
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 198

The Jobseeker's Allowance Regulations (Northern Ireland) 1996

Part II

Jobseeking

Chapter IV

Attendance, Information and Evidence

Attendance

23. A claimant shall attend at such place and at such time as the Department may specify by a notice in writing given or sent to the claimant.

Provision of information and evidence

24.—(1) A claimant shall provide such information as to his circumstances, his availability for employment and the extent to which he is actively seeking employment as may be required by the Department in order to determine the entitlement of the claimant to a jobseeker's allowance, whether that allowance is payable to him and, if so, in what amount.

(2) A claimant shall furnish such other information in connection with the claim, or any question arising out of it, as may be required by the Department.

(3) Where—

- (a) a jobseeker's allowance may be claimed by either member of a couple, or
- (b) entitlement to a jobseeker's allowance or whether that allowance is payable and, if so, in what amount, is or may be affected by the circumstances of either member of a couple or any member of a polygamous marriage,

the Department may require the member of the couple other than the claimant to certify in writing whether he agrees to the claimant's making the claim, or that he, or any member of a polygamous marriage, confirms the information given about his circumstances.

(4) A claimant shall furnish such certificates, documents and other evidence as may be required by the Department for the determination of the claim.

(5) A claimant shall furnish such certificates, documents and other evidence affecting his continuing entitlement to a jobseeker's allowance, whether that allowance is payable to him and, if so, in what amount as the Department may require.

(6) A claimant shall, if the Department requires him to do so, provide a signed declaration to the effect that—

- (a) he is, and has been since making a claim for a jobseeker's allowance or since he last provided a declaration in accordance with this paragraph, either available for employment

or satisfied the circumstances to be treated as available for employment, save as he has otherwise notified the Department;

- (b) since making a claim for a jobseeker's allowance or since he last provided a declaration in accordance with this paragraph he has either been actively seeking employment to the extent necessary to give him his best prospects of securing employment or he has satisfied the circumstances to be treated as actively seeking employment, save as he has otherwise notified the Department, and
- (c) since making a claim for a jobseeker's allowance or since he last provided a declaration in accordance with this paragraph there has been no change to his circumstances which might affect his entitlement to a jobseeker's allowance or the payability or amount of such an allowance, save as he has notified the Department.

(7) A claimant shall notify the Department—

- (a) of any change of circumstances which has occurred which he might reasonably be expected to know might affect his entitlement to a jobseeker's allowance or the payability or amount of such an allowance, and
- (b) of any such change of circumstances which he is aware is likely so to occur,

and shall do so as soon as reasonably practicable after its occurrence or, as the case may be, after he becomes so aware, by giving notice in writing (unless the Department determines in any particular case to accept notice given otherwise than in writing) to the appropriate office.

(8) Where, pursuant to paragraph (1) or (2), a claimant is required to provide information he shall do so when he attends in accordance with a notice under regulation 23 (attendance), if so required by the Department, or within such period as the Department may require.

(9) Where, pursuant to paragraph (4) or (5), a claimant is required to provide certificates, documents or other evidence he shall do so within 7 days of being so required or such longer period as the Department may consider reasonable.

(10) Where, pursuant to paragraph (6), a claimant is required to provide a signed declaration he shall provide it on the day on which he is required to attend in accordance with a notice under regulation 23 or such other day as the Department may require.

Entitlement ceasing on a failure to comply

25.—(1) Subject to regulation 27 (where entitlement is not to cease), entitlement to a jobseeker's allowance shall cease in the following circumstances—

- (a) if the claimant fails to attend on the day specified in a notice under regulation 23 (attendance), other than a notice requiring attendance under a training scheme;
- (b) if—
 - (i) following a failure to attend at the time specified in a notice under regulation 23, the Department has informed the claimant in writing that a failure to attend, on the next occasion on which he is required to attend, at the time specified in such a notice may result in his entitlement to a jobseeker's allowance ceasing, and
 - (ii) he fails to attend at the time specified in such a notice on the next occasion;
- (c) if the claimant was required to provide a signed declaration as referred to in regulation 24(6) (provision of information and evidence) and he fails to provide it on the day on which he ought to do so in accordance with regulation 24(10).

(2) In this regulation, "a training scheme" has the meaning given in regulation 75 (interpretation).

Time at which entitlement is to cease

26. Entitlement to a jobseeker’s allowance shall cease in accordance with regulation 25 (failure to comply) on whichever is the earlier of—

- (a) the day after the last day in respect of which the claimant has provided information or evidence which establishes his entitlement to a jobseeker’s allowance;
- (b) if regulation 25(1)(a) or (b) applies, the day on which he was required to attend, and
- (c) if regulation 25(1)(c) applies, the day on which he ought to have provided the signed declaration,

provided that it shall not cease earlier than the day after he last attended in compliance with a notice under regulation 23 (attendance).

Where entitlement is not to cease

27.—(1) Entitlement to a jobseeker’s allowance shall not cease if the claimant shows, before the end of the 5th working day after the day on which he failed to comply with a notice under regulation 23 (attendance) or to provide a signed declaration in accordance with regulation 24 (provision of information and evidence), that he had good cause for the failure.

(2) In this regulation, “working day” means any day on which the appropriate office is not closed.

Matters to be taken into account in determining whether a claimant has good cause for failing to comply with a notice under regulation 23

28.—(1) Subject to regulation 30 (circumstances in which a claimant is to be regarded as having good cause for failing to comply with a notice under regulation 23), in determining, for the purposes of regulation 27 (where entitlement is not to cease), whether a claimant has good cause for failing to comply with a notice under regulation 23 (attendance) the matters which are to be taken into account shall include the following—

- (a) whether the claimant misunderstood the requirement on him due to any learning, language or literacy difficulties of the claimant or any misleading information given to the claimant by an employment officer;
- (b) whether the claimant was attending a medical or dental appointment, or accompanying a person for whom the claimant has caring responsibilities to such an appointment, and whether it would have been unreasonable, in the circumstances, to re-arrange the appointment;
- (c) any difficulty with the claimant’s normal mode of transport and whether there was any reasonable available alternative;
- (d) the established customs and practices of the religion, if any, to which the claimant belongs;
- (e) whether the claimant was attending an interview for employment.

(2) In this regulation, “employment” means employed earner’s employment except in relation to a claimant to whom regulation 20(2) applies and for the duration only of any permitted period determined in his case in accordance with regulation 16, in which case, for the duration of that period, it means employed earner’s employment or self-employed earner’s employment.

Matters to be taken into account in determining whether a claimant has good cause for failing to provide a signed declaration

29. In determining, for the purposes of regulation 27 (where entitlement is not to cease), whether a claimant has good cause for failing to comply with a requirement to provide a signed declaration,

as referred to in regulation 24(6) (provision of information and evidence), on the day on which he ought to do so the matters which are to be taken into account shall include the following—

- (a) whether there were adverse postal conditions;
- (b) whether the claimant misunderstood the requirement on him due to any learning, language or literacy difficulties of the claimant or any misleading information given to the claimant by an employment officer.

Circumstances in which a claimant is to be regarded as having good cause for failing to comply with a notice under regulation 23

30. For the purposes of regulation 27 (where entitlement is not to cease), a claimant is to be regarded as having good cause for failing to comply with a notice under regulation 23 (attendance)—

- (a) where, if regulation 5(1) (exceptions to requirement to be available immediately) applies in his case, he was required to attend at a time less than 48 hours from receipt by him of the notice;
- (b) where, if regulation 5(2) applies in his case, he was required to attend at a time less than 24 hours from receipt by him of the notice;
- (c) where he was, in accordance with regulation 14(1)(a) to (g), (k) to (m) or (2), treated as available for employment on the day on which he failed to attend;
- (d) where the day on which he failed to attend falls in a week in which he was, in accordance with regulation 19(1)(o) and (2), treated as actively seeking employment.