

This Statutory Rule has been made in consequence of a defect in S.R. 2017 No. 116 and is being issued free of charge to all known recipients of that Statutory Rule.

STATUTORY RULES OF NORTHERN IRELAND

2021 No. 288

SOCIAL SECURITY

The Jobseeker's Allowance and Employment and Support Allowance (Amendment) Regulations (Northern Ireland) 2021

Made - - - - 26th October 2021

Coming into operation - 1st November 2021

The Department for Communities makes the following Regulations in exercise of the powers conferred by Articles 8J(5)(b) and 8K(4)(b) of the Jobseekers (Northern Ireland) Order 1995(a), and now vested in it(b) and section 11J(3)(b) of the Welfare Reform Act (Northern Ireland) 2007(c).

Citation and commencement

1. These Regulations may be cited as the Jobseeker's Allowance and Employment and Support Allowance (Amendment) Regulations (Northern Ireland) 2021 and come into operation on 1st November 2021.

Amendment of the Jobseeker's Allowance Regulations

2. In regulation 19 of the Jobseeker's Allowance Regulations (Northern Ireland) 2016(d) (general principles for calculating reduction periods)—

- (a) in paragraph (1) for “paragraphs (3) and (4)” substitute “paragraph (3)”; and
- (b) omit paragraph (4).

Amendment of the Employment and Support Allowance Regulations

3. In regulation 51 of the Employment and Support Allowance Regulations (Northern Ireland) 2016(e) (general principles for calculating reduction periods)—

- (a) in paragraph (1) for “paragraphs (3) and (4)” substitute “paragraph (3)”; and

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- (a) S.I. 1995/2705 (N.I. 15); Articles 8J and 8K were inserted by Article 55(4) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1))
 - (b) Functions previously exercisable by the Department of Health and Social Services were transferred to the Department for Social Development in accordance with Article 8(b) of, and Part 2 of Schedule 6 to S.R. 1999 No. 481 and the Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
 - (c) 2007 c. 2 (N.I.); section 11J was inserted by Article 63(2) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1))
 - (d) S.R. 2016 No. 218; regulation 19(4) was amended by regulation 10(5) of S.R. 2017 No. 116
 - (e) S.R. 2016 No 219; regulation 51(4) was amended by regulation 11(4) of S.R. 2017 No. 116

(b) omit paragraph (4).

Sealed with the Official Seal of the Department for Communities on 26th October 2021

(L.S.)

Anne McCleary
A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations (Northern Ireland) 2016 (S.R. 2016 No. 218) ("the JSA Regulations") and the Employment and Support Allowance Regulations (Northern Ireland) 2016 (S.R. 2016 No. 219) ("the ESA Regulations") so as to correct an error made in the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2017 (S.R. 2017 No. 116) ("the 2017 Regulations").

The 2017 Regulations omitted sub-paragraph (a) of regulation 19(4) of the JSA Regulations and sub-paragraph (a) of regulation 51(4) of the ESA Regulations whereas they should have omitted the whole of paragraph (4) of each of the respective regulations. These Regulations correct that error and omit paragraph (4) of regulation 19 of the JSA Regulations and paragraph (4) of regulation 51 of the ESA Regulations. The omission of those paragraphs ensures that the provisions in Part 3 of the JSA Regulations and Part 8 of the ESA Regulations can operate effectively. Those provisions set out the length of a sanction where a benefit claimant fails to comply with a work-related requirement.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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