

Draft Regulations laid before Parliament under section 37(2) of the Jobseekers Act 1995, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

SOCIAL SECURITY

**The Social Security (Intensive Activity Period
50 to 59 Pilot)(No.2) Regulations 2005**

Made - - - - 2005
Coming into force - - 9th January 2006

Whereas a draft of this instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995(1), and approved by resolution of each House of Parliament;

Whereas these Regulations are made with a view to ascertaining whether their provisions will, or will be likely to, encourage persons to obtain work or will, or will be likely to, facilitate the obtaining by persons of work(2);

Now, therefore, the Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 19(10)(c), 29(1), (3) and (5), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(3), and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(4), hereby makes the following Regulations:

Citation, commencement and duration

1.—(1) These Regulations may be cited as the Social Security (Intensive Activity Period 50 to 59 Pilot) (No.2) Regulations 2005 and shall come into force on 9th January 2006.

(2) These Regulations shall cease to have effect on 8th January 2007 unless revoked with effect from an earlier date.

(1) 1995 c.18.
(2) See section 29(8) of the Jobseekers Act 1995.
(3) Section 35(1) is an interpretation provision and is cited because of the meaning there given to the words “prescribed” and “regulations”. Sections 35(1) and 36(4) were amended by section 2 of, and paragraphs 62 and 63 respectively of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c.2).
(4) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (c.5); paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.

Interpretation

2.—(1) In these Regulations—

“appropriate office” means an office, by whatever name it is from time to time known, of the Department for Work and Pensions which is identified in the Schedule to these Regulations by reference to its district and name as at the date on which these Regulations come into force and, where such an office closes, a reference in the Schedule to that office shall be construed as a reference to the office which a person is required to attend by an employment officer instead of that office;

“benefit” means a jobseeker’s allowance or any earnings credited to a person in accordance with regulation 8A of the Social Security (Credits) Regulations 1975(5);

“the Jobseeker’s Regulations” means the Jobseeker’s Allowance Regulations 1996(6).

(2) In respect of any period throughout which a member of a joint-claim couple is receiving a joint-claim jobseeker’s allowance, the other member of that couple shall, for the purposes of regulation 3(3)(c), also be treated as receiving benefit throughout that period.

Application of Intensive Activity Period 50 to 59 Pilot

3.—(1) Subject to paragraph (4), in relation to a person to whom paragraph (2) applies, in regulation 75(1)(a)(iv) of the Jobseeker’s Regulations(7) (interpretation) for “aged 25 years or over and less than 50 years” substitute “aged 50 years or over and less than 60 years”.

(2) This paragraph shall apply to any person who meets the conditions specified in paragraph (3) and who is selected by an employment officer, on a sampling basis, to participate in the Intensive Activity Period as specified in regulation 75(1)(a)(iv) of the Jobseeker’s Regulations as amended by paragraph (1).

(3) For the purposes of paragraph (2) the conditions are that he is a person—

- (a) who, between 9th January 2006 and 8th January 2007 attends an appropriate office pursuant to a notification given or sent under regulation 23 or 23A of the Jobseeker’s Regulations; and
- (b) who has been receiving benefit for a cumulative period of at least 18 months in the previous 21 months; and
- (c) who has been given or sent a notice in writing by an employment officer notifying him of a place on the Intensive Activity Period as specified in regulation 75(1)(a)(iv) of the Jobseeker’s Regulations as amended by paragraph (1), and advising him that if he fails to participate in that programme, his jobseeker’s allowance could cease to be payable or could be payable at a lower rate.

(4) Where a person to whom paragraph (2) would otherwise apply informs the Secretary of State of a change in address that results in that person being notified under regulation 23 or 23A of the Jobseeker’s Regulations that he should attend a place that is not an appropriate office for the purposes of these Regulations—

- (a) any sanction incurred by that person under sections 19 or 20A of the Jobseekers Act 1995 as a result of his refusing or failing to participate in, or giving up a place on the Intensive Activity Period as specified in regulation 75(1)(a)(iv) of the Jobseekers Regulations as amended by paragraph (1) shall end; and
- (b) these Regulations shall cease to apply to that person.

(5) S.I. 1975/556. Regulation 8A was inserted by S.I.1996/2367; relevant amending instruments are S.I. 2000/3120, 2001/518, 1711 and 2002/490.

(6) S.I. 1996/207.

(7) Regulation 75 was substituted by S.I. 1997/2863, relevant amending instruments are S.I. 1998/1274, 1698, 2000/721, 1370, 1978, 2001/652, 1029, 2002/2314, 2003/2438 and 2004/959.

Transitional provisions

4. References in these Regulations to a person to whom regulation 3(2) applies shall include a person to whom regulation 3(2) of the Social Security (Intensive Activity Period 50 to 59 Pilot) (No.2) Regulations 2004⁽⁸⁾ applied immediately before those regulations expire.

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

2005

Minister of State,
Department for Work and Pensions

SCHEDULE

Regulation 2(1)

District	Name of Office
Derbyshire	Alfreton
	Belper
	Bolsover
	Buxton
	Chesterfield (Markham Road)
	Clay Cross
	Derby (Normanton Road)
	Derby (St. Peter's House)
	Derby (Wardwick)
	Glossop
	Heanor
	Ilkeston
	Long Eaton
	Matlock
	Shirebrook
	Staveley
Gateshead & South Tyneside	Swadlincote
	Blaydon
	Felling
	Gateshead
Highlands, Islands & Clyde Coast	Jarrow
	South Shields
	Barrhead
Ayrshire, Dumfries, Galloway & Inverclyde	Campbeltown
	Dunoon

District	Name of Office
	Helensburgh
	Johnstone
	Oban
	Paisley
	Renfrew
	Rothesay
	Greenock
	Port Glasgow

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the pilot scheme established by the Social Security (Intensive Activity Period 50 to 59 Pilot) (No.2) Regulations 2004 ([S.I.2004/869](#)) ('the 2004 Regulations'), which related to persons who claimed a jobseeker's allowance and who fulfilled the criteria specified in regulation 3 of those regulations as to age, period over which they had been receiving benefit and the location of the appropriate offices at which they were claiming benefit, as identified in the Schedule to those Regulations.

These Regulations provide for an extended Pilot Scheme which is to last for 1 year from 9th January 2006 to 8th January 2007, unless revoked with effect from an earlier date.

Regulation 3 amends regulation 75(1)(a)(iv) of the Jobseeker's Allowance Regulations ([S.I. 1996/207](#)) with the effect that if a person without good cause refuses or fails to participate in the employment programme known as the Intensive Activity Period or gives up his place on this programme, he will be subject to a sanction under section 19 or 20A of the Jobseekers Act [1995 \(c.18\)](#). The effect of this will be the loss or reduction of his jobseeker's allowance for a period of two, four or twenty-six weeks.

Regulation 3 further provides that where a person on the Intensive Activity Period informs the Secretary of State of a change of address that results in an employment officer notifying him to under regulation 23 or 23A of the Jobseeker's Allowance Regulations 1996 to attend a place that is not an appropriate office for the purposes of these Regulations then any sanctions incurred by that person for refusing or failing to participate in, or giving up his place on the programme shall end and these Regulations shall no longer apply to that person.

Regulation 4 provides that a person who was participating in the 2004 Regulations will be subject to these Regulations from the date that the 2004 Regulations expire.

A full regulatory impact assessment has not been produced for the instrument as it has no impact on the costs of business.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Social Security (Intensive Activity Period 50 to 59 Pilot)(No.2) Regulations 2005 No. 637