

SCHEDULES

SCHEDULE 1

AMENDMENTS CONNECTED TO SECTION 4

PART 1

AMENDMENTS OF JOBSEEKERS (NORTHERN IRELAND) ORDER 1995

Directions given by officers of Departments etc.

4. After Article 20 insert—

“Claimants to comply with directions etc.

Requirements imposed on claimants by officers of Departments, etc.

20A.—(1) A claimant must carry out any direction given by an officer of the Department or of the Department for Employment and Learning to the claimant with a view to achieving one or both of the following—

- (a) assisting the claimant to find employment;
- (b) improving the claimant’s existing or future prospects of being or remaining employed.

(2) A direction under paragraph (1)—

- (a) must be reasonable, having regard to the claimant’s circumstances;
- (b) must be in writing; and
- (c) may be varied or revoked by a subsequent direction given under that paragraph.

(3) If an officer of the Department or of the Department for Employment and Learning notifies a claimant of a place on a training scheme which is vacant or about to become vacant, the claimant

- (a) must apply for the place; and
- (b) if offered the place, must accept it and attend the scheme.

(4) If an officer of the Department or of the Department for Employment and Learning notifies a claimant of a place on an employment programme which is vacant or about to become vacant, the claimant—

- (a) must apply for the place; and
- (b) if offered the place, must accept it and attend the programme.

(5) If an officer of the Department or of the Department for Employment and Learning notifies a claimant of a situation in any employment which is vacant or about to become vacant, the claimant—

- (a) must apply for the situation; and
- (b) if offered the situation, must accept it.

(6) In the case of a person whose claim to a jobseeker's allowance is based on meeting condition B in Article 3A—

- (a) a paragraph (1)(a) direction may not be given except as mentioned in paragraph (7); and
- (b) paragraphs (4) and (5) do not apply (but see paragraph (7)).

(7) If a person whose claim to a jobseeker's allowance is based on meeting condition B in Article 3A so agrees—

- (a) a paragraph (1)(a) direction may be given to the person; and
- (b) a paragraph (1)(b) direction may require the person to apply for a place on an employment programme and, if offered the place, accept it and attend the programme.

(8) Regulations may, in the case of a person of a prescribed description whose claim to a jobseeker's allowance is based on meeting condition B in Article 3A, provide—

- (a) for a paragraph (1)(b) direction not to be given or not to be given in prescribed circumstances;
- (b) for paragraph (3) not to apply or not to apply in prescribed circumstances.

(9) For the purposes of this Article—

“employment programme” has such meaning as may be prescribed;

“paragraph (1)(a) direction” means a direction under paragraph (1) given with a view to achieving the purpose mentioned in sub-paragraph (a) of that paragraph;

“paragraph (1)(b) direction” means a direction under paragraph (1) given with a view to achieving the purpose mentioned in sub-paragraph (b) of that paragraph;

“training scheme” has such meaning as may be prescribed.

Status: This is the original version (as it was originally enacted).

(10) For the purposes of the application of this Article in the case of a joint-claim couple claiming a joint-claim jobseeker's allowance

- (a) a direction or notification under this Article may be given to only one member of the couple, or
- (b) separate directions or notifications under this Article may be given to each member of the couple,

and references in this Article to a claimant are to be read accordingly.

(11) Nothing in any provision of this Article is to be read as prejudicing the generality of any other provision of this Article or of Article 20B.

(12) For the sanctions for failure to comply with this Article, see Articles 21 and 22A (as read with Articles 20C and 20D).

Work-related activity: Article 3A(4) claimants

20B.—(1) Regulations may make provision for or in connection with imposing on a person—

- (a) whose claim to a jobseeker's allowance is based on meeting condition B in Article 3A, and
- (b) who is not a lone parent of a child under the age of 3,

a requirement to undertake work-related activity in accordance with regulations.

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

- (a) prescribing circumstances in which a person is to be subject to any requirement imposed by the regulations (a “relevant requirement”);
- (b) for notifying a person of a relevant requirement;
- (c) prescribing the time or times at which a person who is subject to a relevant requirement is required to undertake work-related activity and the amount of work-related activity the person is required at any time to undertake;
- (d) prescribing circumstances in which a person who is subject to a relevant requirement is, or is not, to be regarded as undertaking work-related activity.

(3) Regulations under this Article may include provision that in such circumstances as the regulations may provide a person's obligation under the regulations to undertake work-related activity at a particular time is not to apply, or is to be treated as not having applied.

(4) Regulations under this Article must include provision for securing that lone parents are entitled (subject to meeting any prescribed conditions)

to restrict the times at which they are required to undertake work-related activity.

(5) In prescribed circumstances, the Department or the Department for Employment and Learning may by direction given to a person subject to a requirement imposed under paragraph (1) provide that the activity specified in the direction is—

- (a) to be the only activity which, in the person's case, is to be regarded as being work-related activity; or
- (b) to be regarded, in the person's case, as not being work-related activity.

(6) But a direction under paragraph (5) may not specify medical or surgical treatment as the only activity which, in any person's case, is to be regarded as being work-related activity.

(7) A direction under paragraph (5) given to any person—

- (a) must be reasonable, having regard to the person's circumstances;
- (b) must be given to the person by being included in an action plan provided to the person under Article 13C; and
- (c) may be varied or revoked by a subsequent direction under that paragraph.

(8) Where a direction under paragraph (5) varies or revokes a previous direction, it may provide for the variation or revocation to have effect from a time before the giving of the direction.

(9) For the purposes of this Article—

“lone parent” means a person who—

- (a) is not a member of a couple, and
- (b) is responsible for, and a member of the same household as, a child;

“work-related activity”, in relation to a person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so.

(10) Nothing in this Article is to be read as prejudicing the generality of any provision of Article 20A.

(11) For the sanctions for failure to comply with this Article, see Article 21 (as read with Articles 20C and 20D).”.