1999 No. 468

SOCIAL SECURITY

The Jobseeker's Allowance (Amendment No. 2) Regulations (Northern Ireland) 1999

Made . . . . . 24th November 1999

Coming into operation . . 30th November 1999

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 8(4) and 9(4) of the Jobseekers (Northern Ireland) Order 1995(**a**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Jobseeker's Allowance (Amendment No. 2) Regulations (Northern Ireland) 1999 and shall come into operation on 30th November 1999.

(2) In these Regulations "the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**b**).

Circumstances in which a person is to be treated as available for employment

2. In regulation 14(1) of the Jobseeker's Allowance Regulations(**c**) (circumstances in which a person is to be treated as available), after sub-paragraph (*m*) there shall be added the following sub-paragraph—

"(*n*) if—

(i) he is available for employment, or is treated as such, on the day he makes his claim for a jobseeker's allowance, and

(ii) the Department has directed that the prescribed time for claiming a jobseeker's allowance be extended under regulation 19(6) of the Claims and Payments Regulations(**d**) (time for claiming benefit) where the circumstances specified in regulation 19(7)(*d*) of those Regulations applied in relation to an entitlement to incapacity benefit or an entitlement to income support by virtue of paragraph 7 of Schedule 1B to the Income Support Regulations(**e**) (persons incapable of work),

for the period of that extension."

(**a**) S.I. 1995/2705 (N.I. 15)
(**b**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1997 No. 138
(**c**) Relevant amending Regulations are S.I. 1997 No. 138
(**d**) Regulation 19 was substituted by regulation 3(7) of S.R. 1997 No. 156
(**e**) Schedule 1B was inserted by Schedule 1 to S.R. 1996 No. 199

Actively seeking employment in the period at the beginning of a claim

3. In regulation 18A(1) of the Jobseeker's Allowance Regulations(**a**) (actively seeking employment in the period at the beginning of a claim), after "in any case" there shall be inserted ", other than a case which falls within regulation 19(1)(*i*) or (*r*)(**b**),".

Circumstances in which a person is to be treated as actively seeking employment

4.—(1) Regulation 19(1) of the Jobseeker's Allowance Regulations (circumstances in which a person is to be treated as actively seeking employment) shall be amended in accordance with paragraphs (2) and (3).

(2) After sub-paragraph (*h*)(**c**) there shall be inserted the following sub-paragraph—

"(*i*) for any period if he is treated as available for employment to any extent in that period under regulation 14(1)(*h*);".

(3) After sub-paragraph (*q*) there shall be added the following sub-paragraph—

"(*r*) for any period if he is treated as available for employment to any extent in that period under regulation 14(1)(*n*).".

Sealed with the Official Seal of the Department of Health and Social Services on 24th November 1999.

(L.S.) *Bryan Davis*

Assistant Secretary

(**a**) Regulation 18A was inserted by regulation 4 of S.R. 1997 No. 138
(**b**) Sub-paragraphs (*i*) and (*r*) are inserted and added by regulation 4 of these Regulations
(**c**) The original sub-paragraph (*i*) was omitted by regulation 5 of S.R. 1998 No. 138

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Jobseeker's Allowance Regulations (Northern Ireland) 1996 ("the Jobseeker's Allowance Regulations").

Regulation 2 makes provision for treating as available for employment a person whose time for claiming a jobseeker's allowance has been extended in certain circumstances from the usual time (the first day of the period in respect of which the claim is made) by a direction of the Department of Health and Social Services. Those circumstances are that the claimant was previously in receipt of incapacity benefit or income support as a result of incapacity, that notification of expiry of that benefit was not sent to the claimant before the date that his entitlement expired, and that the claimant is available for employment (or is treated as such) on the day that he claims a jobseeker's allowance.

Regulations 3 and 4 make provision for treating as actively seeking employment a person who is treated as available for employment under regulation 2, and a person who has recently been discharged from detention and is treated as available for employment under regulation 14(1)(*h*) of the Jobseeker's Allowance Regulations.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security 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 the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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