STATUTORY RULES OF NORTHERN IRELAND

2016 No. 67

SOCIAL SECURITY

The Social Security (Lone Parents and Miscellaneous Amendments) Regulations (Northern Ireland) 2016

Made - - - -	*22nd February 2016*
Laid before Parliament	*29th February 2016*
Coming into operation	*16th January 2017*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 122(1)(a), 123(1)(e) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 2A(1) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**2**), Articles 8(4) and 9(4) of the Jobseekers (Northern Ireland) Order 1995(**3**) and sections 2(4)(a) and 4(6)(a) of the Welfare Reform Act (Northern Ireland) 2007(**4**).

Those powers are exercisable by the Secretary of State by virtue of Article 4(1)(b) of the Welfare Reform (Northern Ireland) Order 2015.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Lone Parents and Miscellaneous Amendments) Regulations (Northern Ireland) 2016.

(2) These Regulations come into operation on 16th January 2017.

(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 (Northern Ireland) 1987(**5**);

(**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).

(**2**) 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 section 29(2) and (4) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13); 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).

(**3**) S.I. 1995/2705 (N.I. 15).

(**4**) 2007 c. 2 (N.I).

(**5**) S. R. 1987 No. 459; relevant amending Regulations are S.R. 1996 No. 199 and S.R. 2008 No. 478.

"the Lone Parents Regulations" means the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001(**6**);

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

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

(5) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support Regulations

2. In Schedule 1B(**9**) (prescribed categories of person) of the Income Support Regulations for paragraph 1 substitute—

"**Lone Parents**

1.—(1) A lone parent who is responsible for, and a member of the same household as—

(a) a single child aged under 5, or

(b) more than one child where the youngest is aged under 5.

(2) A lone parent who is under the age of 18.".

Amendment of the Jobseeker's Allowance Regulations

3.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**10**) are amended in accordance with paragraphs (2) and (3).

(2) After regulation 17A (further circumstances in which a person is to be treated as available: full-time students participating in a qualifying course)(**11**) insert—

"**Further circumstances in which a person is to be treated as available: lone parents with children aged 5 not in full-time education**

17B. A lone parent shall be treated as available for employment in any week where—

(a) the lone parent is responsible for, and a member of the same household as, a child who is aged 5;

(b) the child—

(i) is not receiving full-time education by regular attendance at school or otherwise; and

(ii) is not required by law to receive full-time education; and

(c) it would be unreasonable for the lone parent to make other arrangements for the care of that child.".

(3) After regulation 21A (further circumstances in which a qualifying person is to be treated as actively seeking employment: full-time students participating in a qualifying course) (**12**) insert—

(**6**) S. R. 2001 No. 152; relevant amending Regulations are S.R. 2008 No. 478, S.R. 2011 No. 368 and S.R. 2011 No. 357.
(**7**) S. R. 2003 No. 274; relevant amending Regulations are S.R. 2008 No. 478 and S.R. 2011 No. 357.
(**8**) 1954 c. 33 (N.I.).
(**9**) Schedule 1B was inserted by regulation 22 of S.R. 1996 No. 199 and paragraph 1 was substituted by regulation 2 and amended by regulation 4 of S.R. 2008 No. 478.
(**10**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1998 No. 198.
(**11**) Regulation 17A was inserted by regulation 4 of S.R. 1998 No. 198.
(**12**) Regulation 21A was inserted by regulation 5 of S.R. 1998 No. 198.

"**Further circumstances in which a person is to be treated as actively seeking employment: lone parents with children aged 5 not in full-time education**

21B. A lone parent who is treated for any period as being available for employment under regulation 17B shall be treated as actively seeking employment for the same period.".

Amendment of the Lone Parents Regulations

4. In regulation 2ZA(1)(c) of the Lone Parents Regulations (requirement for certain lone parents to take part in an interview)(**13**) for "4, 5 or 6" in both places where it occurs substitute "4".

Amendment of the Work-focused Interviews Regulations

5. In regulation 3A(1)(c) of the Work-focused Interviews Regulations (requirement for certain lone parents to take part in an interview)(**14**) for "4, 5 or 6" in both places where it occurs substitute "4".

Amendment of the Employment and Support Allowance Regulations

6. In regulation 7(1)(c)(iii) of the Employment and Support Allowance Regulations (Northern Ireland) 2008(**15**) (circumstances where the condition that the assessment phase has ended before entitlement to the support component or work-related activity component arises does not apply) for "2008" substitute "2016".

Savings and transitional provisions applicable to certain lone parents following a full-time course

7.—(1) This regulation applies to a lone parent if the following conditions are met.

(2) The first condition is that—

(a) immediately before the specified day the lone parent was entitled to income support and fell within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support Regulations;

(b) no other paragraph of Schedule 1B applies to the lone parent; and

(c) on and after the specified day, the lone parent is responsible for and a member of the same household as—

(i) a single child aged 5 or over, or

(ii) more than one child where the youngest child is aged 5 or over.

(3) The second condition is that immediately before the specified day, and on and after that day, the lone parent is also—

(a) a full-time student attending or undertaking a full-time course of advanced education, a full-time course of study or a sandwich course, or

(b) following a full-time course of training or instruction provided pursuant to arrangements made by the Department for Employment and Learning or pursuant to a scheme which has been approved by the Department for Employment and Learning as supporting the

(**13**) Regulation 2ZA was inserted by regulation 5(3) of S.R. 2008 No. 478 and paragraph (1)(c) was amended by regulation 13(2)(b) of S.R. 2011 No. 357.
(**14**) Regulation 3A was inserted by regulation 8(3) and amended by regulations 9 and 10 of S.R. 2008 No. 478 and paragraph (1) was amended by regulation 15(2) of S.R. 2011 No. 357.
(**15**) S.R. 2008 No. 280; regulation 7(1)(c) was added by regulation 12(b) of S.R. 2008 No. 478.

objectives set out in section 1 of the Employment and Training Act (Northern Ireland) 1950(**16**).

(4) This regulation does not apply, or (as the case may be) it ceases to apply, to a lone parent if the lone parent makes a further claim for income support on or after the specified day.

(5) Where this regulation applies to a lone parent—

(a) paragraph 1 of Schedule 1B to the Income Support Regulations as in operation in relation to the lone parent at the beginning of the period of study referred to in paragraph (3)(a) shall continue to have effect in relation to the lone parent for so long as the lone parent remains a full-time student;

(b) paragraph 1 of Schedule 1B to the Income Support Regulations as in operation at the beginning of the particular course of training or instruction referred to in paragraph (3)(b) shall continue to have effect in relation to the lone parent for so long as the lone parent is following that full-time course; and

(c) any requirement to take part in a work-focused interview every 13 weeks in accordance with regulation 2ZA of the Lone Parents Regulations or regulation 3A of the Work-focused Interviews Regulations shall continue to apply in relation to the lone parent at a time when, apart from this paragraph, the requirement would cease to apply because the lone parent's child's or youngest child's, age exceeds the age specified in those regulations.

(6) For the purposes of this regulation—

"full-time student" and "sandwich course" each have the same meaning as in regulation 61 of the Income Support Regulations;

"period of study" has the same meaning as in regulation 2(1) of the Income Support Regulations;

"specified day" means 16th January 2017.

Revocations

8. The following regulations are revoked—

(a) regulations 2 and 4 of the Social Security (Lone Parents and Miscellaneous Amendments) Regulations (Northern Ireland) 2008(**17**), and

(b) regulations 13(2)(b)(i) and 15(2)(b) of the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2011(**18**).

Signed by authority of the Secretary of State for Work and Pensions

Priti Patel
Minister of State,
Department for Work and Pensions

22nd February 2016

(**16**) 1950 c. 29.
(**17**) S.R. 2008 No. 478.
(**18**) S.R. 2011 No. 357.