

2008 No. 478

SOCIAL SECURITY

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

Made - - - - 1st December 2008

Coming into operation in accordance with regulation 1

Approved by resolution of the Assembly on 26th May 2009

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The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(a), 123(1)(e) and 171(1) to (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), sections 2A, 2B, 165(1), (4) to (6) and (7A) of the Social Security Administration (Northern Ireland) Act 1992(b), Articles 8(2) and (4), 9(4), 10(2)(d)(ii), 21(8)(a) and 36(2) of, and paragraphs 8, 10(1)(a) and (2)(a) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(c) and now vested in it(d) and sections 2(4)(a) and 4(6)(a) of the Welfare Reform Act (Northern Ireland) 2007(e).

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(f);
- (b) “the Work-focused Interviews Regulations” means the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003(g);
- (c) “the Lone Parents Regulations” means the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001(h), 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(i) shall apply to these Regulations as it applies to an Act of the Assembly.

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

2. In Schedule 1B(j) (prescribed categories of person) to the Income Support Regulations for paragraph 1 (lone parents) substitute—

“Lone Parents

1. A person who is a lone parent and responsible for—

-
- (a) 1992 c. 7; section 123(1)(e) was inserted by paragraph 13(5) of Schedule 2 to, the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and amended by Schedule 3 to, the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)); section 171(1) was amended by paragraph 5 of Schedule 4 to, the Tax Credits Act 2002 (c. 21) and section 171(2) was amended by paragraph 28(2) of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
 - (b) 1992 c. 8; sections 2A and 2B were inserted by Article 54 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; section 165(6) was amended by paragraph 86 of Schedule 6 and Schedule 7 to, the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)); section 165(7A) was inserted by paragraph 58 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999
 - (c) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999; paragraph 10(1) was substituted and sub-paragraph (2) was amended by paragraphs 16(5) and (6) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999
 - (d) See Article 8(b) of S.R. 1999 No. 481
 - (e) 2007 c.2 (N.I.)
 - (f) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1996 No. 199
 - (g) S.R. 2003 No. 274; relevant amending Regulations are S.R. 2005 Nos. 414 and 443 and S.R. 2007 No. 219
 - (h) S.R. 2001 No. 152; relevant amending Regulations are S.R. 2005 No. 443 and S.R. 2007 No. 219
 - (i) 1954 c. 33 (N.I.)
 - (j) Schedule 1B was inserted by regulation 22 of S.R. 1996 No. 199

- (a) a single child aged under 12, or
 - (b) more than one child where the youngest is aged under 12,
- who is a member of that person's household.”.

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.”.

Amendment of the Income Support Regulations from 25th October 2010

4. In Schedule 1B (prescribed categories of person) to the Income Support Regulations for paragraph 1 (as substituted by regulation 3 of these Regulations) substitute—

“Lone Parents

- 1. A person who is a lone parent and responsible for—
 - (a) a single child aged under 7, or
 - (b) more than one child where the youngest is aged under 7,
- who is a member of that person's household.”.

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)(a) (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) Regulation 2(1) was substituted by regulation 2(2) of S.R. 2007 No. 219

- (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 2 unless this regulation ceases to apply to him.”.

(4) In regulation 4(2)(a) (circumstances where requirement to take part in an interview does not apply) for “2A” substitute “2ZA and 2A”.

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

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

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”.

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”.

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).

(2) In regulation 3(1)(e) (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.

(a) Regulation 4 was substituted by regulation 2(5) of S.R. 2007 No. 219
(b) Regulation 5 was amended by regulation 3(6) of S.R. 2005 No. 443
(c) Regulation 6 was amended by regulation 3(7) of S.R. 2005 No. 443
(d) Regulation 7 was amended by regulation 2(6)(b) of S.R. 2007 No. 219
(e) Regulation 3(1) was amended by regulation 3(2)(a) and (3)(a) of S.R. 2007 No. 219

(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)(a) (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)(b) (exemptions) for “3 or 6(2)” substitute “3 or 3A or 6(2)”.

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

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”.

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”.

Amendment of the Jobseeker’s Allowance Regulations

11.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(d) 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)(e) 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

(a) Regulation 4 was amended by regulation 2(5) of S.R. 2005 No. 443
(b) Regulation 7 was amended by regulation 12 of S.R. 2005 No. 414 and regulation 2(6) of S.R. 2005 No. 443
(c) Regulation 11(2)(c) was amended by regulation 2(8)(b) of S.R. 2005 No. 443
(d) 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
(e) 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

- (c) in paragraph (5)(a)—
 - (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)(b) (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).
 - (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)(c) 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)(d) 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;”;

(a) Regulation 5(5) was amended by regulation 2(2)(b) of S.R. 2002 No. 388
 (b) Regulation 11(1) was amended by regulation 3 of S.R. 1996 No. 358
 (c) Regulation 14(1)(r) was added by regulation 3(3)(b) of S.R. 2006 No. 234
 (d) 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

(b) in paragraph (c)(a) 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—

- (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)(b) 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)(c) 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

(a) 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
(b) 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
(c) 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

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)(a) (meaning of “person in hardship”) for “young person” in each place where it occurs substitute “child or young person”.

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(b)—

(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.”.

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.

(a) Regulation 140(1)(b) was amended by Article 9(5)(i) of S.R. 1999 No. 428 (C.32)

(b) S.R. 2008 No. 280

(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.

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(a), and
- (b) regulation 3(5)(b) of the Social Security (Income Support and Jobseeker's Allowance) (Amendment) Regulations (Northern Ireland) 2006(b).

(a) S.R. 2005 No. 443

(b) S.R. 2006 No. 234

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

SCHEDULE

Regulation 1(2)

Special commencement provisions for certain existing claimants

PART 1

Provisions relating to regulations 2, 5 and 8

Application

- 1.—(1) A lone parent falls within this Part of the Schedule if—
- (a) the person was entitled to income support as a lone parent immediately before the relevant day;
 - (b) paragraph 1 is the only paragraph of Schedule 1B to the Income Support Regulations (prescribed categories of person) which applies to that person, and
 - (c) on the relevant day that person 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.
- (2) A person does not fall or (as the case may be) ceases to fall within this Part of this Schedule if on or after the relevant day—
- (a) that person makes a further claim to income support, or
 - (b) regulation 13 applies to that person.
- (3) In this Part of this Schedule, "relevant day" means the day after the day on which these Regulations are made.

Lone parent responsible for a child aged 15 who attains the age of 16 on or before 1st March 2009

- 2.—(1) This paragraph applies to a person who falls within this Part of this Schedule if, on the relevant day, that person is responsible for—
- (a) a single child aged 15 whose 16th birthday occurs on or before 1st March 2009, or
 - (b) more than one child aged 15, the youngest of whom will attain the age of 16 on or before that date,
- who is a member of that person's household.
- (2) Paragraph 1 of Schedule 1B to the Income Support Regulations shall continue to have effect in relation to a lone parent to whom this paragraph applies as if regulation 2 had not come into operation.

Lone parent responsible for a child aged 15 who attains the age of 16 after 1st March 2009

3.—(1) This paragraph applies to a person who falls within this Part of this Schedule if, on the relevant day, that person is responsible for—

- (a) a single child aged 15 whose 16th birthday occurs after 1st March 2009, or
- (b) more than one child aged 15, the youngest of whom will attain the age of 16 after that date,

who is a member of that person’s household.

(2) Regulation 2 comes into operation in relation to a person to whom this paragraph applies on the earlier of—

- (a) the first day of the first benefit week in which a requirement to take part in a work-focused interview would, apart from this Schedule, next have arisen in relation to that person on or after 2nd March 2009, or
- (b) the day on which the child in question attains the age of 16.

Lone parent responsible for a child aged 11, 12, 13 or 14

4.—(1) Regulation 2 comes into operation in relation to a person who falls within this Part of this Schedule (and to whom neither paragraph 2 nor paragraph 3 applies) in accordance with the following provisions.

(2) In the case of a person described in column (1) of the table, it comes into operation (subject to sub-paragraph (3)) on the day specified in the corresponding entry in column (2).

(3) Where—

- (a) that person has claimed, or is treated as having made a claim, for a child tax credit, and
- (b) the award is not decided before the day mentioned in the corresponding entry in column (2),

regulation 2 comes into operation in relation to that person at the end of the period of 4 weeks beginning with the day mentioned in that entry.

| <i>Column (1)</i> <i>Description</i> | <i>Column (2)</i> <i>Day regulation 2 takes effect</i> |
|---|---|
| <p>1. A lone parent who, on the relevant day, is responsible for—</p> <ul style="list-style-type: none"> (a) a single child aged 14, or aged 13 and whose 14th birthday occurs on or before 1st March 2009, or (b) more than one child where the youngest child is aged 14, or aged 13 and whose 14th birthday occurs on or before that date, <p>who is a member of that person’s household.</p> <p>2. A lone parent who, on the relevant day, is responsible for—</p> <ul style="list-style-type: none"> (a) a single child aged 13 whose 14th birthday occurs after 1st March 2009, or (b) more than one child where the youngest child is aged 13 and whose 14th birthday occurs after that date, <p>who is a member of that person’s household.</p> | <p>The first day of the first benefit week in which a requirement to take part in a work-focused interview would, apart from this Schedule, next have arisen in relation to that person on or after 2nd March 2009.</p> <p>The day on which the child in question attains the age of 14.</p> |

| <i>Column (1)</i> <i>Description</i> | <i>Column (2)</i> <i>Day regulation 2 takes effect</i> |
|---|---|
| <p>3. A lone parent who, on the relevant day, is responsible for—</p> <ul style="list-style-type: none"> (a) a single child aged 12, or aged 11 and whose 12th birthday occurs on or before 5th July 2009, or (b) more than one child where the youngest child is aged 12, or aged 11 and whose 12th birthday occurs on or before that date, <p>who is a member of that person’s household.</p> <p>4. A lone parent who, on the relevant day, is responsible for—</p> <ul style="list-style-type: none"> (a) a single child aged 11 whose 12th birthday occurs after 5th July 2009, or (b) more than one child where the youngest child is aged 11 and whose 12th birthday occurs after that date, <p>who is a member of that person’s household.</p> | <p>The first day of the first benefit week in which a requirement to take part in a work-focused interview would, apart from this Schedule, next have arisen in relation to that person on or after 6th July 2009.</p> <p>The day on which the child in question attains the age of 12.</p> |

Lone Parents and Work-focused Interviews Regulations: lone parent responsible for child aged 11

5.—(1) This paragraph applies to a lone parent who—

- (a) falls within this Part of this Schedule, and
- (b) on the relevant day, is responsible for—
 - (i) a single child aged 11 whose 12th birthday occurs on or before 5th July 2009, or
 - (ii) more than one child where the youngest child is aged 11 and whose 12th birthday occurs on or before that date,

who is a member of that person’s household.

(2) The Lone Parents Regulations and the Work-focused Interviews Regulations shall continue to have effect in relation to a lone parent to whom this paragraph applies as they had effect in relation to that person immediately before the relevant day.

PART 2

Provisions relating to regulation 3

Application

6.—(1) A lone parent falls within this Part of this Schedule if —

- (a) the person was entitled to income support as a lone parent immediately before the relevant day;
- (b) paragraph 1 is the only paragraph of Schedule 1B to the Income Support Regulations (prescribed categories of person) that applies to the lone parent, and
- (c) on the relevant day that person 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.

(2) A person does not fall or (as the case may be) ceases to fall within this Part of this Schedule if—

- (a) that person falls within Part 1 of this Schedule, or
- (b) on or after the relevant day—
 - (i) that person makes a further claim to income support, or
 - (ii) regulation 13 applies to that person.

(3) In this Part of this Schedule, “relevant day” means 26th October 2009.

Lone parent responsible for child aged 9, 10 or 11

7.—(1) Regulation 3 comes into operation in relation to a person who falls within this Part of this Schedule in accordance with the following provisions.

(2) In the case of a person described in column (1) of the table, it comes into operation (subject to sub-paragraph (3)) on the day specified in the corresponding entry in column (2).

(3) Where —

- (a) that person has claimed, or is treated as having made a claim, for a child tax credit, and
- (b) the award is not decided before the day mentioned in the corresponding entry in column (2),

regulation 3 comes into operation in relation to that person at the end of the period of 4 weeks beginning with the day mentioned in that entry.

| <i>Column (1)</i> <i>Description</i> | <i>Column (2)</i> <i>Day regulation 3 takes effect</i> |
|--|---|
| 1. A lone parent who, on the relevant day, is responsible for— <ul style="list-style-type: none"> (a) a single child aged 11, or aged 10 and whose 11th birthday occurs on or before 31st January 2010, or (b) more than one child where the youngest child is aged 11 or aged 10 and whose 11th birthday occurs on or before that date, who is a member of that person's household. | The first day of the first benefit week in which a requirement to take part in a work-focused interview would, apart from this Schedule, next have arisen in relation to that person on or after 1st February 2010. |
| 2. A lone parent who, on the relevant day, is responsible for— <ul style="list-style-type: none"> (a) a single child aged 10 whose 11th birthday occurs after 31st January 2010, or (b) more than one child where the youngest child is aged 10 and whose 11th birthday occurs after that date, who is a member of that person's household. | The day on which the child in question attains the age of 11. |

| <i>Column (1)</i> <i>Description</i> | <i>Column (2)</i> <i>Day regulation 3 takes effect</i> |
|---|---|
| <p>3. A lone parent who, on the relevant day, is responsible for—</p> <p>(a) a single child aged 9 whose 10th birthday occurs on or before 6th June 2010, or</p> <p>(b) more than one child where the youngest child is aged 9 and whose 10th birthday occurs on or before that date,</p> <p>who is a member of that person’s household.</p> <p>4. A lone parent who, on the relevant day, is responsible for—</p> <p>(a) a single child aged 9 whose 10th birthday occurs after 6th June 2010, or</p> <p>(b) more than one child where the youngest child is aged 9 and whose 10th birthday occurs after that date,</p> <p>who is a member of that person’s household.</p> | <p>The first day of the first benefit week in which a requirement to take part in a work-focused interview would, apart from this Schedule, next have arisen in relation to that person on or after 7th June 2010.</p> <p>The day on which the child in question attains the age of 10.</p> |

PART 3

Provisions relating to regulation 4

Application

- 8.—(1) A lone parent falls within this Part of this Schedule if—
- (a) the person was entitled to income support as a lone parent immediately before the relevant day;
 - (b) paragraph 1 is the only paragraph of Schedule 1B to the Income Support Regulations (prescribed categories of person) that applies to the lone parent, and
 - (c) on the relevant day that person 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.
- (2) A person does not fall or (as the case may be) ceases to fall within this Part of this Schedule if—
- (a) that person falls within Part 2 of this Schedule, or
 - (b) on or after the relevant day—
 - (i) that person makes a further claim to income support, or
 - (ii) regulation 13 applies to that person.
- (3) In this Part of this Schedule, “relevant day” means 25th October 2010.

Lone parent responsible for child aged 6, 7, 8 or 9

9.—(1) Regulation 4 comes into operation in relation to a person who falls within this Part of this Schedule in accordance with the following provisions.

(2) In the case of a person described in column (1) of the table, it comes into operation (subject to sub-paragraph (3)) on the day specified in the corresponding entry in column (2).

(3) Where—

- (a) that person has claimed, or is treated as having made a claim, for a child tax credit, and
- (b) the award is not decided before the day mentioned in the corresponding entry in column (2),

regulation 4 comes into operation in relation to that person at the end of the period of 4 weeks beginning with the day mentioned in that entry.

| <i>Column (1)</i> <i>Description</i> | <i>Column (2)</i> <i>Day regulation 4 takes effect</i> |
|---|--|
| <p>1. A lone parent who, on the relevant day, is responsible for—</p> <ul style="list-style-type: none"> (a) a single child aged 9 whose 9th birthday occurred before 25th October 2010, or (b) more than one child where the youngest child is aged 9 and whose 9th birthday occurred before that date, <p>who is a member of that person’s household.</p> <p>2. A lone parent who, on the relevant day, is responsible for—</p> <ul style="list-style-type: none"> (a) a single child who attains the age of 9 on 25th October 2010, or (b) more than one child where the youngest child attains the age of 9 on that date, <p>who is a member of that person’s household.</p> <p>3. A lone parent who, on the relevant day, is responsible for—</p> <ul style="list-style-type: none"> (a) a single child aged 8 whose 9th birthday occurs after 25th October 2010, or (b) more than one child where the youngest child is aged 8 and whose 9th birthday occurs after that date, <p>who is a member of that person’s household.</p> <p>4. A lone parent who, on the relevant day, is responsible for—</p> <ul style="list-style-type: none"> (a) a single child aged 7, or aged 6 and whose 7th birthday occurs on or before 2nd January 2011, or (b) more than one child where the youngest child is aged 7, or aged 6 and whose 7th birthday occurs on or before that date, <p>who is a member of that person’s household.</p> | <p>The first day of the first benefit week in which a requirement to take part in a work-focused interview would, apart from this Schedule, next have arisen in relation to that person on or after 25th October 2010.</p> <p>25th October 2010.</p> <p>The day on which the child in question attains the age of 9.</p> <p>The first day of the first benefit week in which a requirement to take part in a work-focused interview would, apart from this Schedule, next have arisen in relation to that person on or after 3rd January 2011.</p> |

| <i>Column (1)</i> <i>Description</i> | <i>Column (2)</i> <i>Day regulation 4 takes effect</i> |
|--|--|
| 5. A lone parent who, on the relevant day, is responsible for— (a) a single child aged 6 whose 7th birthday occurs after 2nd January 2011, or (b) more than one child where the youngest child is aged 6 and whose 7th birthday occurs after that date, who is a member of that person’s household. | The day on which the child in question attains the age of 7. |

PART 4

Interpretation

10. In this Schedule—

“benefit week” has the same meaning as in regulation 2(1) of the Income Support Regulations;

“child” means a person aged under 16;

“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002^(a), and

“work-focused interview” means a work-focused interview conducted in accordance with Regulations made under section 2A(1)(a)(b) of the Social Security Administration (Northern Ireland) Act 1992.

^(a) 2002 c.21.

^(b) Section 2A(1)(a) was inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations (Northern Ireland) 1987 (“the Income Support Regulations”), the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the Jobseeker’s Allowance Regulations”), the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001 (“the Lone Parents Regulations”), the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003 (“the Work-focused Interviews Regulations”) and the Employment and Support Allowance Regulations (Northern Ireland) 2008.

These Regulations substitute and amend paragraph 1 of Schedule 1B to the Income Support Regulations with the result that the entitlement of a lone parent to income support will depend on the age of his or her youngest child.

The changes made by these Regulations take effect in stages, beginning on the day after the day on which they are made. Regulation 2 substitutes a new paragraph 1 in Schedule 1B with the result that a lone parent falls within that paragraph if he or she is responsible for a youngest child aged under 12 who is a member of his or her household. From 26th October 2009, paragraph 1 of that Schedule applies to a lone parent with a youngest child aged under 10 (regulation 3), and on 25th October 2010 it applies to those with a youngest child aged under 7 (regulation 4).

In each case, these Regulations make savings and transitional provisions in relation to certain existing claimants (regulation 13).

Regulations 5 to 10 amend the Lone Parents Regulations and the Work-focused Interviews Regulations concerning the frequency of work-focused interviews. They require certain lone parents who are entitled to income support to take part in an interview every 13 weeks depending on the age of their youngest child in a particular year.

Except for certain existing claimants, the requirement first applies on the day after the day these Regulations are made in the case of lone parents with a youngest child aged 9, 10 or 11 and who only fall within paragraph 1 of Schedule 1B to the Income Support Regulations.

On 26th October 2009 the requirement to take part in a work-focused interview every 13 weeks applies to lone parents with a youngest child aged 6, 7, 8 or 9 (regulations 6 and 9), and on 25th October 2010 it applies to those with a youngest child aged 6 (regulations 7 and 10). Again, the additional requirements apply to those who are entitled to income support only because they are a lone parent.

These Regulations also provide that certain lone parents who are entitled to income support immediately before the day on which these Regulations first come into operation and who are responsible for a youngest child aged 11 whose 12th birthday occurs on or before 5th July 2009 are not required to meet the requirement, imposed by these Regulations, to take part in a work-focused interview every 13 weeks (*see* paragraph 5 of Part 1 of the Schedule).

Regulation 11 makes various amendments to the Jobseeker’s Allowance Regulations so as to make additional provision concerning the circumstances in which claimants who have caring responsibilities in relation to a child are required to be available for and actively seeking employment.

In particular, it amends regulation 72(2) of the Jobseeker’s Allowance Regulations concerning good cause for refusing or failing to carry out a jobseeker’s direction or to apply for or accept employment to which a jobseeker has been referred by an employment officer by setting out the circumstances in which child care expenses must be taken into account. Those circumstances relate to where the person necessarily incurs, or would incur, unreasonable child care expenses as the result of the employment or direction.

Regulation 11 also provides that for the purposes of determining good cause the availability and suitability of child care must be taken into account when considering whether a claimant's caring responsibilities for a child make it unreasonable for the person to undertake a particular employment or carry out the jobseeker's direction. It further provides that those matters must also be considered in relation to just cause for voluntarily leaving employment.

In addition, regulation 11 inserts a new regulation 73A into those Regulations. It provides that any caring responsibilities for a child or necessary child care expenses which represent an unreasonable amount of that person's earnings must be taken into account in determining whether or not a person has just cause for leaving employment.

It also amends the Jobseeker's Allowance Regulations so as to provide that a single person who is responsible for a child may be treated as a person in hardship for the purposes of Part 9 of those Regulations if the child will suffer hardship unless a jobseeker's allowance is paid to the person.

Regulation 12 amends the Employment and Support Allowance Regulations (Northern Ireland) 2008 to remove the requirement that a claimant's assessment phase must have ended before entitlement to either the support component or work-related activity component under those Regulations can arise. This provision applies to certain lone parents who were in receipt of a disability premium as part of their income support and who lose their entitlement to that benefit by virtue of these Regulations.

Regulation 13 makes provision for additional transitional protection to be given for a limited period to lone parents who are existing claimants and who are also full-time students or following a full-time course pursuant to the New Deal for Lone Parents or relevant scheme approved by the Department for Employment and Learning. It also provides that any requirement to take part in a work-focused interview every 13 weeks imposed by these Regulations continues to apply to a person in this group notwithstanding an increase in the age of his or her youngest child.

Regulation 14 makes consequential revocations.

Finally, the Schedule makes provision for the changes to paragraph 1 of Schedule 1B of the Income Support Regulations, made by these Regulations, to take effect at a later date in the case of certain existing claimants linked to the age of that person's youngest child and the date on which the child's birthday falls. In addition, where certain lone parents with a youngest child aged under 16 have claimed, or are treated as having made a claim, for a Child Tax Credit but no award has been made by the date on which the change in entitlement would otherwise take effect, that date is extended by a further 4 weeks.

These Regulations 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 Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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