

PART II

The Jobseeker's Allowance

*Entitlement***The jobseeker's allowance**

3.—(1) An allowance, to be known as a jobseeker's allowance, shall be payable in accordance with the provisions of this Order.

(2) Subject to the provisions of this Order, a claimant is entitled to a jobseeker's allowance if he—

- (a) ▶¹◀
- (b) has ▶²accepted a claimant commitment ◀;
- (c) ▶³◀

Art. 3(2)(a) to (c) is reproduced as it is maintained in operation in certain circumstances. See Art. 9 of S.R. 2017 No. 190 for details.

(a) is available for employment;

(b) has entered into a jobseeker's agreement which remains in force;

(c) is actively seeking employment

▶⁴(d) satisfies the conditions set out in Article 4; ◀

(e) is not engaged in remunerative work;

▶⁵(f) does not have limited capability for work; ◀

(g) is not receiving relevant education;

(h) is under pensionable age; and

(i) is in Northern Ireland.

(2A) – (2D) ▶⁶◀

Article 3(2A)-(2D) are reproduced below as they are maintained in operation in certain circumstances. See Art. 6 of S.R. 2017 No. 190 for details

▶⁷(2A) Subject to the provisions of this Order, a claimant who is not a member of a joint-claim couple is entitled to a jobseeker's allowance if he satisfies—

- (a) the conditions set out in sub-paragraphs (a) to (c) and (e) to (i) of paragraph (2); and
- (b) the conditions set out in Article 5.

(2B) Subject to the provisions of this Order, a joint-claim couple are entitled to a jobseeker's allowance if—

- (a) a claim for the allowance is made jointly by the couple;
- (b) each member of the couple satisfies the conditions set out in sub-paragraphs (a) to (c) and (e) to (i) of paragraph (2); and

(c) the conditions set out in Article 5A are satisfied in relation to the couple.

(2C) Regulations may prescribe circumstances in which paragraph (2A) is to apply to a claimant who is a member of a joint-claim couple.

(2D) Regulations may, in respect of cases where a person would (but for the regulations) be a member of two or more joint-claim couples, make provision for only one of those couples to be a joint-claim couple; and the provision which may be so made includes provision for the couple which is to be the joint-claim couple to be nominated—

(a) by the persons who are the members of the couples, or

(b) in default of one of the couples being so nominated, by the Department. ◀

(3) A jobseeker's allowance is payable in respect of a week.

(4) ▶⁸◀

Article 3(4) is reproduced below as it is maintained in operation in certain circumstances. See Art. 6 of S.R. 2017 No. 190 for details

(4) In this Order—

“a contribution-based jobseeker's allowance” means a jobseeker's allowance entitlement to which is based on the claimant's satisfying conditions which include those set out in Article 4; ▶⁹◀

“an income-based jobseeker's allowance” means a jobseeker's allowance entitlement to which is based on the claimant's satisfying conditions which include those set out in Article 5 ▶¹⁰or a joint-claim jobseeker's allowance; ◀

▶¹¹“a joint-claim couple” means a ▶¹²couple◀ who—

(a) are not members of any family whose members include a person in respect of whom a member of the couple is entitled to child benefit, and

(b) are of a prescribed description;

“a joint-claim jobseeker's allowance” means a jobseeker's allowance entitlement to which arises by virtue of paragraph (2B). ◀

The contribution-based conditions

4.—(1) The conditions referred to in ▶¹³Article 3(2)(d)◀ are that the claimant—

(a) has actually paid Class 1 contributions in respect of one (“the base year”) of the last two complete years before the beginning of the relevant benefit year and satisfies the additional conditions set out in paragraph (2);

(b) has, in respect of the last two complete years before the beginning of the relevant benefit year, either paid Class 1 contributions or been credited with earnings and satisfies the additional condition set out in paragraph (3);

(c) does not have earnings in excess of the prescribed amount; and

(d) is not entitled to income support.

- (2) The additional conditions mentioned in paragraph (1)(a) are that—
- (a) the contributions have been paid before the week for which the jobseeker's allowance is claimed;
 - ▶¹⁴(b) the claimant's relevant earnings for the base year upon which primary Class 1 contributions have been paid or treated as paid are not less than the base year's lower earnings limit multiplied by 26. ◀
 - ▶¹⁵(2A) Regulations may make provision for the purposes of paragraph (2)(b) for determining the claimant's relevant earnings for the base year.
 - (2B) Regulations under paragraph (2A) may, in particular, make provision—
 - (a) for making that determination by reference to the amount of a person's earnings for periods comprised in the base year;
 - (b) for determining the amount of a person's earnings for any such period by—
 - (i) first determining the amount of the earnings for the period in accordance with regulations made for the purposes of section 3(2) of the Benefits Act, and
 - (ii) then disregarding so much of the amount found in accordance with head (i) as exceeded the base year's lower earnings limit (or the prescribed equivalent). ◀
- (3) The additional condition mentioned in paragraph (1)(b) is that the earnings factor derived ▶¹⁶from so much of the claimant's earnings as did not exceed the upper earnings limit and ◀ upon which primary Class 1 contributions have been paid or treated as paid or from earnings credited is not less, in each of the two complete years, than the lower earnings limit for the year multiplied by 50.
- ▶¹⁷(3A) Where primary Class 1 contributions have been paid or treated as paid on any part of a person's earnings, paragraphs (2)(b) and (3) shall have effect as if such contributions had been paid or treated as paid on so much of the earnings as did not exceed the upper earnings limit. ◀
 - ▶¹⁸(3B) Regulations may—
 - (a) provide for the first set of conditions to be taken to be satisfied in the case of persons—
 - (i) (i)who have been entitled to any prescribed description of benefit during any prescribed period or at any prescribed time, or
 - (ii) (ii)who satisfy other prescribed conditions;
 - (3C) In paragraph (3B)—
 - “the first set of conditions” means the condition set out in paragraph (1)(a) and the additional conditions set out in paragraph (2);
 - “benefit” means—
 - ▶¹⁹(za) universal credit ◀
 - (a) any benefit within the meaning of section 121(1) of the Benefits Act,
 - (b) any benefit under Parts 7 to 12 of the Benefits Act,
 - (c) credits under regulations under section 22(5) of the Benefits Act,
 - (d) a ▶²⁰◀ jobseeker's allowance, and

Article 4(3C)(d) is reproduced below as it is maintained in operation in certain circumstances. See Art. 6 of S.R. 2017 No. 190 for details

- (d) a contribution-based jobseeker's allowance,
 - (e) working tax credit. ◀
- (4) For the purposes of this Article—
- (a) “benefit year” means a period which is a benefit year for the purposes of Part II of the Benefits Act or such other period as may be prescribed for the purposes of this Article;
 - (b) “the relevant benefit year” is the benefit year which includes—
 - (i) the beginning of the jobseeking period which includes the week for which a jobseeker’s allowance is claimed, or
 - (ii) (if earlier) the beginning of any linked period; and
 - (c) other expressions which are used in this Article and the Benefits Act have the same meaning in this Article as they have in that Act.

5-5B ▶²¹◀

Articles 5 – 5B are reproduced below as they are maintained in operation in certain circumstances. See Art. 6 of S.R. 2017 No.190 for details

The income-based conditions

5.—(1) The conditions referred to in ▶²²Article 3(2A)(b)◀ are that the claimant—

- (a) has an income which does not exceed the applicable amount (determined in accordance with regulations under Article 6 or has no income;
- (b) is not entitled to income support ▶²³, state pension credit or an income-related employment and support allowance◀;
- (c) is not a member of a family one of whose members is entitled to income support;
- (d) is not a member of a family one of whose members is entitled to an income-based jobseeker’s allowance;
- ▶²⁴(dd) is not a member of a ▶²⁵couple◀ the other member of which is entitled to state pension credit;◀
- ▶²⁶(de) is not a member of a couple the other member of which is entitled to an income-related employment and support allowance;◀
- (e) is not a member of a ▶²⁷couple◀ the other member of which is engaged in remunerative work; and
- (f) is a person—
 - (i) who has reached the age of 18; or
 - (ii) in respect of whom a direction under Article 18 is in force; or

(iii) who has, in prescribed circumstances to be taken into account for a prescribed period, reached the age of 16 but not the age of 18.

(2) Regulations may provide for one or both of the following conditions to be included in the income-based conditions, in the case of a person to whom paragraph (1)(f)(ii) or (iii) applies—

- (a) a condition that the claimant must register for employment;
- (b) a condition that the claimant must register for training.

(3) In paragraph (1)(f)(iii) “period” includes—

- (a) a period of a determinate length;
- (b) a period defined by reference to the happening of a future event; and
- (c) a period of a determinate length but subject to earlier determination upon the happening of a future event.

(4) Regulations under paragraph (2) may, in particular, make provision by reference to persons designated by the Department for the purpose of the regulations.

►²⁸**The conditions for claims by joint-claim couples**

5A.—(1) The conditions referred to in Article 3(2B)(c) are—

- (a) that the income of the joint-claim couple does not exceed the applicable amount (determined in accordance with regulations under Article 6) or the couple have no income;
- (b) that no member of a family of which the couple are members is entitled to income support;
- (c) that no member of any such family (other than the couple) is entitled to an income-based jobseeker’s allowance;
- ²⁹(cc) that neither member of the couple is entitled to state pension credit; ◀
- ³⁰(cd) that neither member of the couple is entitled to an income-related employment and support allowance; ◀
- (d) that at least one member of the couple has reached the age of 18; and
- (e) that if only one member of the couple has reached the age of 18, the other member of the couple is a person—
 - (i) in respect of whom a direction under Article 18 is in force; or
 - (ii) who has, in prescribed circumstances to be taken into account for a prescribed period, reached the age of 16.

(2) Paragraphs (2) and (4) of Article 5 shall apply in relation to a member of the couple to whom paragraph (1)(e)(i) or (ii) applies as they apply in

relation to a claimant to whom paragraph (1)(f)(ii) or (iii) of that Article applies.

(3) In paragraph (1)(e)(ii) “period” shall be construed in accordance with Article 5(3).

Joint-claim couples: the nominated member

5B.—(1) Where a joint-claim couple make a claim for a joint-claim jobseeker’s allowance, they may nominate one of them as the member of the couple to whom the allowance is to be payable.

(2) In default of one of them being so nominated, the allowance shall be payable to whichever of them is nominated by the Department.

(3) Paragraphs (1) and (2) have effect subject to Article 6A(4) and (7).

(4) In this Order references to the nominated member of a joint-claim couple are, except where Article 22A(7) applies, to the member of the couple nominated under paragraph (1) or (2); and where Article 22A(7) applies, references to the nominated member of such a couple are to the member of the couple to whom Article 22A(7) provides for the allowance to be payable.

(5) Nothing in this Article or Article 22A(7) affects the operation of any statutory provision by virtue of which any amount of the allowance is required or authorised to be paid to someone other than the nominated member of the couple. ◀

Amount payable by way of a jobseeker’s allowance

6.—(1) In the case of a ▶³¹◀ jobseeker’s allowance, the amount payable in respect of a claimant (“his personal rate”) shall be calculated by—

Article. 6(1), (3), (3A) & (6)-(11A) reproduced below as they remain in operation in certain circumstances. See Art. 6 of S.R. 2017 No. 190 for details

6.—(1) In the case of a contribution-based jobseeker’s allowance, the amount payable in respect of a claimant (“his personal rate”) shall be calculated by—

- (a) determining the age-related amount applicable to him; and
- (b) making prescribed deductions in respect of earnings and pension payments ▶³², pension payments, PPF payments and FAS payments ◀.

(2) The age-related amount applicable to a claimant, for the purposes of paragraph (1)(a), shall be determined in accordance with regulations.

(3) – (3A) ▶³³◀

(3) In the case of an income-based jobseeker’s allowance ▶³⁴(other than a joint-claim jobseeker’s allowance)◀, the amount payable shall be—

- (a) if a claimant has no income, the applicable amount;

(b) if a claimant has an income, the amount by which the applicable amount exceeds his income.

►³⁵(3A) In the case of a joint-claim jobseeker's allowance, the amount payable in respect of a joint-claim couple shall be—

(a) if the couple have no income, the applicable amount;

(b) if the couple have an income, the amount by which the applicable amount exceeds the couple's income. ◀

(4) Except in prescribed circumstances, a jobseeker's allowance shall not be payable where the amount otherwise payable would be less than a prescribed minimum.

(5) The applicable amount shall be such amount or the aggregate of such amounts as may be determined in accordance with regulations.

(6) – (11A) ►³⁶◀

(6) Where a claimant ►³⁷is entitled to both a contribution-based jobseeker's allowance and an income-based jobseeker's allowance◀ but has no income, the amount payable ►³⁸by way of a jobseeker's allowance◀ shall be—

(a) the applicable amount, if that is greater than his personal rate; and

(b) his personal rate, if it is not.

(7) Where the amount payable to a claimant to whom paragraph (6) applies is the applicable amount, the amount payable to him by way of a jobseeker's allowance shall be taken to consist of two elements—

(a) one being an amount equal to his personal rate; and

(b) the other being an amount equal to the excess of the applicable amount over his personal rate.

(8) Where a claimant ►³⁹is entitled to both a contribution-based jobseeker's allowance and an income-based jobseeker's allowance◀ and has an income, the amount payable ►⁴⁰by way of a jobseeker's allowance◀ shall be—

(a) the amount by which the applicable amount exceeds his income, if the amount of that excess is greater than his personal rate; and

(b) his personal rate, if it is not.

(9) Where the amount payable to a claimant to whom paragraph (8) applies is the amount by which the applicable amount exceeds his income, the amount payable to him by way of a jobseeker's allowance shall be taken to consist of two elements—

(a) one being an amount equal to his personal rate; and

(b) the other being an amount equal to the amount by which the difference between the applicable amount and his income exceeds his personal rate.

(10) The element of a jobseeker's allowance mentioned in paragraph (7)(a) and that mentioned in paragraph (9)(a) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the claimant's entitlement to a contribution-based jobseeker's allowance.

(11) The element of a jobseeker's allowance mentioned in paragraph (7)(b) and that mentioned in paragraph (9)(b) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the claimant's entitlement to an income-based jobseeker's allowance.

►⁴¹(11A) In paragraphs (6) to (11) "claimant" does not include—

- (a) a joint-claim couple, or
- (b) a member of such a couple (other than a person to whom regulations under Article 3(2C) apply); but Article 6A, which contains corresponding provisions relating to joint-claim couples, applies instead. ◀

(12) Regulations under paragraph (5) may provide that, in prescribed cases, an applicable amount is to be nil.

6A. ►⁴²◀

Article 6A reproduced below as it remains in operation in certain circumstances. See Art. 6 of S.R. 2017 No. 190 for details

►⁴³Amount payable in respect of joint-claim couple

6A.—(1) This Article applies where—

- (a) a joint-claim couple are entitled to a joint-claim jobseeker's allowance, and
- (b) one or each of the members of the couple is in addition entitled to a contribution-based jobseeker's allowance;

and in such a case the provisions of this Article have effect in relation to the couple in place of Article 6(3A).

(2) If a joint-claim couple falling within paragraph (1) have no income, the amount payable in respect of the couple by way of a jobseeker's allowance shall be—

- (a) the applicable amount, if that is greater than the couple's personal rate; and
- (b) the couple's personal rate, if it is not.

(3) Where the amount payable in accordance with paragraph (2) is the applicable amount, the amount payable in respect of the couple by way of a jobseeker's allowance shall be taken to consist of two elements—

- (a) one being an amount equal to the couple's personal rate; and

(b) the other being an amount equal to the excess of the applicable amount over the couple's personal rate.

(4) Where the amount payable in accordance with paragraph (2) is the couple's personal rate, then—

- (a) if each member of the couple is entitled to a contribution-based jobseeker's allowance, an amount equal to the member's own personal rate shall be payable in respect of the member by way of such an allowance;
- (b) if only one of them is so entitled, an amount equal to that member's personal rate shall be payable in respect of the member by way of such an allowance;

and in either case nothing shall be payable in respect of the couple by way of a joint-claim jobseeker's allowance.

(5) If a joint-claim couple falling within paragraph (1) have an income, the amount payable in respect of the couple by way of a jobseeker's allowance shall be—

- (a) the amount by which the applicable amount exceeds the couple's income, if the amount of that excess is greater than the couple's personal rate; and
- (b) the couple's personal rate, if it is not.

(6) Where the amount payable in accordance with paragraph (5) is the amount by which the applicable amount exceeds the couple's income, the amount payable in respect of the couple by way of a jobseeker's allowance shall be taken to consist of two elements—

- (a) one being an amount equal to the couple's personal rate; and
- (b) the other being an amount equal to the amount by which the difference between the applicable amount and the couple's income exceeds the couple's personal rate.

(7) Where the amount payable in accordance with paragraph (5) is the couple's personal rate, paragraph (4) shall apply as it applies in a case where the amount payable in accordance with paragraph (2) is that rate.

(8) The element of a jobseeker's allowance mentioned in paragraph (3)(a) and that mentioned in paragraph (6)(a) shall be treated, for the purpose of identifying the source of the allowance, as attributable—

- (a) in a case where only one member of the joint-claim couple is entitled to a contribution-based jobseeker's allowance, to that member's entitlement to such an allowance; and
- (b) in a case where each member of the couple is entitled to a contribution-based jobseeker's

allowance, rateably according to their individual entitlements to such an allowance.

(9) The element of a jobseeker's allowance mentioned in paragraph (3)(b) and that mentioned in paragraph (6)(b) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the couple's entitlement to a joint-claim jobseeker's allowance.

(10) In this Article "the couple's personal rate", in relation to a joint-claim couple, means—

- (a) where only one member of the couple is entitled to a contribution-based jobseeker's allowance, that member's personal rate;
- (b) where each member of the couple is entitled to such an allowance, the aggregate of their personal rates. ◀

Duration of a ▶⁴⁴◀ jobseeker's allowance

7.—(1) The period for which a person is entitled to a ▶⁴⁵◀ jobseeker's allowance shall not exceed, in the aggregate, 182 days in any period for which his entitlement is established by reference (under Article 4(1)(b)) to the same two years.

(2) The fact that a person's entitlement to a ▶⁴⁶◀ jobseeker's allowance ("his previous entitlement") has ceased as a result of paragraph (1) does not prevent his being entitled to a further ▶⁴⁷◀ jobseeker's allowance if—

- (a) he satisfies the contribution-based conditions; and
- (b) the two years by reference to which he satisfies those conditions include at least one year which is later than the second of the two years by reference to which his previous entitlement was established.

(3) Regulations may provide that a person who would be entitled to a ▶⁴⁸◀ jobseeker's allowance but for the operation of prescribed provisions of, or made under, this Order shall be treated as if entitled to the allowance for the purposes of this Article.

Article 7 reproduced below as it remains in operation in certain circumstances. See Art. 6 of S.R. 2017 No. 190 for details.

7.—(1) The period for which a person is entitled to a contribution-based jobseeker's allowance shall not exceed, in the aggregate, 182 days in any period for which his entitlement is established by reference (under Article 4(1)(b)) to the same two years.

(2) The fact that a person's entitlement to a contribution-based jobseeker's allowance ("his previous entitlement") has ceased as a result of paragraph (1) does not prevent his being entitled to a further contribution-based jobseeker's allowance if—

- (a) he satisfies the contribution-based conditions; and
- (b) the two years by reference to which he satisfies those conditions include at least one year which is later than the second of the two years by

reference to which his previous entitlement was established.

(3) Regulations may provide that a person who would be entitled to a contribution-based jobseeker's allowance but for the operation of prescribed provisions of, or made under, this Order shall be treated as if entitled to the allowance for the purposes of this Article.

►⁴⁹*Work-related requirements*

Work-related requirements

8.—(1) The following provisions provide for the Department to impose work-related requirements with which the claimants must comply for the purposes of this Order.

(2) In this Order “work-related requirement” means—

- (a) a work-focussed interview requirement (see Article 8B);
- (b) a work preparation requirement (see Article 8C);
- (c) a work search requirement (see Article 8D);
- (d) a work availability requirement (see Article 8E).

Claimant commitment

8A.—(1) A claimant commitment is a record of a claimant's responsibilities in relation to an award of a jobseeker's allowance.

(2) A claimant commitment is to be prepared by the Department and may be reviewed and updated as the Department thinks fit.

(3) A claimant commitment is to be in such form as the Department thinks fit.

(4) A claimant commitment is to include—

- (a) a record of the requirements that the claimant must comply with under this Order (or such of them as the Department considers it appropriate to include),
- (b) any prescribed information, and
- (c) any other information the Department considers it appropriate to include.

(5) For the purposes of this Order a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

Work-focussed interview requirement

8B.—(1) In this Order a “work-focussed interview requirement” is a requirement that a claimant participate in one or more work-focussed interviews as specified by the Department.

(2) A work-focussed interview is an interview for prescribed purposes relating to work or work preparation.

(3) The purposes which may be prescribed under paragraph (2) include in particular that of making it more likely in the opinion of the Department that the claimant will obtain paid work (or more paid work or better-paid work).

(4) The Department may specify how, when and where a work-focussed interview is to take place.

Work preparation requirement

8C.—(1) In this Order a “work-preparation requirement” is a requirement that a claimant take particular action specified by the Department for the purpose of making it more likely in the opinion of the Department that the claimant will obtain paid work (or more paid work or better-paid work).

(2) The Department may under paragraph (1) specify the time to be devoted to any particular action.

(3) Action which may be specified under paragraph (1) includes in particular—

- (a) attending a skills assessment;
- (b) improving personal presentation;
- (c) participating in training;
- (d) participating in an employment programme;
- (e) undertaking work experience or a work placement;
- (f) developing a business plan;
- (g) any action prescribed for the purpose in paragraph (1).

Work search requirement

8D.—(1) In this Order a “work search requirement” is a requirement that a claimant take—

- (a) all reasonable action, and
- (b) any particular action specified by the Department, for the purpose of obtaining paid work (or more paid work or better-paid work).

(2) The Department may under paragraph (1)(b) specify the time to be devoted to any particular action.

(3) Action which may be specified under paragraph (1)(b) includes in particular—

- (a) carrying out work searches;
- (b) making applications;
- (c) creating and maintaining an online profile;
- (d) registering with an employment agency;
- (e) seeking references;
- (f) any other action prescribed for the purpose in paragraph (1).

(4) Regulations may impose limitations on a work search requirement by reference to the work to which it relates; and the Department may in any particular case specify further such limitations on such a requirement.

(5) A limitation under paragraph (4) may in particular be by reference to—

- (a) work of a particular nature,
- (b) work with a particular level of remuneration,
- (c) work in particular locations, or

- (d) work available for a certain number of hours per week or at particular times, and may be indefinite or for a particular period.

Work availability requirement

8E.—(1) In this Order a “work availability requirement” is a requirement that a claimant be available for work.

(2) For the purposes of this Article “available for work” means able and willing immediately to take up paid work (or more paid work or better-paid work).

(3) Regulations may impose limitations on a work availability requirement by reference to the work to which it relates; and the Department may in any particular case specify further such limitations on such a requirement.

(4) A limitation under paragraph (3) may in particular be by reference to—

- (a) work of a particular nature,
- (b) work with a particular level of remuneration,
- (c) work in particular locations, or
- (d) work available for a certain number of hours per week or at particular times, and may be indefinite or for a particular period.

(5) Regulations may for the purposes of paragraph (2) define what is meant by able and willing immediately to take up work.

Imposition of work-related requirements

8F.—(1) The Department must, except in prescribed circumstances, impose on a claimant—

- (a) a work search requirement, and
- (b) a work availability requirement.

(2) The Department may, subject to this Order, impose either or both of the following on a claimant—

- (a) a work-focussed interview requirement;
- (b) a work preparation requirement.

Connected requirements

8G.—(1) The Department may require a claimant to participate in an interview for any purpose relating to—

- (a) the imposition of a work-related requirement on the claimant;
- (b) verifying the claimant’s compliance with a work-related requirement;
- (c) assisting the claimant to comply with a work-related requirement.

(2) The Department may specify how, when and where such an interview is to take place.

(3) The Department may, for the purpose of verifying the claimant’s compliance with a work-related requirement, require a claimant to—

- (a) provide to the Department information and evidence specified by the Department in a manner so specified;

- (b) confirm compliance in a manner so specified.
- (4) The Department may require a claimant to report to the Department any specified changes in the claimant's circumstances which are relevant to—
 - (a) the imposition of work-related requirements on the claimant;
 - (b) the claimant's compliance with a work-related requirement.

Imposition of work-related and connected requirements: supplementary

8H.—(1) Regulations may make provision—

- (a) where the Department may impose a requirement under the preceding provisions, as to when the requirement must or most not be imposed;
 - (b) where the Department may specify any action to be taken in relation to a requirement under the preceding provisions, as to what action must or must not be specified;
 - (c) where the Department may specify any other matter in relation to such a requirement, as to what must or must not be specified in respect of that matter.
- (2) Where the Department may impose a work-focussed interview requirement, the Department must have regard to such matters as may be prescribed.
- (3) Where the Department may specify a particular action under Article 8C(1) or 8D(1)(b), the Department must have regard to such matters as may be prescribed.
- (4) Where the Department may impose a requirement under the preceding provisions, the Department may revoke or change what has been imposed or specified.
- (5) Where the Department may specify any action to be taken in relation to a requirement imposed under the preceding provisions, the Department may revoke or change what has been specified.
- (6) Notification of a requirement imposed under the preceding provisions (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Department may determine.
- (7) Regulations must make provision to secure that, in prescribed circumstances, where a claimant has recently been a victim of domestic violence—
- (a) a requirement imposed on the claimant under the preceding provisions ceases to have effect for a period of 13 weeks, and
 - (b) the Department may not impose any other requirement on the claimant during that period.
- (8) For the purposes of paragraph (7)—
- (a) “domestic violence” has such meaning as may be prescribed;
 - (b) “victim of domestic violence” means a person on or against whom domestic violence is inflicted or threatened (and regulations under paragraph (7) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);
 - (c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

Compliance with work-related and connected requirements

8I. Regulations may make provision as to circumstances in which a claimant is to be treated as having—

- (a) complied with or not complied with any requirement imposed under the preceding provisions or any aspect of such a requirement, or
- (b) taken or not taken any particular action specified by the Department in relation to such a requirement.

Higher level sanctions

8J.—(1) The amount of an award of jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by a claimant which is sanctionable under this Article.

- (2) It is a failure sanctionable under this Article if a claimant—
 - (a) fails for no good reason to comply with a requirement imposed under a work preparation requirement to undertake a work placement of a prescribed description;
 - (b) fails for no good reason to comply with a requirement imposed under a work search requirement to apply for a particular vacancy for paid work;
 - (c) fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work;
 - (d) by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay.
- (3) It is a failure sanctionable under this Article if, at any time before making the claim by reference to which the award is made, the claimant—
 - (a) for no good reason failed to take up an offer of paid work, or
 - (b) by reason of misconduct, or voluntarily and for no good reason, ceased paid work or lost pay.
- (4) For the purposes of paragraphs (2) and (3) regulations may provide—
 - (a) for circumstances in which ceasing to work or losing pay is to be treated as occurring or not occurring by reason of misconduct or voluntarily;
 - (b) for loss of pay below a prescribed level to be disregarded.
- (5) Regulations are to specify—
 - (a) the amount of a reduction under this Article;
 - (b) the period for which such a reduction has effect, not exceeding 18 months in relation to any failure sanctionable under this Article.
- (6) Regulations under paragraph (5)(b) may in particular provide for the period of a reduction to depend on either or both of the following—
 - (a) the number of failures by the claimant sanctionable under this Article;
 - (b) the period between such failures.
- (7) Regulations may provide—
 - (a) for cases in which no reduction is to be made under this Article;

- (b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
- (c) for the termination or suspension of a reduction under this Article.

Other sanctions

8K.—(1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by a claimant which is sanctionable under this Article.

- (2) It is a failure sanctionable under this Article if a claimant—
 - (a) fails for no good reason to comply with a work-related requirement;
 - (b) fails for no good reason to comply with a requirement under Article 8G.
- (3) But a failure by a claimant is not sanctionable under this Article if it is also a failure sanctionable under Article 8J.
- (4) Regulations must specify—
 - (a) the amount of a reduction under this Article;
 - (b) the period for which such a reduction has effect.
- (5) Regulations under paragraph (4)(b) may provide that a reduction under this Article in relation to any failure is to have effect for—
 - (a) a period continuing until the claimant meets a compliance condition specified by the Department,
 - (b) a fixed period not exceeding 26 weeks which is—
 - (i) specified in the regulations, or
 - (ii) determined in any case by the Department, or
 - (c) a combination of both.
- (6) In paragraph (5)(a) “compliance condition” means—
 - (a) a condition that the failure ceases, or
 - (b) a condition relating to future compliance with a work-related requirement or a requirement under Article 8G.
- (7) A compliance condition specified under paragraph (5)(a) may be—
 - (a) revoked or varied by the Department;
 - (b) notified to the claimant in such manner as the Department may determine.
- (8) A period fixed under paragraph (5)(b) may in particular depend on either or both the following—
 - (a) the number of failures by the claimant sanctionable under this Article;
 - (b) the period between such failures.
- (9) Regulations may provide—
 - (a) for cases in which no reduction is to be made under this Article;
 - (b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
 - (c) for the termination or suspension of a reduction under this Article.

8L. ▶⁵⁰◀**Delegation and contracting out**

8M.—(1) The functions of the Department under Articles 8 to 8I may be exercised by, or by the employees of, such person as the Department may authorise for the purpose (an “authorised person”).

(2) An authorisation given by virtue of this Article may authorise the exercise of a function—

- (a) wholly or to a limited extent;
- (b) generally or in particular cases or areas;
- (c) unconditionally or subject to conditions.

(3) An authorisation under this Article—

- (a) may specify its duration;
- (b) may be varied or revoked at any time by the Department;
- (c) does not prevent the Department or another person from exercising the function to which the authorisation relates.

(4) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Department or (as the case may be) an officer of the Department.

(5) Paragraph (4) does not apply—

- (a) for the purposes of so much of any contract made between the authorised person and the Department as relates to the exercise of the function, or
- (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).

(6) Where—

- (a) the authorisation of an authorised person is revoked, and
- (b) at the time of the revocation so much of any contract made between the authorised person and the Department as relates to the exercise of the function is subsisting, the authorised person is entitled to treat the contract as repudiated by the Department (and not as frustrated by reason of the revocation).

(7) ▶⁵¹◀◀

Art. 8-12 reproduced as they are maintained in operation in certain circumstances. See Art. 9 of S.R. 2017 No. 190 for when to apply.

Jobseeking

Availability for employment

8.—(1) For the purposes of this Order, a person is available for employment if he is willing and able to take up immediately any employed earner’s employment.

(2) Paragraph (1) is subject to such provisions as may be made by regulations; and those regulations may, in particular, provide that a person—

- (a) may restrict his availability for employment in any week in such ways as may be prescribed; or
- (b) may restrict his availability for employment in any week in such circumstances as may be prescribed (for example, on grounds of conscience, religious conviction or physical or mental condition or because he is caring for another person) and in such ways as may be prescribed.

(3) The following are examples of restrictions for which provision may be made by the regulations—

- (a) restrictions on the nature of the employment for which a person is available;
- (b) restrictions on the periods for which he is available;
- (c) restrictions on the terms or conditions of employment for which he is available;
- (d) restrictions on the locality or localities within which he is available.

(4) Regulations may prescribe circumstances in which, for the purposes of this Order, a person is or is not to be treated as available for employment.

(5) Regulations under paragraph (4) may, in particular, provide for a person who is available for employment—

- (a) only in his usual occupation,
- (b) only at a level of remuneration not lower than that which he is accustomed to receive, or
- (c) only in his usual occupation and at a level of remuneration not lower than that which he is accustomed to receive,

to be treated, for a permitted period, as available for employment.

(6) Where it has been determined ⁵² that a person is to be treated, for the purposes of this Order, as available for employment in any week, the question whether he is available for employment in that week may be subsequently determined ⁵³ under Article 10 or 11 of the Social Security (Northern Ireland) Order 1998.

(7) In this Article “permitted period”, in relation to any person, means such period as may be determined in accordance with the regulations made under paragraph (4).

(8) Regulations under paragraph (4) may prescribe, in relation to permitted periods—

- (a) the day on which any such period is to be regarded as having begun in any case;
- (b) the shortest and longest periods which may be determined in any case;
- (c) factors which ⁵⁴ the Department may take into account in determining the period in any case.

(9) For the purposes of this Article “employed earner’s employment” has the same meaning as in the Benefits Act.

Actively seeking employment

9.—(1) For the purposes of this Order, a person is actively seeking employment in any week if he takes in that week such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment.

(2) Regulations may make provision—

- (a) with respect to steps which it is reasonable, for the purposes of paragraph (1), for a person to be expected to have to take in any week;
- (b) as to circumstances (for example, his skills, qualifications, abilities and physical or mental limitations) which, in particular, are to be taken into account in determining whether, in relation to any steps taken by a person, the requirements of paragraph (1) are satisfied in any week.

(3) Regulations may make provision for acts of a person which would otherwise be relevant for purposes of this Article to be disregarded in such circumstances (including circumstances constituted by, or connected with, his behaviour or appearance) as may be prescribed.

(4) Regulations may prescribe circumstances in which, for the purposes of this Order, a person is to be treated as actively seeking employment.

(5) Regulations under paragraph (4) may, in particular, provide for a person who is actively seeking employment—

- (a) only in his usual occupation,
- (b) only at a level of remuneration not lower than that which he is accustomed to receive, or
- (c) only in his usual occupation and at a level of remuneration not lower than that which he is accustomed to receive,

to be treated, for the permitted period determined in his case for the purposes of Article 8(5), as actively seeking employment during that period.

(6) Regulations may provide for this Article, and any regulations made under it, to have effect in relation to a person who has reached the age of 16 but not the age of 18 as if “employment” included “training”.

(7) Where it has been determined ⁵⁵ that a person is to be treated, for the purposes of this Order, as actively seeking employment in any week, the question whether he is actively seeking employment in that week may subsequently be determined ⁵⁶ under Article 10 or 11 of the Social Security (Northern Ireland) Order 1998 ⁶.

(8) For the purposes of this Article—
“employment” means employed earner’s employment or, in prescribed circumstances—

- (a) self-employed earner’s employment; or
- (b) employed earner’s employment and self-employed earner’s employment; and

“employed earner’s employment” and “self-employed earner’s employment” have the same meanings as in the Benefits Act.

Attendance, information and evidence

10.—(1) Regulations may make provision for requiring a claimant ▶⁵⁷(other than a joint-claim couple claiming a joint-claim jobseeker's allowance) ◀—

- (a) to ▶⁵⁸participate in an interview in such manner, time and place ◀ as ▶⁵⁹an employment officer ◀ may specify; and
- (b) to provide information and such evidence as may be prescribed as to his circumstances, his availability for employment and the extent to which he is actively seeking employment.

▶⁶⁰(1A) Regulations may make provision—

- (a) for requiring each member of a joint-claim couple claiming a joint-claim jobseeker's allowance to ▶⁶¹participate in an interview in such manner, time and place ◀ as ▶⁶²an employment officer ◀, may specify;
- (b) for requiring a member of such a couple to provide information and such evidence as may be prescribed as to his circumstances, his availability for employment and the extent to which he is actively seeking employment;
- (c) for requiring such a couple to jointly provide information and such evidence as may be prescribed as to the circumstances of each or either member of the couple, the availability for employment of each or either member of the couple and the extent to which each or either member of the couple is actively seeking employment;
- (d) where any requirement to provide information or evidence is imposed on such a couple by virtue of sub-paragraph (c), for the joint obligation of the couple to be capable of being discharged by the provision of the information or evidence by one member of the couple. ◀

(2) Regulations under paragraph (1) ▶⁶³or (1A) ◀ may, in particular—

- ▶⁶⁴(a) ▶⁶⁵provide for entitlement to a jobseeker's allowance to cease at such time as may be determined in accordance with any such regulations if, when a person fails to comply with such regulations, that person (or, if that person is a member of a joint-claim couple, either member of the couple) does not make prescribed contact with an employment officer within a prescribed period of the failure; ◀

(ca) - (d) ▶⁶⁶ ◀

▶⁶⁷(2A) ◀ ▶⁶⁸ ◀

▶⁶⁹(3) ◀ ▶⁷⁰ ◀

The jobseeker's agreement

11.—(1) An agreement which is entered into by a claimant and an employment officer and which complies with the prescribed requirements in force at the time when the agreement is made is referred to in this Order as “a jobseeker's agreement”.

(2) A jobseeker's agreement shall have effect only for the purposes of Article 3.

(3) A jobseeker's agreement shall be in writing and be signed by both parties.

►⁷¹(3A) The agreement may be in electronic form and signed by means of an electronic signature (within the meaning given in section 7(2) of the Electronic Communications Act 2000. ◀

(4) A copy of the agreement shall be given to the claimant.

(5) An employment officer shall not enter into a jobseeker's agreement with a claimant unless, in the officer's opinion, the conditions mentioned in Article 3(2)(a) and (c) would be satisfied with respect to the claimant if he were to comply with, or be treated as complying with, the proposed agreement.

(6) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed jobseeker's agreement to ►⁷²the Department for it ◀ to determine—

(a) whether, if the claimant concerned were to comply with the proposed agreement, he would satisfy—

- (i) the condition mentioned in Article 3(2)(a), or
 - (ii) the condition mentioned in Article 3(2)(c);
- and

(b) whether it is reasonable to expect the claimant to have to comply with the proposed agreement.

(7) ►⁷³On a reference under paragraph (6) the Department ◀—

(a) shall so far as practicable dispose of it in accordance with this Article before the end of the period of 14 days from the date of the reference;

(b) may give such directions, with respect to the terms on which the employment officer is to enter into a jobseeker's agreement with the claimant, as ►⁷⁴the Department ◀ considers appropriate;

(c) may direct that, if such conditions as ►⁷⁵it ◀ considers appropriate are satisfied, the proposed jobseeker's agreement is to be treated (if entered into) as having effect on such date, before it would otherwise have effect, as may be specified in the direction.

(8) Regulations may provide—

(a) for such matters as may be prescribed to be taken into account by ►⁷⁶the Department ◀ in giving a direction under paragraph (7)(c); and

(b) for such persons as may be prescribed to be notified of—

(iii) any determination of ►⁷⁷the Department ◀ under this Article;

(iv) any direction given by ►⁷⁸the Department ◀ under this Article.

(9) ►⁷⁹◀

(10) Regulations may provide that, in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in Article 3(2)(b).

(11) Regulations may provide that, in prescribed circumstances, a jobseeker's agreement is to be treated as having effect on a date, to be determined in

accordance with the regulations, before it would otherwise have effect.

(12) Except in such circumstances as may be prescribed, a jobseeker's agreement entered into by a claimant shall cease to have effect on the coming to an end of an award of a jobseeker's allowance made to him ⁸⁰or to a joint-claim couple of which he is a member. ◀

(13) In this Article and Article 12 "employment officer" means an officer of the Department or such other person as may be designated for the purposes of this Article by an order made by the Department.

Variation of jobseeker's agreement

12.—(1) A jobseeker's agreement may be varied, in the prescribed manner, by agreement between the claimant and any employment officer.

(2) Any agreement to vary a jobseeker's agreement shall be in writing and be signed by both parties.

⁸¹(2A) Any agreement to vary a jobseeker's agreement may be in electronic form and signed by means of an electronic signature (within the meaning given in section 7(2) of the Electronic Communications Act 2000). ◀

(3) A copy of the agreement, as varied, shall be given to the claimant.

(4) An employment officer shall not agree to a variation of a jobseeker's agreement, unless, in the officer's opinion, the conditions mentioned in Article 3(2)(a) and (c) would continue to be satisfied with respect to the claimant if he were to comply with, or be treated as complying with, the agreement as proposed to be varied.

(5) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed variation of a jobseeker's agreement to ⁸²the Department for it ◀ to determine—

(a) whether, if the claimant concerned were to comply with the agreement as proposed to be varied, he would satisfy—

- (i) the condition mentioned in Article 3(2)(a), or
 - (ii) the condition mentioned in Article 3(2)(c);
- and

(b) whether it is reasonable to expect the claimant to have to comply with the agreement as proposed to be varied.

(6) ⁸³On a reference under paragraph (5) the Department ◀—

(a) shall so far as practicable dispose of it in accordance with this Article before the end of the period of 14 days from the date of the reference;

(b) shall give such directions as ⁸⁴it ◀ considers appropriate as to—

- (i) whether the jobseeker's agreement should be varied, and
- (ii) if so, the terms on which the claimant and the employment officer are to enter into an agreement to vary it;

(c) may bring the jobseeker's agreement to an end where the claimant fails, within a prescribed

- period, to comply with a direction given under sub-paragraph (b)(ii);
- (d) may direct that, if—
- (i) the jobseeker's agreement is varied, and
 - (ii) such conditions as ►⁸⁵it◀ considers appropriate are satisfied,
- the agreement as varied is to be treated as having effect on such date, before it would otherwise have effect, as may be specified in the direction.
- (7) Regulations may provide—
- (a) for such matters as may be prescribed to be taken into account by ►⁸⁶the Department◀ in giving a direction under paragraph (6)(b) or (d); and
 - (b) for such persons as may be prescribed to be notified of—
 - (iii) any determination of ►⁸⁷the Department◀ under this Article;
 - (iv) any direction given by ►⁸⁸the Department◀ under this Article.
- (8) ►⁸⁹◀

13. ►⁹⁰◀

Income and capital

Income and capital: general

14.—(1) In relation to a claim for a jobseeker's allowance, the income and capital of a person shall be calculated or estimated in such manner as may be prescribed.

(2) A person's income in respect of a week shall be calculated in accordance with prescribed rules.

(3) The rules may provide for the calculation to be made by reference to an average over a period (which need not include the week concerned).

(4) Circumstances may be prescribed in which—

- (a) person is treated as possessing capital or income which he does not possess;
- (b) capital or income which a person does possess is to be disregarded;
- (c) income is to be treated as capital;
- (d) capital is to be treated as income.

15. ►⁹¹◀

Article 15 reproduced as it is maintained in operation in certain circumstances. See Art. 6 of S.R. 2017 No. 190 for when to apply.

Income and capital: income-based jobseeker's allowance

15.—(1) No person shall be entitled to an income-based jobseeker's allowance if his capital, or a prescribed part of it, exceeds the prescribed amount.

(2) Where a person claiming an income-based jobseeker's allowance is a member of a family, the income and capital of any member of that family shall, except in prescribed circumstances, be treated as the income and capital of the claimant.

►⁹²(2A) Paragraphs (1) and (2) do not apply as regards a joint-claim jobseeker's allowance; but a joint-claim couple shall not be entitled to a joint-claim jobseeker's allowance if the couple's capital, or a prescribed part of it, exceeds the prescribed amount.

(2B) Where a joint-claim couple claim a joint-claim jobseeker's allowance—

- (a) the couple's income and capital includes the separate income and capital of each of them; and
- (b) the income and capital of any other person who is a member of any family of which the couple are members shall, except in prescribed circumstances, be treated as income and capital of the couple. ◀

(3) Regulations may provide that capital not exceeding the amount prescribed under paragraph (1) ►⁹³or (2A)◀, but exceeding a prescribed lower amount, shall be treated, to a prescribed extent, as if it were income of a prescribed amount.

Trade disputes

Trade disputes

16.—(1) Where—

- (a) there is a stoppage of work which causes a person not to be employed on any day, and
- (b) the stoppage is due to a trade dispute at his place of work,

that person is not entitled to a jobseeker's allowance for the week which includes that day unless he proves that he is not directly interested in the dispute.

(2) A person who withdraws his labour on any day in furtherance of a trade dispute, but to whom paragraph (1) does not apply, is not entitled to a jobseeker's allowance for the week which includes that day.

(3) If a person who is prevented by paragraph (1) from being entitled to a jobseeker's allowance proves that during the stoppage—

- (a) he became bona fide employed elsewhere;
- (b) his employment was terminated by reason of redundancy within the meaning of ►⁹⁴Article 174(1) of the Employment Rights (Northern Ireland) Order 1996◀, or
- (c) he bona fide resumed employment with his employer but subsequently left for a reason other than the trade dispute,

paragraph (1) shall be taken to have ceased to apply to him on the occurrence of the event referred to in sub-paragraph (a) or (b) or (as the case may be) the first event referred to in sub-paragraph (c).

(4) In this Article “place of work”, in relation to any person, means the premises or place at which he was employed.

(5) Where separate branches of work which are commonly carried on as separate businesses in separate premises or at separate places are in any case carried on in separate departments on the same premises or at the same place, each of those departments shall, for the purposes of paragraph (4), be deemed to be separate premises or (as the case may be) a separate place.

17- 19 ►⁹⁵◄

Articles 17 to 19 reproduced as they are maintained in operation in certain circumstances. See Art. 6 of S.R. 2017 No. 190 for when to apply.

Effect on other claimants

17.—(1) Except in prescribed circumstances, paragraph (2) applies in relation to a claimant for an income-based jobseeker’s allowance where a member of his family (“A”) is, or would be, prevented by Article 16 from being entitled to a jobseeker’s allowance.

(2) For the purposes of calculating the claimant’s entitlement to an income-based jobseeker’s allowance—

- (a) any portion of the applicable amount which is included in respect of A shall be disregarded for the period for which this paragraph applies to the claimant;
- (b) where the claimant and A are a ►⁹⁶couple◄, any portion of the applicable amount which is included in respect of them shall be reduced to one half for the period for which this paragraph applies to the claimant;
- (c) except so far as regulations provide otherwise, there shall be treated as the claimant’s income—
 - (i) any amount which becomes, or would on an application duly made become, available to A in relation to that period by way of repayment of income tax deducted from A’s ►⁹⁷taxable earnings (as defined by section 10 of the Income Tax (Earnings and Pensions Act 2003 under regulations made under section 684 of that Act (PAYE regulations)◄; and
 - (ii) any other payment which the claimant or any member of his family receives or is entitled to obtain because A is without employment for that period; and
- (d) any payment by way of a jobseeker’s allowance for that period or any part of it which apart from this sub-paragraph would be made to the claimant—

- (i) shall not be made, if the weekly rate of payment (“the rate”) would be equal to or less than the prescribed sum; and
- (ii) shall be at a weekly rate equal to the difference between the rate and the prescribed sum, if the rate would be more than the prescribed sum.

(3) Where a reduction under paragraph (2)(b) would not produce a sum which is a multiple of 5p, the reduction shall be to the nearest lower sum which is such a multiple.

(4) Where A returns to work with the same employer after a period during which paragraph (2) applied to the claimant (whether or not his return is before the end of any stoppage of work in relation to which he is, or would be, prevented from being entitled to a jobseeker’s allowance), paragraph (2) shall cease to apply to the claimant at the commencement of the day on which A returns to work.

(5) In relation to any period of less than a week, paragraph (2) shall have effect subject to such modifications as may be prescribed.

(6) Paragraphs (7) to (9) apply where an order made under section 132 of the Administration Act (annual up-rating of benefits) has the effect of increasing the sum prescribed in regulations made under Article 6(5) as the personal allowance for a single person aged not less than 25 (“the personal allowance”).

(7) For the sum prescribed in regulations made under paragraph (2)(d) there shall be substituted, from the time when the order comes into operation, a sum arrived at by increasing the prescribed sum by the percentage by which the personal allowance has been increased by the order.

(8) If the sum arrived at under paragraph (7) is not a multiple of 50p—

- (a) any remainder of 25p or less shall be disregarded;
- (b) any remainder of more than 25p shall be rounded up to the nearest 50p.

(9) The order shall state the sum substituted for the sum prescribed in regulations made under paragraph (2)(d).

(10) Nothing in paragraph (7) prevents the making of further regulations under paragraph (2)(d) varying the prescribed sum.

►⁹⁸**Trade disputes: joint-claim couples**

17A.—(1) Articles 16 and 17 shall, in relation to a joint-claim couple claiming a joint-claim jobseeker’s allowance, apply in accordance with this Article.

(2) Where each member of the couple is prevented by Article 16 from being entitled to a jobseeker’s

allowance, the couple are not entitled to a joint-claim jobseeker's allowance.

(3) But where only one member of the couple is prevented by that Article from being entitled to a jobseeker's allowance, the couple are not for that reason alone prevented from being entitled to a joint-claim jobseeker's allowance.

(4) Article 17(1) does not have effect in relation to the couple but, except in prescribed circumstances, Article 17(2) applies for the purposes of calculating the couple's entitlement to a joint-claim jobseeker's allowance where—

- (a) a member of the couple, or
- (b) any other person who is a member of any family of which the couple are members,

is, or would be, prevented by Article 16 from being entitled to a jobseeker's allowance.

(5) Where Article 17(2) applies in relation to the couple by virtue of paragraph (4), that provision and Article 17(4) apply with the following modifications—

- (a) references to the claimant are to be taken as references to the couple;
- (b) references to "A" are to the person mentioned in paragraph (4)(a) or (b);
- (c) Article 17(2)(b) has effect as if for "where the claimant and A are a ►⁹⁹couple◀," there were substituted "where A is a member of the couple,"; and
- (d) Article 17(2)(c)(ii) has effect as if for "of his family" there were substituted "of any family of which the couple are members". ◀

Persons under 18

Severe hardship

18.—(1) If it appears to the Department—

- (a) that a person—
 - (i) has reached the age of 16 but not the age of 18,
 - (ii) is not entitled to a jobseeker's allowance or to income support, and
 - (iii) is registered for training but is not being provided with any training, and
- (b) that severe hardship will result to him unless a jobseeker's allowance is paid to him,

the Department may direct that this Article is to apply to him.

(3) A direction may be given so as to have effect for a specified period.

(4) The Department may revoke a direction if—

- (a) it appears to the Department that there has been a change of circumstances as a result of which

failure to receive a jobseeker's allowance need no longer result in severe hardship to the person concerned;

►¹⁰⁰(b) it appears to the Department that the person concerned has, without ►¹⁰¹a good reason◄—

(i) neglected to avail himself of a reasonable opportunity of a place on a training scheme, or

(ii) after a place on such a scheme has been notified to him by an employment officer as vacant or about to become vacant, refused or failed to apply for it or to accept it when offered to him; or◄

(c) the Department is satisfied that it was given in ignorance of some material fact or was based on a mistake as to some material fact and considers that, but for that ignorance or mistake, the Department would not have given the direction.

►¹⁰²(4) In this Article—

“employment officer” means an officer of the Department or such other person as may be designated for the purposes of this Article by an order made by the Department;

“period” includes—

(a) a period of a determinate length;

(b) a period defined by reference to the happening of a future event; and

(c) a period of a determinate length but subject to earlier determination upon the happening of a future event;

“training scheme” has such meaning as may be prescribed.◄

Reduced payments

19.—(1) Regulations may provide for the amount of an income-based jobseeker's allowance

►¹⁰³payable in respect of◄ any young person to whom this Article applies to be reduced—

(a) in such circumstances,

(b) by such a percentage, and

(c) for such a period,

as may be prescribed.

►¹⁰⁴(1A) Regulations may provide for the amount of a joint-claim jobseeker's allowance payable in respect of any joint-claim couple where a member of the couple is a young person to whom this Article applies to be reduced—

(a) in such circumstances,

(b) by such a percentage, and

(c) for such a period,

as may be prescribed.◄

(2) This Article applies to any young person in respect of whom—

- (a) a direction is in force under Article 18; and
- (b) ►¹⁰⁵any◄ of the conditions mentioned in paragraph (3) is satisfied.

(3) The conditions are that—

- (a) the young person was previously entitled to an income-based jobseeker's allowance and that entitlement ceased by virtue of the revocation of a direction under Article 18;
- ¹⁰⁶(b) he has given up a place on a training scheme, or failed to attend such a scheme on which he has been given a place, and no certificate has been issued to him under paragraph (4);
- (c) he has lost his place on such a scheme through misconduct. ◄

►¹⁰⁷(4) Where a young person who has given up a place on a training scheme, or failed to attend such a scheme on which he has been given a place—

- (a) claims that there was ►¹⁰⁸a good reason◄ for his doing so; and
- (b) applies to the Department for a certificate under this paragraph,

the Department shall, if it is satisfied that there was good cause, issue a certificate to that effect and give a copy of it to the young person.

(5) In this Article—

“training scheme” has such meaning as may be prescribed;

“young person” means a person who has reached the age of 16 but not the age of 18. ◄

19A ►¹⁰⁹◄

Article 19A is reproduced as it is maintained in force in certain circumstances. See Art. 9 of S.R. 2017 No.190 for details

►¹¹⁰“Work for your benefit” schemes etc.

Schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.

19A.—(1) Regulations may make provision for or in connection with imposing on claimants in prescribed circumstances a requirement to participate in schemes of any prescribed description that are designed to assist them to obtain employment.

(2) Regulations under this Article may, in particular, require participants to undertake work, or work-related activity, during any prescribed period with a view to improving their prospects of obtaining employment.

(3) In paragraph (2) “work-related activity”, in relation to any person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so.

(4) Regulations under this Article may not require a person to participate in a scheme unless the person would (apart from the regulations) be required to meet the jobseeking conditions.

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

- (a) for notifying participants of the requirement to participate in a scheme within paragraph (1);
- (b) for securing that participants are not required to meet the jobseeking conditions or are not required to meet such of those conditions as are specified in the regulations;
- (c) for suspending any jobseeker's agreement to which a person is a party for any period during which the person is a participant;
- (d) – (f) ¹¹¹◀

(6) – (9) ¹¹²◀

(7) In this Article—

¹¹³◀

Definition of claimant is reproduced as it remains in operation in certain circumstances. See Art. 6 of S.R. 2017 No. 190 for when to apply.

“claimant”, in relation to a joint-claim couple claiming a joint-claim jobseeker's allowance, means either or both of the members of the couple;

“the jobseeking conditions” means the conditions set out in Article 3(2)(a) to (c);

“participant”, in relation to any time, means any person who is required at that time to participate in a scheme within paragraph (1).

19B ¹¹⁴◀

Article 19Bis reproduced as it is maintained in force in certain circumstances. See Art. 9 of S.R. 2017 No. 190 for details

Article 19A: supplemental

19B.—(1) For the purposes of, or in connection with, any scheme within Article 19A(1) the Department ¹¹⁵◀ may—

- (a) make arrangements (whether or not with other persons) for the provision of facilities;
- (b) provide support (by whatever means) for arrangements made by other persons for the provision of facilities;
- (c) make payments (by way of fees, grants, loans or otherwise) to persons undertaking the provision of facilities under arrangements within subparagraph (a) or (b);
- (d) make payments (by way of grants, loans or otherwise) to persons participating in the scheme;

(e) make payments in respect of incidental expenses.

(2) In paragraph (1) “facilities” includes services, and any reference to the provision of facilities includes the making of payments to persons participating in the scheme.

(3) The power of ¹¹⁶the Department for Communities or the Department for the Economy ¹¹⁷to make an order under Article 4 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (status of trainees) includes power to make, in relation to—

(a) persons participating in any scheme within Article 19A(1), and

(b) payments received by them by virtue of paragraph (1),

provision corresponding to any provision which (by virtue of Article 4(1) or (2) of that Order) may be made in relation to persons using such facilities, and to such payments received by them, as are mentioned in Article 4(1) of that Order. ¹¹⁸

20.....amends *Social Security Administration (Northern Ireland) Act 1992*

Denial of jobseeker’s allowance

21 – 21C ¹¹⁷

¹¹⁸Higher-level sanctions

21.—(1) The amount of an award to a jobseeker’s allowance is to be reduced in accordance with this Article in the event of a failure by the claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant—

(a) through misconduct loses employment as an employed earner;

(b) without a good reason voluntarily leaves such employment;

(c) without a good reason refuses or fails to apply for, or accept if offered, a situation in any employment which an employment officer has informed him is vacant or about to become vacant;

(d) without a good reason neglects to avail himself of a reasonable opportunity of employment;

(e) without a good reason fails to participate in any scheme within Article 19A(1) which is prescribed for the purposes of this Article.

(3) For the purposes of (2)(b), in such circumstances as may be prescribed, including in particular where a person has been dismissed by his employer by reason of redundancy within the meaning of Article 174(1) of the Employment Rights (Northern Ireland) Order 1996 after volunteering or

agreeing to be so dismissed, a person who might otherwise be treated as having left his employment voluntarily is to be treated as not having left voluntarily.

(4) Regulations are to provide for—

- (a) the amount of a reduction under this Article;
- (b) the period for which such a reduction has effect, not exceeding 18 months in relation to any failure sanctionable under this Article.

(5) Regulations under paragraph (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—

- (a) the number of failures by the claimant sanctionable under this Article;
- (b) the period between such failures.

(6) Regulations may provide—

- (a) for cases in which no reduction is to be made under this Article;
- (b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;

(7) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this Article by virtue of a failure by one of the claimants which is sanctionable under this Article, the allowance is payable to the other member of the couple.

Other sanctions

21A.—(1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by the claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant—

- (a) without a good reason fails to comply with regulations under Article 10(1) of (1A);
- (b) without a good reason fails to comply with regulations under Article 19A;
- (c) without a good reason refuses or fails to carry out a jobseeker's direction which was reasonable having regard to his circumstances;
- (d) without a good reason neglects to avail himself of a reasonable opportunity of a place on a training scheme or employment programme;
- (e) without a good reason refuses or fails to apply for, or accept if offered, a place on such a scheme or programme which an employment officer has informed him is vacant or about to become vacant;
- (f) without a good reason gives up a place on such a scheme or programme or fails to attend such

- a scheme or programme having been given a place on it;
- (g) through misconduct loses a place on such a scheme or programme.
- (3) But a failure is not sanctionable under this Article if it is also sanctionable under Article 21.
- (4) Regulations are to provide for—
- (a) the amount of a reduction under this Article;
- (b) the period for which such a reduction has effect.
- (5) Regulations under paragraph (4)(b) may provide that a reduction under this Article in relation to any failure is to have effect for—
- (a) a period continuing until the claimant meets a compliance condition specified by the Department,
- (b) a fixed period not exceeding 26 weeks which is—
- (i) specified in the regulations, or
- (ii) determined in any case by the Department, or
- (c) a combination of both.
- (6) In paragraph (5)(a) “compliance condition” means—
- (a) a condition that the failure ceases, or
- (b) a condition relating to—
- (i) future compliance with a jobseeker’s direction or any requirement imposed under Article 10(1) or (1A) or 19(A), or
- (ii) future avoidance of the failures referred to in paragraph (2)(d) to (g).
- (7) A compliance condition specified under paragraph (5)(a) may be—
- (a) revoked or varied by the Department;
- (b) notified to the claimant in such manner as the Department may determine.
- (8) The period fixed under paragraph (5)(b) may in particular depend on either or both of the following—
- (a) the number of failures by the claimant sanctionable under this Article;
- (b) the period between such failures.
- (9) Regulations may provide—
- (a) for cases in which no reduction is to be made under this Article;
- (b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.
- (10) During any period for which the amount of a joint-claim jobseeker’s allowance is reduced under this Article by virtue of a failure by one of the

claimants which is sanctionable under this Article, the allowance is payable to the other member of the couple.

(11) In this Article—

- (a) “jobseeker’s direction” means a direction given by an employment officer (in such manner as he thinks fit) with a view to achieving one or both of the following—
 - (i) assisting the claimant to find employment;
 - (ii) improving the claimant’s prospects of being employed;
- (b) “training scheme” and employment programme” have such meaning as may be prescribed.

Claimants ceasing to be available for employment etc.

21B.—(1) Regulations may make provision for reduction of the amount of an award of a jobseeker’s allowance other than a joint-claim jobseeker’s allowance if the claimant—

- (a) was previously entitled to such an allowance or was a member of a couple entitled to a joint-claim jobseeker’s allowance, and
- (b) ceased to be so entitled by failing to comply with the condition in Article 3(2)(a) or (c) (availability for employment and actively seeking employment).

(2) Regulations may make provision for reduction of the amount of a joint-claim jobseeker’s allowance if one of the claimants—

- (a) was previously entitled to a jobseeker’s allowance other than a joint-claim jobseeker’s allowance, and
- (b) ceased to be so entitled by failing to comply with the condition in Article 3(2)(a) or (c).

(3) Regulations may make provision for reduction of the amount of an award of joint-claim jobseeker’s allowance if—

- (a) the couple were previously entitled to a joint-claim jobseeker’s allowance but ceased to be so entitled by either or both of them failing to comply with the condition in Article 3(2)(a) or (c), or
- (b) either member of the couple was a member of another couple previously entitled to such an allowance and that couple ceased to be so entitled by that person failing to comply with the condition in Article 3(2)(a) or (c).

(4) Regulations are to provide for—

- (a) the amount of a reduction under this Article;
- (b) the period for which such a reduction has effect.

(5) The period referred to in paragraph (4)(b) must not include any period after the end of the period of 13 weeks beginning with the day on which the claimant's previous entitlement ceased.

(6) Regulations under paragraph (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—

- (a) the number of occasions on which a claimant's entitlement has ceased as specified in paragraph (1), (2) or (3);
- (b) the period between such occasions.

(7) Regulations may provide for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.

(8) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this Article by virtue of a failure by one of the claimants to comply with the condition in Article 3(2)(a) or (c), the allowance is payable to the other member of the couple.

Hardship payments

21C.—(1) Regulations may make provision for the making of payments (“hardship payments”) by way of a jobseeker's allowance to a claimant where—

- (a) the amount of the claimant's award is reduced under Articles 21 to 21B, and
- (b) the claimant is or will be in hardship.

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

- (a) circumstances in which a claimant is to be treated as being or not being in hardship;
- (b) matters to be taken into account in determining whether a claimant is or will be in hardship;
- (c) requirements or conditions to be met by a claimant in order to receive hardship payments;
- (d) the amount or rate of hardship payments;
- (e) the period for which hardship payments may be made;
- (f) whether hardship payments are recoverable. ◀

Exemptions from Article 21 ▶¹¹⁹ and 21A ◀

22.(1) to (3) ▶¹²⁰ ◀

Article 22(1)-(3) are reproduced as they remain in operation in certain circumstances. See Art. 9 of S.R. 2017 No. 190 for details

22.—(1) Nothing in Article 21, or in regulations under that Article, shall be taken to ▶¹²¹ authorise reduction ◀ of a jobseeker's allowance merely because

the claimant refuses to seek or accept employment in a situation which is vacant in consequence of a stoppage of work due to a trade dispute.

(2) Article 122(2)(a) does not apply, in the circumstances mentioned in paragraph 123(2)(c) to (g) of that Article, if—

- (a) a direction is in force under Article 18 with respect to the claimant; and
- (b) he has acted in such a way as to risk—
 - (i) having that direction revoked under paragraph (3)(b) of Article 18; or
 - (ii) having the amount of his jobseeker's allowance reduced by virtue of Article 19, because 124 the condition mentioned in paragraph (3)(b) or (c) of that Article is satisfied.

(3) Regulations shall make provision for the purpose of enabling any person of a prescribed description to accept any employed earner's employment without falling within Article 125(2)(b) or (d) should he leave that employment voluntarily and without 126 good reason at any time during a trial period.

(4) In such circumstances as may be prescribed, an income-based jobseeker's allowance shall be 127 payable in respect of a claimant even though Article 21 prevents payment of a jobseeker's allowance to him.

(5) A jobseeker's allowance shall be payable by virtue of paragraph (4) only if the claimant has complied with such requirements as to the provision of information as may be prescribed for the purposes of this paragraph.

(6) Regulations under paragraph (4) may, in particular, provide for a jobseeker's allowance payable by virtue of that paragraph to be—

- (a) payable at a prescribed rate;
- (b) payable for a prescribed period (which may differ from the period fixed under Article 21(2) or (3)).

(7)-(8) 128

Article 22(7)-(8) are reproduced as they remain in operation in certain circumstances. See Art. 9 of S.R. 2017 No. 190 for details

(7) In paragraph (3), "trial period" has such meaning as may be prescribed.

(8) Regulations may make provision for determining, for the purposes of this Article, the day on which a person's employment is to be regarded as commencing.

22A - 22D 129

22C - 22D. 130

22E 131

Miscellaneous

Article 22E is reproduced as it remains in operation in certain circumstances. See Art. 9 of S.R. 2017 No. 190 for details

▶¹³²Contracting out

22E—(1) – (2) ...*not yet commenced*

(3) Regulations may provide for any of the following functions of the Department ▶¹³³◀ to be exercisable by, or by employees of, such person (if any) as that Department may authorise for the purpose—

- (a) any function under regulations under Article 10, 13A, 13C, 19A or 20B, except the making of an excluded decision (see paragraph (4));
- (b) the function under Article 10(1) of the 1998 Order (revision of decisions) so far as relating to decisions (other than excluded decisions) that relate to any matter arising under any such regulations;
- (c) the function under Article 11(1) of the 1998 Order (superseding of decisions) so far as relating to decisions (other than excluded decisions) that relate to any matter arising under any such regulations;
- (d) any function under Chapter 2 of Part 2 of the 1998 Order (social security decisions), except Article 25(2) and (3) (decisions involving issues arising on appeal in other cases), which relates to the exercise of any of the functions within sub-paragraphs (a) to (c).

(4) Each of the following is an “excluded decision” for the purposes of paragraph (3)—

- (a) a decision about whether a person has failed to comply with a requirement imposed by regulations under Article 10, 13A or 19A;
- (b) a decision about whether a person had good cause for failure to comply with such a requirement;
- (c) a decision about not paying or reducing a jobseeker's allowance in consequence of a failure to comply with such a requirement.

(5) Regulations under paragraph (3) may provide that a function to which that paragraph applies may be exercised

- (a) either wholly or to such extent as the regulations may provide,
- (b) either generally or in such cases as the regulations may provide, and
- (c) either unconditionally or subject to the fulfilment of such conditions as the regulations may provide.

(6) An authorisation given by virtue of any provision made by or under this Article may authorise the exercise of the function concerned—

- (a) either wholly or to such extent as may be specified in the authorisation,
- (b) either generally or in such cases as may be so specified, and
- (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified;

but, in the case of an authorisation given by virtue of regulations under paragraph (3), this paragraph is subject to the regulations.

(7) An authorisation given by virtue of any provision made by or under this Article—

- (a) may specify its duration,
- (b) may be revoked at any time by the Department ¹³⁴, and
- (c) does not prevent the Department ¹³⁵ or any other person from exercising the function to which the authorisation relates.

(8) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Department ¹³⁶ or (as the case may be) an officer of that Department.

(9) But paragraph (8) does not apply—

- (a) for the purposes of so much of any contract made between the authorised person and the Department ¹³⁷ as relates to the exercise of the function, or
- (b) for the purposes of any criminal proceedings brought in respect of anything done by the authorised person (or an employee of that person).

(10) Any decision which an authorised person makes in exercise of a function of the Department ¹³⁸ has effect as a decision of the Department under Article 9 of the 1998 Order.

(11) Where—

- (a) the authorisation of an authorised person is revoked at any time, and
- (b) at the time of the revocation so much of any contract made between the authorised person and the Department ¹³⁹ as relates to the exercise of the function is subsisting,

the authorised person is entitled to treat the contract as repudiated by the Department ¹⁴⁰ (and not as frustrated by reason of the revocation).

(12) In this Article—

- (a) “the 1998 Order” means the Social Security (Northern Ireland) Order 1998;

- (b) “authorised person” means a person authorised to exercise any function by virtue of any provision made by or under this Article;
- (c) references to functions of the Department ¹⁴¹ under any statutory provision include functions which the Department has by virtue of the application of Article 9(1)(c) of the 1998 Order in relation to the statutory provision. ¹⁴¹

Supplementary provisions

23. Further provisions in relation to a jobseeker’s allowance are set out in Schedule 1.

Members of the forces

24.—a) Regulations may modify any provision of this Order, in such manner as the Secretary of State thinks proper, in its application to persons who are or have been members of Her Majesty’s forces.

(1) The regulations may, in particular, provide for ¹⁴²Article 21(2)(b) ¹⁴² not to apply in relation to a person who is discharged from Her Majesty’s forces at his own request.

(2) ¹⁴³

Article 24(2) reproduced as it is maintained in operation in certain circumstances. See Art. 9 of S.R. 2017 No. 190 for when to apply.

(2) For the purposes of this Article, Her Majesty’s forces shall be taken to consist of such establishments and organisations in which persons serve under the control of the Defence Council as may be prescribed by regulations made by the Secretary of State.

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

25. ¹⁴⁴

Article 25 reproduced as it is maintained in operation in certain circumstances. See Art. 6 of S.R. 2017 No. 190 for when to apply.

Recovery of sums in respect of maintenance

25.—(1) Regulations may make provision for the court to have power to make a recovery order against any person where an award of income-based jobseeker’s allowance has been made to that person’s spouse ¹⁴⁵ or civil partner ¹⁴⁵.

(2) In this Article “recovery order” means an order requiring the person against whom it is made to make payments to the Department or to such other person or persons as the court may determine.

(3) Regulations under this Article may make provision for the transfer by the Department of the right to receive payments under, and to exercise rights in relation to, a recovery order.

(4) Regulations made under this Article may, in particular, include provision—

(a) as to the matters to which the court is, or is not, to have regard in determining any application under the regulations; and

(b) as to the enforcement of recovery orders.

(5) In this Article, “the court” means a court of summary jurisdiction.

26. - 27.amends *Social Security Administration (Northern Ireland) Act 1992*

References

- 1 Repealed by Article 55(3) of the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 9 of S.R. 2017 No. 190 for commencement dates)
- 2 Substituted by Article 50(3) the Welfare Reform (NI) Order 2015 (SI 2015/2006 (NI 1)) (see Art.9 of S.R. 2017 No. 190 for commencement dates)
- 3 Repealed by Article 55(3) of the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 9 of S.R. 2017 No. 190 for commencement dates)
- 4 Substituted by para.3(2) of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
- 5 Substituted by para.6(3) of Sch.3 to the Welfare Reform Act (NI) 2007 (c.2) as from 27.10.08
- 6 Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
- 7 Inserted by para.3(3) of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
- 8 Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
- 9 Repealed by Pt V of Sch.10 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 1.1.02
- 10 Inserted by para.3(4)(a) of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
- 11 Inserted by para.3(4)(b) of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
- 12 Substituted by para.131 of Schedule 24 to the Civil Partnership Act 2004 (c. 33) as from 5.12.05
- 13 Substituted by para.4 of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
- 14 Substituted by s. 11(2) of the Welfare Reform Act (NI) 2010 (c. 13) as from 1.11.2010
- 15 Substituted by s. 11(2) of the Welfare Reform Act (NI) 2010 (c. 13) as from 1.10.2010
- 16 Substituted by para.46 of Sch.1 to the National Insurance Contributions Act 2002 (c.19) as from 6.4.03
- 17 Inserted by para.102 of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 6.4.99
- 18 Inserted by s. 11(5) of the Welfare Reform Act (NI) 2010 (c. 13) as from 16.12.2011
- 19 Inserted by paragraph 29 of Schedule 2 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17
- 20 Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
- 21 Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
- 22 Substituted by para.5(1) of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01

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23. Substituted by para.6(4)(a) of Sch.3 to the Welfare Reform Act (NI) 2007 (c.2) as from 27.10.08
 24. Inserted by para.25(b) of Sch.2 to the State Pension Credit Act (NI) 2002 (c.14) as from 2.12.02 for regulation or order making purposes and otherwise from 6.10.03
 25. Substituted by para. 132 of Schedule 24 to the Civil Partnership Act 2004 (c. 33) as from 5.12.05
 26. Inserted by para.6(4)(b) of Sch.3 to the Welfare Reform Act (NI) 2007 (c.2) as from 27.10.08
 27. Substituted by para. 132 of Schedule 24 to the Civil Partnership Act 2004 (c. 33) as from 5.12.05
 28. Inserted by para.5(2) of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
 29. Inserted by para.26 of Sch.2 to the State Pension Credit Act (NI) 2002 (c.14) as from 2.12.02 for regulation or order making purposes and otherwise from 6.10.03
 30. Inserted by para.6(5) of Sch.3 to the Welfare Reform Act (NI) 2007 (c.2) as from 27.10.08
 31. Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
 32. Inserted by para 2(3) of the Schedule to SR 2006 No 37 as from 14.02.06
 33. Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
 34. Inserted by para.6(2) of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
 35. Inserted by para.6(3) of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
 36. Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
 37. Substituted by para.27(2)(a) of Sch.8 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 1.12.99
 38. Inserted by para.27(2)(b) of Sch.8 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 1.12.99
 39. Substituted by para.27(2)(a) of Sch.8 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 1.12.99
 40. Inserted by para.27(2)(b) of Sch.8 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 1.12.99
 41. Inserted by para.6(4) of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
 42. Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
 43. Inserted by para.7 of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
 44. Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
 45. Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
 46. Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
 47. Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
 48. Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
 49. Articles 8 to 12 substituted by Article 55(4) of the Welfare Reform (NI) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 9 of S.R. 2017 No. 190 for commencement dates).
 50. Omitted by para. 40 of Schedule 6 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (SR 2016 No. 76) as from 09.05.16
 51. Omitted by para. 41 of Schedule 6 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (SR 2016 No. 76) as from 09.05.16
 52. Repealed by Sch.7 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 53. Substituted by para.103(1)(b) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99

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54. Substituted by para.103(2) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 55. Repealed by Sch.7 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 56. Substituted by para.104(1)(b) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 57. Inserted by para.8(2) of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
 58. Substituted by Article 51 of the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17
 59. Substituted by para.27(3)(a) of Sch.8 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 1.12.99
 60. Inserted by para.8(3) of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
 61. Substituted by Article 51 of the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17
 62. Substituted by paragraph 3(2) of Schedule 7 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17
 63. Inserted by para.8(4) of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
 64. Substituted by section 27(2) of the Welfare Reform Act (NI) 2010 (c. 13) as from 13.8.10
 65. Substituted by paragraph 3(3) of Schedule 7 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17
 66. Repealed by Part 3 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17 (see Art. 3 of S.R. 2017 No. 190)
 67. Substituted by section 27(3) of the Welfare Reform Act (NI) 2010 (c. 13) as from 13.8.10
 68. Repealed by Part 3 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17 (see Art. 3 of S.R. 2017 No. 190)
 69. Added by para.27(3)(b) of Sch.8 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 1.12.99
 70. Repealed by Part 3 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17 (see Art. 3 of S.R. 2017 No. 190)
 71. Added by para.27(3)(b) of Sch.8 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 1.12.99
 72. Inserted by Article 3(2) of S.R. 2011 No. 298 as from 01.02.2012
 73. Substituted by para.105(2)(a) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 74. Substituted by para.105(2)(b) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 75. Substituted by para.105(2)(c) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 76. Substituted by para.105(3) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 77. Substituted by para.105(3) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 78. Substituted by para.105(3) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 79. Repealed by paragraph 105(4) of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
 80. Inserted by para.9 of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
 81. Inserted by Article 3(3) of S.R. 2011 No. 298 as from 1.2.12
 82. Substituted by para.106(1) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 83. Substituted by para.106(2)(a) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 84. Substituted by para.106(2)(b) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99

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85. Substituted by para.106(2)(b) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 86. Substituted by para.106(3) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 87. Substituted by para.106(3) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 88. Substituted by para.106(3) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 89. Repealed by paragraph 106(4) of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
 90. Repealed by paragraph 107 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
 91. Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
 92. Inserted by para.10(2) of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
 93. Inserted by para.10(3) of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
 94. Substituted by Sch.1 to the Employment Rights (NI) Order 1996 (SI 1996/1919 (NI 16)) as from 24.9.96
 95. Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
 96. Substituted by para. 133 of Schedule 24 to the Civil Partnership Act 2004 (c. 33) as from 5.12.05
 97. Substituted by para.234 of Sch.6 to the Income Tax (Earnings and Pensions) Act 2003 (c.1) as from 6.4.03
 98. Inserted by para.11 of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
 99. Substituted by para. 134 of Schedule 24 to the Civil Partnership Act 2004 (c. 33) as from 5.12.05
 100. Substituted by para.108(1) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 101. Substituted by paragraph 4 of Schedule 7 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17
 102. Substituted by para.108(2) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 103. Substituted by para.27(4) of Sch.8 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 1.12.99
 104. Inserted by para.12 of Sch.7 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 19.3.01
 105. Substituted by para.109(1) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 106. Substituted by para.109(2) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 107. Substituted by para.109(3) of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 108. Substituted by paragraph 4 of Schedule 7 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17
 109. Repealed by Part 4 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)). (see Art. 9 of S.R. 2017 No. 190 for commencement dates)
 110. Inserted by section 1(2) of the Welfare Reform Act (NI) 2010 (c. 13) as from 13.8.10
 111. Repealed by Part 3 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17 (see Art. 3 of S.R. 2017 No. 190)
 112. Repealed by Part 3 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17 (see Art. 3 of S.R. 2017 No. 190)
 113. Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)
 114. Repealed by Part 4 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)). (see Art. 9 of S.R. 2017 No. 190 for commencement dates)

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115. Omitted by para. 43(a) of Schedule 6 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (SR 2016 No. 76) as from 09.05.16
 116. Substituted by para. 43(b) of Schedule 6 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (SR 2016 No. 76) as from 09.05.16
 117. Repealed by Part 4 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)). (see Art. 9 of S.R. 2017 No. 190 for commencement dates)
 118. Substituted by Article 52(1) of the Welfare Reform (NI) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17
 119. Inserted by paragraph 6(a) of Schedule 7 to the Welfare Reform (NI) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17 (see Art. 3 of S.R. 2017 No. 190)
 120. Repealed by Part 4 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 9 of S.R. 2017 No. 190 for commencement dates)
 121. Substituted by paragraph 6(b) of Schedule 7 to the Welfare Reform (NI) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17 (see Art. 3 of S.R. 2017 No. 190)
 122. Substituted by paragraph 6(c) of Schedule 7 to the Welfare Reform (NI) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17 (see Art. 3 of S.R. 2017 No. 190)
 123. Substituted by paragraph 6(c) of Schedule 7 to the Welfare Reform (NI) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17 (see Art. 3 of S.R. 2017 No. 190)
 124. Substituted by para.111 of Sch.6 to the Social Security (NI) Order 1998 (SI 1998/1506 (NI 10)) as from 18.10.99
 125. Substituted by paragraph 6(d) of Schedule 7 to the Welfare Reform (NI) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17 (see Art. 3 of S.R. 2017 No. 190)
 126. Substituted by paragraph 6(d) of Schedule 7 to the Welfare Reform (NI) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17 (see Art. 3 of S.R. 2017 No. 190)
 127. Substituted by para.27(5) of Sch.8 to the Welfare Reform and Pensions (NI) Order 1999 (SI 1999/3147 (NI 11)) as from 1.12.99
 128. Repealed by Part 4 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 9 of S.R. 2017 No. 190 for commencement dates)
 129. Repealed by Part 3 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17 (see Art.9 of S.R. 2017 No. 190)
 130. Repealed by paragraph 7 of Schedule 7 to the Welfare Reform (NI) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17 (see Art. 3 of S.R. 2017 No. 190)
 131. Repealed by Part 4 of Schedule 12 to the Welfare Reform (NI) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 9 of S.R. 2017 No. 190 for commencement dates)
 132. Inserted by section 26(2) of the Welfare Reform Act (NI) 2010 (c. 13) as from 20.6.11
 133. Omitted by para. 44(a) of Schedule 6 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (SR 2016 No. 76) as from 09.05.16
 134. Omitted by para. 44(b) of Schedule 6 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (SR 2016 No. 76) as from 09.05.16
 135. Omitted by para. 44(b) of Schedule 6 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (SR 2016 No. 76) as from 09.05.16
 136. Omitted by para. 44(b) of Schedule 6 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (SR 2016 No. 76) as from 09.05.16
 137. Omitted by para. 44(b) of Schedule 6 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (SR 2016 No. 76) as from 09.05.16
 138. Omitted by para. 44(c) of Schedule 6 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (SR 2016 No. 76) as from 09.05.16
 139. Omitted by para. 44(d) of Schedule 6 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (SR 2016 No. 76) as from 09.05.16
 140. Omitted by para. 44(d) of Schedule 6 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (SR 2016 No. 76) as from 09.05.16
 141. Omitted by para. 44(e) of Schedule 6 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (SR 2016 No. 76) as from 09.05.16
 142. Substituted by paragraph 8 of Schedule 7 to the Welfare Reform (NI) Order 2015 (SI 2015/2006 (NI 1)) as from 27.09.17 (see Art. 3 of S.R. 2017 No. 190)
 143. Repealed by Part 4 of Schedule 12 to the Welfare Reform (NI) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 9 of S.R. 2017 No. 190 for commencement dates)
 144. Repealed by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (SI 2015/2006 (NI 1)) (see Art. 6 of S.R. 2017 No. 190 for commencement dates)

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145. Substituted by para. 135 of Schedule 24 to the Civil Partnership Act 2004 (c. 33) as from 5.12.05