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STATUTORY RULES OF NORTHERN IRELAND

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**2014 No. 150**

**HOUSING; RATES; SOCIAL SECURITY**

**The Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014**

*Made* - - - - *30th May 2014*

*Coming into operation* *2nd June 2014*

The Department for Social Development makes the following regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 132(3), (4)(a) and (b) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(1)</sup>, Articles 14(1) and (4)(a) and (b), 19A(1), (2), (5)(a), (b), (d) to (f) and (6) to (9), 22, 22A, 22B(4) to (6), 22E(3)(a) and 36(2) of the Jobseekers (Northern Ireland) Order 1995<sup>(2)</sup>, Articles 10, 11 and 74(1) of the Social Security (Northern Ireland) Order 1998<sup>(3)</sup>, and now vested in it<sup>(4)</sup>, Articles 61 and 148(1) of the Housing (Northern Ireland) Order 2003<sup>(5)</sup> and section 17(1), (3)(a) and (b) of the Welfare Reform Act (Northern Ireland) 2007<sup>(6)</sup>.

Regulations 13(1)(c), 14(1)(c), 15(1)(c), 16(1)(c) and 17(4) and (5) are made with the consent of the Department of Finance and Personnel<sup>(7)</sup>.

The Social Security Advisory Committee has agreed that proposals in respect of regulations 13(1)(c), 14(1)(c), 15(1)(c), 16(1)(c) and 17(4) and (5) should not be referred to it<sup>(8)</sup>.

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- (1) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
- (2) S.I. 1995/2705 (N.I. 15); Article 19A was inserted by section 1 of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.)), Article 22 was amended by paragraph 27(5) of Schedule 8 and Articles 22A and 22B were inserted by paragraph 14 of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)), Article 22E was inserted by section 26 of the Welfare Reform Act (Northern Ireland) 2010 and Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
- (3) S.I. 1998/1506 (N.I. 10); Article 74(1) was amended by paragraph 17(2) of Schedule 4 to the Tax Credits Act 2002
- (4) See Article 8(b) of S.R. 1999 No. 481
- (5) S.I. 2003/412 (N.I. 2)
- (6) 2007 c. 2 (N.I.)
- (7) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); see also Article 6(b) of S.R. 1999 No. 481
- (8) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

## PART 1

### Schemes for Assisting Persons to Obtain Employment

#### Citation and commencement

1. These Regulations may be cited as the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014 and shall come into operation on 2nd June 2014.

#### Interpretation

2. (1) In these Regulations—

“claimant” means a person who claims a jobseeker’s allowance, except that in relation to a joint-claim couple<sup>(9)</sup> claiming a joint-claim jobseeker’s allowance, it means either or both of the members of the couple;

“the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006<sup>(10)</sup>;

“the Housing Renewal Grants Regulations” means the Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004<sup>(11)</sup>;

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996<sup>(12)</sup>;

“the Order” means the Jobseekers (Northern Ireland) Order 1995;

“working day” means any day except for a Saturday, Sunday, Christmas Day, Good Friday or bank holiday under the Banking and Financial Dealings Act 1971<sup>(13)</sup> in Northern Ireland.

(2) For the purpose of these Regulations where a written notice is given by sending it by post it is taken to have been received on the second working day after posting.

(3) The Interpretation Act (Northern Ireland) 1954<sup>(14)</sup> shall apply to these Regulations as it applies to an Act of the Assembly.

#### Schemes for Assisting Persons to Obtain Employment

3. (1) The scheme described in the following paragraph is prescribed for the purposes of Article 19A(1) of the Order (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc).

(2) Steps 2 Success is a scheme designed to assist claimants who are unemployed, to find and sustain employment by offering such support as the Steps 2 Success Provider considers reasonable and appropriate in the claimant’s circumstances for a period of 12 or 18 months. This support is subject to a Service Guarantee and may include work search support, provision of skills training and work experience placements.

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(9) “joint-claim couple” is defined in Article 2(1) of the Jobseekers (Northern Ireland) Order 1995 as inserted by Article 56 and paragraphs 2(3) and 3(4) of Schedule 7 to, the Welfare Reform and Pensions (Northern Ireland) Order 1999

(10) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2008 Nos. 112 and 428, S.R. 2010 No. 69, S.R. 2011 No. 357 and S.R. 2012 No. 44

(11) S.R. 2004 No. 8

(12) S.R. 1996 No. 198; relevant amending Rules are S.R. 1996 No. 358, S.R. 1998 No. 326, S.R. 1999 Nos. 428 (C. 32) and 391, S.R. 2000 No. 350, S.R. 2001 No.120, S.R. 2002 No. 80, S.R. 2003 No. 195, S.R. 2004 Nos. 163, 308 and 389, S.R. 2005 No. 550, S.R. 2006 No. 97, S.R. 2008 Nos. 112 and 428, S.R. 2009 Nos. 107 and 141, S.R. 2010 No. 69, S.R. 2011 Nos. 291 and 357 and S.R. 2012 No. 44

(13) 1971 c. 80

(14) 1954 c. 33 (N.I.)

### **Selection for participation in a Scheme**

4. (1) The Department or the Department for Employment and Learning may select a claimant for participation in a scheme described in regulation 3.

(2) The scheme in which the claimant is selected to participate is referred to in these Regulations as “the Scheme”.

### **Requirement to participate and notification**

5. (1) Subject to regulation 6, a claimant selected under regulation 4 is required to participate in the Scheme where the Department or the Department for Employment and Learning gives the claimant a notice in writing complying with paragraph (2).

(2) The notice must specify—

- (a) that the claimant is required to participate in the Scheme;
- (b) the day on which the claimant’s participation will start;
- (c) details of what the claimant is required to do by way of participation in the Scheme;
- (d) that the requirement to participate in the Scheme will continue until the claimant is given notice by the Department or the Department for Employment and Learning that the claimant’s participation is no longer required, or the claimant’s award of jobseeker’s allowance terminates, whichever is earlier; and
- (e) information about the consequences of failing to participate in the Scheme.

(3) Any changes made to the requirements mentioned in paragraph (2)(c) after the date on which the claimant’s participation starts must be notified to the claimant in writing.

### **Circumstances in which requirement to participate in the Scheme is suspended or ceases to apply**

6. (1) Paragraph (2) applies where a claimant is—

- (a) subject to a requirement to participate in the Scheme; and
- (b) while the claimant is subject to such a requirement, the Jobseeker’s Allowance Regulations apply so that the claimant is not required to meet the jobseeking conditions<sup>(15)</sup>.

(2) Where this paragraph applies the claimant’s requirement to participate in the Scheme is suspended for the period during which the claimant is not required to meet the jobseeking conditions.

(3) A requirement to participate in the Scheme ceases to apply to a claimant if—

- (a) the Department or the Department for Employment and Learning gives the claimant notice in writing that the claimant is no longer required to participate in the Scheme; or
- (b) the claimant’s award of jobseeker’s allowance terminates,

whichever is earlier.

(4) If the Department or the Department for Employment and Learning gives the claimant a notice in writing under paragraph (3)(a), the requirement to participate in the Scheme ceases to apply on the day specified in the notice.

### **Exemptions from requirement to meet the jobseeking conditions**

7. (1) A claimant who is participating in the Scheme is not required to meet the conditions set out in Article 3(2)(a) and (c) of the Order (conditions for entitlement to a jobseeker’s allowance: available for and actively seeking employment) if the claimant is a full-time student.

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<sup>(15)</sup> See Article 19A(10) of the Order for the meaning of the “jobseeking conditions”

(2) In this regulation “full-time student” has the same meaning as in regulation 1(2) of the Jobseeker’s Allowance Regulations.

## PART 2

### Sanctions

#### **Failure to participate in the Scheme**

**8.** A claimant who fails to comply with any requirement notified under regulation 5 is to be regarded as having failed to participate in the Scheme.

#### **Good cause**

**9.** (1) A claimant who fails to participate in the Scheme must show good cause for that failure within 5 working days of the date on which the Department notifies the claimant of the failure.

(2) The Department must determine whether the claimant has failed to participate in the Scheme and, if so, whether the claimant has shown good cause for the failure.

(3) In deciding whether the claimant has shown good cause for the failure, the Department must take account of all the circumstances of the case, including in particular the claimant’s physical or mental health or condition.

#### **Consequences of failure to participate in the Scheme**

**10.** (1) Where the Department determines that a claimant has failed to participate in the Scheme, and the claimant has not shown good cause for the failure in accordance with regulation 9, the appropriate consequence for the purpose of Article 19A of the Order is as follows.

(2) In the case of a jobseeker’s allowance other than a joint-claim allowance, the appropriate consequence is that the claimant’s allowance is not payable for the period specified in paragraphs (4) to (7) (“the specified period”).

(3) In the case of joint-claim jobseeker’s allowance, the appropriate consequence is that the claimant is to be treated as subject to sanctions for the purposes of Article 22A of the Order (denial or reduction of a joint-claim jobseeker’s allowance) for the specified period.

(4) The period is 2 weeks in a case which does not fall within paragraph (5), (6) or (7).

(5) The period is 4 weeks where—

- (a) on a previous occasion the Department determined that the claimant’s jobseeker’s allowance was not payable or was payable at a lower rate because the claimant failed without good cause to participate in the Scheme (“the first determination”), and
- (b) a subsequent determination is made no more than 12 months after the date on which the claimant’s jobseeker’s allowance was not payable or was payable at a lower rate following the first determination.

(6) Subject to paragraph (7), the period is 26 weeks where—

- (a) on two or more previous occasions the Department determined that the claimant’s jobseeker’s allowance was not payable or was payable at a lower rate because the claimant failed without good cause to participate in the Scheme, and
- (b) a subsequent determination is made no more than 12 months after the date on which the claimant’s jobseeker’s allowance was not payable or was payable at a lower rate following the most recent previous determination.

(7) Where paragraph (6) applies but the Department is satisfied that the claimant has re-complied in accordance with paragraph (8), the period is either—

- (a) 4 weeks, or
- (b) 4 weeks plus a period which ends with the last day of the benefit week in which the claimant re-complies,

whichever is longer.

(8) The claimant will be taken to have re-complied where, on the same day as or before or after the date on which the Department determines that the claimant has failed to participate in the Scheme, the claimant complies with—

- (a) the requirement as to participation in the Scheme to which the determination relates, or
- (b) such other requirement as to participation as may be made by the Department or the Department for Employment and Learning and notified to the claimant in accordance with regulation 5.

(9) The specified period begins—

- (a) where, in accordance with regulation 26A(1) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987<sup>(16)</sup> (jobseeker's allowance), the claimant's jobseeker's allowance is paid otherwise than fortnightly in arrears, on and including the day following the end of the last benefit week in respect of which that allowance was paid, and
- (b) in any other case, on and including the first day of the benefit week following the date on which the claimant's jobseeker's allowance is determined not to be payable at a lower rate.

(10) Paragraphs (4) to (7) are subject to paragraph (11).

(11) Where the Department or the Department for Employment and Learning notifies the claimant during the specified period that the claimant is no longer required to participate in the Scheme, the specified period terminates at the end of—

- (a) one week beginning with the date of the notice, or
- (b) the benefit week in which the requirement to participate ceases to apply,

whichever is later.

(12) In this regulation "benefit week"<sup>(17)</sup> has the same meaning as in regulation 1(2) of the Jobseeker's Allowance Regulations.

## PART 3

### Hardship

#### Hardship

**11.** (1) The Jobseeker's Allowance Regulations are amended in accordance with paragraphs (2) and (3).

(2) In regulation 140 (meaning of "person in hardship")—

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<sup>(16)</sup> S.R. 1987 No. 465; regulation 26A was inserted by regulation 2(14) of S.R. 1996 No. 354 and amended by regulation 3(4) of S.R. 2000 No. 215

<sup>(17)</sup> The definition of "benefit week" was substituted by regulation 3 of S.R. 2009 No. 107

- (a) in paragraph (1)(f)(i)(18) before “Article 21” insert “a jobseeker’s allowance is not payable pursuant to regulations made under Article 19A of the Order (“work for your benefit” schemes etc.) or because”;
  - (b) in paragraph (2)(19) for “or (4B)” substitute “, (4B) or (4C)”; and
  - (c) after paragraph (4B)(20) insert—
    - “(4C) In paragraph (2), a “person in hardship” does not include a claimant who is required at that time to participate in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014.”.
- (3) In regulation 141(6)(21) (circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship) before “Article 21” insert “regulations made under Article 19A of the Order (“work for your benefit” schemes etc.),”.

### Hardship for joint-claim couples

12. (1) The Jobseeker’s Allowance Regulations are amended in accordance with paragraphs (2) and (3).
- (2) In regulation 146A(22) (meaning of “couple in hardship”)—
    - (a) in paragraph (2)(23) for “or (5A)” substitute “, (5A) or (5B)”; and
    - (b) after paragraph (5A)(24) insert—
      - “(5B) In paragraph (2), a “couple in hardship” does not include a joint-claim couple either or both of whom are at that time required to participate in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014.”.
  - (3) In regulation 146C(6)(25) (circumstances in which a joint-claim jobseeker’s allowance is payable where a joint-claim couple is a couple in hardship) before “Article 22A(5)(a)” insert “regulations made under Article 19A of the Order (“work for your benefit” schemes etc.),”.

## PART 4

### Consequential Amendments

#### Notional Income

13. (1) This regulation applies to the following provisions (which relate to notional income)—
- (a) regulation 105(10A)(26) of the Jobseeker’s Allowance Regulations;
  - (b) regulation 32(10) of the Housing Renewal Grants Regulations; and

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- (18) Paragraph (1)(f)(i) was amended by regulation 2(13) of S.R. 2012 No. 44
  - (19) Paragraph (2) was amended by Article 9(5)(i) of S.R. 1999 No. 428 (C. 32), paragraph 45(b) of Schedule 2 to, S.R. 2000 No. 350 and regulation 2(6)(a) of S.R. 2009 No. 141
  - (20) Paragraph (4B) was inserted by regulation 2(6)(c) of S.R. 2009 No. 141
  - (21) Regulation 141(6) was amended by regulation 2(14) of S.R. 2012 No. 44
  - (22) Regulation 146A was inserted by regulation 2(3) of S.R. 2000 No. 350
  - (23) Paragraph (2) was amended by regulation 2(8)(a) of S.R. 2009 No. 141
  - (24) Paragraph (5A) was inserted by regulation 2(8)(c) of S.R. 2009 No. 141
  - (25) Regulation 146C was inserted by regulation 2(3) of S.R. 2000 No. 350 and paragraph (6) was amended by regulation 2(16) of S.R. 2012 No. 44
  - (26) Regulation 105(10A) was inserted by regulation 2(1)(b) of S.R. 1998 No. 326 and amended by regulation 2(3)(c) of S.R. 1999 No. 391, paragraph 10(e) of Schedule 2 to S.R. 2003 No. 195, regulation 4(2)(d) of S.R. 2006 No. 97, regulation 4(11)(a) of S.R. 2008 No. 112, regulation 4(5)(a) of S.R. 2008 No. 428, regulation 4(3)(b) and (8)(a) of S.R. 2010 No. 69 and regulation 10(7)(a) of S.R. 2011 No. 357

- (c) regulation 39(7)(27) of the Housing Benefit Regulations.
- (2) In each of the provisions to which this regulation applies after sub-paragraph (c) insert—
  - “(ca) “(ca) in respect of a claimant’s participation in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014;”.

### **Notional Capital**

- 14. (1) This regulation applies to the following provisions (which relate to notional capital)—
  - (a) regulation 113(3A)(28) of the Jobseeker’s Allowance Regulations;
  - (b) regulation 39(4) of the Housing Renewal Grants Regulations; and
  - (c) regulation 46(4)(29) of the Housing Benefit Regulations.
- (2) In each of the provisions to which this regulation applies after sub-paragraph (b) insert—
  - “(ba) “(ba) in respect of a claimant’s participation in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014;”.

### **Income to be disregarded**

- 15. (1) This regulation applies to the following provisions (which relate to sums to be disregarded in the calculation of income other than earnings)—
  - (a) Schedule 6 to the Jobseeker’s Allowance Regulations;
  - (b) Schedule 3 to the Housing Renewal Grants Regulations; and
  - (c) Schedule 6 to the Housing Benefit Regulations.
- (2) In each of the provisions to which this regulation applies before paragraph 1 add—
  - “A1. Any payment made to the claimant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014.”.

### **Capital to be disregarded**

- 16. (1) This regulation applies to the following provisions (which relate to capital to be disregarded)—
  - (a) Schedule 7 to the Jobseeker’s Allowance Regulations;
  - (b) Schedule 4 to the Housing Renewal Grants Regulations; and
  - (c) Schedule 7 to the Housing Benefit Regulations.
- (2) In each of the provisions to which this regulation applies before paragraph 1 add—
  - “A1. Any payment made to the claimant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in a scheme prescribed

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(27) Regulation 39(7) was amended by regulation 6(4) of S.R. 2008 No. 112, regulation 6(3)(a) of S.R. 2008 No. 428, regulation 8(3)(b) and (5)(a) of S.R. 2010 No. 69 and regulation 19(5)(a) of S.R. 2011 No. 357

(28) Regulation 113(3A) was inserted by regulation 3(1)(b) S.R. 1998 No. 326 and amended by regulation 2(3)(c) of S.R. 1999 No.391, paragraph 13(c) of Schedule 2 to S.R. 2003 No. 195, regulation 2(1) and (2)(c) of S.R. 2004 No. 389, regulation 4(3) of S.R. 2005 No. 550, regulation 4(3)(c) of S.R. 2006 No. 97, regulation 4(12) of S.R. 2008 No. 112, regulation 4(5)(c) of S.R. 2008 No. 428, regulation 4(3)(d) and (8)(c) of S.R. 2010 No. 69 and regulation 10(8)(a) of S.R. 2011 No. 357

(29) Regulation 46(4) was amended by regulation 6(4) of S.R. 2008 No. 112, regulation 6(3)(c) of S.R. 2008 No. 428, regulation 8(3)(d) and (5)(c) of S.R. 2010 No. 69 and regulation 19(6)(a) of S.R. 2011 No. 357

in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014 but only for 52 weeks beginning with the date of receipt of the payment.”.

### Consequential amendments relating to Sanctions

17. (1) In regulation 8A(5) of the Social Security (Credits) Regulations (Northern Ireland) 1975(30) (credits for unemployment) after sub-paragraph (b) insert—

“(ba) “(ba) a week in respect of which, because of regulations made under Article 19A of the Jobseekers Order (“work for your benefit” schemes etc.) a jobseeker’s allowance was not payable to the person concerned even though he satisfied the conditions for entitlement to that allowance; or”.

(2) In regulation 3(g) of the Discretionary Financial Assistance Regulations (Northern Ireland) 2001(31) (circumstances in which discretionary housing payments may be made) after “Jobseeker’s Allowance Regulations (Northern Ireland) 1996” add “or regulations made under Article 19A of that Order (“work for your benefit” schemes etc.)”.

(3) In regulation 5(3)(b) of the Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002(32) (meaning of “person in hardship”) for “Article 10” substitute “Articles 10, 19A” and before “circumstances” insert ““work for your benefit” schemes etc.”.

(4) In regulation 2(3) of the Housing Benefit Regulations (interpretation)—

- (a) in sub-paragraph (a)(33) after “Jobseeker’s Allowance Regulations” add “or regulations made under Article 19A of that Order (“work for your benefit” schemes etc.)”; and
- (b) in sub-paragraph (b)(34) after “Jobseeker’s Allowance Regulations” add “or regulations made under Article 19A of that Order”.

(5) In regulation 2(3) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(35) (interpretation)—

- (a) in sub-paragraph (a)(36) after “Jobseeker’s Allowance Regulations” add “or regulations made under Article 19A of that Order (“work for your benefit” schemes etc.)”; and
- (b) in sub-paragraph (b)(37) after “Jobseeker’s Allowance Regulations” add “or regulations made under Article 19A of that Order”.

### Amendment of the Income Support (General) Regulations

18. (1) The Income Support (General) Regulations (Northern Ireland) 1987(38) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 42(4ZA)(39) (notional income) after sub-paragraph (c) insert—

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(30) S.R. 1975 No. 113; regulation 8A was inserted by regulation 2(6) of S.R. 1996 No. 430

(31) S.R. 2001 No. 216; regulation 3(g) was amended by regulation 4(3) of S.R. 2012 No. 44

(32) S.R. 2002 No. 79; regulation 5(3)(b) was amended by regulation 2(5)(b) of S.R. 2011 No. 291

(33) Sub-paragraph (a) was amended by regulation 3(4)(a) of S.R. 2012 No. 44

(34) Sub-paragraph (b) was amended by regulation 3(4)(b) of S.R. 2012 No. 44

(35) S.R. 2006 No. 406; relevant amending regulation is S.R. 2012 No. 44

(36) Sub-paragraph (a) was amended by regulation 3(5)(a) of S.R. 2012 No. 44

(37) Sub-paragraph (b) was amended by regulation 3(5)(b) of S.R. 2012 No. 44

(38) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1998 No. 326, S.R. 1999 No. 391, S.R. 2003 No. 195, S.R. 2004 No. 389, S.R. 2005 No. 550, S.R. 2006 No. 97, S.R. 2008 Nos. 112 and 428, S.R. 2010 No. 69 and S.R. 2011 No. 357

(39) Regulation 42(4ZA) was inserted by regulation 2(2)(b) of S.R. 1998 No. 326 and amended by regulation 2(3)(b) of S.R. 1999 No. 391, paragraph 10(g) of Schedule 1 to S.R. 2003 No. 195, regulation 2(2)(d) of S.R. 2006 No. 97, regulation 2(8) of S.R. 2008 No. 112, regulation 2(5)(a) of S.R. 2008 No. 428, regulation 2(3)(b) and (7)(a) of S.R. 2010 No. 69 and regulation 7(5)(a) of S.R. 2011 No. 357



- “(ca) “(ca) in respect of a person’s participation in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014; or”.
- (3) In regulation 51(3A)(40) (notional capital) after sub-paragraph (b) insert—
- “(ba) “(ba) in respect of a person’s participation in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014; or”.
- (4) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) after paragraph 1 insert—
- “1A. Any payment in respect of any travel or other expenses incurred, or to be incurred, by the claimant in respect of that claimant’s participation in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014.”.
- (5) In Schedule 10 (capital to be disregarded) after paragraph 1 insert—
- “1A. Any payment in respect of any travel or other expenses incurred, or to be incurred, by the claimant in respect of that claimant’s participation in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014, but only for 52 weeks beginning with the date of receipt of the payment.”.

### **Further amendment of the Jobseeker’s Allowance Regulations**

19. (1) The Jobseeker’s Allowance Regulations are amended in accordance with paragraphs (2) to (7).
- (2) In regulation 25(1A)(41) (entitlement ceasing on a failure to comply) in the definition of “relevant notification” after “training scheme” add “or under a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014”.
- (3) In regulation 47(4)(b)(ii)(42) (jobseeking period) before “Article 21” insert “regulations made under Article 19A of the Order (“work for your benefit” schemes etc.) or by virtue of”.
- (4) In regulation 53 (persons treated as not engaged in remunerative work) after paragraph (k) (43) add—
- “(l) “(l) he is participating in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014.”.
- (5) In regulation 55(1)(a)(44) (short periods of sickness) after “(circumstances in which an allowance is not to be payable)” add “or who failed without good cause to comply with regulations made under Article 19A of the Order (“work for your benefit” schemes etc.)”.

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(40) Regulation 51(3A) was inserted by regulation 3(2)(b) of S.R. 1998 No. 326 and amended by regulation 2(3)(b) of S.R. 1999 No. 391, paragraph 13(c) of Schedule 1 to S.R. 2003 No. 195, regulation 2(1) and (2)(b) of S.R. 2004 No. 389, regulation 2(3) of S.R. 2005 No. 550, regulation 2(3)(c) of S.R. 2006 No. 97, regulation 2(11) of S.R. 2008 No. 112, regulation 2(5)(c) of S.R. 2008 No. 428, regulation 2(3)(d) and (7)(c) of S.R. 2010 No. 69 and regulation 7(6)(a) of S.R. 2011 No. 357

(41) Regulation 25(1A) was inserted by regulation 2(2)(g) of S.R. 2012 No. 44

(42) Regulation 47(4) was amended by regulation 14 of S.R. 1996 No. 358, regulation 2(5) of S.R. 2001 No. 120, regulation 5(3) of S.R. 2002 No. 80, regulation 5(2) of S.R. 2011 No. 291 and regulation 2(6) of S.R. 2012 No. 44

(43) Paragraph (k) was added by regulation 2(4) of S.R. 2012 No. 44

(44) Regulation 55(1)(a) was amended by regulation 17(2) of S.R. 1996 No. 358, paragraph 17 of Schedule 2 to S.R. 2000 No. 350 and regulation 2(7) of S.R. 2012 No. 44

(6) In regulation 55A(1)(a)(45) (periods of sickness and persons receiving treatment outside Northern Ireland) after “(circumstances in which an allowance is not to be payable)” add “or who failed without good cause to comply with regulations made under Article 19A of the Order (“work for your benefit” schemes etc.)”.

(7) In regulation 152(1)(c)(46) (relevant week) before “Article 21” insert “regulations made under Article 19A of the Order (“work for your benefit” schemes etc.) or in accordance with”.

### **Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations**

**20.** (1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(47) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 3(6)(48) (revision of decisions) after “Jobseekers Order” insert “or with regulations made under Article 19A of that Order”.

(3) In regulation 6(2) (supersession of decisions) after sub-paragraph (f)(49) insert—

“(fa) “(fa) is a decision that a jobseeker’s allowance is payable to a claimant where that allowance ceases to be payable or is reduced by virtue of regulations made under Article 19A of the Jobseekers Order;”.

(4) In regulation 7 (date from which a decision superseded under Article 11 takes effect) after paragraph (8)(50) insert—

“(8ZA) A decision to which regulation 6(2)(fa) applies shall take effect on the day specified in regulation 10(9)(a) or (b) of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014.”.

### **Amendment of the Employment and Support Allowance Regulations**

**21.** (1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(51) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 107(5) (notional income – income due to be paid or income paid to or in respect of a third party) after sub-paragraph (c) insert—

“(ca) “(ca) in respect of a person’s participation in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014; or”.

(3) In regulation 115(5) (notional capital) after sub-paragraph (b) insert—

“(ba) “(ba) in respect of a person’s participation in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014; or”.

(4) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings) after paragraph 1 insert—

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(45) Regulation 55A was inserted by regulation 3(6) of S.R. 2004 No. 308 and paragraph (1)(a) was amended by regulation 2(8) of S.R. 2012 No. 44

(46) Regulation 152(1)(c) was amended by paragraph 50(a) of Schedule 2 to S.R. 2000 No. 350 and regulation 2(17) of S.R. 2012 No. 44

(47) S.R. 1999 No. 162; relevant amending Regulations are S.R. 1999 No. 408, S.R. 2000 No. 365, S.R. 2003 No. 224 and S.R. 2012 No. 44

(48) Regulation 3(6) was amended by regulation 4(a) of S.R. 2000 No. 365 and regulation 3(2)(a) of S.R. 2012 No. 44

(49) Sub-paragraph (f) was substituted by regulation 3(3)(a) of S.R. 1999 No. 408 and amended by regulation 4(b) of S.R. 2000 No. 365, regulation 3(4)(c) of S.R. 2003 No. 224 and regulation 3(2)(b) of S.R. 2012 No. 44

(50) Paragraph (8) was substituted by regulation 3(4) of S.R. 1999 No. 408 and amended by regulation 4(c) of S.R. 2000 No. 365 and regulation 3(2)(c) of S.R. 2012 No. 44

(51) S.R. 2008 No. 280

“1A. Any payment in respect of any travel or other expenses incurred, or to be incurred, by the claimant in respect of that claimant’s participation in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014.”.

(5) In Schedule 9 (capital to be disregarded) after paragraph 1 insert—

“1A. Any payment in respect of any travel or other expenses incurred, or to be incurred, by the claimant in respect of that claimant’s participation in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014, but only for 52 weeks beginning with the date of receipt of the payment.”.

## PART 5

### Contracting Out

#### **Contracting out certain functions in relation to the Scheme**

**22.** (1) Any function of the Department or the Department for Employment and Learning specified in paragraph (2) may be exercised by, or by employees of, such person (if any) as may be authorised by the Department or the Department for Employment and Learning.

(2) The functions are any function under—

- (a) regulation 5 (requirement to participate and notification);
- (b) regulation 6(3)(a) (notice that requirement to participate ceases); and
- (c) regulation 10(8)(b) and (11) (requirements and notices after failures).

Sealed with the Official Seal of the Department for Social Development on 30th May 2014

*Anne McCleary*

A senior officer of the Department for Social  
Development

The Department of Finance and Personnel hereby consents to the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 30th May 2014

*Joanne McBurney*

A senior officer of the Department of Finance  
and Personnel

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for schemes under Article 19A of the Jobseekers (Northern Ireland) Order 1995 (“the Jobseekers Order”) which are designed to assist claimants to obtain employment, and which may include, for any individual, work-related activity, such as work experience or work search.

Part 1 concerns the circumstances in which jobseeker’s allowance claimants are required to participate in the Scheme.

Regulation 3 prescribes “Steps 2 Success” for the purpose of Article 19A of the Jobseekers Order.

Regulation 4 enables the Department or the Department for Employment and Learning to select a claimant to participate in the scheme described in regulation 3 and the scheme the claimant is selected to participate in is referred to in the Regulations as “the Scheme”.

Regulation 5 requires a person so selected to participate in the Scheme upon being notified by the Department or the Department for Employment and Learning from the date specified in the notice. It also sets out the content of the notice.

Regulation 6 sets out the circumstances in which a requirement to participate in the Scheme is suspended and circumstances in which a claimant is not required (or no longer required) to participate in the Scheme. These are where a participant’s award of jobseeker’s allowance terminates or where the Department or the Department for Employment and Learning gives the participant notice in writing that his or her participation is no longer required.

Regulation 7 sets out circumstances in which a claimant participating in the Scheme is not required to meet the jobseeking conditions.

Part 2 deals with failures to participate in the Scheme and good cause for failure to participate.

Regulation 8 provides that a claimant who fails to comply with any of the requirements notified under regulation 5 is to be regarded as having failed to participate in the Scheme.

Regulation 9 provides that a claimant who fails to participate in the Scheme must show good cause for that failure within 5 working days. It is then for the Department to determine whether that claimant has shown good cause, taking into account the claimant’s circumstances.

Regulation 10 provides that if a claimant fails without good cause to participate in the Scheme, the claimant’s jobseeker’s allowance will not be payable or will be reduced for 2, 4 or 26 weeks subject in the last case to a reduction back to 4 weeks where the claimant re-complies. It also makes provision for bringing the sanction period to an end in the case of claimants who are no longer required to participate in the Scheme.

Part 3 allows for an income-based jobseeker’s allowance to be payable even though a sanction applies to the claimant because of a failure without good cause to participate in the Scheme, if the person is a vulnerable person. It does so by amending the hardship provisions in Parts 9 and 9A of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“Jobseeker’s Allowance Regulations”).

Part 4 makes various consequential amendments to other Regulations in relation to a person’s participation in the scheme prescribed in regulation 3.

The following regulations make consequential amendments to the Jobseeker’s Allowance Regulations, the Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland)

2004 and the Housing Benefit Regulations (Northern Ireland) 2006. Regulations 13 and 14 ensure that persons will not be treated as having notional income or notional capital by virtue of their participation in the Scheme prescribed in regulation 3, and regulations 15 and 16 provide that travel and other expenses paid to participants are disregarded as income and capital for the purposes of certain income-related benefits.

Regulations 17 and 20 make consequential amendments to the Social Security (Credits) Regulations (Northern Ireland) 1975, the Discretionary Financial Assistance Regulations (Northern Ireland) 2001, the Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002, the Housing Benefit Regulations (Northern Ireland) 2006, the Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations (Northern Ireland) 2006 and the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 to ensure that, in relation to credits and decisions and appeals the claimant is treated consistently with a claimant who incurs a sanction under Article 21 or 22A of the Jobseekers Order.

Regulation 18 makes consequential amendments to the Income Support (General) Regulations (Northern Ireland) 1987, regulation 19 makes further consequential amendments to the Jobseeker's Allowance Regulations and regulation 21 makes consequential amendments to the Employment and Support Allowance Regulations (Northern Ireland) 2008.

Regulation 22 makes provision for contracting out functions of the Department or the Department for Employment and Learning under the Regulations (with the exception of functions relating to the consideration of good cause and the imposition of sanctions).

In so far as these Regulations are required, for the purposes of regulations 13(1)(c), 14(1)(c), 15(1)(c), 16(1)(c) and 17(4) and (5), to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise they 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, that Act, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.