STATUTORY INSTRUMENTS

# 1995 No. 2705

# The Jobseekers (Northern Ireland) Order 1995

## Part IV

### Miscellaneous and Supplemental

**Termination of awards**

**32.**—(1) Regulations may make provision allowing, in prescribed circumstances, an award of income support to be brought to an end by[F1] an adjudication officer where the person to whom it was made, or where he is a member of a**[**[F2] couple**]** his partner**[**[F3] or the couple**]**, will be entitled to a jobseeker's allowance if the award is brought to an end.

(2) Regulations may make provision allowing, in prescribed circumstances, an award of a jobseeker's allowance to be brought to an end by[F1] an adjudication officer where the person to whom it was made, or where he is a member of a**[**[F2] couple**]** his partner**[**[F3] or where the award was made to a couple a member of the couple,**]**, will be entitled to income support if the award is brought to an end.

(3) In this Article "partner" means the other member of the couple concerned.

**F1** prosp. in pt. subst. by 1998 NI 10
**F2** 2004 c.33
**F3** 1999 NI 11

**Insolvency**

**33.**—(1) In section 69 of the Administration Act (overpayments), after subsection (10) insert—

"(10A) Where—

(a) a jobseeker's allowance is payable to a person from whom any amount is recoverable as mentioned in subsection (8) above; and

(b) that person is subject to a bankruptcy order,

a sum deducted from that benefit under that subsection shall not be treated as income of his for the purposes of the Insolvency (Northern Ireland) Order 1989.".

(2) In section 74 of the Administration Act (recovery of social fund awards), after subsection (3) insert—

"(3A) Where—

(a) a jobseeker's allowance is payable to a person from whom an award is recoverable under subsection (3) above; and

(b) that person is subject to a bankruptcy order,

a sum deducted from that benefit under subsection (2) above shall not be treated as income of his for the purposes of the Insolvency (Northern Ireland) Order 1989.".

*Art. 34 rep. 2000 c. 4 (NI)*

### Offences

**35.** *Para.(1) rep. by 1997 NI 11*

*Paras. (2), (3) rep. by 2000 c. 4 (NI)*

*Para.(4) rep. by 1997 NI 11*

*Paras. (5)#(7) rep. by 2000 c. 4 (NI)*

### Regulations and orders

**36.**—(1) Where any power under this Order to make regulations or orders is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes.

(2) Any such power includes power—

(a) to make such incidental, supplemental, consequential or transitional provision as appears to the Department or Secretary of State**[**[F4] or (in the case of regulations made by the Treasury) to the Treasury,**]** to be expedient; and

(b) to provide for a person to exercise a discretion in dealing with any matter.

**[**[F5](2A) **[**[F6]The Statutory Rules (Northern Ireland) Order 1979 shall not apply to any order under Article 2(2) in relation to employment officers.**]]**

(3) Any power to make regulations or an order for the purposes of any provision of this Order is without prejudice to any power to make regulations or an order for the purposes of any other provision.

**[**[F7](4) **[**[F8]Without prejudice to the generality of the provisions of this Article—

(a) regulations under Article 19A may make different provision for different areas;

(b) regulations under Article 19A may make provision which applies only in relation to an area or areas specified in the regulations.**]]**

**F4** SI 1999/671

**F5** Art. 36(2A) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 7 para. 9**; S.R. 2017/190, art. 3(1)(2)(h)

**F6** Art. 36(2A) 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)

**F7** Art. 36(4) added (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 1(3)**, 36(1)(a)

**F8** Art. 36(4) 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)

### Assembly, etc. control

**37.**—(1) Paragraph (2) applies in relation to the following regulations (whether made alone or with other regulations)—

(a) regulations made under any provision of this Order other than—

(i) Article **[**[F9]8, 9**]**, 28,**[**[F10] 29,**]** 31 or 39, or

(ii) paragraph (b) of the definition of "pension payments" in Article 2(2), or

(iii) paragraph 17 of Schedule 1, before the date on which jobseeker's allowances first become payable;

(b) the first regulations to be made under Article 28;

(c) regulations made under Article [F11]... [F12][[F13]...,] 31, paragraph (b) of the definition of "pension payments" in Article 2(2) or paragraph [[F14][[F15]8B or]] 17 of Schedule 1.

(2) Regulations to which this paragraph applies shall be laid before the Assembly after being made and shall take effect on such date as may be specified in the regulations, but shall (without prejudice to the validity of anything done thereunder or to the making of new regulations) cease to have effect upon the expiration of a period of six months from that date unless at some time before the expiration of that period the regulations have been approved by a resolution of the Assembly.

(3) Regulations or orders made under this Order by the Department, other than orders made under Article 1(2),[[F16] 10(3)] 11(13) [F17] or 21(10)(a) shall be subject to negative resolution.

(4) Regulations made under this Order by the Secretary of State[[F10] or the Treasury] shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**F9** Words in art. 37(1)(a)(i) 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)

**F10** SI 1999/671

**F11** Words in art. 37(1)(c) repealed (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **53**; S.R. 2016/46, art. 3(2)(a)

**F12** Word in art. 37(1)(c) 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)

**F13** Word in art. 37(1)(c) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 20(3)**, 36(1)(f)

**F14** Words in art. 37(1)(c) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 23(2)**, 36(1)(h)

**F15** Words in art. 37(1)(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 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)

**F16** 1999 NI 11

**F17** prosp. in pt. inserted by 1998 NI 10

### General financial arrangements

**38.**—(1) There shall be paid out of the National Insurance Fund and into the Consolidated Fund sums estimated by the Department to balance payments made by it by way of [[F18]contribution-based] jobseeker's allowance.

(2) The Department shall pay into the National Insurance Fund sums estimated by it to balance sums recovered by it in connection with payments of [[F18]contribution-based] jobseeker's allowance.

(3) The[[F19] Commissioners of Inland Revenue] shall pay into the National Insurance Fund sums estimated by[[F19] them] to be equal to the aggregate of the amounts deducted by employers in accordance with regulations under Article 29.

(4) [[F20]The Department shall pay into the Consolidated Fund sums estimated by it to balance sums recovered by it in connection with payments made by way of income-based jobseeker's allowance.]

(5) Estimates under this Article shall be made by the**[**[F19] relevant authority**]**

(a) in any manner which, after consulting the Government Actuary or the Deputy Government Actuary,**[**[F19] the relevant authority consider**]** appropriate and the Department of Finance and Personnel has approved; and

(b) at such times as**[**[F19] the relevant authority consider**]** appropriate and the Department of Finance and Personnel has approved.

(6) Payments which are required to be made by this Article shall be made at such times and in such manner as the**[**[F19] relevant authority**]** considers appropriate and the**[**[F19] relevant financial authority**]** has approved.

**[**[F19](7) In paragraphs (5) and (6) "the relevant authority" and "the relevant financial authority" means, respectively—

(a) in relation to any estimate or payment to be made by the Department, the Department and the Department of Finance and Personnel, or

(b) in relation to any estimate or payment to be made by the Commissioners of Inland Revenue, the Commissioners of Inland Revenue and the Treasury.**]**

**F18** Words in art. 38(1)(2) repealed (27.9.2017 for specified purposes, 15.11.2017 and 13.12.2017 for specified purposes, 17.1.2018 and further specified dates for specified purposes, 16.5.2018 and further specified dates for specified purposes, 5.9.2018 and further specified dates for specified purposes, 1.2.2019 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); S.R. 2018/138, art. 4 (with art. 5); S.R. 2019/7, art. 2(5)-(7) (with art. 2(8)-(12))

**F19** SI 1999/671

**F20** Art. 38(4) repealed (27.9.2017 for specified purposes, 15.11.2017 and 13.12.2017 for specified purposes, 17.1.2018 and further specified dates for specified purposes, 16.5.2018 and further specified dates for specified purposes, 5.9.2018 and further specified dates for specified purposes, 1.2.2019 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); S.R. 2018/138, art. 4 (with art. 5); S.R. 2019/7, art. 2(5)-(7) (with art. 2(8)-(12))

### Transitional provisions

**39.**—(1) The Department or the Secretary of State may by regulations make such transitional provision, consequential provision or savings as it or he considers necessary or expedient for the purposes of or in connection with—

(a) the coming into operation of any provision of this Order; or

(b) the operation of any enactment repealed or amended by any such provision during any period when the repeal or amendment is not wholly in operation.

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

(a) for the termination or cancellation of awards of unemployment benefit or income support;

(b) for a person whose award of unemployment benefit or income support has been terminated or cancelled under regulations made by virtue of sub-paragraph (a) to be treated as having been awarded a jobseeker's allowance (a "transitional allowance")—

(i) of such a kind,

(ii) for such period,

(iii) of such an amount, and

(iv) subject to such conditions,

as may be determined in accordance with the regulations;

(c) for a person's continuing entitlement to a transitional allowance to be determined by reference to such provision as may be made by the regulations;

(d) for the termination of an award of a transitional allowance,

(e) for the review of an award of a transitional allowance;

(f) for a contribution-based jobseeker's allowance not to be payable for a prescribed period where a person is disqualified for receiving unemployment benefit;

(g) that days which were days of unemployment for the purposes of entitlement to unemployment benefit, and such other days as may be prescribed, are to be treated as having been days during which a person was, or would have been, entitled to a jobseeker's allowance;

(h) that days which were days of entitlement to unemployment benefit, and such other days as may be prescribed, are to be treated as having been days of entitlement to a contribution-based jobseeker's allowance;

(i) that the rate of a contribution-based transitional allowance is to be calculated by reference to the rate of unemployment benefit paid or payable.

(3) The power of the Secretary of State to make regulations under this Article is exercisable by statutory instrument.

*Art. 40—Amendments and repeals*

**Changes to legislation:**
The Jobseekers (Northern Ireland) Order 1995, Part IV is up to date with all changes known to be in force on or before 26 August 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.
View outstanding changes

**Changes and effects yet to be applied to :**

- power to am. (prosp.) by 1998 c. 47 s.87

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Order modified by S.R. 2019/211 art. 2(2)(c) (This amendment not applied to legislation.gov.uk. Affecting Order revoked (19.12.2020) without ever being in force by S.R. 2020/347, arts. 1(1), 2)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 para. 14(1) Sch. 1 para. 14 renumbered as Sch. 1 para. 14(1) by 2010 c. 13 (N.I.) Sch. 1 para. 23(5)(a)
- Sch. 1 para. 2(4) added by 2010 c. 13 (N.I.) Sch. 1 para. 23(2)
- Sch. 1 para. 14(2) inserted by 2010 c. 13 (N.I.) Sch. 1 para. 23(5)(b)
- Sch. 1 para. 14A and cross heading inserted by 2010 c. 13 (N.I.) Sch. 1 para. 23(6)
- Sch. 1 para. 8ZA inserted by S.I. 2015/2006 (N.I.) art. 66(4)
- art. 3(1A) substituted for art. 3(2)-(2D) by 2010 c. 13 (N.I.) s. 4(2)(a)
- art. 3(2)(za) inserted by S.I. 2015/2006 (N.I.) art. 66(2)
- art. 3(3A) inserted by S.I. 2015/2006 (N.I.) art. 66(3)
- art. 3A3B inserted by 2010 c. 13 (N.I.) s. 4(3)
- art. 3A(6) repealed by 2010 c. 13 (N.I.) Sch. 4 Pt. 1
- art. 5(1A) inserted by 2010 c. 13 (N.I.) Sch. 1 para. 11(3)
- art. 11(4A) amendment to earlier affecting provision 2010 c. 13 (N.I.), s. 25(1) by S.I. 2015/2006 (N.I.) Sch. 7 para. 14(2)(b)
- art. 11(4A) inserted by 2010 c. 13 (N.I.) s. 25(1)
- art. 13A-13C and cross-heading inserted by 2010 c. 13 (N.I.) Sch. 1 para. 3
- art. 16(2A) inserted by 2010 c. 13 (N.I.) Sch. 1 para. 16(4)
- art. 17(1)(1A) substituted for art. 17(1) by 2010 c. 13 (N.I.) Sch. 1 para. 17(2)
- art. 17A(1A) inserted by 2010 c. 13 (N.I.) Sch. 1 para. 18(2)
- art. 17B inserted by 2010 c. 13 (N.I.) Sch. 1 para. 19
- art. 20A20B and cross-heading inserted by 2010 c. 13 (N.I.) Sch. 1 para. 4
- art. 20C20D inserted by 2010 c. 13 (N.I.) Sch. 1 para. 5