
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 327

The Social Security (Incapacity Benefit Work-focused Interviews) (Amendment) Regulations (Northern Ireland) 2009

Amendment of the Social Security (Incapacity Benefit Work-focused Interviews) Regulations

- 2.—(1) The principal Regulations are amended in accordance with paragraphs (2) to (5).
- (2) For regulation 2(3) (relevant claimant) substitute—
- “(3) The second condition is that at least one of the following sub-paragraphs applies to the person—
- (a) immediately before 15th December 2008 the person was a “relevant person” within the meaning of—
 - (i) the 2001 Regulations, as saved by regulation 15(2) of the 2003 Regulations, or
 - (ii) the 2005 Regulations;
 - (b) the person—
 - (i) is under 25 years of age, and
 - (ii) has been in receipt of a specified benefit for a continuous period of at least 12 months;
 - (c) at any time before 26th October 2009, the person has been required to take part in an interview under the 2003 Regulations by virtue of having made a claim for, or being entitled to, a specified benefit;
 - (d) the person makes a claim for a specified benefit in respect of a period beginning after 26th October 2008 and that claim is of a description referred to in regulation 2(2) of the Employment and Support Allowance (Transitional Provisions) Regulations (Northern Ireland) 2008(1).”
- (3) In regulation 7(3) (failure to take part in a work-focused interview) for “good cause has not been shown for that failure within 5 working days of the date on which the designated authority gives notification of that failure” substitute “the claimant has not shown good cause in accordance with paragraph (1)”.
- (4) In regulation 8(12)(a) (consequences of a failure to take part in a work-focused interview) for “below” substitute “to below”.
- (5) In regulation 11 (revocations, savings and transitional provisions)—
- (a) after paragraph (2) insert—

“(2A) This paragraph applies to a relevant claimant who—

- (a) at any time before 26th October 2009 has been required to take part in an interview under the 2003 Regulations by virtue of having made a claim for, or being entitled to, a specified benefit; and
 - (b) immediately before that date was subject to the consequences specified in regulation 11 of the 2003 Regulations (failure to take part in an interview).
- (2B) Where paragraph (2A) applies to a relevant claimant—
- (a) the person continues to be subject to the consequences specified in regulation 11 of the 2003 Regulations; and
 - (b) any other provision of the 2003 Regulations continues to have effect insofar as is necessary to give full effect to sub-paragraph (a).”;
- (b) in paragraph (3)—
- (i) after “paragraph (2)(a)” insert “or (2B)(a)”,
 - (ii) after “the 2005 Regulations” insert “or, as the case may be, regulation 11(2) of the 2003 Regulations”.