a jobseeker's allowance.”

**Age increases**

**27.** In the Administration Act, insert after section 140—



**“Implementation of increases in income-based jobseeker's allowance due to attainment of particular ages.**

**140A.**—(1) This section applies where—

- (a) an award of an income-based jobseeker's allowance is in force in favour of a person ( “the recipient”); and
- (b) a component has become applicable, or applicable at a particular rate, because he or some other person has reached a particular age ( “the qualifying age”).

(2) If, as a result of the recipient or other person reaching the qualifying age, the recipient becomes entitled to an income-based jobseeker's allowance of an increased amount, the amount payable to or for him under the award shall, as from the day on which he becomes so entitled, be that increased amount, without any further decision of an adjudication officer; and the award shall have effect accordingly.

(3) Subsection (2) above does not apply where, in consequence on the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to—

- (a) a benefit under the Contributions and Benefits Act; or
- (b) a jobseekers's allowance.

(4) Subsection (3)(b) above does not apply to the question—

- (a) whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in the recipient's case; and
- (b) whether, in consequence, the amount of his income-based jobseeker's allowance falls to be varied.

(5) In this section “component”, in relation to a recipient and his jobseeker's allowances, means any of the amounts determined in accordance with regulations made under Article 6(5) of the Jobseekers (Northern Ireland) Order 1995.”.

**Status:**

Point in time view as at 15/11/2017.

**Changes to legislation:**

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