STATUTORY RULES OF NORTHERN IRELAND

2008 No. 478

SOCIAL SECURITY

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

Made - - - - 1st December 2008

Coming into operation in accordance with regulation 1

Approved by resolution of the Assembly on 26th May 2009

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(a), 123(1)(e) and 171(1) to (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 2A, 2B, 165(1), (4) to (6) and (7A) of the Social Security Administration (Northern Ireland) Act 1992(**2**), Articles 8(2) and (4), 9(4), 10(2)(d)(ii), 21(8)(a) and 36(2) of, and paragraphs 8, 10(1)(a) and (2)(a) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**3**) and now vested in it(**4**) and sections 2(4)(a) and 4(6)(a) of the Welfare Reform Act (Northern Ireland) 2007(**5**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Lone Parents and Miscellaneous Amendments) Regulations (Northern Ireland) 2008 and come into operation on the day after the day on which they are made, except that—

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

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

(2) Paragraph (1) is subject to the provisions in the Schedule.

(3) In these Regulations—

(**1**) 1992 c. 7; section 123(1)(e) was inserted by paragraph 13(5) of Schedule 2 to, the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and amended by Schedule 3 to, the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)); section 171(1) was amended by paragraph 5 of Schedule 4 to, the Tax Credits Act 2002 (c. 21) and section 171(2) was amended by paragraph 28(2) of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(**2**) 1992 c. 8; sections 2A and 2B were inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)); 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; section 165(6) was amended by paragraph 86 of Schedule 6 and Schedule 7 to, the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)); section 165(7A) was inserted by paragraph 58 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

(**3**) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999; paragraph 10(1) was substituted and sub-paragraph (2) was amended by paragraphs 16(5) and (6) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

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

(**5**) 2007 c.2 (N.I.)

(a) "the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**6**);

(b) "the Work-focused Interviews Regulations" means the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003(**7**);

(c) "the Lone Parents Regulations" means the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001(**8**), and

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

(4) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Assembly.

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

2. In Schedule 1B(**10**) (prescribed categories of person) to the Income Support Regulations for paragraph 1 (lone parents) 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. In Schedule 1B (prescribed categories of person) to the Income Support Regulations 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,

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

Amendment of the Income Support Regulations from 25th October 2010

4. In Schedule 1B (prescribed categories of person) to the Income Support Regulations 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

(**6**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1996 No. 199
(**7**) S.R. 2003 No. 274; relevant amending Regulations are S.R. 2005 Nos. 414 and 443 and S.R. 2007 No. 219
(**8**) S.R. 2001 No. 152; relevant amending Regulations are S.R. 2005 No. 443 and S.R. 2007 No. 219
(**9**) 1954 c. 33 (N.I.)
(**10**) Schedule 1B was inserted by regulation 22 of S.R. 1996 No. 199

(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 in accordance with paragraphs (2) to (6).

(2) In regulation 2(1)(**11**) (requirement for lone parents claiming or entitled to income support to take part in an interview) 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 (Northern Ireland) 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.".

(4) In regulation 4(2)(**12**) (circumstances where requirement to take part in an interview does not apply) for "2A" substitute "2ZA and 2A".

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

(6) In regulation 7(3)(b)(**15**) (consequence of failure to take part in a work-focused interview), after "2(3) or (4)" insert ", 2ZA".

(**11**) Regulation 2(1) was substituted by regulation 2(2) of S.R. 2007 No. 219
(**12**) Regulation 4 was substituted by regulation 2(5) of S.R 2007 No. 219
(**13**) Regulation 5 was amended by regulation 3(6) of S.R. 2005 No. 443
(**14**) Regulation 6 was amended by regulation 3(7) of S.R. 2005 No. 443
(**15**) Regulation 7 was amended by regulation 2(6)(b) of S.R. 2007 No. 219

Amendment of the Lone Parents Regulations from 26th October 2009

6. In regulation 2ZA(1)(c) of the Lone Parents Regulations, as inserted by regulation 5(3), for "9, 10 or 11" in each place where it occurs, substitute "6, 7, 8 or 9".

Amendment of the Lone Parents Regulations from 25th October 2010

7. In regulation 2ZA(1)(c) of the Lone Parents Regulations, as amended by regulation 6, for "6, 7, 8 or 9" in each place where it occurs, substitute "6".

Amendment of the Work-focused Interviews Regulations from the day after the day on which these Regulations are made

8.—(1) The Work-focused Interviews Regulations are amended in accordance with paragraphs (2) to (7).

(2) In regulation 3(1)(**16**) (continuing entitlement to a specified benefit dependent on an interview) for "5 to 8" substitute "3A and 5 to 8".

(3) After regulation 3 insert—

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

3A.—(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 (Northern Ireland) 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 5 to 8, 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 3 unless this regulation ceases to apply to him.".

(4) In regulation 4(b)(**17**) (time when interview is to take place) after "3(1)" insert "or 3A(2)".

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

(**16**) Regulation 3(1) was amended by regulation 3(2)(a) and (3)(a) of S.R. 2007 No. 219
(**17**) Regulation 4 was amended by regulation 2(5) of S.R. 2005 No. 443

(6) In regulation 7(1)(**18**) (exemptions) for "3 or 6(2)" substitute "3 or 3A or 6(2)".

(7) In regulation 11(2)(c)(**19**) (failure to take part in an interview) for "3" substitute "3 or 3A".

Amendment of the Work-focused Interviews Regulations from 26th October 2009

9. In regulation 3A(1)(c) of the Work-focused Interview Regulations, as inserted by regulation 8(3) for "9, 10 or 11" in each place where it occurs substitute "6, 7, 8 or 9".

Amendment of the Work-focused Interviews Regulations from 25th October 2010

10. In regulation 3A(1)(c) of the Work-focused Interview Regulations, as amended by regulation 9 for "6, 7, 8 or 9" in each place where it occurs substitute "6".

Amendment of the Jobseeker's Allowance Regulations

11.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**20**) are amended in accordance with paragraphs (2) to (11).

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

(a) in paragraph (1)(**21**) 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).", and

(c) in paragraph (5)(**22**)—

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

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

(3) In regulation 11(1)(**23**) (part-time students) for "5(1), (2) or (3)" substitute "5(1), (1A), (2) or (3)".

(4) In regulation 13 (additional restrictions on availability for certain groups) after paragraph (5) add—

"(6) This paragraph applies to a person who has caring responsibilities in relation to a child if an employment officer determines that, due to the type and number of employment vacancies within daily travelling distance of the person's home, he would not satisfy the condition in paragraph (4)(b).

(**18**) Regulation 7 was amended by regulation 12 of S.R. 2005 No. 414 and regulation 2(6) of S.R. 2005 No. 443
(**19**) Regulation 11(2)(c) was amended by regulation 2(8)(b) of S.R. 2005 No. 443
(**20**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 358, S.R. 1998 No. 198, S.R. 1999 Nos. 107 and 428 (C. 32) , S.R. 2000 Nos. 255 and 350, S.R. 2002 No. 388, S.R. 2004 No. 166 and S.R. 2006 No. 234
(**21**) Regulation 5(1) was amended by regulation 2(2)(a) of S.R. 2002 No. 388 and regulation 3(2) of S.R. 2006 No. 234
(**22**) Regulation 5(5) was amended by regulation 2(2)(b) of S.R. 2002 No. 388
(**23**) Regulation 11(1) was amended by regulation 3 of S.R. 1996 No. 358