
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 368

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

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(1) 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(2) are amended in accordance with paragraphs (2) to (10).

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

(a) in paragraph (2) after the definition of “pensionable age”(3) 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(4) 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(5).”.

(3) For regulation 2(6) (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

(1) 1954 c. 33 (N.I.)

(2) 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

(3) The definition of “pensionable age” was inserted by regulation 3(2) of S.R. 2011 No. 26

(4) 1992 c. 8

(5) S.R. 1987 No. 459

(6) 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

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(7) (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—

- (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(8) (requirement for specified lone parents to take part in an interview).

(7) In regulation 4(9) (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)(10) (deferment of requirement to take part in an interview) and 6(2)(a)(11) (waiver) for “2, 2ZA and 2A” substitute “2, 2ZA and 2ZB”.

(9) In regulation 7(12) (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)(13) (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.”.

(8) 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

(9) 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

(10) 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

(11) 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

(12) 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

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

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

3.—(1) The Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003⁽¹⁴⁾ 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” ⁽¹⁵⁾ 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⁽¹⁶⁾ 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)⁽¹⁷⁾ (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

(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⁽¹⁸⁾ (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.

⁽¹⁴⁾ 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

⁽¹⁵⁾ 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

⁽¹⁶⁾ 1992 c. 8

⁽¹⁷⁾ 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

⁽¹⁸⁾ Regulation 3 has amendments not relevant to these Regulations

- (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.

(2) A lone parent to whom this regulation applies is required to take part in an interview if the lone parent has not taken part in or been required to take part in a relevant interview.

(3) This paragraph applies to a lone parent to whom this regulation applies who is aged 18 or over and has—

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

in a relevant interview.

(4) A lone parent to whom paragraph (3) applies is required to take part in an interview 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) An officer shall, except where paragraph (6) applies, conduct the interview.

(6) An officer may, if he considers it appropriate in all the circumstances, arrange for a person who has not attained the age of 18 to attend an interview with such person as the Department or the Department for Employment and Learning may specify.”.

(6) In regulation 3A(3)(**19**) (requirement for certain lone parents to take part in an interview) for “regulation 3” substitute “regulation 3ZA”.

(7) For regulation 4(**20**) (time when interview is to take place) substitute—

“Time when interview is to take place

4.—(1) Where the claimant is not a lone parent 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, an officer shall arrange for an interview to take place as soon as reasonably practicable after—

- (a) the expiry of 8 weeks after the date the claim for a specified benefit, other than a relevant benefit, is made;
- (b) the claim for a relevant benefit is made;
- (c) the requirement under regulation 3(2) arises;
- (d) in a case where regulation 6(1) applies, the time when that requirement is to apply by virtue of regulation 6(2); or
- (e) the requirement to take part in a relevant interview arises, in a case where the requirement to take part in an interview arises because the youngest child a lone parent is responsible for, and a member of the same household as, has attained the age of one.

(2) Where the claimant is a lone parent entitled to income support who falls within paragraph 1 of Schedule 1B to the Income Support (General) Regulations (Northern Ireland) 1987, an officer shall arrange for an interview to take place as soon as reasonably practicable after—

- (a) the requirement to take part in a relevant interview arises, in a case where the requirement to take part in an interview arises because the youngest child a lone parent is responsible for, and a member of the same household as, has attained the age of one;
- (b) in any other case—
 - (i) where regulations 3ZA(2) (first interview) and 3A(1) apply, the expiry of 13 weeks beginning on and including the date on which the requirement to attend an interview arises;
 - (ii) where regulation 3ZA(2) (first interview) applies but regulation 3A(1) does not apply, the expiry of 6 months beginning on and including the date on which the requirement to attend an interview arises;
 - (iii) where either regulation 3ZA(3) or regulation 3A(2) (subsequent interviews) applies, the requirement to attend an interview arises, or
 - (iv) in a case where regulation 6(1) applies, the time when that requirement is to apply by virtue of regulation 6(2).”.

(8) In regulation 6 (deferment of requirement to take part in an interview) at the beginning of paragraph (2) insert “Subject to regulation 7(4).”.

(9) In regulation 7 (exemptions)—

(19) Regulation 3A was inserted by regulation 8(3) of S.R. 2008 No. 478

(20) Regulation 4 was amended by regulation 2(5) of S.R. 2005 No. 443 and regulation 8(4) of S.R. 2008 No. 478

- (a) in paragraph (3)(**21**) omit “or under regulation 2A of the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001”; and
 - (b) after paragraph (3) add—
 - “(4) The requirement to take part in an interview under regulations 2, 3, 3ZA or 6(2) does not apply to a lone parent who is responsible for, and a member of the same household as, a child under the age of one.”.
- (10) In regulation 11(2) (failure to take part in an interview) in sub-paragraph (c)(**22**) for “3 or 3A” substitute “3, 3ZA or 3A”.

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

4.—(1) The Social Security (Work-focused Interviews for Partners) Regulations (Northern Ireland) 2003(**23**) are amended in accordance with paragraphs (2) and (3).

- (2) In regulation 1 (citation, commencement and interpretation) after paragraph (2) insert—
 - “(2A) For the purposes of these Regulations a person is to be treated as responsible for, and a member of the same household as, a child only where the person 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(**24**), if references in those Regulations to income support were to a specified benefit.”.
- (3) For regulation 6(**25**) (exemption) substitute—
 - “**6.** A partner who, on the day on which the requirement to take part in an interview arises or applies under regulation 2, 2A or 5(2) is—
 - (a) in receipt of a specified benefit as a claimant in his own right; or
 - (b) a member of a couple, one of whom is responsible for, and a member of the same household as, a child under the age of one,is exempt from the requirement to take part in an interview.”.

Amendment of the Employment and Support Allowance Regulations

5.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(**26**) are amended in accordance with paragraphs (2) to (8).

- (2) In regulation 2 (interpretation)—
 - (a) in paragraph (1)—
 - (i) omit the definition of “lone parent”, and
 - (ii) in the definition of “single claimant” after “lone parent” insert “or a person who has no partner and who is responsible for and a member of the same household as a young person”; and
 - (b) after paragraph (5) add—
 - “(6) Subject to paragraph (7), for the purposes of section 24(3A)(b) of the Act, a lone parent is to be treated as responsible for, and a member of the same household as, a person under the age of 16 only where the circumstances set out in regulation 156 apply.

(21) Regulation 7(3) was added by regulation 12 of [S.R. 2005 No. 414](#) and amended by regulation 2(6) of [S.R. 2005 No. 443](#) and regulation 10(2) of [S.R. 2008 No. 465](#)

(22) Sub-paragraph (c) was amended by regulation 2(8)(b) of [S.R. 2005 No. 443](#) and regulation 8(7) of [S.R. 2008 No. 478](#)

(23) [S.R. 2003 No. 405](#); relevant amending Regulations are [S.R. 2008 No. 169](#)

(24) [S.R. 1987 No. 459](#)

(25) Regulation 6 was amended by regulation 2(6) of [S.R. 2008 No. 169](#)

(26) [S.R. 2008 No. 280](#); relevant amending Regulations are [S.R. 2011 No. 357](#)

(7) For the purposes of sections 12 and 13 of the Act, and regulations made under those sections, a lone parent is to be treated as responsible for, and a member of the same household as a child only where the lone parent would be treated as responsible for and a member of the same household as such a child under regulations 15 and 16 of the Income Support Regulations, if references in those Regulations to income support were to employment and support allowance.”.

(3) In regulation 54(2) (requirement to take part in a work-focused interview)—

(a) at the end of sub-paragraph (c) omit “and”; and

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

“; and

(e) is not a lone parent who is responsible for and a member of the same household as a child under one.”.

(4) In regulation 131(1) (interpretation) in the definition of “grant income” after “lone parent” insert “, is a person who has no partner and who is responsible for and a member of the same household as a young person”.

(5) In Schedule 4 (amounts)—

(a) in paragraph 1(2) of Part 1 (prescribed amounts) after “lone parent” insert “or a person who has no partner and who is responsible for and a member of the same household as a young person”; and

(b) in paragraph 6(2)(a)(27) of Part 2 (premiums) after “lone parent” insert “, a person who has no partner and who is responsible for and a member of the same household as a young person.”.

(6) In Schedule 5 (special cases) in the second column in Part 1 (amounts prescribed for the purposes of section 4(2) of the Act)—

(a) in paragraphs 4 and 5 for “or a lone parent,” in each place where it occurs substitute “, a lone parent or a person who has no partner and who is responsible for and a member of the same household as a young person”;

(b) in paragraph 6 for “or, as the case may be, lone parent” substitute “, a lone parent, or as the case may be a person who has no partner and who is responsible for and a member of the same household as a young person”; and

(c) in paragraph 7 for “or, as the case may be, a lone parent” substitute “, a lone parent, or as the case may be a person who has no partner and who is responsible for and a member of the same household as a young person”.

(7) In Schedule 6 (housing costs) in paragraph 15 (linking rules) for sub-paragraph (10) substitute—

“(10) Subject to sub-paragraph (11), for the purposes of this Schedule, a claimant is to be treated as entitled to an income-related allowance throughout any period of not more than 39 weeks following the refusal of a claim for an income-related allowance made by or on behalf of the claimant, if the claimant is a person to whom sub-paragraph (8) applies and who is—

(a) a lone parent;

(b) a person who has no partner and who is responsible for and a member of the same household as a young person; or

(c) a person who is described in paragraph 4 or 5 of Schedule 1B of the Income Support Regulations (persons caring for another person).”.

(8) In Schedule 9 (capital to be disregarded) in paragraph 5 for “a lone parent,” substitute “a lone parent or a person who has no partner and who is responsible for and a member of the same household as a young person.”.

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

6.—(1) The Social Security (Incapacity Benefit Work-focused Interviews) Regulations (Northern Ireland) 2008⁽²⁸⁾ are amended in accordance with paragraphs (2) and (3).

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

(a) in paragraph (2) after the definition of “the designated authority” insert—

““lone parent” has the meaning it bears in section 24(3A) of the Welfare Reform Act (Northern Ireland) 2007;”;

(b) after paragraph (3) add—

“(4) For the purposes of section 2A(2A) of the Social Security Administration (Northern Ireland) Act 1992, and regulation 2(6), 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 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⁽²⁹⁾ (relevant claimant) after paragraph (5) add—

“(6) The fifth condition is that the person is not a lone parent who is responsible for, and a member of the same household as, a child under the age of one.”.

Amendment of the Employment and Support Allowance (Work-related Activity) Regulations

7. In regulation 2(1) (interpretation) of the Employment and Support Allowance (Work-related Activity) Regulations (Northern Ireland) 2011⁽³⁰⁾ in the definition of “carer’s allowance”, “child”, “lone parent”, “medical treatment” and “working day” omit “lone parent”.

Sealed with the Official Seal of the Department for Social Development on 19th October 2011

(L.S.)

D. G. Wall
A senior officer of the Department for Social
Development

⁽²⁸⁾ S.R. 2008 No. 465; relevant amending Regulations are S.R. 2009 No. 327 and S.R. 2011 No. 26

⁽²⁹⁾ Regulation 2 was amended by regulation 2(2) of S.R. 2009 No. 327 and regulation 7(3) of S.R. 2011 No. 26

⁽³⁰⁾ S.R. 2011 No. 265