Draft Regulations laid before Parliament under section 37(2) of the Jobseekers Act 1995, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No. 000

SOCIAL SECURITY

The Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008

Made - - - - 000

Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by—

— sections 2A, 2B, 189(1), (4) to (6) and (7A) and 191 of the Social Security Administration Act 1992(**1**),

— sections 123(1)(a), 124(1)(e), 137(1), and 175(1) to (4) of the Social Security Contributions and Benefits Act 1992(**2**),

— sections 6(2) and (4), 7(4), 8(2)(d)(ii), 19(8)(a), 35(1) and 36(2) and (4) of, and paragraphs 8 and 10(1)(a) and (2)(a) of Schedule 1 to, the Jobseekers Act 1995(**3**),

— sections 2(4)(a), 4(6)(a) and 24(1) of the Welfare Reform Act 2007(**4**).

The Secretary of State referred the proposals for these Regulations to the Social Security Advisory Committee(**5**).

A draft of these Regulations was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995(**6**) and approved by a resolution of each House of Parliament.

(**1**) 1992 c. 5 ("the 1992 Act"). Sections 2A and 2B were inserted by section 57 of the Welfare Reform and Pensions Act 1999 (c.30) ("the 1999 Act"); section 2A(2) was amended by S.I. 2002/1457; section 189(1) and (4) to (6) was amended by paragraph 109 of Schedule 7 to the Social Security Act 1998 (c. 14); section 189(1) was amended by paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and Schedule 6 to the Tax Credits Act 2002 (c. 21); section 189(7A) was inserted by paragraph 82 of Schedule 12 to the 1999 Act; section 191 is cited because of the meaning it gives to the word "prescribed".

(**2**) 1992 c. 4. Section 124(1)(e) was inserted by paragraph 30(5) of Schedule 2 to the Jobseekers Act 1995 (c. 18); section 137(1) is an interpretation provision and is cited because of the meaning given to the word "prescribed"; section 175(1) and (4) was amended by section 2 of, and paragraph 29(1) and (2) of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(**3**) Section 36(4) was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), section 2, Schedule 3, paragraph 63; section 35(1) is an interpretation provision and is cited because of the meaning it gives to the word "prescribed" and "regulations"; sections 35(1) and 36(4) were amended by section 2 of, and paragraphs 62 and 63 respectively of, Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999.

(**4**) 2007 c. 5. Section 24(1) is cited for the meaning of "prescribed" and "regulations".

(**5**) *See* section 172(1) of the 1992 Act.

(**6**) 1995 c. 18.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008.

(2) These Regulations come into force on the day after the day on which they are made, except that—

(a) regulations 3, 6 and 9 come into force on 26th October 2009;

(b) regulations 4, 7 and 10 come into force on 25th October 2010.

(3) Paragraph (2) is subject to the provisions in the Schedule.

(4) In these Regulations—

"the Income Support Regulations" means the Income Support (General) Regulations 1987(**7**);

"the Jobcentre Plus Regulations" means the Social Security (Jobcentre Plus Interviews) Regulations 2002(**8**);

"the Lone Parents Regulations" means the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000(**9**);

"lone parent" has the same meaning as in regulation 2(1) of the Income Support Regulations.

Amendment of the Income Support Regulations from the day after the day on which these Regulations are made

2.—(1) Schedule 1B (prescribed categories of person)(**10**) to the Income Support Regulations is amended as follows.

(2) For paragraph 1 substitute—

"**Lone Parents**

1. A person who is a lone parent and responsible for—

(a) a single child aged under 12, or

(b) more than one child where the youngest is aged under 12,

who is a member of that person's household.".

Amendment of the Income Support Regulations from 26th October 2009

3.—(1) Schedule 1B (prescribed categories of person) to the Income Support Regulations is amended as follows.

(2) For paragraph 1 (as substituted by regulation 2 of these Regulations) substitute—

"**Lone Parents**

1. A person who is a lone parent and responsible for—

(a) a single child aged under 10, or

(b) more than one child where the youngest is aged under 10,

(**7**) S.I. 1987/1967.
(**8**) S.I. 2002/1703; relevant amending instrument is S.I. 2007/1034.
(**9**) S.I. 2000/1926; relevant amending instrument is S.I. 2007/1034.
(**10**) Schedule 1B was inserted by S.I. 1996/206.

who is a member of that person's household.".

Amendment of the Income Support Regulations from 25th October 2010

4.—(1) Schedule 1B (prescribed categories of person) to the Income Support Regulations is amended as follows.

(2) For paragraph 1 (as substituted by regulation 3 of these Regulations) substitute—

"**Lone Parents**

1. A person who is a lone parent and responsible for—

(a) a single child aged under 7, or

(b) more than one child where the youngest is aged under 7,

who is a member of that person's household.".

Amendment of the Lone Parents Regulations from the day after the day on which these Regulations are made

5.—(1) The Lone Parents Regulations are amended as follows.

(2) In regulation 2(1) (general requirement for lone parents claiming or entitled to income support to take part in an interview)(**11**), after "regulations" insert "2ZA,".

(3) After regulation 2 insert—

"**Requirement for certain lone parents to take part in an interview**

2ZA.—(1) This regulation applies to a lone parent if—

(a) he is entitled to income support and is a person to whom paragraph 1 (lone parents) of Schedule 1B to the Income Support (General) Regulations 1987 applies;

(b) no other paragraph of that Schedule applies to him; and

(c) he is responsible for and living in the same household as—

(i) a single child aged 9, 10 or 11, or

(ii) more than one child where the youngest is aged 9, 10 or 11.

(2) Subject to regulations 4 to 6, a lone parent to whom this regulation applies is required to take part in an interview every 13 weeks after he—

(a) last took part,

(b) last failed to take part, or

(c) was last treated as having taken part,

in an interview.

(3) A lone parent who—

(a) is required to take part in an interview under this regulation, or

(b) has had a requirement to take part in an interview under this regulation waived or deferred,

is not required to take part in an interview under regulation 2 unless this regulation ceases to apply to him.".

(**11**) Regulation 2 was substituted by 2007/1034.

(4) In regulation 4 (circumstances where requirement to take part in an interview does not apply)(**12**)—

(a) in paragraph (3) for "2A and 2B" substitute "2ZA, 2A and 2B";

(b) in paragraph (4), at the end add ", under regulation 2ZA of these Regulations or regulation 4A of the Social Security (Jobcentre Plus Interviews) Regulations 2002".

(5) In regulations 5(2) (deferment of requirement to take part in an interview)(**13**) and 6(2)(a) (waiver), for "2, 2A and 2B" substitute "2, 2ZA, 2A and 2B".

(6) In regulation 7(3)(b) (consequences of failure to take part in an interview)(**14**), after "2(3) or (4)," insert "2ZA,".

Amendment of the Lone Parents Regulations from 26th October 2009

6. In regulation 2ZA(1) of the Lone Parents Regulations, as inserted by regulation 5(3), for "9, 10 or 11" in both places substitute "6, 7, 8, or 9".

Amendment of the Lone Parents Regulations from 25th October 2010

7. In regulation 2ZA(1) of the Lone Parents Regulations, as amended by regulation 6, for "6, 7, 8 or 9" in both places substitute "6".

Amendment of the Jobcentre Plus Regulations from the day after the day on which these Regulations are made

8.—(1) The Jobcentre Plus Regulations are amended as follows.

(2) In regulation 4(1) (continuing entitlement to specified benefit dependent on an interview)(**15**), for "6 to 9" substitute "4A and 6 to 9".

(3) After regulation 4 insert—

"**Requirement for certain lone parents to take part in an interview**

4A.—(1) This regulation applies to a lone parent who—

(a) is entitled to income support and is a person to whom paragraph 1 (lone parents) of Schedule 1B to the Income Support (General) Regulations 1987 applies;

(b) does not fall within any other paragraph of that Schedule; and

(c) is responsible for and living in the same household as—

(i) a single child aged 9, 10 or 11, or

(ii) more than one child where the youngest is aged 9, 10 or 11.

(2) Subject to regulations 6 to 9, a lone parent to whom this regulation applies is required to take part in an interview every 13 weeks after he—

(a) last took part,

(b) last failed to take part, or

(c) was last treated as having taken part,

in an interview.

(3) A lone parent who—

(**12**) Regulation 4 was substituted by S.I. 2005/2727 and amended by S.I.s. 2006/909 and 2007/1034.
(**13**) Regulation 5 was amended by S.I s. 2001/1189, 2005/2727 and 2007/1034.
(**14**) Regulation 7 was amended by S.I s. 2005/2727 and 2007/1034.
(**15**) Regulation 4 was amended by S.I s. 2002/2497, 2004/959, 2005/2727 and 2007/1034.

(a) is required to take part in an interview under this regulation, or

(b) has had a requirement to take part in an interview under this regulation waived or deferred,

is not required to take part in an interview under regulation 4 unless this regulation ceases to apply to him.".

(4) In regulation 5(b) (time when interview is to take place)(**16**), after "4(1)" insert "or 4A(2)".

(5) In regulation 6(2)(a) (waiver of a requirement to take part in an interview), for "3 or 4" substitute "3, 4 or 4A".

(6) In regulation 8(1) (exemptions)(**17**), for "4 or 7(2)" substitute "4 or 4A or 7(2)".

(7) In regulation 12(2)(c)(failure to take part in an interview)(**18**), for "4" substitute "4 or 4A".

Amendment of the Jobcentre Plus Regulations from 26th October 2009

9. In regulation 4A(1) of the Jobcentre Plus Regulations, as inserted by regulation 8(3), for "9, 10 or 11" in both places substitute "6, 7, 8 or 9".

Amendment of the Jobcentre Plus Regulations from 25th October 2010

10. In regulation 4A(1) of the Jobcentre Plus Regulations, as amended by regulation 9, for "6, 7, 8 or 9" in both places substitute "6".

Amendment of the Jobseeker's Allowance Regulations 1996

11.—(1) The Jobseeker's Allowance Regulations 1996(**19**) are amended as follows.

(2) In regulation 5 (exceptions to requirement to be available immediately: carers etc.)(**20**)—

(a) in paragraph (1) at the beginning, insert "Subject to paragraph (1A),";

(b) after paragraph (1), insert—

"(1A) In order to be regarded as available for employment, a person who has caring responsibilities in relation to a child is not required to take up employment or attend for interview within the periods referred to in paragraph (1) if those responsibilities make it unreasonable for him to do so, providing he is willing and able—

(a) to take up employment on being given 28 days notice; and

(b) to attend for interview in connection with the opportunity of any such employment on being given 7 days notice.

(1B) For the purposes of paragraph (1A), it is for the claimant to show that it is unreasonable for him to take up employment or attend for interview within the periods referred to in paragraph (1). ".

(c) in paragraph (5)(**21**)—

(i) for "(1) or (2)" substitute "(1), (1A) or (2)"; and

(ii) omit "one week, 48 hour and 24 hour".

(3) In regulation 6 (employment of at least 40 hours per week), for "(3) or (4)" in both places substitute "(3), (3A) or (4)".

(**16**) Regulation 5 was amended by S.I. 2005/2727.
(**17**) Regulation 8 was amended by S.I s. 2003/2439, 2005/2727 and 2007/1034.
(**18**) Regulation 12 was amended by S.I. 2005/2727.
(**19**) S.I. 1996/207.
(**20**) Regulation 5(1) was substituted by S.I. 2002/3072 and amended by S.I. 2006/1402.
(**21**) Regulation 5(5) was amended by S.I. 2002/3072.