
STATUTORY INSTRUMENTS

2008 No. 3051

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008.

(2) These Regulations come into force on the day after the day on which they are made, except that—

- (a) regulations 3, 6 and 9 come into force on 26th October 2009;
- (b) regulations 4, 7 and 10 come into force on 25th October 2010.

(3) Paragraph (2) is subject to the provisions in the Schedule.

(4) In these Regulations—

“the Income Support Regulations” means the Income Support (General) Regulations 1987(1);

“the Jobcentre Plus Regulations” means the Social Security (Jobcentre Plus Interviews) Regulations 2002(2);

“the Lone Parents Regulations” means the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000(3);

“lone parent” has the same meaning as in regulation 2(1) of the Income Support Regulations.

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

2.—(1) Schedule 1B (prescribed categories of person)(4) to the Income Support Regulations is amended as follows.

(2) For paragraph 1 substitute—

“Lone Parents

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

- (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.”

(1) S.I. 1987/1967.

(2) S.I. 2002/1703; relevant amending instrument is S.I. 2007/1034.

(3) S.I. 2000/1926; relevant amending instrument is S.I. 2007/1034.

(4) Schedule 1B was inserted by S.I. 1996/206.

Amendment of the Income Support Regulations from 26th October 2009

3.—(1) Schedule 1B (prescribed categories of person) to the Income Support Regulations is amended as follows.

(2) 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.—(1) Schedule 1B (prescribed categories of person) to the Income Support Regulations is amended as follows.

(2) 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 as follows.

(2) In regulation 2(1) (general requirement for lone parents claiming or entitled to income support to take part in an interview)⁽⁵⁾, 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 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) last took part,

(5) Regulation 2 was substituted by [2007/1034](#).

- (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 (circumstances where requirement to take part in an interview does not apply)(6)—

- (a) in paragraph (3) for “2A and 2B” substitute “2ZA, 2A and 2B”;
- (b) in paragraph (4), at the end add “, under regulation 2ZA of these Regulations or regulation 4A of the Social Security (Jobcentre Plus Interviews) Regulations 2002”.

(5) In regulations 5(2) (deferment of requirement to take part in an interview)(7) and 6(2)(a) (waiver), for “2, 2A and 2B” substitute “2, 2ZA, 2A and 2B”.

(6) In regulation 7(3)(b) (consequences of failure to take part in an interview)(8), after “2(3) or (4),” insert “2ZA,”.

Amendment of the Lone Parents Regulations from 26th October 2009

6. In regulation 2ZA(1) of the Lone Parents Regulations, as inserted by regulation 5(3), for “9, 10 or 11” in both places substitute “6, 7, 8, or 9”.

Amendment of the Lone Parents Regulations from 25th October 2010

7. In regulation 2ZA(1) of the Lone Parents Regulations, as amended by regulation 6, for “6, 7, 8 or 9” in both places substitute “6”.

Amendment of the Jobcentre Plus Regulations from the day after the day on which these Regulations are made

8.—(1) The Jobcentre Plus Regulations are amended as follows.

(2) In regulation 4(1) (continuing entitlement to specified benefit dependent on an interview)(9), for “6 to 9” substitute “4A and 6 to 9”.

(3) After regulation 4 insert—

“Requirement for certain lone parents to take part in an interview

4A.—(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 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—

(6) Regulation 4 was substituted by S.I. 2005/2727 and amended by S.I.s. 2006/909 and 2007/1034.

(7) Regulation 5 was amended by S.I s. 2001/1189, 2005/2727 and 2007/1034.

(8) Regulation 7 was amended by S.I s. 2005/2727 and 2007/1034.

(9) Regulation 4 was amended by S.I s. 2002/2497, 2004/959, 2005/2727 and 2007/1034.

- (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 6 to 9, 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 4 unless this regulation ceases to apply to him.”

(4) In regulation 5(b) (time when interview is to take place)(**10**), after “4(1)” insert “or 4A(2)”.

(5) In regulation 6(2)(a) (waiver of a requirement to take part in an interview), for “3 or 4” substitute “3, 4 or 4A”.

(6) In regulation 8(1) (exemptions)(**11**), for “4 or 7(2)” substitute “4 or 4A or 7(2)”.

(7) In regulation 12(2)(c)(failure to take part in an interview)(**12**), for “4” substitute “4 or 4A”.

Amendment of the Jobcentre Plus Regulations from 26th October 2009

9. In regulation 4A(1) of the Jobcentre Plus Regulations, as inserted by regulation 8(3), for “9, 10 or 11” in both places substitute “6, 7, 8 or 9”.

Amendment of the Jobcentre Plus Regulations from 25th October 2010

10. In regulation 4A(1) of the Jobcentre Plus Regulations, as amended by regulation 9, for “6, 7, 8 or 9” in both places substitute “6”.

Amendment of the Jobseeker’s Allowance Regulations 1996

11.—(1) The Jobseeker’s Allowance Regulations 1996(**13**) are amended as follows.

(2) In regulation 5 (exceptions to requirement to be available immediately: carers etc.)(**14**)—

- (a) in paragraph (1) 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

(10) Regulation 5 was amended by [S.I. 2005/2727](#).

(11) Regulation 8 was amended by S.I s. [2003/2439](#), [2005/2727](#) and [2007/1034](#).

(12) Regulation 12 was amended by [S.I. 2005/2727](#).

(13) [S.I. 1996/207](#).

(14) Regulation 5(1) was substituted by [S.I. 2002/3072](#) and amended by [S.I. 2006/1402](#).

- (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). ”.
- (c) in paragraph (5)(**15**)—
- (i) for “(1) or (2)” substitute “(1), (1A) or (2)”; and
 - (ii) omit “one week, 48 hour and 24 hour”.
- (3) In regulation 6 (employment of at least 40 hours per week), for “(3) or (4)” in both places substitute “(3), (3A) or (4)”.
- (4) In regulation 8 (other restrictions on availability), for “13(2), (3), (4)” substitute “13(2), (3), (3A) or (4)”.
- (5) In regulation 11(1) (part-time students)(**16**)—
- (a) in sub-paragraph (b) for “13(3) or (4)” substitute “13(3), (3A) or (4)”; and
 - (b) for “(1), (2) or (3)” substitute “(1), (1A), (2) or (3)”.
- (6) In regulation 12(1)(a) (volunteers)(**17**) for “13(3) or (4)”, substitute “13(3), (3A) or (4)”.
- (7) In regulation 13 (additional restrictions on availability for certain groups)—
- (a) in paragraph (2), for “(3) or (4)” substitute “(3), (3A) or (4)”; and
 - (b) after paragraph (3) insert—
 - “(3A) A person who has caring responsibilities in relation to a child and who—
 - (a) is the subject of a parenting order concerning that child under section 8 of the Crime and Disorder Act 1998(**18**), section 20 of the Anti-social Behaviour Act 2003(**19**) (“the 2003 Act”), or in relation to Scotland, under section 102 of the Antisocial Behaviour etc. (Scotland) Act 2004(**20**), or
 - (b) has entered into a parenting contract concerning that child under section 19 of the 2003 Act,may restrict his availability in any way providing the restrictions are reasonable in the light of the terms of the order or contract.”;
 - (c) after paragraph (5), insert—
 - “(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.”.
- (8) In regulation 14 (circumstances in which a person is to be treated as available)—
- (a) after sub-paragraph (1)(s)(**21**), add—

(15) Regulation 5(5) was amended by [S.I. 2002/3072](#).

(16) Regulation 11(1) was amended by [S.I. 1996/1517](#).

(17) Regulation 12 was substituted by [S.I. 2002/3072](#).

(18) 1998 c. 37.

(19) 2003 c. 38.

(20) 2004 asp 8.

(21) Regulation 14(1)(s) was inserted by [S.I. 2006/1402](#).

- “(t) 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;
- (u) 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 a local education authority or (in Scotland) an education authority, 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).”; and
- (d) in paragraph (2A), in both places for “13(3) or (4)” substitute “13(3), (3A) or (4)”.
- (9) In regulation 17(1) (laid-off and short-time workers) for “(1) or (2)” substitute “(1), (1A) or (2)”.
- (10) In regulation 19(1)(o) (circumstances in which a person is to be treated as actively seeking employment), for “14(2)” substitute “14(2) or (2ZA)”.
- (11) 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)(**22**)—
- (a) after paragraph (a) 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.”;
 - (b) in paragraph (c), for “(r) or (s) or 14(2)” substitute “(r) to (u) or 14(2) or (2ZA)”.
- (12) In regulation 72 (good cause for the purposes of section 19(5)(a) and 6(c) and (d))(**23**)—
- (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) insert—

(22) Regulation 30 was amended by S.I s. 2000/2194, 2000/1978, 2002/3072 and 2006/1402.

(23) Regulation 72(2) was amended by S.I s. 1998/1274 and 2000/1978.

“(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)”;
 - (d) in paragraph (6)(a)(24), after “(2)(f)” insert “or (g);”.
- (13) After regulation 73 (good cause for the purposes of section 19(5)(b)) insert—

“Just cause for the purpose of sections 19(6)(b) and 20A(2)(e)

73A.—(1) This regulation applies for the purposes of section 19 (circumstances in which a jobseeker’s allowance is not payable) and section 20A (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 section 19(6)(b) and section 20A(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 the greater the level of remuneration the higher the proportion which it is reasonable should be represented by such expenses.”.

(14) In regulation 140(1)(b) (meaning of “person in hardship”)(25), for “young person” in both places substitute “child or young person”.

Amendment of the Employment and Support Allowance Regulations 2008

12.—(1) The Employment and Support Allowance Regulations 2008(26) are amended as follows—

(2) In regulation 7(1) (circumstances where the condition that the assessment phase has ended before does not apply)—

- (a) at the end of sub-paragraph (a), omit “or”; and

(24) Regulation 72(6) was amended by S.I s. 2000/1978 and 2004/1008.

(25) Regulation 140(1) was amended by S.I s.1996/1516, 1999/2860, 2000/239, 2000/1978 and 2005/2877.

(26) S.I. 2008/794.

- (b) at the end of sub-paragraph (b), insert—
- “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 force, in relation to the claimant, of the Social Security (Lone Parents and Miscellaneous Amendments) Regulations 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 Secretary of State known as the New Deal for Lone Parents or pursuant to a scheme which has been approved by the Secretary of State 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.
- (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 force 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 force 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 Jobcentre Plus 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 course of advanced education”, “full-time course of study” and “sandwich course” have the same meaning as in regulation 61 of those Regulations;
 - “full-time student” and “period of study” have the same meaning as in regulation 2(1) of the Income Support 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.

Signed by authority of the Secretary of State for Work and Pensions.

23rd November 2008

Jonathan Shaw
Parliamentary Under-Secretary of State,
Department for Work and Pensions