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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**

*Miscellaneous*

**[<sup>F1</sup>Contracting out**

**22E.—<sup>F2</sup>(1)** .....

(2) The following functions of officers of the Department <sup>F3</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>F4</sup>....;

<sup>F5</sup>(d) .....

(3) Regulations may provide for any of the following functions of the Department <sup>F6</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>F7</sup>... 19A <sup>F7</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;
  - (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>F8</sup>... or 19A;
  - (b) a decision about whether a person had good cause for failure to comply with such a requirement;

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- (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>F9</sup>..., and
  - (c) does not prevent the Department <sup>F10</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>F11</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>F12</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>F13</sup>... has effect as a decision of the Department under Article 9 of the 1998 Order.
- (11) Where—
- (a) the authorisation of an authorised person is revoked at any time, and
  - (b) at the time of the revocation so much of any contract made between the authorised person and the Department <sup>F14</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>F14</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;

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- (c) references to functions of the Department <sup>F15</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.]

- F1** 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](#)
- F2** 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\(6\)\(b\)](#)
- F3** 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\(2\)\)](#)
- F4** 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\(6\)\(b\)](#)
- F5** 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\(6\)\(b\)](#)
- F6** 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\(2\)\)](#)
- F7** 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\(6\)\(b\)](#)
- F8** 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\(6\)\(b\)](#)
- F9** 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\(2\)\)](#)
- F10** 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\(2\)\)](#)
- F11** 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\(2\)\)](#)
- F12** 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\(2\)\)](#)
- F13** 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\(2\)\)](#)
- F14** 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\(2\)\)](#)
- F15** 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) The regulations may, in particular, provide for Article 21(6)(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.

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

### **Recovery of sums in respect of maintenance**

**25.**—(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>F16</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.

**F16** [2004 c.33](#)

### **Effect of alteration of rates**

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

#### **“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—

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“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.”

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