
DRAFT STATUTORY INSTRUMENTS

2014 No.

**The Income Support (Work-Related Activity) and
Miscellaneous Amendments Regulations 2014**

PART 3

Miscellaneous Amendments

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999

12.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999⁽¹⁾ are amended as follows.

(2) In regulation 1(3) (citation, commencement, application and interpretation) in the appropriate place insert the following definition—

“‘Income Support Work-Related Activity Regulations’ means the Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2014;”.

(3) After regulation 3(7CC) (revision of decisions) insert—

“(7CD) A decision of the Secretary of State under section 10 of the Act made in consequence of a determination under regulation 6(2) of the Income Support Work-Related Activity Regulations that a claimant has failed to satisfy a requirement of regulation 2 of those Regulations (requirement to undertake work-related activity) may be revised at any time if it contained an error to which the claimant did not materially contribute.”.

(4) After regulation 6(2)(s) (supersession of decisions) insert—

“(t) is a decision awarding income support where there has been a determination by the Secretary of State under regulation 6(2) of the Income Support Work-Related Activity Regulations that a person has failed to undertake work-related activity;

(u) is a decision made in consequence of a determination by the Secretary of State that a person has failed to undertake work-related activity where a reduction under regulation 8(1) of the Income Support Work-Related Activity Regulations ceases to have effect by virtue of regulation 9 of those Regulations.”.

(5) After regulation 7(40) (date from which a decision superseded under section 10 takes effect) add—

“(41) A decision made in accordance with regulation 6(2)(t) shall take effect from the first day of the next benefit week following the day on which the determination mentioned in that sub-paragraph was made.

(42) A decision made in accordance with regulation 6(2)(u) shall take effect from the first day of the benefit week in which the reduction mentioned in that sub-paragraph ceased to have effect.”.

(1) [S.I. 1999/991](#) to which there are amendments not relevant to these Regulations

Amendment of the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000

13.—(1) The Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Regulations 2000(2) are amended as follows.

- (2) In regulation 2ZA (requirement for certain lone parents to take part in an interview)—
- (a) in paragraph (1)—
 - (i) after sub-paragraph (a) insert “and”;
 - (ii) omit sub-paragraph (c) and the “and” that precedes it;
 - (b) for paragraph (2) substitute—

“(2) Subject to regulations 4 and 5, a lone parent to whom this regulation applies is required to take part in one or more interviews as a condition of continuing to be entitled to the full amount of benefit which is payable to him apart from these Regulations.”;
 - (c) in paragraph (3)(b) omit “waived or”.
- (3) For regulation 2C(1) (the interview) substitute—
- “(1) An interview under these Regulations shall take place—
- (a) where regulation 2ZA applies, on such date as may be determined by an officer;
 - (b) in any other case, as soon as is reasonably practicable after the date on which the requirement to take part in the interview arises.”.

(4) In regulation 4 (circumstances where requirement to take part in an interview does not apply) —

 - (a) in paragraph (1), after “Regulations 2”, insert “, 2ZA”;
 - (b) in paragraph (1A) for “Regulation 2” substitute “Regulations 2 and 2ZA”; and
 - (c) omit paragraph (3).

(5) In regulation 6 (waiver)—

 - (a) in paragraph (1) for “these Regulations” substitute “regulations 2(1) and 2ZB(2)”; and
 - (b) in paragraph (2)(a) omit “, 2ZA”.

(6) In regulation 7 (consequence of failure to take part in an interview)—

 - (a) in paragraph (1)—
 - (i) for “(2) and (5)” substitute “(2), (5) and (5A)”; and
 - (ii) in sub-paragraph (b) for “day on which the interview was to take place” substitute “date on which the person was notified of his failure to take part in the interview”;
 - (b) after paragraph (1) insert—

“(1A) Where a notice under paragraph (1)(b) is sent by post it is taken to have been received on the second working day after it is sent.”.
 - (c) in paragraph (2)(a) for “day on which the interview was to take place” substitute “date on which the person was notified of his failure to take part in the interview”;
 - (d) after paragraph (5) insert—

“(5A) The amount of income support payable to a person is not to be reduced in accordance with paragraph (3)(b) if that amount —

(2) [S.I. 2000/1926](#); relevant amending instruments are [S.I. 2005/2727](#), [2007/1034](#), [2008/3051](#), [.2010/563](#), [2011/674](#) and [2428](#), and [2012/874](#).

(a) is, at the time a decision falls to be made in respect of the current failure, being paid at a reduced rate in accordance with paragraph (3)(b) and regulation 8, regulation 12(2)(c) of the Social Security (Jobcentre Plus Interviews) Regulations 2002⁽³⁾ or regulation 8(1) and (2) of the Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2014; and

(b) was last reduced not more than two weeks before the date of the current failure.

(5B) In paragraph (5A), “current failure” means a failure which may, in the case of a claimant who has an award of income support, lead to a reduction in income support under paragraph (3)(b) and regulation 8 in relation to which the Secretary of State has not yet determined whether the amount of income support payable to the person is to be reduced in accordance with that paragraph and regulation.”.

(7) In regulation 8—

(a) in paragraph (3)(c) for “meets the requirement to take part in an interview” substitute “satisfies a compliance condition”; and

(b) after paragraph (3)(d) insert—

“(4) In paragraph (3)(c), “compliance condition” means a requirement to—

(a) take part in an interview; or

(b) undertake work-related activity”.

Amendment of the Social Security (Jobcentre Plus Interviews) Regulations 2002

14.—(1) The Social Security (Jobcentre Plus Interviews) Regulations 2002⁽⁴⁾ are amended as follows.

(2) In regulation 4A (requirement for certain lone parents to take part in an interview)—

(a) in paragraph (1)—

(i) after sub-paragraph (a) insert “and”;

(ii) omit sub-paragraph (c) and the “and” that precedes it;

(b) for paragraph (2) substitute—

“(2) Subject to regulations 7 to 9, a lone parent to whom this regulation applies is required to take part in one or more interviews as a condition of continuing to be entitled to the full amount of benefit which is payable to him apart from these Regulations.”;

(c) in paragraph (3)(b) omit “waived or”.

(3) In regulation 5 (time when an interview is to take place)—

(a) in paragraph (2), omit “as soon as reasonably practicable after”;

(b) in paragraph (2)(a) before “the requirement to take part” insert “as soon as reasonably practicable after”;

(c) after paragraph (2)(a) insert—

“(aa) in a case where regulation 4A(2) applies, on such a date as may be determined by the officer; or”;

(d) in paragraph (2)(b)—

(i) after “in any other case” insert “, as soon as reasonably practicable after”;

⁽³⁾ S.I. 2002/1703; relevant amending instruments are S.I. 2005/2727, S.I. 2011/2425 and S.I. 2011/2428.

⁽⁴⁾ S.I. 2002/1703; relevant amending instruments are S.I. 2008/3051, 2011/2425 and 2428, and 2012/874.

- (ii) omit paragraph (i);
 - (iii) in paragraph (ii) omit “but regulation 4A(1) does not apply,”; and
 - (iv) in paragraph (iii) omit “either” and “or regulation 4A(2)”.
- (4) In regulation 6 (waiver of requirement to take part in an interview)—
- (a) at the beginning of paragraph (1), insert “Except in a case where a requirement is imposed by virtue of regulation 4A(2),”;
 - (b) in paragraph (2)(a), for “4A” substitute “4ZA”.
- (5) In regulation 8 (exemptions) in paragraph (4) after “4ZA” insert “, 4A”.
- (6) In regulation 11 (taking part in an interview)—
- (a) in paragraph (4) for “day on which the interview was to take place” substitute “date on which the person was notified of his failure to take part in the interview”; and
 - (b) after paragraph (4) insert—
 - “(5) Where a notice under paragraph (4) is sent by post it is taken to have been received on the second working day after it is sent.”.
- (7) In regulation 12 (failure to take part in an interview)—
- (a) in paragraph (9) for “takes part in an interview” substitute “satisfies a compliance condition” and for “requirement to take part in an interview was met” substitute “compliance condition was satisfied”;
- (8) after paragraph (9) insert—
- “(9A) In paragraph (9) “compliance condition” means a requirement to—
 - (a) take part in an interview; or
 - (b) undertake work-related activity”.
- (9) in paragraph (12)(a) for “day on which the interview was to take place” substitute “date on which the person was notified of his failure to take part in the interview”;
- (10) After regulation 12 (failure to take part in an interview) insert—

“Circumstances where the amount of benefit payable to a claimant is not to be reduced in accordance with regulation 12(2)(c)

12A.—(1) The amount of benefit payable to a claimant is not to be reduced in accordance with regulation 12(2)(c) if that amount—

- (a) is at the time the relevant decision falls to be made in respect of the current failure, being paid at a reduced rate in accordance with regulation 12(2)(c), regulations 7(3)(b) and 8 of the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 or regulation 8(1) and (2) of the Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2014; and

- (b) was last reduced not more than two weeks before the date of the current failure.

(2) In paragraph (1) “current failure” means a failure which may, in the case of a claimant who has an award of benefit, lead to a reduction in benefit under regulation 12(2)(c) in relation to which the Secretary of State has not yet determined whether the amount of benefit payable to the claimant is to be reduced in accordance with that regulation.”

Amendment to the Employment and Support Allowance (Work-Related Activity) Regulations 2011

15. In regulation 3(2)(b) of the Employment and Support Allowance (Work-Related Activity) Regulations 2011⁽⁵⁾ (requirement to undertake a work-related activity), for “5” substitute “3”.

Amendment of the Universal Credit Regulations 2013

16.—(1) The Universal Credit Regulations 2013⁽⁶⁾ are amended as follows.

(2) In regulation 91(1) (claimants subject to work-focused interview requirement only), for “5” substitute “3”.

(3) After regulation 91, insert—

“Claimants subject to work preparation requirement

91A. For the purposes of section 21(1)(b) of the Act (claimants subject to work preparation requirement), the claimant is of a prescribed description if the claimant is the responsible carer for a child aged 3 or 4.”.

Amendment of the Employment and Support Allowance Regulations 2013

17. In regulation 48(1) of the Employment and Support Allowance Regulations 2013⁽⁷⁾ (claimants subject to work-focused interview requirement only), for “five” substitute “three”.

(5) [S.I. 2011/1349](#)
(6) [S.I. 2013/376](#).
(7) [S.I. 2013/379](#).