STATUTORY RULES OF NORTHERN IRELAND

2011 No. 368

SOCIAL SECURITY

The Social Security (Work-focused Interviews for Lone Parents and Partners) (Amendment) Regulations (Northern Ireland) 2011

Made - - - -	*19th October 2011*
Coming into operation	*31st October 2011*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 2A(1), (2B), (3)(b) and (e), (5), (6) and (8), 2AA(1) and (6), 165(1), (4)(a), (5) and (6) of the Social Security Administration (Northern Ireland) Act 1992(**1**), and now vested in it(**2**) and sections 12(1), 13(1), 24(3B) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Work-focused Interviews for Lone Parents and Partners) (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 31st October 2011.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Social Security (Work-focused Interviews for Lone Parents) Regulations

2.—(1) The Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001(**5**) are amended in accordance with paragraphs (2) to (10).

(2) In regulation 1 (citation, commencement and interpretation)—

(**1**) 1992 c. 8; section 2A was inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and amended by sections 3(2) and 29(2) and (4) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.)); section 2AA was inserted by section 5 of the Social Security Act (Northern Ireland) 2002 (c. 10 (N.I.)) and subsection (1) was amended by section 29(3)(a) and (4) of the Welfare Reform Act (Northern Ireland) 2010 and section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(**2**) *See* Article 8(b) of S.R. 1999 No. 481

(**3**) 2007 c. 2 (N.I.); section 12(1) was amended by section 3(3) of the Welfare Reform Act (Northern Ireland) 2010 and section 24(3B) was inserted by section 3(5) of the Welfare Reform Act (Northern Ireland) 2010

(**4**) 1954 c. 33 (N.I.)

(**5**) S.R 2001 No. 152; relevant amending Regulations are S.R. 2005 No. 443, S.R. 2007 No. 219, S.R. 2008 No. 478 and S.R. 2011 No. 26

(a) in paragraph (2) after the definition of "pensionable age"(**6**) insert—

""relevant interview" means an interview under these Regulations in relation to the lone parent's current award of income support."; and

(b) after paragraph (3) add—

"(4) For the purposes of section 2A(2A)(b) of the Social Security Administration (Northern Ireland) Act 1992(**7**) and these Regulations, a lone parent is to be treated as responsible for, and a member of the same household as, a child under the age of one only where the lone parent is treated as being responsible for and a member of the same household as such a child under regulations 15 and 16 of the Income Support (General) Regulations (Northern Ireland) 1987(**8**).".

(3) For regulation 2(**9**) (general requirement for lone parents claiming or entitled to income support to take part in an interview) substitute—

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

2.—(1) Subject to this regulation and regulations 2ZA and 4 to 6, a lone parent who falls within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations (Northern Ireland) 1987 and paragraph (2) or (3) is required to take part in an interview.

(2) A lone parent falls within this paragraph if the lone parent is entitled to income support and has not taken part or been required to take part in a relevant interview.

(3) A lone parent falls within this paragraph if the lone parent has—

(a) taken part;

(b) failed to take part; or

(c) been treated as having taken part,

in a relevant interview.

(4) Where a lone parent falls within paragraph (3), the requirement to take part in an interview arises every 6 months after the date on which the lone parent—

(a) last took part;

(b) last failed to take part; or

(c) was last treated as having taken part,

in a relevant interview.

(5) Where a determination has been made in relation to a lone parent under regulation 6(1) (waiver) the lone parent is to be treated for the purposes of paragraph (2) of this regulation as if he has not taken part or been required to take part in a relevant interview.".

(4) In regulation 2ZA(**10**) (requirement for certain lone parents to take part in an interview)—

(a) in paragraph (2) for "an interview" in the second place where it occurs substitute "a relevant interview"; and

(b) in paragraph (3)(a) and (b) for "an interview" substitute "a relevant interview".

(5) After regulation 2ZA—

(**6**) The definition of "pensionable age" was inserted by regulation 3(2) of S.R. 2011 No. 26
(**7**) 1992 c. 8
(**8**) S.R. 1987 No. 459
(**9**) Regulation 2 was substituted by regulation 2(2) of S.R. 2007 No. 219 and amended by 2(7) of S.R. 2007 No. 219 and regulation 5(2) of S.R. 2008 No. 478
(**10**) Regulation 2ZA was inserted by regulation 5(3) of S.R. 2008 No. 478

(a) insert—

"**General requirement for lone parents entitled to income support to take part in an interview**

2ZB.—(1) Subject to regulations 4 to 6, this regulation applies to a lone parent who does not fall within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations (Northern Ireland) 1987 and is entitled to income support.

(2) A lone parent to whom this regulation applies is required to take part in an interview—

(a) where paragraph (3) applies; or

(b) where paragraph (4) and either paragraph (5) or (6) applies.

(3) This paragraph applies to a lone parent who has not taken part or been required to take part in a relevant interview.

(4) This paragraph applies to a lone parent who has taken part in a relevant interview or who would have taken part in such an interview but for—

(a) the requirement being deferred in accordance with regulation 5, or

(b) the requirement being waived in accordance with regulation 6.

(5) This paragraph applies to a lone parent when any of the following circumstances arise—

(a) the lone parent's entitlement to carer's allowance ceases whilst entitlement to income support continues;

(b) the lone parent becomes engaged or ceases to be engaged in part-time work;

(c) the lone parent has been undergoing education or training arranged by an officer and that education or training comes to an end; or

(d) the lone parent attains the age of 18 and has not previously taken part in a relevant interview.

(6) This paragraph applies where a lone parent has not been required to take part in a relevant interview for at least 36 months.".

(6) Omit regulation 2A(**11**) (requirement for specified lone parents to take part in an interview).

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

(a) in paragraph (1) for "Regulation 2" substitute "Regulations 2 and 2ZB";

(b) after paragraph (1) insert—

"(1A) Regulation 2 shall not apply to a lone parent who is treated as responsible for, and a member of the same household as, a child who is under the age of one."; and

(c) in paragraph (2) for "2A" substitute "2ZB".

(8) In regulations 5(2)(**13**) (deferment of requirement to take part in an interview) and 6(2)(a)(**14**) (waiver) for "2, 2ZA and 2A" substitute "2, 2ZA and 2ZB".

(**11**) Regulation 2A was inserted by regulation 3(3) of S.R. 2005 No. 443 and amended by regulation 2(3) of S.R. 2007 No. 219
(**12**) Regulation 4 was substituted by regulation 2(5) of S.R. 2007 No. 219 and amended by regulation 5(4) of S.R. 2008 No. 478 and regulation 3(3) of S.R. 2011 No. 26
(**13**) Regulation 5(2) was amended by regulation 3(6) of S.R. 2005 No. 443 and regulation 5(5) of S.R. 2008 No. 478
(**14**) Regulation 6(2)(a) was amended by regulation 3(7) of S.R. 2005 No. 443 and regulation 5(5) of S.R. 2008 No. 478

(9) In regulation 7(**15**) (consequence of failure to take part in a work-focused interview)—

(a) in paragraph (1) for "the consequences specified in paragraphs (3) and (4) ensue" substitute "the consequence specified in paragraph (3) ensues";

(b) for paragraph (3) substitute—

"(3) The income support of a lone parent to whom paragraph (1) applies shall be reduced in accordance with regulation 8."; and

(c) omit paragraphs (4) and (6).

(10) In regulation 8(3)(**16**) (reduction of income support)—

(a) at the end of sub-paragraph (b) omit "and"; and

(b) at the end of sub-paragraph (c) insert—

"; and

(d) the first day of the benefit week in which regulation 4(1A) first applies to that person.".

Amendment of the Social Security (Work-focused Interviews) Regulations

3.—(1) The Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003(**17**) are amended in accordance with paragraphs (2) to (10).

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (3) after the definition of "relevant benefit" (**18**) insert—

""relevant interview" means an interview under these Regulations in relation to the claimant's current award of a specified benefit;"; and

(b) after paragraph (4) insert—

"(4A) For the purposes of section 2A(2A)(b) of the Social Security Administration (Northern Ireland) Act 1992(**19**) and these Regulations, a lone parent is to be treated as responsible for, and a member of the same household as, a child under the age of one only where the lone parent would be treated as being responsible for, and a member of the same household as, such a child under regulations 15 and 16 of the Income Support (General) Regulations (Northern Ireland) 1987, if references in those Regulations to income support were to a specified benefit.".

(3) In regulation 2(1)(**20**) (requirement for person claiming a specified benefit to take part in an interview)—

(a) at the end of sub-paragraph (b) omit "and"; and

(b) at the end of sub-paragraph (c) insert—

"and

(d) is not a lone parent who—

(i) makes a claim for or is entitled to income support, and

(**15**) Regulation 7 was amended by regulation 3(8) of S.R. 2005 No. 443, regulation 2(6) of S.R. 2007 No. 219 and regulation 5(6) of S.R. 2008 No. 478

(**16**) Regulation 8(3) was amended by regulation 3(4) of S.R. 2011 No. 26

(**17**) S.R. 2003 No. 274; relevant amending Regulations are S.R. 2005 Nos. 414 and 443, S.R. 2008 No. 465 and 478, S.R. 2009 No. 418 and S.R. 2011 No. 26

(**18**) The definition of "relevant benefit" was inserted by regulation 2(2)(c) of S.R. 2005 No. 443 and amended by regulation 3(3) of S.R. 2009 No. 418

(**19**) 1992 c. 8

(**20**) Regulation 2(1) was amended by regulation 2(3) of S.R. 2005 No. 443 and by regulation 5(3) of S.R 2011 No. 26

(ii) falls within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations (Northern Ireland) 1987;".

(4) For regulation 3(**21**) (continuing entitlement to a specified benefit dependent on an interview) substitute—

"**Continuing entitlement to full amount of a specified benefit dependent on an interview**

3.—(1) This paragraph applies to a person who—

(a) is not a lone parent who is entitled to income support who falls within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations (Northern Ireland) 1987;

(b) has not attained pensionable age; and

(c) is entitled to a specified benefit.

(2) Subject to regulations 5 to 8, a person to whom paragraph (1) applies is required to take part in an interview as a condition of continuing to be entitled to the full amount of benefit which is payable apart from these Regulations where paragraph (3) and either paragraph (4) or (5) apply.

(3) This paragraph applies to a person who has taken part in a relevant interview or who would have taken part in such an interview but for—

(a) the requirement being waived in accordance with regulation 5; or

(b) the requirement being deferred in accordance with regulation 6.

(4) This paragraph applies to a person when any of the following circumstances arise—

(a) the person's entitlement to carer's allowance ceases whilst entitlement to a specified benefit continues;

(b) the person becomes engaged or ceases to be engaged in part-time work;

(c) the person has been undergoing education or training arranged by the officer and that education or training comes to an end; or

(d) the person attains the age of 18 and has not previously taken part in a relevant interview.

(5) This paragraph applies where a person has not been required to take part in a relevant interview for at least 36 months.".

(5) After regulation 3 insert—

"**Continuing entitlement to full amount of income support dependent on an interview: lone parents who fall within paragraph 1 of Schedule 1B to the Income Support (General) Regulations (Northern Ireland) 1987**

3ZA.—(1) Subject to regulations 3A and 5 to 8, this regulation applies to a lone parent who—

(a) is entitled to income support;

(b) falls within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations (Northern Ireland) 1987; and

(c) has not attained pensionable age.

(**21**) Regulation 3 has amendments not relevant to these Regulations