

2003 No. 274

HOUSING; RATES; SOCIAL SECURITY

FAMILY LAW; CHILD SUPPORT

**The Social Security (Work-focused Interviews) Regulations
(Northern Ireland) 2003**

Made - - - - - 20th May 2003

Coming into operation with regulation 1

The Department for Social Development, in exercise of the powers conferred by sections 2A(1), (3) to (6), 2B(6) and (7), 5(1)(a) and (b) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(a), section 122(1)(d) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b), and section 59 of, and paragraphs 3(1), 4(3), 6(8) and 20(3) of Schedule 7 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(c), and now vested in it(d), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel in so far as regulation 16 and paragraphs 2 and 7 of Schedule 2 are concerned(e), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(f), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003 and shall, subject to paragraph (2), come into operation on 30th June 2003.

(2) Regulation 15(1) shall come into operation on 15th September 2003.

(3) In these Regulations –

“the 1998 Order” means the Social Security (Northern Ireland) Order 1998(g);

“benefit week” means any period of 7 days corresponding to the week in respect of which the relevant specified benefit is due to be paid;

“bereavement benefit” means any benefit, other than a bereavement payment, falling within section 20(1)(ea) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(h);

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- (a) 1992 c. 8; sections 2A and 2B were inserted by Article 54 and section 5A was inserted by Article 68 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)); 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)
- (b) 1992 c. 7
- (c) 2000 c. 4 (N.I.)
- (d) See Article 8(b) of S.R. 1999 No. 481
- (e) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; subsection (6A) was inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); see also Article 6(b) of S.R. 1999 No. 481
- (f) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992
- (g) S.I. 1998/1506 (N.I. 10)
- (h) 1992 c. 7; section 20(1)(ea) was inserted by Article 67 and paragraph 2(2)(b) of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

“the Careers Service” means the Careers Service of the Department for Employment and Learning;

“interview” means a work-focused interview with a person who has claimed a specified benefit and which is conducted for any or all of the following purposes –

- (a) assessing that person’s prospects for existing or future employment (whether paid or voluntary);
- (b) assisting or encouraging that person to enhance his prospects of such employment;
- (c) identifying activities which that person may undertake to strengthen his existing or future prospects of employment;
- (d) identifying current or future employment or training opportunities suitable to that person’s needs, and
- (e) identifying educational opportunities connected with the existing or future employment prospects or needs of that person;

“officer” means an officer of the Department or of the Department for Employment and Learning;

“specified benefit” means income support, incapacity benefit, carer’s allowance, severe disablement allowance and any bereavement benefit.

(4) For the purposes of these Regulations –

- (a) a person shall be deemed to be in remunerative work where he is in remunerative work within the meaning prescribed in regulation 4 of the Housing Benefit (General) Regulations (Northern Ireland) 1987(a), but
- (b) a person shall be deemed not to be in remunerative work where –
 - (i) he is not in remunerative work in accordance with sub-paragraph (a), or
 - (ii) he is in remunerative work in accordance with sub-paragraph (a) and is not entitled to income support but would not be prevented from being entitled to income support solely by being in such work, and
- (c) a person shall be deemed to be in part-time work where he is engaged in work for which payment is made but he is not engaged or deemed to be engaged in remunerative work.

(5) Except in a case where regulation 15(2) applies, regulations 2 to 14 apply in respect of a person who makes a claim for a specified benefit on or after 30th June 2003 at an office of the Department which is designated by the Department as a Jobs and Benefits Office for the purposes of these Regulations.

(6) Where a claim for benefit is made by a person (“the appointee”) on behalf of another, references in these Regulations to a person claiming benefit shall be treated as a reference to the person on whose behalf the claim is made and not to the appointee.

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

Requirement for person claiming a specified benefit to take part in an interview

2.—(1) Subject to regulations 5 to 8, a person who –

- (a) makes a claim for a specified benefit;
- (b) on the day on which he makes that claim, has attained the age of 16 but has not attained the age of 60, and
- (c) is not in remunerative work,

is required to take part in an interview.

(2) An officer shall, except where paragraph (3) applies, conduct the interview.

(3) 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 the Careers Service.

(a) Regulation 4 was amended by regulation 3 of S.R. 1991 No. 337, regulation 3(a) and (b) of S.R. 1993 No. 381, regulation 4(a) and (b) of S.R. 1995 No. 89, regulation 3 of S.R. 1996 No. 334 and regulation 4(2) of S.R. 1999 No. 342

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

Continuing entitlement to a specified benefit dependent on an interview

3.—(1) Subject to regulations 5 to 8, a person who has not attained the age of 60 and who is entitled to a specified benefit, shall be required to take part in an interview as a condition of his continuing to be entitled to the full amount of benefit which is payable apart from these Regulations where paragraph (2) applies and –

- (a) in the case of a lone parent who has attained the age of 18 and who is neither claiming incapacity benefit nor severe disablement allowance, paragraph (3) applies, or
- (b) in any other case, any of the circumstances specified in paragraph (4) apply or where paragraph (5) applies.

(2) This paragraph applies in the case of a person who has taken part in an interview under regulation 2 or who would have taken part in such an interview but for the requirement being waived in accordance with regulation 5 or deferred in accordance with regulation 6.

(3) A lone parent to whom paragraph (1)(a) applies shall be required to take part in an interview –

- (a) after the expiry of 6 months from the date on which –
 - (i) he took part in an interview under regulation 2, or
 - (ii) a determination was made under regulation 5(1);
- (b) where the lone parent took part, failed to take part or was treated, by virtue of regulation 5(2), as having taken part, in an interview pursuant to the requirement arising in subparagraph (a), after the expiry of 6 months from the date on which –
 - (i) he took part in that interview;
 - (ii) he failed to take part in that interview, or
 - (iii) the determination was made under regulation 5(1), and
- (c) where the lone parent took part, failed to take part or was treated, by virtue of regulation 5(2), as having taken part, in an interview pursuant to the requirement arising in subparagraph (b), after the expiry of 12 months from the date on which –
 - (i) he last took part in an interview;
 - (ii) he last failed to take part in an interview, or
 - (iii) a determination was last made under regulation 5(1).

(4) The circumstances specified in this paragraph are those where –

- (a) it is determined in accordance with a personal capability assessment that a person is incapable of work and therefore, continues to be entitled to a specified benefit;
- (b) a person's entitlement to a carer's allowance ceases whilst entitlement to another specified benefit continues;
- (c) a person becomes engaged or ceases to be engaged in part-time work;
- (d) a person has been undergoing education or training arranged by an officer and that education or training comes to an end, and
- (e) a person who has not attained the age of 18 and who has previously taken part in an interview, attains the age of 18.

(5) A requirement to take part in an interview arises under this paragraph where a person has not been required to take part in an interview by virtue of paragraph (4) for at least 36 months.

(6) In this regulation –

“lone parent” has the meaning prescribed in regulation 2(1) of the Income Support (General) Regulations (Northern Ireland) 1987(a) (interpretation);

“personal capability assessment” has the meaning prescribed in regulation 2(1) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(b) (interpretation).

(a) S.R. 1987 No. 459

(b) S.R. 1995 No. 41; the definition of “personal capability assessment” was inserted by regulation 2(2)(b) of S.R. 2000 No. 4

Time when interview is to take place

4. An officer shall arrange for an interview to take place as soon as reasonably practicable after –

- (a) the claim is made;
- (b) the requirement under regulation 3(1) arises, or
- (c) in a case where regulation 6(1) applies, the time when that requirement is to apply by virtue of regulation 6(2).

Waiver of requirement to take part in an interview

5.—(1) A requirement imposed by these Regulations to take part in an interview shall not apply where an officer determines that an interview would not –

- (a) be of assistance to the person concerned, or
- (b) be appropriate in the circumstances.

(2) A person in relation to whom a requirement to take part in an interview has been waived under paragraph (1) shall be treated for the purposes of –

- (a) regulation 2 or 3, and
- (b) any claim for, or entitlement to, a specified benefit,

as having complied with that requirement.

Deferment of requirement to take part in an interview

6.—(1) An officer may determine, in the case of any particular person, that the requirement to take part in an interview shall be deferred at the time the claim is made or the requirement to take part in an interview arises or applies because an interview would not at that time –

- (a) be of assistance to that person, or
- (b) be appropriate in the circumstances.

(2) Where the officer determines in accordance with paragraph (1) that the requirement to take part in an interview shall be deferred, he shall also determine when that determination is made, the time when the requirement to take part in an interview is to apply in the person's case.

(3) Where a requirement to take part in an interview has been deferred in accordance with paragraph (1), then until –

- (a) a determination is made under regulation 5(1);
- (b) the person takes part in an interview, or
- (c) a relevant decision has been made in relation to that person in accordance with regulation 10(4),

that person shall be treated for the purposes of any claim for, or entitlement to, a specified benefit as having complied with that requirement.

Exemptions

7.—(1) Subject to paragraph (2), persons who, on the day on which the claim for a specified benefit is made or the requirement to take part in an interview under regulation 3 or 6(2) arises or applies –

- (a) are engaged in remunerative work, or
- (b) are claiming, or are entitled to, a jobseeker's allowance,

shall be exempt from the requirement to take part in an interview.

(2) Paragraph 1(b) shall not apply where –

- (a) a joint-claim couple (as defined for the purposes of Article 3(4) of the Jobseekers (Northern Ireland) Order 1995(a)) have claimed a jobseeker's allowance, and

(a) S.I. 1995/2705 (N.I. 15); the definition of "joint-claim couple" was inserted by Article 56 of and paragraph 3(4)(b) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

- (b) a member of that couple is a person to whom regulation 3D(1)(c) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996^(a) (further circumstances in which a joint-claim couple may be entitled to a joint-claim jobseeker's allowance) applies.

Claims for two or more specified benefits

8. A person who would otherwise be required under these Regulations to take part in interviews relating to more than one specified benefit –

- (a) is only required to take part in one interview, and
(b) that interview counts for the purposes of all those benefits.

The interview

9.—(1) The officer shall inform a person who is required to take part in an interview of the place and time of the interview.

(2) The officer may determine that an interview is to take place in the person's home where it would, in his opinion, be unreasonable to expect that person to attend elsewhere because that person's personal circumstances are such that attending elsewhere would cause him undue inconvenience or endanger his health.

Taking part in an interview

10.—(1) The officer shall determine whether a person has taken part in an interview.

(2) A person shall be regarded as having taken part in an interview if, and only if –

- (a) he attends for the interview at the place and time notified to him by the officer, and
(b) he provides answers (where asked) to questions and appropriate information about –
(i) the level to which he has pursued any educational qualifications;
(ii) his employment history;
(iii) any vocational training he has undertaken;
(iv) any skills he has acquired which fit him for employment;
(v) any paid or unpaid employment he is engaged in;
(vi) any medical condition which, in his opinion, puts him at a disadvantage in obtaining employment, and
(vii) any caring or childcare responsibilities he has.

(3) A person who has not attained the age of 18 shall be regarded as having taken part in an interview if he attends an interview with the Careers Service at the place and time notified to him by an officer.

(4) Where an officer determines that a person has failed to take part in an interview and good cause has not been shown for that failure within 5 working days of the day on which the interview was to take place, a relevant decision shall be made for the purposes of section 2B^(b) of the Social Security Administration (Northern Ireland) Act 1992 (work-focused interviews).

Failure to take part in an interview

11.—(1) A person in respect of whom a relevant decision has been made in accordance with regulation 10(4) shall, subject to paragraph (11), suffer the consequences set out below.

(2) Those consequences are –

- (a) where the interview arose in connection with a claim for a specified benefit, that the person to whom the claim relates is to be regarded as not having made a claim for a specified benefit;
(b) where an interview which arose in connection with a claim for a specified benefit was deferred and benefit became payable by virtue of regulation 6(3), that the person's

(a) S.R. 1996 No. 198; regulation 3D was inserted by regulation 2(2) of S.R. 2000 No. 350 and amended by regulation 2(3) of S.R. 2001 No. 120

(b) Section 2B was inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999

entitlement to that benefit shall terminate as from the first day of the next benefit week following the date on which the relevant decision was made;

- (c) where the claimant has an award of benefit and the requirement for the interview arose under regulation 3, the claimant's benefit shall be reduced as from the first day of the next benefit week following the day the relevant decision was made, by a sum equal (but subject to paragraphs (3) and (4)) to 20 per cent. of the amount applicable on the date the reduction commences in respect of a single claimant for income support aged not less than 25.

(3) Benefit reduced in accordance with paragraph (2)(c) shall not be reduced below ten pence per week.

(4) Where two or more specified benefits are in payment to a claimant, a reduction made in accordance with this regulation shall be applied, except in a case to which paragraph (5) applies, to the specified benefits in the following order of priority –

- (a) income support;
- (b) incapacity benefit;
- (c) any bereavement benefit;
- (d) carer's allowance;
- (e) severe disablement allowance.

(5) Where the amount of the reduction is greater than some (but not all) of the specified benefits listed in paragraph (4), the reduction shall be made against the first benefit in that list which is the same as, or greater than, the amount of the reduction.

(6) For the purpose of determining whether a specified benefit is the same as, or greater than, the amount of the reduction for the purposes of paragraph (5), 10 pence shall be added to the amount of the reduction.

(7) In a case where the whole of the reduction cannot be applied against any one specified benefit because no one benefit is the same as, or greater than, the amount of the reduction, the reduction shall be applied against the first benefit in payment in the list of priorities at paragraph (4) and so on against each benefit in turn until the whole of the reduction is exhausted or, if this is not possible, the whole of the specified benefits are exhausted, subject in each case to 10 pence remaining in payment.

(8) Where the rate of any specified benefit payable to a claimant changes, the rules set out above for a reduction in the benefit payable shall be applied to the new rates and any adjustments to the benefits against which the reductions are made shall take effect from the beginning of the first benefit week to commence for that claimant following the change.

(9) Where a claimant whose benefit has been reduced in accordance with this regulation subsequently takes part in an interview, the reduction shall cease to have effect on the first day of the benefit week in which the requirement to take part in an interview was met.

(10) For the avoidance of doubt, a person who is regarded as not having made a claim for any benefit because he failed to take part in an interview shall be required to make a new claim in order to establish entitlement to any specified benefit.

(11) For the purposes of determining the amount of any benefit payable, a claimant shall be treated as receiving the amount of any specified benefit which would have been payable but for a reduction made in accordance with this regulation.

(12) The consequences set out in this regulation shall not apply in the case of a person who brings new facts to the notice of an officer within 1 month of the date on which the decision was notified and –

- (a) those facts could not reasonably have been brought to an officer's notice within 5 working days of the day on which the interview was to take place, and
- (b) those facts show that he had good cause for his failure to take part in the interview.

(13) In paragraphs (2) and (12), the "decision" means the decision that the person failed without good cause to take part in an interview.

Circumstances where regulation 11 does not apply

12. The consequences of a failure to take part in an interview set out in regulation 11 shall not apply where –

- (a) he is no longer required to take part in an interview as a condition for continuing to be entitled to the full amount of benefit which is payable apart from these Regulations, or
- (b) the person attains the age of 60.

Good cause

13. Matters to be taken into account in determining whether a person has shown good cause for his failure to take part in an interview include –

- (a) that the person misunderstood the requirement to take part in the interview due to any learning, language or literacy difficulties of the person or any misleading information given to the person by the officer;
- (b) that the person was attending a medical or dental appointment, or accompanying a person for whom he has caring responsibilities to such an appointment, and that it would have been unreasonable, in the circumstances, to rearrange the appointment;
- (c) that the person had difficulties with his normal mode of transport and that no reasonable alternative was available;
- (d) that the established customs and practices of the religion to which the person belongs prevented him attending on that day or at that time;
- (e) that the person was attending an interview with an employer with a view to obtaining employment;
- (f) that the person was actually pursuing employment opportunities as a self-employed earner;
- (g) that the person or a dependant of his or a person for whom he provides care suffered an accident, sudden illness or relapse of a chronic condition;
- (h) that he was attending the funeral of a close friend or relative on the day fixed for the interview;
- (i) that a disability from which the person suffers made it impracticable for him to attend at the time fixed for the interview.

Appeals

14.—(1) This regulation applies to any relevant decision made under regulation 10(4) or any decision under Article 11 of the 1998 Order (decisions superseding earlier decisions) superseding such a decision.

(2) This regulation applies whether the decision is as originally made or as revised under Article 10 of the 1998 Order (revision of decisions).

(3) In the case of a decision to which this regulation applies, the person in respect of whom the decision was made shall have a right of appeal under Article 13 of the 1998 Order (appeal to appeal tribunal) to an appeal tribunal.

Revocations and transitional provision

15.—(1) Subject to paragraph (2), the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001(a) (“the 2001 Regulations”) are hereby revoked to the extent specified in Schedule 1.

(2) Notwithstanding paragraph (1), the 2001 Regulations (except for regulations 3, 4 and 11(2)(a) and (b)) shall continue to apply as if these Regulations had not come into operation for the period specified in paragraph (3) in the case of a person who, on the day before the day on which these Regulations come into operation, is both a relevant person and entitled to a specified benefit for the purposes of those Regulations.

(a) S.R. 2001 No. 176

(3) The period specified for the purposes of paragraph (2) shall be the period beginning on the day on which these Regulations come into operation and ending on the day on which the person –

- (a) ceases to be a relevant person for the purposes of the 2001 Regulations;
- (b) is not entitled to any specified benefit for the purposes of those Regulations, or
- (c) attains the age of 60,

whichever shall first occur.

Amendments to regulations

16. The amendments to regulations prescribed in Schedule 2 shall have effect.

Sealed with the Official Seal of the Department for Social Development on 20th May 2003.

(L.S.)

John O'Neill

Senior Officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to regulation 16 of and paragraphs 2 and 7 of Schedule 2 to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 20th May 2003.

(L.S.)

Rodney Scott

Senior Officer of the Department of Finance and Personnel

SCHEDULE 1

Regulation 15(1)

REVOCATIONS

<i>Regulations</i>	<i>Extent of revocation</i>
The Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001	Regulation 1(2) – (7) save for the words “In these Regulations—” and the definitions of “the Claims and Payments Regulations” and the “Housing Benefit Regulations”; regulations 2 to 14; regulation 15(1); Schedules 1 and 2; In Schedule 4, paragraphs 2(d) and 3(b)

SCHEDULE 2

Regulation 16

AMENDMENTS TO REGULATIONS

1.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(a) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 6A(b) (claims by persons subject to work-focused interviews) –

(a) for paragraph (1) there shall be substituted the following paragraph –

“(1) This regulation applies to any person who is required to take part in a work-focused interview in accordance with regulations made under section 2A(1)(a) of the Administration Act.”;

(b) for paragraph (5) there shall be substituted the following paragraph –

“(5) In regulation 4 and this regulation, “work-focused interview” means an interview which a person is required to take part in under the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003.”.

(3) In regulation 19(5)(d)(c) (time for claiming benefit), after “Department”, there shall be inserted “, the Department for Employment and Learning”.

2. In regulation 72(4) of the Housing Benefit (General) Regulations (Northern Ireland) 1987(d) (time and manner in which claims are to be made), sub-paragraph (d) shall be omitted.

3. In regulation 1(2) of the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(e) (interpretation), for the definition of “designated authority” there shall be substituted the following definition –

“ “designated authority” means the Department or the Department for Employment and Learning;”.

4. In regulation 1(2) of the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996(f) (interpretation), for the definition of “designated authority” there shall be substituted the following definition –

“ “designated authority” means the Department or the Department for Employment and Learning;”.

5. In the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(g) –

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- (a) S.R. 1987 No. 465; relevant amending Regulations are S.R. 1997 No. 156 and S.R. 2001 Nos. 175 and 176
 - (b) Regulation 6A was inserted by paragraph 4 of Schedule 3 to S.R. 2001 No. 176
 - (c) Regulation 19 was substituted by regulation 3(7) of S.R. 1997 No. 156 and sub-paragraph (d) was amended by paragraph 2(7) of Schedule 2 to S.R. 2001 No. 175
 - (d) S.R. 1987 No. 461; sub-paragraph (d) was added by regulation 8(2) of S.R. 2001 No. 175
 - (e) S.R. 1992 No. 340; the definition of “designated authority” was inserted by paragraph 8(a) of Schedule 4 to S.R. 2001 No. 176
 - (f) S.R. 1996 No. 541; the definition of “designated authority” was inserted by paragraph 9(a) of Schedule 4 to S.R. 2001 No. 176
 - (g) S.R. 1999 No. 162; relevant amending Regulations are S.R. 2001 No. 176

- (a) in regulation 1(2)(interpretation) –
 - (i) for the definition of “designated authority”(a) there shall be substituted the following definition –
 - “ “designated authority” means the Department or the Department for Employment and Learning;”;
 - (ii) for the definition of “work-focused interview”(b), there shall be substituted the following definition –
 - “ “work-focused interview” means an interview which a person is required to take part in under the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003;”;
 - (iii) the definition of “the Work-focused Interviews Regulations”(c) shall be omitted;
- (b) in regulation 3(11) (revision of decisions), for sub-paragraph (e)(d), there shall be substituted the following sub-paragraph –
 - “(e) in the case of a person who is, or would be, required to take part in a work-focused interview, an office of the Department which is designated by the Department as a Jobs and Benefits Office for the purposes of the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003.”.

6. At the end of regulation 4(d) of the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001(e) (circumstances where requirement to take part in an interview does not apply) there shall be added “, or the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003”.

7. In the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(f) –
- (a) in regulation 1(2) (interpretation) –
 - (i) the definitions of “designated authority”, “work-focused interview” and “the Work-focused Interviews Regulations” shall be omitted;
 - (ii) in the definition of “official error”, paragraph (c) shall be omitted;
 - (b) in regulation 4(7) (revision of decisions), the words from “or, in a case” to the end of the paragraph shall be omitted;
 - (c) in regulation 5(3)(c) (late application for a revision), the words from “, or in a case” to the end of the sub-paragraph shall be omitted;
 - (d) in regulation 7 (decisions superseding earlier decisions) –
 - (i) paragraph (2)(e) shall be omitted;
 - (ii) in paragraph (7), the words from “or, in a case” to the end of the paragraph shall be omitted;
 - (e) in regulation 20(1)(c) (making of appeals and applications), the words from “, or in a case” to the end of the sub-paragraph shall be omitted.

(a) The definition of “designated authority” was inserted by paragraph 2(a) of Schedule 4 to S.R. 2001 No. 176
 (b) The definition of “work-focused interview” was inserted by paragraph 2(d) of Schedule 4 to S.R. 2001 No. 176
 (c) The definition of “Work-focused Interviews Regulations” was inserted by paragraph 2(d) of Schedule 4 to S.R. 2001 No. 176
 (d) Sub-paragraph (e) was added by paragraph 3(b) of Schedule 4 to S.R. 2001 No. 176
 (e) S.R. 2001 No. 152; paragraph (d) was added by regulation 15(4) of S.R. 2001 No. 176
 (f) S.R. 2001 No. 213

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations impose a requirement on persons who claim, or are entitled to, certain benefits (specified in regulation 1(2)) to take part in a work-focused interview (“an interview”).

Regulation 2 specifies those persons who are required to take part in an interview when claiming a specified benefit and regulation 3 prescribes when persons are required to take part in an interview as a condition of their continuing entitlement to those benefits.

Regulation 4 prescribes the time when the interview is to take place. Regulation 5 provides that the requirement to take part in an interview can be waived where an interview would not be of assistance to the person or it would not be appropriate in the circumstances of the case and regulation 6 specifies that an interview can be deferred. Regulation 7 prescribes circumstances when a person is exempted from the requirement to take part in an interview. Regulation 8 specifies when a requirement to take part in two or more interviews is satisfied by the person taking part in a single interview.

Regulation 9 provides for the person to be advised of the time and place of the interview and provides that an interview can take place in the person’s home if the interviewer considers that it would be unreasonable to require that person to attend elsewhere.

Regulation 10 prescribes circumstances as to when a person is to be regarded as having taken part in an interview and regulation 11 details the consequences of a failure to take part in an interview. Regulation 12 specifies the circumstances where those consequences do not apply and regulation 13 specifies the matters to be taken into account in determining whether a person had good cause for his failure to take part in an interview.

Regulation 14 provides that a decision that a person has failed to take part in an interview without good cause can be appealed to an appeal tribunal under Article 11 of the Social Security (Northern Ireland) Order 1998.

Regulation 15 and Schedule 1 revoke previous regulations, with savings and a transitional provision, which imposed requirements on persons in certain areas to take part in interviews.

Regulation 16 and Schedule 2 make amendments to other regulations which are consequential both on these Regulations and the revocation and transitional effect of the regulations referred to in Schedule 1.

In so far as these Regulations are required, for the purposes of regulation 16, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, (“the 1992 Act”), after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise they 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 1992 Act, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on business.

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