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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 220**

**The Universal Credit, Personal Independence Payment,  
Jobseeker's Allowance and Employment and Support Allowance  
(Claims and Payments) Regulations (Northern Ireland) 2016**

**PART 2**

Claims

**Time within which a claim for a jobseeker's allowance is to be made**

**28.**—(1) Subject to paragraphs (2) and (4), a claim for a jobseeker's allowance must be made on the first day of the period in respect of which the claim is made.

(2) In a case where the claim is not made within the time specified in paragraph (1), the Department is to extend the time for claiming a jobseeker's allowance, subject to a maximum extension of 3 months, to the date on which the claim is made, where—

- (a) any one or more of the circumstances specified in paragraph (3) applies or has applied to the claimant; and
  - (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.
- (3) The circumstances referred to in paragraph (2) are—
- (a) the claimant has difficulty communicating because—
    - (i) the claimant has learning, language or literacy difficulties, or
    - (ii) the claimant is deaf or blind,and it was not reasonably practicable for the claimant to obtain assistance from another person to make the claim;
  - (b) the claimant was caring for a person who is ill or disabled, and it was not reasonably practicable for the claimant to obtain assistance from another person to make the claim;
  - (c) the claimant was given information by an officer of the Department which led the claimant to believe that a claim for a jobseeker's allowance would not succeed;
  - (d) the claimant was given written advice by a solicitor or other professional adviser, a medical practitioner, a Health and Social Care trust or a person working in a Citizens Advice Bureau or a similar advice agency, which led the claimant to believe that a claim for a jobseeker's allowance would not succeed;
  - (e) the claimant was required to deal with a domestic emergency affecting the claimant and it was not reasonably practicable for the claimant to obtain assistance from another person to make the claim; or
  - (f) the claimant was prevented by adverse weather conditions from attending an appropriate office.

(4) In a case where the claim is not made within the time specified in paragraph (1), the prescribed time for claiming a jobseeker's allowance is to be extended, subject to a maximum extension of one month, to the date on which the claim is made, where—

- (a) any one or more of the circumstances specified in paragraph (5) applies or has applied to the claimant; and
- (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.

(5) The circumstances referred to in paragraph (4) are—

- (a) the appropriate office where the claimant would be expected to make a claim was closed and alternative arrangements were not available;
- (b) the claimant was unable to attend the appropriate office due to difficulties with the claimant's normal mode of transport and there was no reasonable alternative available;
- (c) there were adverse postal conditions;
- (d) the claimant was previously in receipt of an employment and support allowance and notification of expiry of entitlement to that benefit was not sent to the claimant before the date that the entitlement expired;
- (e) the claimant had ceased to be a member of a couple within the period of one month before the claim was made;
- (f) during the period of one month before the claim was made a close relative of the claimant had died and for this purpose “close relative” means a partner, parent, son, daughter, brother or sister;
- (g) the claimant was unable to make telephone contact with the appropriate office because the telephone lines to that office were busy or inoperative;
- (h) the claimant was unable to make contact by means of an electronic communication used in accordance with Schedule 1 because the official computer system was inoperative.

(6) In a case where the time for claiming a jobseeker's allowance is extended under paragraph (2) or (4), the claim is to be treated as made on the first day of the period in respect of which the claim is, by reason of the operation of those paragraphs, timeously made.

**Changes to legislation:**

There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016, Section 28.