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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 265**

**The Employment and Support Allowance (Work-related Activity) Regulations (Northern Ireland) 2011**

**PART 4**

**Amendment of the Employment and Support Allowance Regulations**

**Amendment of the Employment and Support Allowance Regulations**

**10.**—(1) The Employment and Support Allowance Regulations are amended in accordance with paragraphs (2) to (11).

(2) In regulation 2(1) (interpretation) omit the definition of “action plan”.

(3) Omit—

- (a) regulation 47 (requirement to take part in a work-focused health-related assessment);
- (b) regulation 48 (work-focused health-related assessment);
- (c) regulation 49 (notification of assessment);
- (d) regulation 51 (taking part in a work-focused health-related assessment);
- (e) regulation 52 (deferral of a requirement to take part in a work-focused health-related assessment);
- (f) regulation 53 (failure to take part in a work-focused health-related assessment); and
- (g) regulation 58 (action plans).

(4) In regulation 56(1) (notification of interview)—

- (a) for “attend” substitute “take part in”; and
- (b) after “time and” insert “if required to attend in person, the”.

(5) In regulation 57(1) (taking part in a work-focused interview)—

- (a) in sub-paragraph (a) at the beginning insert “if required to attend in person,”;
- (b) after sub-paragraph (a) insert—
  - “(aa) if not required to attend in person, is available and responds at the date and time notified in accordance with regulation 56 to any contact made at that time for the purpose of carrying out the interview;”;
- (c) omit sub-paragraph (d).

(6) For regulation 61(3) (failure to take part in a work-focused interview) substitute—

“(3) In deciding whether a person has shown good cause for the failure, the Department must take account of all the circumstances of the case including in particular the person’s physical or mental health or condition.”.

(7) In regulation 62(2) (contracting out certain functions relating to work-focused interviews) omit sub-paragraph (d).

- (8) In regulation 63 (reduction of employment and support allowance)—
- (a) for paragraph (1) substitute—
- “(1) Where the Department has determined—
- (a) that a claimant who was required to take part in a work-focused interview has failed to do so and has failed to show good cause for that failure in accordance with regulation 61; or
- (b) that a claimant who was required to undertake work-related activity has failed to do so and has failed to show good cause for that failure in accordance with regulation 8 of the Employment and Support Allowance (Work-related Activity) Regulations (Northern Ireland) 2011,
- (“a failure determination”), the amount of the employment and support allowance payable to the claimant is to be reduced in accordance with this regulation.”; and
- (b) in paragraph (3)(b)(i) for “a work-focused health-related assessment” substitute “work-related activity”.
- (9) In regulation 64 (cessation of reduction)—
- (a) for paragraph (1) substitute—
- “(1) Any reduction imposed as a result of a failure determination which resulted from a failure to undertake work-related activity in accordance with the Employment and Support Allowance (Work-related Activity) Regulations (Northern Ireland) 2011 ceases to have effect if—
- (a) the claimant complies with a requirement to undertake the work-related activity specified in the action plan or, where permitted by the Department, an alternative activity;
- (b) the claimant subsequently ceases to be subject to a requirement to undertake work-related activity; or
- (c) the Department decides it is no longer appropriate to require the person to undertake work-related activity at that time.”;
- (b) after paragraph (1) insert—
- “(1A) The Department must notify the person in writing—
- (a) where an alternative activity is permitted under paragraph (1)(a) by inclusion of that activity in the action plan; and
- (b) of any decision under paragraph (1)(c).”; and
- (c) in paragraph (2)(a) for “attend” substitute “take part in”.
- (10) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings) after paragraph 14 insert—
- “**14A.** Any payment made to the claimant in respect of any travel or other expenses incurred, or to be incurred, in complying with a requirement to undertake work-related activity.”.
- (11) In Schedule 9 (capital to be disregarded) after paragraph 32 insert—
- “**32A.** Any payment made to the claimant in respect of any travel or other expenses incurred, or to be incurred, in complying with a requirement to undertake work-related activity but only for 52 weeks beginning with the date of receipt of the payment.”.

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**Commencement Information**

**II** Reg. 10 in operation at 12.7.2011, see [reg. 1](#)

**Status:**

Point in time view as at 12/07/2011.

**Changes to legislation:**

There are currently no known outstanding effects for the The Employment and Support Allowance (Work-related Activity) Regulations (Northern Ireland) 2011, Section 10.