
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 18

The Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations (Northern Ireland) 2017

PART 3

Miscellaneous Amendments

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999

12.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(1) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (citation, commencement, application and interpretation) in the appropriate place insert the following definition—

““Income Support Work-Related Activity Regulations” means the Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations (Northern Ireland) 2016;”.

(3) In regulation 3 (revision of decisions) after paragraph (7CC) insert—

“(7CD) A decision of the Department under Article 11 made in consequence of a determination under regulation 6(2) of the Income Support Work-Related Activity Regulations that a claimant has failed to satisfy a requirement of regulation 2 of those Regulations (requirement to undertake work-related activity) may be revised at any time if it contained an error to which the claimant did not materially contribute.”.

(4) In regulation 6(2) (supersession of decisions) after sub-paragraph (s) insert—

“(t) is a decision awarding income support where there has been a determination by the Department under regulation 6(2) of the Income Support Work-Related Activity Regulations that a person has failed to undertake work-related activity;

(u) is a decision made in consequence of a determination by the Department that a person has failed to undertake work-related activity where a reduction under regulation 8(1) of the Income Support Work-Related Activity Regulations ceases to have effect by virtue of regulation 9 of those Regulations.”.

(5) In regulation 7 (date from which a decision superseded under Article 11 takes effect) after paragraph (40) insert—

“(41) A decision made in accordance with regulation 6(2)(t) shall take effect from the first day of the next benefit week following the day on which the determination mentioned in that sub-paragraph was made.

(1) [S.R. 1999 No. 162](#); there are amendments to regulation 1(2) which are not relevant to these regulations; paragraph (7CC) of regulation 3 was inserted by regulation 3(2)(c) of [S.R. 2009 No. 240](#); sub-paragraph (s) of regulation 6(2) was inserted by regulation 4(4) of [S.R. 2016 No. 409](#); paragraph (40) of regulation 7 was inserted by regulation 4(5) of [S.R. 2016 No. 409](#).

(42) A decision made in accordance with regulation 6(2)(u) shall take effect from the first day of the benefit week in which the reduction mentioned in that sub-paragraph ceased to have effect

(43) In paragraphs (41) and (42), benefit week has the same meaning as in paragraphs (25) and (26).”.

Amendment of the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001

13.—(1) The Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001(2) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2ZA (requirement for certain lone parents to take part in an interview)—

(a) in paragraph (1)—

- (i) after sub-paragraph (a) insert “and”;
- (ii) omit sub-paragraphs (c) and (d);

(b) for paragraph (2) substitute—

“(2) Subject to regulations 4 and 5, a lone parent to whom this regulation applies is required to take part in one or more interviews as a condition of continuing to be entitled to the full amount of benefit which is payable to him apart from these Regulations.”;

(c) in paragraph (3)(b) omit “waived or”.

(3) In regulation 2B (the interview) for paragraph (1) substitute—

“(1) An interview under these Regulations shall take place—

- (a) where regulation 2ZA applies, on such date as may be determined by an officer;
- (b) in any other case, as soon as is reasonably practicable after the date on which the requirement to take part in the interview arises.”.

(4) In regulation 4 (circumstances where requirement to take part in an interview does not apply)

(a) in paragraph (1), after “Regulations 2”, insert “, 2ZA”;

(b) in paragraph (1A) for “Regulation 2” substitute “Regulations 2 and 2ZA”; and

(c) omit paragraph (2).

(5) In regulation 6 (waiver)—

- (a) in paragraph (1) for “these Regulations” substitute “regulations 2(1) and 2ZB(2)”; and
- (b) in paragraph (2)(a) omit “, 2ZA”.

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

(a) in paragraph (1)—

- (i) for “(2) and (5)” substitute “(2), (5) and (5A)”; and

(2) [S.R. 2001 No. 152](#). Regulation 2ZA was inserted by regulation 5(3) of [S.R. 2008 No. 478](#); paragraph (1) of regulation 2ZA was amended by regulation 13(2) of [S.R. 2011 No. 357](#) and regulation 4 of [S.R. 2016 No. 67](#); paragraph (2) of regulation 2ZA was amended by regulation 2(4)(a) of [S.R. 2011 No. 368](#) and paragraph (3) was amended by regulation 2(4)(b) of [S.R. 2011 No. 368](#); regulation 2B was inserted by regulation 2(4) of [S.R. 2007 No. 219](#); regulation 4 was substituted by regulation 2(5) of [S.R. 2007 No. 219](#), paragraph (1) of regulation 4 was amended by regulation 10(1) of [S.R. 2008 No. 465](#), regulation 3(3) of [S.R. 2011 No. 26](#) and regulation 2(7)(a) of [S.R. 2011 No. 368](#), paragraph (1A) of regulation 4 was inserted by regulation 2(7)(b) of [S.R. 2011 No. 368](#), paragraph (2) of regulation 4 was amended by regulation 3(3) of [S.R. 2011 No. 26](#) and regulation 2(7)(c) of [S.R. 2011 No. 368](#); Paragraph (2)(a) of regulation 6 was amended by regulation 3(7) of [S.R. 2005 No. 443](#), and regulation 2(8) of [S.R. 2011 No. 368](#); paragraph (1) of regulation 7 was amended by regulation 2(9)(a) of [S.R. 2011 No. 368](#); paragraph (3) (c) of regulation 8 was amended by regulation 2(10)(b) of [S.R. 2011 No. 368](#).

- (ii) in sub-paragraph (b) for “day on which the interview was to take place” substitute “date on which the person was notified of his failure to take part in the interview”;
- (b) after paragraph (1) insert—
 - “(1A) Where a notice under paragraph (1)(b) is sent by post it is taken to have been received on the second working day after it is sent.”;
- (c) in paragraph (2)(a) for “ day on which the interview was to take place” substitute “date on which the person was notified of his failure to take part in the interview”;
- (d) after paragraph (5) insert—
 - “(5A) The amount of income support payable to a person is not to be reduced in accordance with paragraph (3) if that amount—
 - (a) is, at the time a decision falls to be made in respect of the current failure, being paid at a reduced rate in accordance with paragraph (3) and regulation 8, regulation 11(2)(c) of the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003⁽³⁾ or regulation 8(1) and (2) of the Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations (Northern Ireland) 2016; and
 - (b) was last reduced not more than 2 weeks before the date of the current failure.
 - (5B) In paragraph (5A), “current failure” means a failure which may, in the case of a claimant who has an award of income support, lead to a reduction in income support under paragraph (3) and regulation 8 in relation to which the Department has not yet determined whether the amount of income support payable to the person is to be reduced in accordance with that paragraph and regulation.
 - (5C) In this regulation “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971.”.
- (7) in regulation 8 (reduction of income support)—
 - (a) in paragraph (3)(c) for “meets the requirement to take part in an interview” substitute “satisfies a compliance condition”; and
 - (b) after paragraph (3) insert—
 - “(3A) In paragraph (3)(c), “compliance condition” means a requirement to —
 - (a) take part in an interview; or
 - (b) undertake work-related activity.”.

Amendment of the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003

14.—(1) The Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003⁽⁴⁾ are amended in accordance with paragraphs (2) to (9).

(2) In regulation 1 (citation, commencement and interpretation) in paragraph (3) in the appropriate place insert the following definition—

(3) [S.R. 2003 No. 274](#).

(4) [S.R. 2003 No.274](#); regulation 3A was inserted by regulation 8(3) of [S.R. 2008 No. 478](#), paragraph (1) of regulation 3A was amended by regulation 15(2) of [S.R. 2011 No. 357](#) and paragraph (3) of regulation 3A was amended by regulation 3(6) of [S.R. 2011 No. 368](#); regulation 4 was substituted by regulation 3(7) of [S.R. 2011 No. 368](#), paragraph (2)(a) of regulation 5 was amended by regulation 8(5) of [S.R. 2008 No. 478](#) and paragraph (4) of regulation 7 was inserted by regulation 3(9)(b) of [S.R. 2011 No. 368](#).

““working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971.”.

- (3) In regulation 3A (requirement for certain lone parents to take part in an interview)—
- (a) in paragraph (1)—
 - (i) after sub-paragraph (b) insert “and”;
 - (ii) omit sub-paragraph (c)
 - (iii) in sub-paragraph (d), omit the word “he”;
 - (b) for paragraph (2) substitute—

“(2) Subject to regulations 6 to 8, a lone parent to whom this regulation applies is required to take part in one or more interviews as a condition of continuing to be entitled to the full amount of benefit which is payable to him apart from these Regulations.”;
 - (c) in paragraph (3)(b) omit “waived or”.
- (4) In regulation 4 (time when interview is to take place)—
- (a) in paragraph (2), omit “as soon as reasonably practicable after”;
 - (b) in paragraph (2)(a) before “the requirement to take part” insert “as soon as reasonably practicable after”;
 - (c) after paragraph (2)(a) insert—

“(aa) in a case where regulation 3A(2) applies, on such a date as may be determined by the officer; or”;
 - (d) in paragraph (2)(b)—
 - (i) after “in any other case” insert “, as soon as reasonably practicable after”;
 - (ii) omit head (i);
 - (iii) in head (ii) omit “but regulation 3A(1) does not apply,”; and
 - (iv) in head (iii) omit “either” and “or regulation 3A(2)”.
- (5) In regulation 5 (waiver of requirement to take part in an interview)—
- (a) at the beginning of paragraph (1) insert “Except in a case where a requirement is imposed by virtue of regulation 3A(2),”;
 - (b) in paragraph (2)(a) for “3A” substitute “3ZA”.
- (6) In regulation 7 (exemptions) in paragraph (4) after “3ZA” insert “, 3A”.
- (7) In regulation 10 (taking part in an interview)—
- (a) in paragraph (4) for “day on which the interview was to take place” substitute “date on which the person was notified of his failure to take part in the interview”; and
 - (b) after paragraph (4) insert—

“(5) Where a notice under paragraph (4) is sent by post it is taken to have been received on the second working day after it is sent.”.
- (8) In regulation 11 (failure to take part in an interview)—
- (a) in paragraph (9) for “takes part in an interview” substitute “satisfies a compliance condition” and for “requirement to take part in an interview was met” substitute “compliance condition was satisfied”;
 - (b) after paragraph (9) insert—

“(9A) In paragraph (9) “compliance condition” means a requirement to—

- (a) take part in an interview; or
 - (b) undertake work-related activity.”; and
 - (c) in paragraph (12)(a) for “day on which the interview was to take place” substitute “date on which the person was notified of his failure to take part in the interview”.
- (9) After regulation 11 insert—

“Circumstances where the amount of benefit payable to a claimant is not to be reduced in accordance with regulation 11(2)(c)

11A.—(1) The amount of benefit payable to a claimant is not to be reduced in accordance with regulation 11(2)(c) if that amount—

- (a) is, at the time the relevant decision falls to be made in respect of the current failure, being paid at a reduced rate in accordance with regulation 11(2)(c), regulations 7(3) and 8 of the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001 or regulation 8(1) and (2) of the Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations (Northern Ireland) 2016; and
- (b) was last reduced not more than 2 weeks before the date of the current failure.

(2) In paragraph (1) “current failure” means a failure which may, in the case of a claimant who has an award of benefit, lead to a reduction in benefit under regulation 11(2)(c) in relation to which the Department has not yet determined whether the amount of benefit payable to the claimant is to be reduced in accordance with that regulation.”.

Amendment of the Employment and Support Allowance (Work-related Activity) Regulations (Northern Ireland) 2011

15. In regulation 3(2)(b) of the Employment and Support Allowance (Work-related Activity) Regulations (Northern Ireland) 2011 (requirement to undertake work-related activity) (5) for “5” substitute “3”.

Amendment of the Universal Credit Regulations (Northern Ireland) 2016

16. In regulation 90(1) of the Universal Credit Regulations (Northern Ireland) 2016 (claimants subject to work-focused interview requirement only) (6) for “5” substitute “3”.

Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2016

17. In regulation 48(1) of the Employment and Support Allowance Regulations (Northern Ireland) 2016(7) (claimants subject to work-focused interview requirement only) for “5” substitute “3”.

(5) S.R. 2011 No. 265.
(6) S.R. 2016 No. 216.
(7) S.R. 2016 No. 219.