

**2010 No. 144**

**SOCIAL SECURITY**

**The Jobseeker's Allowance (Lone Parents) (Availability for Work) Regulations (Northern Ireland) 2010**

*Made* - - - - - *1st April 2010*

*Coming into operation* - *26th April 2010*

*Approved by resolution of the Assembly on 13th September 2010*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 8, 11(1), 21(8) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(a), and now vested in it(b).

**Citation and commencement**

1. These Regulations may be cited as the Jobseeker's Allowance (Lone Parents) (Availability for Work) Regulations (Northern Ireland) 2010 and shall come into operation on 26th April 2010.

**Amendment of the Jobseeker's Allowance Regulations**

2. —(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(c) are amended in accordance with paragraphs (2) to (12).

(2) In regulation 5 (exceptions to requirement to be available immediately)—

- (a) in paragraph (4) after “13” insert “, 13A”;
- (b) in paragraph (5)(d) for “or 13” substitute “, 13 or 13A”.

(3) In regulation 6 (employment of at least 40 hours per week)—

- (a) in paragraph (1) after “(additional restrictions on availability for certain groups)” insert “, regulation 13A (additional restrictions on availability for lone parents) ”;
- (b) in paragraph (2) after “13(3) or (4)” insert “, regulation 13A ”.

(4) In regulation 7(1) (restriction of hours for which a person is available to 40 hours per week) for “regulation 13 (additional restrictions on availability for certain groups) and in regulation 17(2)” substitute “regulations 13 (additional restrictions on availability for certain groups), 13A (additional restrictions on availability for lone parents) and 17(2) (laid off and short-time workers)”.

(5) In regulation 8 (other restrictions on availability) before “or 17(2)” insert “, 13A”.

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- (a) S.I. 1995/2705 (N.I. 15); Article 8 was amended by paragraph 103 of Schedule 6 and Schedule 7 to, the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)), and Article 36(2) was amended by paragraph 55 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
  - (b) See Article 8(b) of S.R. 1999 No. 481
  - (c) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 358, S.R. 1997 No. 138, S.R. 1998 No. 198, S.R. 2002 No. 388 and S.R. 2008 No. 478
  - (d) Paragraph 5 was amended by regulation 11(2)(c) of S.R. 2008 No. 478

- (6) In regulation 11(1)(b)(a) (part-time students) before “or 17(2)” insert “, 13A”.
- (7) In regulation 12(1)(a)(b) (volunteers) before “or 17(2)” insert “, 13A”.
- (8) In regulation 13(2) (additional restrictions on availability for certain groups) after “paragraph (3) or (4) of this regulation,” insert “regulation 13A (additional restrictions on availability for lone parents)”.
- (9) After regulation 13 insert—

**“Additional restrictions on availability for lone parents**

**13A.** —A lone parent who in any week is responsible for, and a member of the same household as, a child under the age of 13 may restrict his availability for employment to the child’s normal school hours.”.

- (10) In regulation 14(2A)(c) (circumstances in which a person is to be treated as available)—
  - (a) in sub-paragraph (a) before “or 17(2)” insert “, 13A (additional restrictions on availability for lone parents)”, and
  - (b) in sub-paragraph (a)(i) before “or 17(2)” insert “, 13A”.
- (11) In regulation 31(c) (contents of jobseeker’s agreement) after “13” insert “, 13A”.
- (12) In regulation 72(2)(a)(d) (good cause for the purposes of Article 21(5)(a) and (6)(c) and (d) of the Order) after “13” insert “, 13A”.

Sealed with the Official Seal of the Department for Social Development on 1st April 2010

(L.S.)

*Anne McCleary*  
A senior officer of the Department for Social Development

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(a) Regulation 11(1)(b) was amended by regulation 3 of S.R. 1996 No. 358  
(b) Regulation 12 was substituted by regulation 2(3) of S.R. 2002 No. 388  
(c) Regulation 14(2A) was inserted by regulation 2(4) of S.R. 1997 No. 138  
(d) Regulation 72(2)(a) was amended by regulation 6(a) of S.R. 1998 No. 198

## EXPLANATORY NOTE

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

These Regulations amend the Jobseeker's Allowance Regulations (Northern Ireland) 1996 ("the 1996 Regulations") by inserting new regulation 13A which applies to lone parents who are responsible for, and a member of the same household as, a child under the age of 13.

It is normally a condition of entitlement to jobseeker's allowance that claimants are willing and able to take up employment of at least 40 hours per week, but regulation 13A provides for an easement in the case of lone parents to whom the new provision applies. They will be able to restrict their availability for employment to the child's normal school hours.

Consequential amendments are also made to other provisions of the 1996 Regulations concerning a claimant's availability for work, contents of a jobseeker's agreement and good cause for the purposes of Article 21 of the Jobseekers (Northern Ireland) Order 1995.

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

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