

STATUTORY RULES OF NORTHERN IRELAND

2008 No. 478

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

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—

- (a) “the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(1);
- (b) “the Work-focused Interviews Regulations” means the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003(2);
- (c) “the Lone Parents Regulations” means the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001(3), 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(4) shall apply to these Regulations as it applies to an Act of the Assembly.

Commencement Information

II Reg. 1 in operation at 2.12.2008, see [reg. 1\(1\)](#)

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

F12.

F1 [Reg. 2](#) revoked (16.1.2017) by [The Social Security \(Lone Parents and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/67\)](#), regs. 1(2), **8(a)**

(1) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1996 No. 199
(2) S.R. 2003 No. 274; relevant amending Regulations are S.R. 2005 Nos. 414 and 443 and S.R. 2007 No. 219
(3) S.R. 2001 No. 152; relevant amending Regulations are S.R. 2005 No. 443 and S.R. 2007 No. 219
(4) 1954 c. 33 (N.I.)

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.”.

Commencement Information

I2 Reg. 3 in operation at 26.10.2009, see **reg. 1(1)(a)**

Amendment of the Income Support Regulations from 25th October 2010

^{F2}4.

F2 Reg. 4 revoked (16.1.2017) by [The Social Security \(Lone Parents and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/67\)](#), regs. 1(2), **8(a)**

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)(5) (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

(5) Regulation 2(1) was substituted by regulation 2(2) of [S.R. 2007 No. 219](#)

(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)(6) (circumstances where requirement to take part in an interview does not apply) for “2A” substitute “2ZA and 2A”.

(5) In regulations 5(2)(7) (deferment of requirement to take part in an interview) and 6(2)(a)(8) (waiver), for “2 and 2A” substitute “2, 2ZA and 2A”.

(6) In regulation 7(3)(b)(9) (consequence of failure to take part in a work-focused interview), after “2(3) or (4)” insert “, 2ZA”.

Commencement Information

I3 Reg. 5 in operation at 2.12.2008, see [reg. 1\(1\)](#)

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”.

Commencement Information

I4 [Reg. 6](#) in operation at 26.10.2009, see [reg. 1\(1\)\(a\)](#)

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”.

Commencement Information

I5 [Reg. 7](#) in operation at 25.10.2010, see [reg. 1\(1\)\(b\)](#)

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).

(6) Regulation 4 was substituted by regulation 2(5) of [S.R. 2007 No. 219](#)

(7) Regulation 5 was amended by regulation 3(6) of [S.R. 2005 No. 443](#)

(8) Regulation 6 was amended by regulation 3(7) of [S.R. 2005 No. 443](#)

(9) Regulation 7 was amended by regulation 2(6)(b) of [S.R. 2007 No. 219](#)

(2) In regulation 3(1)(10) (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)(11) (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”.

(6) In regulation 7(1)(12) (exemptions) for “3 or 6(2)” substitute “3 or 3A or 6(2)”.

(7) In regulation 11(2)(c)(13) (failure to take part in an interview) for “3” substitute “3 or 3A”.

Commencement Information

I6 Reg. 8 in operation at 2.12.2008, see [reg. 1\(1\)](#)

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”.

(10) Regulation 3(1) was amended by regulation 3(2)(a) and (3)(a) of [S.R. 2007 No. 219](#)

(11) Regulation 4 was amended by regulation 2(5) of [S.R. 2005 No. 443](#)

(12) Regulation 7 was amended by regulation 12 of [S.R. 2005 No. 414](#) and regulation 2(6) of [S.R. 2005 No. 443](#)

(13) Regulation 11(2)(c) was amended by regulation 2(8)(b) of [S.R. 2005 No. 443](#)

Commencement Information

I7 Reg. 9 in operation at 26.10.2009, see **reg. 1(1)(a)**

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”.

Commencement Information

I8 Reg. 10 in operation at 25.10.2010, see **reg. 1(1)(b)**

Amendment of the Jobseeker’s Allowance Regulations

11.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(**14**) 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)(**15**) 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)(**16**)—

(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)(**17**) (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).

(14) 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

(15) 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

(16) Regulation 5(5) was amended by regulation 2(2)(b) of S.R. 2002 No. 388

(17) Regulation 11(1) was amended by regulation 3 of S.R. 1996 No. 358

- (7) Paragraph (4) has effect in relation to a person to whom paragraph (6) applies as if sub-paragraph (b) were omitted.”
- (5) In regulation 14 (circumstances in which a person is to be treated as available)—
- (a) after sub-paragraph (1)(r)(**18**) add—
- “(s) he is looking after a child for whom he has caring responsibilities during the child’s school holidays or another similar vacation period and it would be unreasonable for him to make other arrangements for the care of that child;
- (t) he is looking after a child for whom he has caring responsibilities at a time when the child—
- (i) is excluded from school or another educational establishment, and
- (ii) is not receiving education pursuant to arrangements made by an education and library board, and
- there are no other arrangements for the care of that child it would be reasonable for him to make.”;
- (b) in paragraph (2) at the beginning, insert “Subject to paragraph (2ZB),”;
- (c) after paragraph (2) insert—
- “(2ZA) A person who has caring responsibilities in relation to a child may be treated as available for employment for more than one week, but for no more than 8 weeks, on the occurrence of any of the circumstances set out in paragraph (2)(a) or (b), or any combination of those circumstances, but on no more than one occasion in any period of 12 months.
- (2ZB) Where a claimant has been treated as available for employment under paragraph (2ZA) in any period of 12 months, the first week in which he is so treated shall count towards the 4 periods allowable under paragraph (2).”
- (6) In regulation 17(1) and (2)(a) (laid-off and short-time workers) for “5(1) or (2)” substitute “5(1), (1A) or (2)”.
- (7) In regulation 19(1)(n) (circumstances in which a person is to be treated as actively seeking employment) for “14(2)” substitute “14(2) or (2ZA)”.
- (8) In regulation 30 (circumstances in which a claimant is to be regarded as having good cause for failing to comply with a notification under regulation 23)—
- (a) after paragraph (a)(**19**) insert—
- “(aa) where, if regulation 5(1A) applies in his case, he was required to attend on a date less than 7 days from receipt by him of the notification;”;
- (b) in paragraph (c)(**20**) for “(q) or (r) or (2)” substitute “(q) to (t) or (2) or (2ZA)”.
- (9) In regulation 72 (good cause for the purposes of Article 21(5)(a) and (6)(c) and (d) of the Order)—
- (a) after paragraph (2)(f) add—
- “(g) any child care expenses which were, or would be, necessarily incurred by the person as a result of his being in the employment or of carrying out the jobseeker’s direction if those expenses did, or would, represent an unreasonably high proportion of—

(18) Regulation 14(1)(r) was added by regulation 3(3)(b) of S.R. 2006 No. 234

(19) Regulation 30(a) was amended by regulation 2(5) of S.R. 2000 No. 255, regulation 2(5) of S.R. 2002 No. 388 and regulation 3(5)(a) of S.R. 2006 No. 234

(20) Regulation 30(c) was amended by regulation 2(4) of S.R. 1999 No. 107 and regulation 3(5)(b) of S.R. 2006 No. 234

- (i) in the case of employment, the remuneration which it is reasonable to expect that he would derive from that employment, or
 - (ii) in any other case, the income which he received, or would receive, while carrying out the jobseeker's direction.”.
- (b) after paragraph (2)(21) insert—
- “(2A) For the purposes of paragraph (2)(d), where the person has caring responsibilities in relation to a child, in considering whether those responsibilities would, or did, make it unreasonable for him to undertake a particular employment or carry out the jobseeker's direction, regard shall be had, in particular, to the following matters—
- (a) child care would not be, or was not, reasonably available to him, or
 - (b) if it would be, or it was, available, it would be, or was, unsuitable due to his particular needs or those of the child.”;
- (c) in paragraph (3) after “(2)(f)” insert “and (g)”, and
- (d) in paragraph (6)(a)(22) after “(2)(f)” insert “or (g);”.
- (10) After regulation 73 (good cause for the purposes of Article 21(5)(b) of the Order) insert—

“Just cause for the purpose of Articles 21(6)(b) and 22A(2)(e)

73A.—(1) This regulation applies for the purposes of Article 21 (circumstances in which a jobseeker's allowance is not payable) and Article 22A (denial or reduction of joint-claim jobseeker's allowance).

(2) In determining whether a person has just cause for any act or omission for the purposes of Articles 21(6)(b) and 22A(2)(e), the matters which are to be taken into account shall include the following—

- (a) any caring responsibilities for a child which made it unreasonable for the person to remain in his employment;
- (b) any child care expenses which were necessarily incurred by the person as a result of his being in the employment if those expenses represented an unreasonably high proportion of the remuneration which he derived from the employment.

(3) For the purposes of paragraph (2)(a), in considering whether the caring responsibilities made it unreasonable for the person to remain in his employment, regard shall be had, in particular, to the following matters—

- (a) child care would not be, or was not, reasonably available to him, or
- (b) if it would be, or it was, available, it would be, or was, unsuitable due to his particular needs or those of the child.

(4) For the purposes of paragraph (2)(b), in considering whether child care expenses represented an unreasonably high proportion of remuneration, the principle shall apply that the greater the level of remuneration the higher the proportion which it is reasonable should be represented by such expenses.”.

(11) In regulation 140(1)(b)(23) (meaning of “person in hardship”) for “young person” in each place where it occurs substitute “child or young person”.

(21) Regulation 72(2) was amended by regulation 6(a) of [S.R. 1998 No. 198](#) and paragraph 27(b) of Schedule 2 to, [S.R. 2000 No. 350](#)

(22) Regulation 72(6) was amended by paragraph 27(b) of Schedule 2 to, [S.R. 2000 No. 350](#) and regulation 2(3) of [S.R. 2004 No. 166](#)

(23) Regulation 140(1)(b) was amended by Article 9(5)(i) of [S.R. 1999 No. 428 \(C.32\)](#)

Commencement Information

I9 Reg. 11 in operation at 2.12.2008, see [reg. 1\(1\)](#)

Amendment of the Employment and Support Allowance Regulations

12. In regulation 7(1) (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arises does not apply) of the Employment and Support Allowance Regulations (Northern Ireland) 2008**(24)**—

- (a) at the end of sub-paragraph (a) omit “or”, and
- (b) at the end of sub-paragraph (b) add—
 - “or
 - (c) (i) the claimant’s entitlement to an employment and support allowance commences within 12 weeks of the claimant’s entitlement to income support coming to an end;
 - (ii) in relation to that entitlement to income support, immediately before it ended the claimant’s applicable amount included the disability premium by virtue of satisfying the conditions in paragraphs 11 and 12 of Schedule 2 to the Income Support Regulations, and
 - (iii) that entitlement to income support ended solely by virtue of the coming into operation, in relation to the claimant, of the Social Security (Lone Parents and Miscellaneous Amendments) Regulations (Northern Ireland) 2008.”.

Commencement Information

I10 Reg. 12 in operation at 2.12.2008, see [reg. 1\(1\)](#)

Savings and transitional provisions applicable to certain full-time students and full-time participants in New Deal for Lone Parents

- 13.**—(1) This regulation applies to a lone parent if the following two conditions are met.
- (2) The first condition is that—
- (a) immediately before the specified day the person was entitled to income support as a lone parent;
 - (b) paragraph 1 is the only paragraph of Schedule 1B to the Income Support Regulations (prescribed categories of person) that applies to him or her, and
 - (c) on and after the specified day the person is responsible for—
 - (i) a single child aged 6 or over, or
 - (ii) more than one child where the youngest child is aged 6 or over, who is a member of that person’s household.
- (3) The second condition is that immediately before the specified day applicable in that person’s case, and on and after that day, he or she is also—
- (a) a full-time student attending or undertaking a full-time course of advanced education or a full-time course of study or on 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 known as the New Deal for Lone Parents or pursuant to a scheme which has been approved by the Department for Employment and Learning as supporting the objectives of those arrangements.
- (4) This regulation does not apply to a person or (as the case may be) it ceases to apply to a person if he or she makes a further claim to income support on or after the specified day applicable in that person's case.
- (5) Notwithstanding regulation 2, 3 or 4 (as the case may be), 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 that person at the beginning of the period of study referred to in paragraph (3)(a) shall continue to have effect in relation to that person during that period for so long as he or she 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 that person for so long as the person is following that full-time course, and
 - (c) any requirement to take part in a work-focused interview every 13 weeks in accordance with the Lone Parents Regulations or the Work-focused Interview Regulations (as amended by regulations 5 to 10) shall continue to apply in relation to that person after a time when, apart from this paragraph, the requirement would cease to apply because of an increase in the age of that person's child or youngest child.
- (6) Where a lone parent ceases to be a full-time student or to follow a full-time course of training or instruction for the purpose of this regulation, the application of this regulation in relation to that person shall not prejudice the application in relation to him or her of the provisions specified in the Schedule.
- (7) 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 those Regulations;
 - “specified day” means—
 - (a) the day after the day on which these Regulations are made, in relation to a lone parent who, on the day after the day on which they are made, is responsible for—
 - (i) a single child aged 11, 12, 13, 14 or 15, or
 - (ii) more than one child where the youngest child is aged 11, 12, 13, 14 or 15, who is a member of that person's household;
 - (b) 26th October 2009, in relation to a lone parent who, on that day, is responsible for—
 - (i) a single child aged 9, 10 or 11, or
 - (ii) more than one child where the youngest child is aged 9, 10 or 11, who is a member of that person's household;
 - (c) 25th October 2010, in relation to a lone parent who, on that day, is responsible for—
 - (i) a single child aged 6, 7, 8 or 9, or
 - (ii) more than one child where the youngest child is aged 6, 7, 8 or 9, who is a member of that person's household.

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Commencement Information

I11 Reg. 13 in operation at 2.12.2008, see [reg. 1\(1\)](#)

Revocations

14. The following regulations are revoked—

- (a) regulation 3(6) and (7) of the Social Security (Work-focused Interviews Amendment) Regulations (Northern Ireland) 2005(**25**), and
- (b) regulation 3(5)(b) of the Social Security (Income Support and Jobseeker’s Allowance) (Amendment) Regulations (Northern Ireland) 2006(**26**).

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Commencement Information

I12 Reg. 14 in operation at 2.12.2008, see [reg. 1\(1\)](#)

Sealed with the Official Seal of the Department for Social Development on 1st December 2008

(L.S.)

B. McGahan
A senior officer of the Department for Social
Development

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Lone Parents and Miscellaneous Amendments) Regulations (Northern Ireland) 2008.