

**2007 No. 219**

**SOCIAL SECURITY**

**The Social Security (Work-focused Interviews for Lone Parents)  
(Amendment) Regulations (Northern Ireland) 2007**

*Made* - - - - *29th March 2007*

*Coming into operation in accordance with regulation 1(1)*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 2A, 2B, 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(a), and now vested in it(b).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Work-focused Interviews for Lone Parents) (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation—

- (a) for the purposes of regulations 2(1) to (6) and 3(1) and (2), on 30th April 2007, and
- (b) for the purposes of regulations 2(7) and 3(3), on 28th April 2008.

(2) In these Regulations—

“the Lone Parents Regulations” means the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001(c);

“the Work-focused Interviews Regulations” means the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003(d).

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

**Amendment of the Lone Parents Regulations**

2.—(1) The Lone Parents Regulations shall be amended in accordance with paragraphs (2) to (7).

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

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(a) 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 2A(2) was amended by Article 2(2)(b)(i) of the Deregulation (Carer’s Allowance) Order (Northern Ireland) 2002 (S.R. 2002 No. 321). Section 2B was amended by paragraph 6 of Schedule 1 to, the Social Security (Northern Ireland) Act 2002 (c.10). 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) and subsection (6) was amended by paragraph 86 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

(b) See Article 8(b) and Part II of Schedule 6 to, S.R. 1999 No. 481

(c) S.R. 2001 No. 152; relevant amending Regulations are S.R. 2002 No. 105 and S.R. 2005 No. 443

(d) S.R. 2003 No. 274; relevant amending Regulations are S.R. 2005 No. 443

(e) 1954 c.33 (N.I.)

(f) Regulation 2 was amended by regulation 2(3) of S.R. 2002 No. 105 and regulation 3(2) of S.R. 2005 No. 443

**“General requirement for lone parents claiming or entitled to income support to take part in an interview**

2.—(1) Subject to this regulation and regulations 2A(a) and 4 to 6(b), a lone parent is required to take part in an interview if he falls within any of paragraphs (2) to (4).

(2) A lone parent falls within this paragraph if he makes a claim for income support in respect of himself.

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

(4) A lone parent falls within this paragraph if he is entitled to income support and has—

- (a) taken part;
- (b) failed to take part, or
- (c) been treated as having taken part,

in a relevant interview.

(5) Where a lone parent falls within paragraph (4) the requirement to take part in an interview arises at the times set out in paragraph (6), except where the young child condition as set out in paragraph (9) is satisfied, in which case the requirement arises at the times set out in paragraph (7).

(6) The requirement arises (where the young child condition is not satisfied)—

- (a) where the lone parent—
  - (i) last took part;
  - (ii) last failed to take part, or
  - (iii) was last treated as having taken part,

in a relevant interview on a date on or after 30th April 2006 but before 30th October 2006, 1 year after that date, and it arises again every 6 months after it first arises, or

- (b) where the lone parent does not fall within sub-paragraph (a), every 6 months after the date on which he—
  - (i) last took part;
  - (ii) last failed to take part, or
  - (iii) was last treated as having taken part,

in a relevant interview.

(7) The requirement arises (where the young child condition is satisfied)—

- (a) where the interview that the lone parent—
  - (i) last took part in;
  - (ii) last failed to take part in, or
  - (iii) was last treated as having taken part in,

was the first relevant interview, 6 months after the date of that first interview, and it arises again upon each anniversary of that date;

- (b) where the interview that the lone parent—
  - (i) last took part in;
  - (ii) last failed to take part in, or
  - (iii) was last treated as having taken part in,

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(a) Regulation 2A was inserted by regulation 3(3) of S.R. 2005 No. 443

(b) Regulation 4 was substituted by regulation 3(5) of S.R. 2005 No. 443. Regulation 5(2) was amended by regulation 3(6) of S.R. 2005 No. 443 and regulation 6(2)(a) was amended by regulation 3(7) of S.R. 2005 No. 443

was the second relevant interview, 6 months after the date of that second interview, and it arises again upon each anniversary of the day on which it first arises;

- (c) in any other case, on each anniversary of the date of the interview that the lone parent—
  - (i) last took part in;
  - (ii) last failed to take part in, or
  - (iii) was last treated as having taken part in.

(8) In this regulation “relevant interview” means an interview under these Regulations, in relation to the lone parent’s current claim.

(9) For the purposes of this regulation, the young child condition is satisfied where the lone parent is responsible for and living in the same household as—

- (a) a single child aged under 5, or
- (b) more than one child where the youngest is aged under 5.

(10) Where a determination has been made in relation to a lone parent under regulation 6(1) (waiver) he is to be treated for the purposes of paragraph (3) as if he has not taken part or been required to take part in a relevant interview.”.

(3) In regulation 2A (requirement for specified lone parents to take part in an interview) omit paragraph (5).

(4) After regulation 2A insert—

#### “The interview

**2B.**—(1) An interview under these Regulations shall take place as soon as is reasonably practicable after the date on which the requirement to take part in the interview arises.

(2) An officer shall inform the lone parent of the place and time of the interview.

(3) An officer may determine that an interview is to take place in the lone parent’s home where it would, in the opinion of the officer, be unreasonable to expect that lone parent to attend elsewhere because that lone parent’s personal circumstances are such that attending elsewhere would—

- (a) cause him undue inconvenience, or
- (b) endanger his health.”.

(5) For regulation 4 (circumstances where requirement to take part in an interview does not apply) substitute—

“**4.**—(1) Regulation 2 shall not apply where the lone parent—

- (a) has attained the age of 60;
- (b) has not attained the age of 18, or
- (c) is—
  - (i) required to take part in an interview, or
  - (ii) not required to take part in an interview by virtue of—
    - (aa) a waiver of a requirement, or
    - (bb) a deferment of an interview,

under the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001<sup>(a)</sup>, the Social Security (Work-focused Interviews) Regulations (Northern Ireland)

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(a) S.R. 2001 No. 176; relevant amending Regulations are regulation 15(1) and Schedule 1 to, S.R. 2003 No. 274

2003 or the Social Security (Incapacity Benefit Work-focused Interviews) Regulations (Northern Ireland) 2005(a).

(2) Regulation 2A shall not apply where the lone parent—

- (a) has attained the age of 60, or
- (b) has not attained the age of 18.”.

(6) In regulation 7(3)(b) (consequence of failure to take part in a work-focused interview)—

- (a) in sub-paragraph (a) for “2(1)(a)” substitute “2(2)”, and
- (b) in sub-paragraph (b), for “2(1)(b) or 2A” substitute “2(3) or (4) or 2A”

(7) In regulation 2, as substituted by paragraph (2)(c)—

- (a) in paragraph (5), omit from “, except where the young child condition is satisfied” to “set out in paragraph (7)”;
- (b) in paragraph (6), omit “(where the young child condition is not satisfied)”;
- (c) in paragraph (6)(a), for “30th April 2006 but before 30th October 2006” substitute “28th April 2007 but before 30th October 2007”, and
- (d) omit paragraphs (7) and (9).

### **Amendment of the Work-focused Interviews Regulations**

**3.—**(1) The Work-focused Interviews shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(d) (continuing entitlement to a specified benefit dependent on an interview)—

- (a) in paragraph (1)(a), after “paragraph (3)” insert “, (3B), (3D), (3F) or (3H)”;
- (b) for paragraph (3), substitute—

“(3) This paragraph applies at the times specified in paragraph (3A) where the young child condition is not satisfied (see paragraph (5B)) and where 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 on a date or after 30th April 2006 but before 30th October 2006.

(3A) Paragraph (3) first applies 1 year after that date, and it applies again every 6 months after the day on which it first applies.

(3B) This paragraph applies at the times specified in paragraph (3C) where the young child condition is not satisfied and where 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 on a date that was not on or after 30th April 2006 but before 30th October 2006.

(3C) Paragraph (3B) first applies 6 months after that date, and it applies again every 6 months after the day on which it first applies.

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(a) S.R. 2005 No. 414; relevant amending Regulations are regulation 5 of S.R. 2005 No. 443 and regulation 2 of S.R. 2006 No. 167

(b) Regulation 7(3) was amended by regulation 3(8)(a) of S.R. 2005 No. 443

(c) Regulation 2(2) of these Regulations substitutes regulation 2 of S.R. 2001 No. 152 (the Lone Parents Regulations) from 30th April 2007. From 28th April 2008, regulation 2(7) of these Regulations amends regulation 2 of S.R. 2001 No. 152 (as substituted by regulation 2(2) of these Regulations)

(d) Regulation 3 was amended by regulation 2(4) of S.R. 2005 No. 443

(3D) This paragraph applies at the times specified in paragraph (3E) where the young child condition is satisfied and where the interview that the lone parent—

- (a) last took part in;
- (b) last failed to take part in, or
- (c) was last treated as having taken part in,

was the first relevant interview.

(3E) Paragraph (3D) first applies 6 months after the date of that first interview, and it applies again upon each anniversary of the date of that first interview.

(3F) This paragraph applies at the times specified in paragraph (3G) where the young child condition is satisfied and where the interview that the lone parent—

- (a) last took part in;
- (b) last failed to take part in, or
- (c) was last treated as having taken part in,

was the second relevant interview.

(3G) Paragraph (3F) first applies 6 months after the date of that second interview, and it applies again upon each anniversary of the date on which it first applies.

(3H) This paragraph applies at the times specified in paragraph (3I) where the young child condition is satisfied and where the interview that the lone parent—

- (a) last took part in;
- (b) last failed to take part in, or
- (c) was last treated as having taken part in,

was not the first or second relevant interview.

(3I) Paragraph (3H) first applies 1 year after the date of that interview, and it applies again upon each subsequent anniversary of that date.”.

(c) after paragraph (5), insert—

“(5A) In this regulation, “relevant interview” means an interview under these Regulations, in relation to the lone parent’s current claim.

(5B) For the purposes of this regulation, the young child condition is satisfied where the lone parent is responsible for and living in the same household as—

- (a) a single child aged under 5, or
- (b) more than one child where the youngest is aged under 5.”.

(3) In regulation 3 as amended by paragraph (2)(a)—

- (a) in paragraph (1)(a), for “, (3B), (3D), (3F) or (3H)” substitute “or (3B)”;
- (b) in paragraph (3)—
  - (i) omit “where the young child condition is not satisfied (see paragraph (5B)) and”, and
  - (ii) for “30th April 2006 but before 30th October 2006” substitute “28th April 2007 but before 30th October 2007”;
- (c) in paragraph (3B)—
  - (i) omit “where the young child condition is not satisfied and”, and
  - (ii) for “30th April 2006 but before 30th October 2006” substitute “28th April 2007 but before 30th October 2007”;
- (d) omit paragraphs (3D) to (3I), and

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(a) Regulation 3(2) of these Regulations amends regulation 3 of S.R. 2003 No. 274 (the Work-focused Interviews Regulations) from 30th April 2007. From 28th April 2008, regulation 3(3) of these Regulations amends regulation 3 of S.R. 2003 No. 274 (as amended by regulation 3(2) of these Regulations)

(e) omit paragraph (5B).

Sealed with the Official Seal of the Department for Social Development on 29th March 2007

(L.S.)

*John O'Neill*

A senior officer of the Department for Social Development

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001 (“the Lone Parents Regulations”) and the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003 (“the Work-focused Interviews Regulations”) to impose additional requirements on lone parents to take part in work-focused interviews.

Regulations 2(2) and 3(2)(b) make amendments to the Lone Parents Regulations and the Work-focused Interviews Regulations respectively. They require lone parents entitled to income support to take part in a work-focused interview every 6 months.

The requirement to take part every 6 months is introduced in stages. The first stage begins on 30th April 2007 for lone parents with a youngest child aged 5 or above. Regulations 2(2) and 3(2)(b) introduce the first stage. The second stage begins on 28th April 2008 for lone parents with a youngest child aged under 5. Regulations 2(7) and 3(3) introduce the second stage.

Regulation 2(5) amends the Lone Parents Regulations to provide that lone parents cannot be required to take part in a work-focused interview under more than one set of Regulations at the same time.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c.8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.