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Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART I

CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

[^{F1}Work-focused interviews]

Textual Amendments

F1 Ss. 2A, 2B and preceding cross-heading inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), arts. 1(4), 54

[^{F2}2A Claim or full entitlement to certain benefits conditional on work-focused interview.

- (1) Regulations may make provision for or in connection with—
 - (a) imposing, as a condition falling to be satisfied by a person who—
 - (i) makes a claim for a benefit to which this section applies, and
 - (ii) is under the age of 60 at the time of making the claim,a requirement to take part in a work-focused interview;
 - (b) imposing, at a time when—
 - (i) a person is under that age and entitled to such a benefit, and
 - (ii) any prescribed circumstances exist,a requirement to take part in such an interview as a condition of that person continuing to be entitled to the full amount which is payable to him in respect of the benefit apart from the regulations.
- (2) The benefits to which this section applies are—
 - (a) income support;
 - (b) housing benefit;

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- (c) widow's and bereavement benefits falling within section 20(1)(e) and (ea) of the Contributions and Benefits Act (other than a bereavement payment);
 - (d) incapacity benefit;
 - (e) severe disablement allowance; and
 - (f) [^{F3}carer's allowance].
- (3) Regulations under this section may, in particular, make provision—
- (a) for securing, where a person would otherwise be required to take part in interviews relating to two or more benefits—
 - (i) that he is only required to take part in one interview, and
 - (ii) that any such interview is capable of counting for the purposes of all those benefits;
 - (b) for determining the persons by whom interviews are to be conducted;
 - (c) conferring power on such persons or the designated authority to determine when and where interviews are to take place (including power in prescribed circumstances to determine that they are to take place in the homes of those being interviewed);
 - (d) prescribing the circumstances in which persons attending interviews are to be regarded as having or not having taken part in them;
 - (e) for securing that the appropriate consequences mentioned in subsection (4) (a) or (b) below ensue if a person who has been notified that he is required to take part in an interview—
 - (i) fails to take part in the interview, and
 - (ii) does not show, within the prescribed period, that he had good cause for that failure;
 - (f) prescribing—
 - (i) matters which are or are not to be taken into account in determining whether a person does or does not have good cause for any failure to comply with the regulations, or
 - (ii) circumstances in which a person is or is not to be regarded as having or not having good cause for any such failure.
- (4) For the purposes of subsection (3)(e) above the appropriate consequences of a failure falling within that provision are—
- (a) where the requirement to take part in an interview applied by virtue of subsection (1)(a) above, that as regards any relevant benefit either—
 - (i) the person in question is to be regarded as not having made a claim for the benefit, or
 - (ii) if (in the case of an interview postponed in accordance with subsection (7) below) that person has already been awarded the benefit, his entitlement to the benefit is to terminate immediately;
 - (b) where the requirement to take part in an interview applied by virtue of subsection (1)(b) above, that the amount payable to the person in question in respect of any relevant benefit is to be reduced by the specified amount until the specified time.
- (5) Regulations under this section may, in relation to any such reduction, provide—
- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;

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- (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
 - (c) where the person in question is entitled to two or more relevant benefits, for determining the extent, and the order, in which those benefits are to be reduced in order to give effect to the reduction required in his case.
- (6) Regulations under this section may provide that any requirement to take part in an interview that would otherwise apply to a person by virtue of such regulations—
- (a) is, in any prescribed circumstances, either not to apply or not to apply until such time as is specified;
 - (b) is not to apply if the designated authority determines that an interview—
 - (i) would not be of assistance to that person, or
 - (ii) would not be appropriate in the circumstances;
 - (c) is not to apply until such time as the designated authority determines, if that authority determines that an interview—
 - (i) would not be of assistance to that person, or
 - (ii) would not be appropriate in the circumstances,until that time;

and the regulations may make provision for treating a person in relation to whom any such requirement does not apply, or does not apply until a particular time, as having complied with that requirement to such extent and for such purposes as are specified.

- (7) Where—
- (a) a person is required to take part in an interview by virtue of subsection (1)(a) above, and
 - (b) the interview is postponed by or under regulations made in pursuance of subsection (6)(a) or (c) above,
- the time to which it is so postponed may be a time falling after an award of the relevant benefit to that person.

- (8) In this section—
- “the designated authority” means such of the following as may be specified—
- (a) a Northern Ireland department;
 - (b) a person providing services to a Northern Ireland department;
 - (c) any other body established by or under a statutory provision;
 - (d) a person providing services to, or authorised to exercise any function of, any such body;
- “interview” (in subsections (3) to (7) above) means a work-focused interview;
- “relevant benefit”, in relation to any person required to take part in a work-focused interview, means any benefit in respect to which that requirement applied by virtue of subsection (1)(a) or (b) above;
- “specified” means prescribed by or determined in accordance with regulations;
- “work-focused interview”, in relation to a person, means an interview conducted for such purposes connected with employment or training in the case of that person as may be specified;

and the purposes which may be so specified include purposes connected with a person’s existing or future employment or training prospects or needs, and (in particular) assisting or encouraging a person to enhance his employment prospects.]

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Textual Amendments

- F2** Ss. 2A, 2B and preceding cross-heading inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), **arts. 1(4), 54**
- F3** Words in s. 2A(2)(f) substituted (21.10.2002 for certain purposes, otherwise 1.4.2003) by The Deregulation (Carer's Allowance) Order (Northern Ireland) 2002 (S.R. 2002/321), **art. 2(2)(b)(i)**

VALID FROM 10/09/2003

[^{F4}2AA Full entitlement to certain benefits conditional on work-focused interview for partner

- (1) Regulations may make provision for or in connection with imposing, at a time when—
 - (a) a person (“the claimant”) who—
 - (i) is under the age of 60, and
 - (ii) has a partner who is also under that age,
 is entitled to a benefit to which this section applies at a higher rate referable to his partner; and
 - (b) prescribed circumstances exist,
 a requirement for the partner to take part in a work-focused interview as a condition of the benefit continuing to be payable to the claimant at that rate.
- (2) The benefits to which this section applies are—
 - (a) income support;
 - (b) an income-based jobseeker’s allowance other than a joint-claim jobseeker’s allowance;
 - (c) incapacity benefit;
 - (d) severe disablement allowance; and
 - (e) [^{F5}carer’s allowance].
- (3) For the purposes of this section a benefit is payable to a person at a higher rate referable to his partner if the amount that is payable in his case—
 - (a) is more than it would be if the person concerned was not a member of a couple; or
 - (b) includes an increase of benefit for his partner as an adult dependant of his.
- (4) Regulations under this section may, in particular, make provision—
 - (a) for securing, where the partner of the claimant would otherwise be required to take part in work-focused interviews relating to two or more benefits—
 - (i) that the partner is required instead to take part in only one such interview, and
 - (ii) that the interview is capable of counting for the purposes of all those benefits;
 - (b) in a case where the claimant has more than one partner, for determining which of those partners is required to take part in the work-focused interview or requiring each of them to take part in such an interview;
 - (c) for determining the persons by whom work-focused interviews are to be conducted;

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- (d) conferring power on such persons or the designated authority to determine when and where work-focused interviews are to take place (including power in prescribed circumstances to determine that they are to take place in the homes of those being interviewed);
 - (e) prescribing the circumstances in which partners attending work-focused interviews are to be regarded as having or not having taken part in them;
 - (f) for securing that if—
 - (i) a partner who has been notified of a requirement to take part in a work-focused interview fails to take part in it, and
 - (ii) it is not shown (by him or by the claimant), within the prescribed period, that he had good cause for that failure,the amount payable to the claimant in respect of the benefit in relation to which the requirement applied is to be reduced by the specified amount until the specified time;
 - (g) prescribing—
 - (i) matters which are or are not to be taken into account in determining whether a partner does or does not have good cause for any failure to comply with the regulations, or
 - (ii) circumstances in which a partner is or is not to be regarded as having or not having good cause for any such failure.
- (5) Regulations under this section may, in relation to a reduction under subsection (4) (f) above, provide—
- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
 - (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
 - (c) where the claimant is entitled to two or more benefits in relation to each of which a requirement to take part in a work-focused interview applied, for determining the extent to, and the order in, which those benefits are to be reduced in order to give effect to the reduction required in his case.
- (6) Regulations under this section may provide that any requirement to take part in a work-focused interview that would otherwise apply to a partner by virtue of such regulations—
- (a) is, in any prescribed circumstances, either not to apply or not to apply until the specified time;
 - (b) is not to apply if the designated authority determines that such an interview would not be of assistance to him or appropriate in the circumstances;
 - (c) is not to apply until such time as the designated authority determines (if that authority determines that such an interview would not be of assistance to him or appropriate in the circumstances until that time),
- and the regulations may make provision for treating a partner to whom any such requirement does not apply, or does not apply until a particular time, as having complied with that requirement to such extent and for such purposes as are specified.
- (7) In this section—
- “couple” means a married or unmarried couple (within the meaning of Part VII of the Contributions and Benefits Act);
 - “designated authority” means such of the following as may be specified—

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- (a) a Northern Ireland department;
 - (b) a person providing services to a Northern Ireland department;
 - (c) any other body established by or under a statutory provision;
 - (d) a person providing services to, or authorised to exercise any function of, any such body;
- “partner” means a person who is a member of the same couple as the claimant;
- “specified” means prescribed by or determined in accordance with regulations;
- “work-focused interview” has the same meaning as in section 2A above.]

Textual Amendments

- F4** S. 2AA inserted (prosp.) by Social Security Act (Northern Ireland) 2002 (c. 10), ss. 5, 9
- F5** Words in s. 2AA(2)(e) substituted (21.10.2002 for certain purposes, otherwise 1.4.2003) by The Deregulation (Carer's Allowance) Order (Northern Ireland) 2002 (S.R. 2002/321), arts. 1(1)(b), 2(2)(b)(ii)

[^{F6}2B Supplementary provisions relating to work-focused interviews.

- (1) Chapter II of Part II of the Social Security (Northern Ireland) Order 1998 (social security decisions and appeals) shall have effect in relation to relevant decisions subject to and in accordance with subsections (3) to (8) below (and in those subsections “the 1998 Order” means that Order).
- (2) For the purposes of this section a “relevant decision” is a decision made under regulations under section 2A above that a person—
 - (a) has failed to comply with a requirement to take part in an interview which applied to him by virtue of the regulations, or
 - (b) has not shown, within the prescribed period mentioned in section 2A(3)(e)(ii) above, that he had good cause for such a failure.
- (3) Article 9(1)(c) of the 1998 Order (decisions falling to be made under certain statutory provisions are to be made by the Department) shall have effect subject to any provisions of regulations under section 2A above by virtue of which relevant decisions fall to be made otherwise than by the Department.
- (4) For the purposes of each of Articles 10 and 11 of the 1998 Order (revision and supersession of decisions of Department) any relevant decision made otherwise than by the Department shall be treated as if it were such a decision made by the Department (and accordingly may be revised by it under Article 10 or superseded by a decision made by it under Article 11).
- (5) Subject to any provisions of regulations under either Article 10 or 11 of the 1998 Order, any relevant decision made, or (by virtue of subsection (4) above) treated as made, by the Department may be—
 - (a) revised under Article 10 by a person or authority exercising functions under regulations under section 2A above other than the Department, or
 - (b) superseded under Article 11 by a decision made by such a person or authority, as if that person or authority were the Department.

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- (6) Regulations shall make provision for conferring (except in any prescribed circumstances) a right of appeal under Article 13 of the 1998 Order (appeal to appeal tribunal) against—
- (a) any relevant decision, and
 - (b) any decision under Article 11 of that Order superseding any such decision, whether made by the Department or otherwise.
- (7) Subsections (4) to (6) above apply whether—
- (a) the relevant decision, or
 - (b) (in the case of subsection (6)(b)) the decision under Article 11 of the 1998 Order,
- is as originally made or has been revised (by the Department or otherwise) under Article 10 of that Order; and regulations under subsection (6) above may make provision for treating, for the purposes of Article 13 of that Order, any decision made or revised otherwise than by the Department as if it were a decision made or revised by it.
- (8) Article 13 of the 1998 Order shall not apply to any decision falling within subsection (6) above except in accordance with regulations under that subsection.
- (9) In the following provisions, namely—
- (a) section 3(1) of the Social Security Act 1998 (use of information), and
 - (b) Article 69(6) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (supply of information),
- any reference to information relating to social security includes any information supplied by a person for the purposes of an interview which he is required to take part in by virtue of section 2A above.
- (10) In this section “interview” means a work-focused interview within the meaning of section 2A above.]

Textual Amendments

F6 Ss. 2A, 2B and preceding cross-heading inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), arts. 1(4), 54

[^{F7}2C Optional work-focused interviews.

- (1) Regulations may make provision for conferring on the prescribed authorities functions in connection with conducting work-focused interviews in cases where such interviews are requested or consented to by persons to whom this section applies.
- (2) This section applies to persons making claims for or entitled to—
- (a) any of the benefits listed in section 2A(2) above, or
 - (b) any prescribed benefit;
- and it so applies regardless of whether such persons have, in accordance with regulations under section 2A above, already taken part in interviews conducted under such regulations.
- (3) The functions which may be conferred on the prescribed authorities by regulations under this section include functions relating to—

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- (a) the obtaining and receiving of information for the purposes of work-focused interviews conducted under the regulations;
 - (b) the recording and forwarding of information supplied at, or for the purposes of, such interviews;
 - (c) the taking of steps to identify potential employment or training opportunities for persons taking part in such interviews.
- (4) Regulations under this section may make different provision for different areas.
- (5) In this section—
- “authorities” means a Northern Ireland department and any other body established by or under a statutory provision;
- “work-focused interview”, in relation to a person to whom this section applies, means an interview conducted for such purposes connected with employment or training in the case of such a person as may be prescribed; and the purposes which may be so prescribed include—
- (a) purposes connected with the existing or future employment or training prospects or needs of such a person, and
 - (b) (in particular) assisting or encouraging such a person to enhance his employment prospects.]

Textual Amendments

F7 S. 2C inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), arts. 1(4), 55

Status:

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