

These notes refer to the Child Support, Pensions and Social Security Act 2000 (c.19) which received Royal Assent on 28th July 2000

CHILD SUPPORT, PENSIONS AND SOCIAL SECURITY ACT 2000

EXPLANATORY NOTES

PART III: SOCIAL SECURITY ADMINISTRATION

Commentary on Sections

Section 65: Loss of benefit regulations

717. This section contains provisions about the making of regulations by the Secretary of State.
718. *Subsection (1)* defines the term “prescribed” to mean prescribed by, or in accordance with, regulations made by Secretary of State.
719. *Subsection (2)* enables regulations made by the Secretary of State for the purpose of these provisions to determine the time from which any period prescribed in regulations is to run.
720. *Subsection (3)* provides for all regulations under these provisions, other than regulations referred to in subsection (4), to be made by the negative resolution procedure.
721. *Subsection (4)* lists which regulations will require the affirmative resolution procedure. These are:
- a) regulations to prescribe a reduced amount of Income Support to be paid to a claimant who is subject to a sanction for breach of a community sentence;
 - b) regulations prescribing a reduced amount of a joint-claim Jobseeker’s Allowance where one member of a couple is subject to a sanction;
 - c) regulations prescribing the circumstances in which hardship payments are to be made , and the amount, where the sanction applies to a single claimant or where both members of a joint claim couple are subject to a sanction;
 - d) any regulations specifying additional benefits to be covered by these provisions;
 - e) regulations adding to the list of community orders, breach of which will result in loss of benefit.
722. *Subsection (5)* allows the regulation-making powers in sections 62 to 64 to be used in such a way as to make different provisions for different classes of cases, imposing conditions or creating exceptions. It also enables the regulations to include incidental, consequential and transitional provisions.
723. *Subsection (6)* provides that regulations under these measures can include different provision for different areas.

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724. *Subsection (7)* gives the Secretary of State power to make consequential modifications to the Scottish criminal procedure legislation where he makes an order prescribing further descriptions of relevant community orders.