STATUTORY RULES OF NORTHERN IRELAND

2009 No. 327

SOCIAL SECURITY

The Social Security (Incapacity Benefit Work-focused Interviews) (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*25th September 2009*
Coming into operation	*26th October 2009*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 2A(1) and (3) to (5) and 165(4), (5) and (7A) of the Social Security Administration (Northern Ireland) Act 1992(**1**), and now vested in it(**2**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Incapacity Benefit Work-focused Interviews) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 26th October 2009.

(2) In these Regulations—

"the 2001 Regulations" means the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001(**3**);

"the 2003 Regulations" means the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003(**4**); and

"the principal Regulations" means the Social Security (Incapacity Benefit Work-focused Interviews) Regulations (Northern Ireland) 2008(**5**).

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

2.—(1) The principal Regulations are amended in accordance with paragraphs (2) to (5).

(2) For regulation 2(3) (relevant claimant) substitute—

(**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 Article 2(2)(b)(i) of S.R. 2002 No. 321, and section 165(7A) was inserted by paragraph 58 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

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

(**3**) S.R. 2001 No. 176

(**4**) S.R. 2003 No. 274

(**5**) S.R. 2008 No. 465

"(3) The second condition is that at least one of the following sub-paragraphs applies to the person—

(a) immediately before 15th December 2008 the person was a "relevant person" within the meaning of—

(i) the 2001 Regulations, as saved by regulation 15(2) of the 2003 Regulations, or

(ii) the 2005 Regulations;

(b) the person—

(i) is under 25 years of age, and

(ii) has been in receipt of a specified benefit for a continuous period of at least 12 months;

(c) at any time before 26th October 2009, the person has been required to take part in an interview under the 2003 Regulations by virtue of having made a claim for, or being entitled to, a specified benefit;

(d) the person makes a claim for a specified benefit in respect of a period beginning after 26th October 2008 and that claim is of a description referred to in regulation 2(2) of the Employment and Support Allowance (Transitional Provisions) Regulations (Northern Ireland) 2008(**6**).".

(3) In regulation 7(3) (failure to take part in a work-focused interview) for "good cause has not been shown for that failure within 5 working days of the date on which the designated authority gives notification of that failure" substitute "the claimant has not shown good cause in accordance with paragraph (1)".

(4) In regulation 8(12)(a) (consequences of a failure to take part in a work-focused interview) for "below" substitute "to below".

(5) In regulation 11 (revocations, savings and transitional provisions)—

(a) after paragraph (2) insert—

"(2A) This paragraph applies to a relevant claimant who—

(a) at any time before 26th October 2009 has been required to take part in an interview under the 2003 Regulations by virtue of having made a claim for, or being entitled to, a specified benefit; and

(b) immediately before that date was subject to the consequences specified in regulation 11 of the 2003 Regulations (failure to take part in an interview).

(2B) Where paragraph (2A) applies to a relevant claimant—

(a) the person continues to be subject to the consequences specified in regulation 11 of the 2003 Regulations; and

(b) any other provision of the 2003 Regulations continues to have effect insofar as is necessary to give full effect to sub-paragraph (a).";

(b) in paragraph (3)—

(i) after "paragraph (2)(a)" insert "or (2B)(a)",

(ii) after "the 2005 Regulations" insert "or, as the case may be, regulation 11(2) of the 2003 Regulations".

(**6**) S.R. 2008 No. 283; regulation 2 was amended by regulation 2 of S.R. 2008 No. 429