



Welfare Reform Act (Northern Ireland) 2010

2010 CHAPTER 13

An Act to amend the law relating to social security; to amend the law relating to child support; and for connected purposes. [13th August 2010]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

SOCIAL SECURITY

“Work for your benefit” schemes etc.

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

1.—(1) [^{F1}The Jobseekers (Northern Ireland) Order 1995 (NI 15) (in this Act referred to as “the Jobseekers Order”) is amended as follows.]

(2) [^{F2}After Article 19 insert—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Welfare Reform Act (Northern Ireland) 2010 is up to date with all changes known to be in force on or before 19 February 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“ “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) for securing that the appropriate consequence follows if a participant has failed to comply with the regulations and it is not shown, within a prescribed period, that the participant had good cause for the failure;
- (e) prescribing matters which are, or are not, to be taken into account in determining whether a participant has good cause for any failure to comply with the regulations;
- (f) prescribing circumstances in which a participant is, or is not, to be regarded as having good cause for any failure to comply with the regulations.

(6) In the case of a jobseeker's allowance other than a joint-claim jobseeker's allowance, the appropriate consequence for the purposes of paragraph (5)(d) is that the allowance is not payable for such period (of at least one week but not more than 26 weeks) as may be prescribed.

(7) In the case of a joint-claim jobseeker's allowance, the appropriate consequence for the purposes of paragraph (5)(d) is that the participant is to be

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treated as subject to sanctions for the purposes of Article 22A for such period (of at least one week but not more than 26 weeks) as may be prescribed.

(8) Regulations under this Article may make provision for an income-based jobseeker's allowance to be payable in prescribed circumstances even though other provision made by the regulations would prevent payment of it. This paragraph does not apply in the case of a joint-claim jobseeker's allowance (corresponding provision for which is made by Article 22B(4)).

(9) The provision that may be made by the regulations by virtue of paragraph (8) includes, in particular, provision for the allowance to be—

- (a) payable only if prescribed requirements as to the provision of information are complied with;
- (b) payable at a prescribed rate;
- (c) payable for a prescribed period (which may differ from any period mentioned in paragraph (6))

(10) In this Article—

“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).

Article 19A: supplemental

19B.—(1) For the purposes of, or in connection with, any scheme within Article 19A(1) the Department or the Department for Employment and Learning 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 sub-paragraph (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.

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(3) The power of the Department for Employment and Learning to 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.”.]

(3) [^{F3}In Article 36 (regulations and orders), after paragraph (3) add—

“(4) Without prejudice to the generality of the provisions of this Article—

(a) regulations under Article 19A may make different provision for different areas;

(b) regulations under Article 19A may make provision which applies only in relation to an area or areas specified in the regulations.”]

^{F4}(4)

^{F4}(5)

Textual Amendments

F1 S. 1(1)–(3) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 4](#); S.R. 2017/190, [art. 9](#) (with arts. 10–25)

F2 S. 1(1)–(3) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 4](#); S.R. 2017/190, [art. 9](#) (with arts. 10–25)

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F4 S. 1(4)(5) repealed (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 3](#); S.R. 2017/190, art. 3(1)(2)(j)

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Revised system of working-age benefits

Work-related activity: income support claimants and partners of claimants

2.—(1) The Social Security Administration (Northern Ireland) Act 1992 (c. 8) (in this Act referred to as “the Administration Act”) is amended as follows.

(2) After section 2C insert—

“2D Work-related activity

(1) Regulations may make provision for or in connection with imposing on a person who—

- (a) is entitled to income support, and
- (b) is not a lone parent of a child under the age of 3,

a requirement to undertake work-related activity in accordance with regulations as a condition of continuing to be entitled to the full amount of income support payable apart from the regulations.

(2) Regulations may make provision for or in connection with imposing on a person (“P”) who—

- (a) is under pensionable age, and
- (b) is a member of a couple the other member of which (“C”) is entitled to a benefit to which subsection (3) applies at a higher rate referable to P,

a requirement to undertake work-related activity in accordance with regulations as a condition of the benefit continuing to be payable to C at that rate.

(3) The benefits to which this subsection applies are—

- (a) income support;
- (b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance; and
- (c) an income-related employment and support allowance.

(4) Regulations under this section may, in particular, make provision—

- (a) prescribing circumstances in which a person is to be subject to any requirement imposed by the regulations (a “relevant requirement”);
- (b) for notifying a person of a relevant requirement;
- (c) prescribing the time or times at which a person who is subject to a relevant requirement is required to undertake work-related activity and the amount of work-related activity the person is required at any time to undertake