



# Child Support, Pensions and Social Security Act 2000

## 2000 CHAPTER 19

### PART III

#### SOCIAL SECURITY

##### *Loss of benefit*

#### **62 Loss of benefit for breach of community order.**

(1) If—

- (a) a court makes a determination that a person (“the offender”) has failed without reasonable excuse to comply with the requirements of a relevant community order made in respect of him,
- (b) the Secretary of State is notified in accordance with regulations under section 64 of the determination, and
- (c) the offender is a person with respect to whom the conditions for any entitlement to a relevant benefit are or become satisfied,

then, even though those conditions are satisfied, the following restrictions shall apply in relation to the payment of that benefit in the offender’s case.

- (2) Subject to subsections (3) to (5), the relevant benefit shall not be payable in the offender’s case for the prescribed period.
- (3) Where the relevant benefit is income support, the benefit shall be payable in the offender’s case for the prescribed period as if the applicable amount used for the determination under section 124(4) of the <sup>M1</sup>Social Security Contributions and Benefits Act 1992 of the amount of the offender’s entitlement for that period were reduced in such manner as may be prescribed.
- (4) The Secretary of State may by regulations provide that, where the relevant benefit is jobseeker’s allowance, any income-based jobseeker’s allowance shall be payable,

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during the whole or a part of the prescribed period, as if one or more of the following applied—

- (a) the rate of the allowance were such reduced rate as may be prescribed;
  - (b) the allowance were payable only if there is compliance by the offender with such obligations with respect to the provision of information as may be imposed by the regulations;
  - (c) the allowance were payable only if the circumstances are otherwise such as may be prescribed.
- (5) Where the relevant benefit is a payment under section 2 of the <sup>M2</sup>Employment and Training Act 1973 (under which training allowances are payable), that benefit shall not be payable for the prescribed period except to such extent (if any) as may be prescribed.
- (6) Where the determination by a court that was made in the offender’s case is quashed or otherwise set aside by the decision of that or any other court, all such payments and other adjustments shall be made in his case as would be necessary if the restrictions imposed by or under this section in respect of that determination had not been imposed.
- (7) The length of any period prescribed for the purposes of any of subsections (2) to (5) shall not exceed twenty-six weeks.
- (8) In this section—
- “income-based jobseeker’s allowance” and “joint-claim jobseeker’s allowance” have the same meanings as in the <sup>M3</sup>Jobseekers Act 1995;
- “relevant benefit” means—
- (a) income support;
  - (b) any jobseeker’s allowance other than joint-claim jobseeker’s allowance;
  - (c) any benefit under the <sup>M4</sup>Social Security Contributions and Benefits Act 1992 (other than income support) which is prescribed for the purposes of this section; or
  - (d) any prescribed payment under section 2 of the <sup>M5</sup>Employment and Training Act 1973 (under which training allowances are payable);
- “relevant community order” means—
- (a) [<sup>F1</sup>a community punishment order;]
  - (b) [<sup>F2</sup>a community rehabilitation order;]
  - (c) [<sup>F3</sup>a community punishment and rehabilitation order;]
  - (d) such other description of community order within the meaning of the Powers of Criminal Courts (Sentencing) Act 2000 as may be prescribed for the purposes of this section; or
  - (e) any order falling in England and Wales to be treated as an order specified in paragraphs (a) to (d).
- (9) In relation to a relevant benefit falling within paragraph (d) of the definition of that expression in subsection (8), references in this section to the conditions for entitlement to that benefit being or becoming satisfied with respect to any person are references to there having been or, as the case may be, the taking of a decision to make a payment of such benefit to that person.
- (10) In relation to any time before the coming into force of the Powers of Criminal Courts (Sentencing) Act 2000, the reference to that Act in subsection (8) shall be taken to be a reference to Part I of the <sup>M6</sup>Criminal Justice Act 1991.
- (11) In the application to Scotland of this section—

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- (a) in subsection (1) after the word “excuse” insert “(or, in the case of a probation order, failed)”;
  - (b) for paragraph (b) of that subsection substitute—
    - “(b) the Secretary of State is notified in accordance with an Act of Adjournal made under section 64 of the determination”;
- and
- (c) in subsection (8)—
    - (i) in the definition of relevant benefit, paragraph (d) does not apply in the case of any payment made by or on behalf of the Scottish Ministers; and
    - [<sup>F4</sup>(ii) in the definition of “relevant community order”, for paragraphs (a) to (e) substitute—
      - “(“ a community service order;
      - (b) a probation order;
      - (c) such other description of order made under the <sup>M7</sup>Criminal Procedure (Scotland) Act 1995 as may be prescribed for the purposes of this section; or
      - (d) any order falling in Scotland to be treated as an order specified in paragraphs (a) to (c)”.”]

#### Textual Amendments

- F1** S. 62(8): paras. (a)-(c) in definition of "relevant community order" substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 para. 206**; S.I. 2001/919, **art. 2(f)(ii)**
- F2** S. 62(8): paras. (a)-(c) in definition of "relevant community order" substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 para. 206**; S.I. 2001/919, **art. 2(f)(ii)**
- F3** S. 62(8): paras. (a)-(c) in definition of "relevant community order" substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 para. 206**; S.I. 2001/919, **art. 2(f)(ii)**
- F4** S. 62(11)(c)(ii) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 206(b)**; S.I. 2001/919, **art. 2**

#### Commencement Information

- I1** S. 62 partly in force; s. 62 not in force at Royal Assent see s. 86(2); s. 62 in force for certain purposes at 1.12.2000 by S.I. 2000/2950, **art. 5**; s. 62(1)-(10) in force for certain further purposes at 15.10.2001 by S.I. 2001/2619, **art. 2(b)(i)**

#### Marginal Citations

- M1** 1992 c. 4.
- M2** 1973 c. 50.
- M3** 1995 c. 18.
- M4** 1992 c. 4.
- M5** 1973 c. 50.
- M6** 1991 c. 53.
- M7** 1995 c. 46.

### 63 Loss of joint-claim jobseeker’s allowance.

- (1) Subsections (2) and (3) shall have effect, subject to the other provisions of this section, where—

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- (a) the conditions for the entitlement of any joint-claim couple to a joint-claim jobseeker's allowance are or become satisfied at any time; and
  - (b) the restriction in subsection (2) of section 62 would apply in the case of at least one of the members of the couple if the entitlement were an entitlement of that member to a relevant benefit.
- (2) The allowance shall not be payable in the couple's case for so much of the prescribed period as is a period for which—
- (a) in the case of each of the members of the couple, the restriction in subsection (2) of section 62 would apply if the entitlement were an entitlement of that member to a relevant benefit; or
  - (b) that restriction would so apply in the case of one of the members of the couple and the other member of the couple is subject to sanctions for the purposes of section 20A of the <sup>M8</sup>Jobseekers Act 1995 (denial or reduction of joint-claim jobseeker's allowance).
- (3) For any part of the period for which subsection (2) does not apply, the allowance—
- (a) shall be payable in the couple's case as if the amount of the allowance were reduced to an amount calculated using the method prescribed for the purposes of this subsection; but
  - (b) shall be payable only to the member of the couple who is not the person in relation to whom the court has made a determination.
- (4) The Secretary of State may by regulations provide in relation to cases to which subsection (2) would otherwise apply that joint-claim jobseeker's allowance shall be payable in a couple's case, during the whole or a part of so much of the prescribed period as falls within paragraph (a) or (b) of that subsection, as if one or more of the following applied—
- (a) the rate of the allowance were such reduced rate as may be prescribed;
  - (b) the allowance were payable only if there is compliance by each of the members of the couple with such obligations with respect to the provision of information as may be imposed by the regulations;
  - (c) the allowance were payable only if the circumstances are otherwise such as may be prescribed.
- (5) Subsection (6) of section 20A of the <sup>M9</sup>Jobseekers Act 1995 (calculation of reduced amount) shall apply for the purposes of subsection (3) above as it applies for the purposes of subsection (5) of that section.
- (6) Subsection (6) of section 62 shall apply for the purposes of this section in relation to any determination relating to one or both members of the joint-claim couple as it applies for the purposes of that section in relation to the determination relating to the offender.
- (7) The length of any period prescribed for the purposes of subsection (2) or (3) shall not exceed twenty-six weeks.
- (8) In this section—
- “joint-claim couple” and “joint-claim jobseeker's allowance” have the same meanings as in the <sup>M10</sup>Jobseekers Act 1995; and
  - “relevant benefit” has the same meaning as in section 62.

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#### Commencement Information

- I2** S. 63 partly in force; s. 63 not in force at Royal Assent see s. 86(2)(3)(a); s. 63 in force for certain purposes at 1.12.2000 by S.I. 2000/2950, art. 5; s. 63 in force for certain further purposes at 15.10.2001 by S.I. 2001/2619, art. 2(b)(ii)

#### Marginal Citations

- M8** 1995 c. 18.  
**M9** 1995 c. 18.  
**M10** 1995 c. 18.

## 64 Information provision.

- (1) A court in Great Britain shall, before making a relevant community order in relation to any person, explain to that person in ordinary language the consequences by virtue of sections 62 and 63 of a failure to comply with the order.
- (2) The Secretary of State may by regulations require the [<sup>F5</sup>chief officer of a local probation board] , or such other person as may be prescribed, to notify the Secretary of State at the prescribed time and in the prescribed manner—
  - (a) of the laying by [<sup>F6</sup>an officer of a local probation board] of any information that a person has failed to comply with the requirements of a relevant community order;
  - (b) of any such determination as is mentioned in section 62(1);
  - (c) of such information about the offender, and in the possession of the person giving the notification, as may be prescribed; and
  - (d) of any circumstances by virtue of which any payment or adjustment might fall to be made by virtue of section 62(6) or 63(6).
- (3) The High Court of Justiciary may, by Act of Adjournal, make provision requiring the clerk of the court in which any proceedings are commenced that could result in a determination of a failure to comply with a relevant community order to notify the Secretary of State at such time and in such manner as may be specified in the Act of Adjournal of—
  - (a) the commencement of the proceedings;
  - (b) any such determination made in the proceedings;
  - (c) such information about the offender as may be so specified; and
  - (d) any circumstances by virtue of which any payment or adjustment might fall to be made by virtue of section 62(6) or 63(6).
- (4) Where it appears to the Secretary of State that—
  - (a) the laying of any information that has been laid in England and Wales, or
  - (b) the commencement of any proceedings that have been commenced in Scotland,

could result in a determination the making of which would result in the imposition by or under one or both of sections 62 and 63 of any restrictions, it shall be the duty of the Secretary of State to notify the person in whose case those restrictions would be imposed, or (as the case may be) the members of any joint-claim couple in whose case they would be imposed, of the consequences under those sections of such a determination in the case of that person, or couple.

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- (5) A notification required to be given by the Secretary of State under subsection (4) must be given as soon as reasonably practicable after it first appears to the Secretary of State as mentioned in that subsection.
- (6) The Secretary of State may by regulations make such provision as he thinks fit for the purposes of sections 62 to 65 of this Act about—
- (a) the use by a person within subsection (7) of information relating to community orders or social security;
  - (b) the supply of such information by a person within that subsection to any other person (whether or not within that subsection); and
  - (c) the purposes for which a person to whom such information is supplied under the regulations may use it.
- (7) The persons within this subsection are—
- (a) the Secretary of State;
  - (b) a person providing services to the Secretary of State;
  - (c) [<sup>F6</sup>an officer of a local probation board];
  - (d) a person employed by a council constituted under section 2 of the <sup>M11</sup>Local Government etc. (Scotland) Act 1994.
- (8) Regulations under subsection (6) may, in particular, authorise information supplied to a person under the regulations—
- (a) to be used for the purpose of amending or supplementing other information held by that person; and
  - (b) where so used, to be supplied to any other person to whom, and used for any purpose for which, the information amended or supplemented could be supplied or used.
- (9) The explanation given to the offender by the court in pursuance of subsection (1) shall be treated as part of the explanation required to be given to the offender for the purposes of section 228(5) or 238(4) of the <sup>M12</sup>Criminal Procedure (Scotland) Act 1995.
- (10) In this section “relevant community order” has the same meaning as in section 62 [<sup>F7</sup> and “local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000] .
- (11) For the purposes of this section proceedings that could result in such a determination as is mentioned in subsection (3) are commenced in Scotland when, and only when, a warrant to arrest the offender or to cite the offender to appear before a court is issued under section 232(1) or 239(4) of the <sup>M13</sup>Criminal Procedure (Scotland) Act 1995.

#### Textual Amendments

- F5** Words in s. 64(2) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 207(a)**; S.I. 2001/919, **art. 2(f)(ii)**
- F6** Words in s. 64(2)(a) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 207(b)**; S.I. 2001/919, **art. 2(f)(ii)**
- F7** Words in s. 64(10) inserted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 207(c)**; S.I. 2001/919, **art. 2(f)(ii)**

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#### Commencement Information

- I3** S. 64 partly in force; s. 64 not in force at Royal Assent, see s. 86(2); s. 64 in force for certain purposes at 1.12.2000 by S.I. 2000/2950, art. 5; s. 64(1)(2)(4)(a)(5)(6)(7)(a)-(c)(8)(10) in force for certain further purposes at 15.10.2001 by S.I. 2000/2619, art. 2(1)(a)(b)(iii)

#### Marginal Citations

- M11** 1994 c. 39.  
**M12** 1995 c. 46.  
**M13** 1995 c. 46.

## 65 Loss of benefit regulations.

- (1) In the loss of benefit provisions “prescribed” means prescribed by or determined in accordance with regulations made by the Secretary of State.
- (2) Regulations prescribing a period for the purposes of any of the loss of benefit provisions may contain provision for determining the time from which the period is to run.
- (3) Regulations under any of the loss of benefit provisions shall be made by statutory instrument which (except in the case of regulations to which subsection (4) applies) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A statutory instrument containing (whether alone or with other provisions)—
  - (a) a provision prescribing the manner in which the applicable amount is to be reduced for the purposes of section 62(3),
  - (b) a provision prescribing the manner in which an amount of joint-claim jobseeker’s allowance is to be reduced for the purposes of section 63(3)(a),
  - (c) a provision the making of which is authorised by section 62(4) or 63(4),
  - (d) a provision prescribing benefits under the <sup>M14</sup>Social Security Contributions and Benefits Act 1992 as benefits that are to be relevant benefits for the purposes of section 62, or
  - (e) a provision that any description of order is to be a relevant community order for the purposes of that section,shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (5) Subsections (4) to (6) of section 189 of the <sup>M15</sup>Social Security Administration Act 1992 (supplemental and incidental powers etc.) shall apply in relation to any power to make regulations that is conferred by the loss of benefit provisions as they apply in relation to the powers to make regulations that are conferred by that Act.
- (6) The provision that may be made in exercise of the powers to make regulations that are conferred by the loss of benefit provisions shall include different provision for different areas.
- (7) Where regulations made under section 62(8) prescribe a description of order made under the <sup>M16</sup>Criminal Procedure (Scotland) Act 1995 as a relevant community order for the purposes of that section, the regulations may make such modifications of that section as appear to the Secretary of State to be necessary in consequence of so prescribing.

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(8) In this section “the loss of benefit provisions” means sections 62 to 64 of this Act.

#### Commencement Information

**I4** S. 65 partly in force; s. 65 not in force at Royal Assent, see s. 86(2); s. 65 in force for certain purposes at 1.12.2000 by S.I. 2000/2950, art. 5; s. 65(1)-(6)(8) in force for certain further purposes at 15.10.2001 by S.I. 2001/2619, art. 2(1)(b)(iv)

#### Marginal Citations

**M14** 1992 c. 4.

**M15** 1992 c. 5.

**M16** 1995 c. 46.

VALID FROM 15/10/2001

#### 66 Appeals relating to loss of benefit.

In paragraph 3 of Schedule 3 to the <sup>M17</sup>Social Security Act 1998 (decisions against which an appeal lies), after sub-paragraph (d) there shall be inserted “; or

(e) section 62 or 63 of the Child Support, Pensions and Social Security Act 2000.”

#### Commencement Information

**I5** S. 66 partly in force; s. 66 not in force at Royal Assent, see s. 86(2); s. 66 in force for certain purposes at 15.10.2001 by S.I. 2001/2619, art. 2(1)(b)(v)

#### Marginal Citations

**M17** 1998 c. 14.



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