

STATUTORY INSTRUMENTS

1996 No. 207

The Jobseeker's Allowance Regulations 1996

PART V

SANCTIONS

Modifications etc. (not altering text)

- C1** Pt. V modified (temp.) (30.11.1998) by [The Social Security \(New Deal Pilot\) Regulations 1998 \(S.I. 1998/2825\)](#), regs. 1(1), 7 (with reg. 1(2))
- C2** Pt. V modified (temp.) (29.11.1999) by [The Social Security \(New Deal Pilot\) Regulations 1999 \(S.I. 1999/3156\)](#), regs. 1(1), 7 (with regs. 1(2), 19)

[^{F1}Prescribed period for purposes of section 19(2)]

69.—(1) The prescribed period for the purposes of [^{F2}sections 19(2) and 20A(3)] shall be—

- (a) 2 weeks, in any case which does not fall within [^{F3}sub-paragraph (b), (c) or (d)] below;
- (b) 4 weeks, in any case [^{F4}(other than a case where a jobseeker's allowance is determined not to be payable in circumstances relating to the employment programme known as "Gateway to Work" specified in regulation 75(1)(a)(i)(bb))] in which
 - (i) a jobseeker's allowance is determined not to be payable to the claimant in circumstances falling within section 19(5) [^{F5}or section 20A(2)(a) to (c)], and
 - (ii) one of the following circumstances applies—
 - (aa) where the determination in (i) above does not relate to one of the New Deal options [^{F6}or the Intensive Activity Period specified in regulation 75(1)(a)(iv)], on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstances falling within section 19(5) [^{F5}or section 20A(2)(a) to (c)], or
 - (bb) where the determination in (i) above relates to one of the New Deal options, on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstances falling within section 19(5) [^{F5}or section 20A(2)(a) to (c)] that relate to one of those options, [^{F7}or]
 - (cc) [^{F8}where the determination in (i) above relates to the Intensive Activity Period specified in regulation 75(1)(a)(iv), on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstances falling within section 19(5) or section 20A(2)(a) to (c) that relate to any Intensive Activity Period specified in regulation 75(1)(a)(iv), and]

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- (iii) the first date on which the jobseeker's allowance was not payable to him on that previous occasion falls within the period of 12 months preceding the date of the determination mentioned in (b)(i) above;
- (c) 26 weeks in any case [^{F9}(other than a case where a jobseeker's allowance is determined not to be payable in circumstances relating to the employment programme known as "Gateway to Work" specified in regulation 75(1)(a)(i)(bb))] in which—
 - (i) a jobseeker's allowance is determined not to be payable to the claimant in circumstances falling within section 19(5) [^{F5}or section 20A(2)(a) to (c)] and the determination relates to an act or omission arising after this regulation comes into force in respect of one of the New Deal options; and
 - (ii) on two or more previous occasions a jobseeker's allowance has been determined not to be payable to the claimant in circumstances falling within section 19(5) [^{F5}or section 20A(2)(a) to (c)] and each such determination relates to one of the New Deal options; and
 - (iii) no more than 12 months have elapsed between the beginning of the day on which the determination mentioned in (c)(i) above is made and the beginning of the first day on which a jobseeker's allowance was not payable to the claimant as a result of the determination which most recently preceded it whether the preceding determination is either—
 - (aa) a determination falling within sub-paragraph (b)(i) to which the circumstances in sub-paragraph (b)(ii)(bb) apply; or
 - (bb) itself an earlier determination falling within sub-paragraph (c)(i).
- [^{F10}(d) 26 weeks in any case (other than a case where a jobseeker's allowance is determined not to be payable in circumstances relating to the employment programme known as "Gateway to Work" specified in regulation 75(1)(a)(i)(bb)) in which—
 - (i) a jobseeker's allowance is determined not to be payable to the claimant in circumstances falling within section 19(5) or section 20A(2)(a) to (c) and the determination relates to an act or omission arising after this regulation comes into force in respect of the Intensive Activity Period specified in regulation 75(1)(a)(iv); and
 - (ii) on two or more previous occasions a jobseeker's allowance has been determined not to be payable to the claimant in circumstances falling within section 19(5) or section 20A(2)(a) to (c) and each such determination relates to any Intensive Activity Period specified in regulation 75(1)(a)(iv); and
 - (iii) no more than 12 months have elapsed between the beginning of the day on which the determination mentioned in (d)(i) above is made and the beginning of the first day on which a jobseeker's allowance was not payable to the claimant as a result of the determination which most recently preceded it whether the preceding determination is either—
 - (aa) a determination falling within sub-paragraph (b)(i) to which the circumstances in paragraph (b)(ii)(cc) apply; or
 - (bb) itself an earlier determination falling within sub-paragraph (d)(i).]
- (2) The prescribed period for the purposes of [^{F11}sections 19(2) and 20A(3)] shall begin—
 - (a) where, in accordance with regulation 26A(1) of the Claims and Payments Regulations, a jobseeker's allowance is paid otherwise than fortnightly in arrears, on the day following the end of the last benefit week in respect of which that allowance was paid; and

- (b) in any other case, on the first day of the benefit week following the date on which a jobseeker's allowance is determined not to be payable.
- (3) In a case falling within paragraph (1)(c) [^{F12}or (d)] of this regulation in which—
- (a) or the first time a determination is made that for a period of 26 weeks a jobseeker's allowance is not payable to the claimant; and
 - (b) no further such determination is made; and
 - (c) the Secretary of State gives notice in writing to the claimant that he is no longer required to participate in any of the New Deal options [^{F13}or the Intensive Activity Period specified in regulation 75(1)(a)(iv)],
- an income-based jobseeker's allowance shall be payable to the claimant during the period specified in paragraph (4) even though section 19 [^{F14}or section 20A] would otherwise prevent the payment of such an allowance.
- (4) The period referred to in paragraph (3) shall—
- (a) begin on either—
 - (i) the day specified in a notice by the Secretary of State [^{F15}either] as being the day on which the claimant is or was no longer required to participate in any of the New Deal options [^{F16}or the day on which the claimant is or was no longer required to participate in the Intensive Activity Period specified in regulation 75(1)(a)(iv)]; or
 - (ii) the day four weeks after the first day on which a jobseeker's allowance was not payable as a result of the first determination mentioned in paragraph (3),whichever is the later;
 - (b) end on the last day when a jobseeker's allowance was not payable as a result of the first determination mentioned in paragraph (3); but
 - (c) not include any period during which a jobseeker's allowance is again determined not to be payable to the claimant in circumstances falling within section 19(5) or (6) [^{F17}or section 20A(2)].]

Textual Amendments

- F1** Reg. 69 substituted (6.3.2000) by [The Jobseeker's Allowance \(Amendment\) Regulations 2000 \(S.I. 2000/239\)](#), regs. 1, **2(3)**
- F2** Words in reg. 69(1) substituted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 25(a)(i)**
- F3** Words in reg. 69(1)(a) substituted (9.4.2001) by [The Social Security Amendment \(New Deal\) Regulations 2001 \(S.I. 2001/1029\)](#), regs. 1(1), **4(a)**
- F4** Words in reg. 69(1)(b) inserted (19.6.2000) by [The Jobseeker's Allowance \(Amendment\) \(No. 2\) Regulations 2000 \(S.I. 2000/1370\)](#), regs. 1, **2(2)**
- F5** Words in reg. 69(1) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 25(a)(ii)**
- F6** Words in reg. 69(1)(b)(ii)(aa) inserted (9.4.2001) by [The Social Security Amendment \(New Deal\) Regulations 2001 \(S.I. 2001/1029\)](#), regs. 1(1), **4(b)**
- F7** Word in reg. 69(1)(b)(ii)(bb) substituted (9.4.2001) by [The Social Security Amendment \(New Deal\) Regulations 2001 \(S.I. 2001/1029\)](#), regs. 1(1), **4(c)**
- F8** Reg. 69(1)(b)(ii)(cc) added (9.4.2001) by [The Social Security Amendment \(New Deal\) Regulations 2001 \(S.I. 2001/1029\)](#), regs. 1(1), **4(d)**
- F9** Words in reg. 69(1)(c) inserted (19.6.2000) by [The Jobseeker's Allowance \(Amendment\) \(No. 2\) Regulations 2000 \(S.I. 2000/1370\)](#), regs. 1, **2(3)**

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- F10** Reg. 69(1)(d) added (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **4(e)**
- F11** Words in reg. 69(2) substituted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 25(b)**
- F12** Words in reg. 69(3) inserted (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **4(f)(i)**
- F13** Words in reg. 69(3)(c) inserted (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **4(f)(ii)**
- F14** Words in reg. 69(3) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 25(c)**
- F15** Word in reg. 69(4)(a)(i) added (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **4(g)(i)**
- F16** Words in reg. 69(4)(a)(i) added (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **4(g)(ii)**
- F17** Words in reg. 69(4)(c) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 25(d)**

Sanctions of discretionary length

70. In determining a period under section 19(3) [^{F18}or section 20A(4)] [^{F19}the Secretary of State] shall take into account all the circumstances of the case and, in particular, the following circumstances—

- (a) where the employment would have lasted less than 26 weeks, the length of time which it was likely to have lasted;
- (b) in a case falling within section 19(6)(a) [^{F20}or section 20A(2)(d)] in which the employer has indicated an intention to re-engage the claimant, the date when he is to be re-engaged;
- (c) where the claimant has left his employment voluntarily and the hours of work in that employment were 16 hours or less a week, the rate of pay and hours of work in the employment which he left; and
- (d) where the claimant left his employment voluntarily or has neglected to avail himself of a reasonable opportunity of employment, any mitigating circumstances of physical or mental stress connected with his employment.

Textual Amendments

- F18** Words in reg. 70 inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 26(a)**
- F19** Words in reg. 70 substituted (18.10.1999) by The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860), art. 3(1), **Sch. 12 para. 2**
- F20** Words in reg. 70 inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 26(b)**

Voluntary Redundancy

71.—(1) A claimant is to be treated as not having left his employment voluntarily—

- (a) where he has been dismissed by his employer by reason of redundancy after volunteering or agreeing to be so dismissed, ^{F21}...

- (b) where he has left his employment on a date agreed with his employer without being dismissed, in pursuance of an agreement relating to voluntary redundancy [^{F22}or
 - (c) where he has been laid off or kept on short-time to the extent specified in sub-section (1) of section 88 of the Employment Protection (Consolidation) Act 1978, and has complied with the requirements of that section.]
- (2) In paragraph (1) "redundancy" means one of the facts set out in paragraphs (a) and (b) of section 81(2) of the Employment Protection (Consolidation) Act 1978 ^{F23}.

Textual Amendments

- F21** Word in reg. 71(1)(a) deleted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), regs. 1(1), 5
- F22** Reg. 71(1)(c) and word inserted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), regs. 1(1), 5
- F23** 1978 c.44.

Good Cause for the purposes of section 19(5)(a) and (6)(c) and (d)

72.—(1) This regulation shall have effect for the purposes of section 19 (circumstances in which a jobseeker's allowance is not payable) [^{F24}and section 20A (denial or reduction of joint-claim jobseeker's allowance)].

(2) Subject to paragraph (3), in determining whether a person has good cause for any act or omission for the purposes of section 19(5)(a) and (6)(c) and (d) [^{F25}and section 20A(2)(a), (f) and (g)] the matters which are to be taken into account shall include the following—

- (a) any restrictions on availability which apply in the claimant's case in accordance with regulations 6, 7, 8 [^{F26}, 13 and 17A] having regard to the extent of any disparity between those restrictions and the requirements of the vacancy in question;
- (b) any condition or personal circumstance of that person which indicates that a particular employment or carrying out the jobseeker's direction would be likely to or did—
 - (i) cause significant harm to his health; or
 - (ii) subject him to excessive physical or mental stress;
- (c) the fact that the failure to undertake a particular employment or to carry out the jobseeker's direction resulted from a religious or conscientious objection sincerely held;
- (d) any caring responsibilities which would, or did, make it unreasonable for the person to undertake a particular employment or carry out the jobseeker's direction;
- (e) the time it took, or would normally take, for the person to travel from his home to the place of the employment or to a place mentioned in the jobseeker's direction and back to his home by a route and means appropriate to his circumstances and to the employment or to the carrying out of the jobseeker's direction;
- (f) the expenses which were, or would be, necessarily and exclusively incurred by the person for the purposes of the employment or of carrying out the jobseeker's direction, together with any expenses of travelling to and from the place of the employment or a place mentioned in the jobseeker's direction by a route and means appropriate to his circumstances, 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

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(ii) in any other case, the income which he received, or would receive, while carrying out the jobseeker's direction.

(3) For the purposes of paragraph (2)(f), in considering whether expenses did, or would, represent an unreasonably high proportion of remuneration or income, the principle shall apply that the greater the level of remuneration or income the higher the proportion thereof which it is reasonable should be represented by expenses.

[^{F27}(3A) Without prejudice to any other circumstances in which a person may be regarded as having good cause for any act or omission for the purposes of section 19(6)(c) and (d) [^{F28}and section 20A(2)(f) and (g)], a person to whom regulation 17A(2) applies, in respect of whom an employment officer has determined that he may undertake a qualifying course, and who is undertaking such a course as a full-time student, is to be regarded as having good cause for any act or omission for the purposes of section 19(6)(c) and (d) [^{F28}and section 20A(2)(f) and (g)] where—

- (a) the act or omission took place within a period of 4 weeks before the end of his qualifying course or of his examinations; or
- (b) the employment consists of employment for which he is not required to be available in accordance with regulation 17A(3)(c) unless it is permanent full-time employment.

(3B) In paragraph (3A)(b), "full-time employment" means remunerative work as defined in regulation 51(1)(a).]

(4) Where a person has undergone training for a particular kind of employment for a period of not less than 2 months, he is to be regarded for a period of 4 weeks beginning with the day on which the training ends as having good cause for any act or omission for the purposes of section 19(5)(a) and (6)(c) and (d) [^{F29}and section 20A(2)(a), (f) and (g)], for—

- (a) refusing or failing to apply for, or refusing to accept, employment of any other kind when offered to him;
- (b) neglecting to avail himself of a reasonable opportunity of employment of any other kind;
- (c) refusing or failing to carry out a jobseeker's direction given to him with a view to assisting him to find employment of any other kind.

(5) A person is to be regarded as having good cause for any act or omission for the purposes of section 19(5)(a) and (6)(c) and (d) [^{F29}and section 20A(2)(a), (f) and (g)] if, and to the extent that, the reason for that act or omission—

- (a) results from restrictions on availability which apply in the claimant's case for the period permitted in accordance with regulations 16 and 17;
- (b) results from the fact that the claimant is, in accordance with regulation 5(1) to (3) and (5), excepted from any requirement to be able to take up employment immediately, or is, in accordance with regulation 5(4), excepted from any requirement to be able to take up employment at a time when he is not available;

^{F30}(c)

[^{F31}(5A) A person is to be regarded as having good cause for any act or omission for the purposes of section 19(6)(c) and (d) [^{F32}and section 20A(2)(f) and (g)] if—

- (a) in a case where it has been agreed that the claimant may restrict his hours of availability to less than 24 hours a week, the employment in question is for less than 16 hours a week; or
- (b) in a case not falling within sub-paragraph (a), the employment is for less than 24 hours a week.]

(6) Subject to paragraphs (8) and (9), a person is not to be regarded as having good cause for any act or omission for the purposes of section 19(5)(a) and (6)(c) and (d) [^{F29}and section 20A(2)(a), (f) and (g)] if, and to the extent that, the reason for that act or omission relates to—

- (a) subject to paragraph (7), his income or outgoings or the income or outgoings of any other member of his household, or the income or outgoings which he or any other member of his household would have if he were to become employed or to carry out the jobseeker's direction, or did have whilst carrying out the jobseeker's direction, but for the purposes of this sub-paragraph a person's outgoings shall not include any expenses taken into account under paragraph (2)(f);
 - (b) the time it took, or would normally take, for the person to travel from his home to the place of the employment, or a place mentioned in the jobseeker's direction, and back to his home where that time was or is normally less than^{F33},—
 - (i) during the first 13 weeks of entitlement to a jobseeker's allowance, one hour either way; and
 - (ii) in all other cases, one hour and thirty minutes either way,by a route and means appropriate to his circumstances and to the employment, or to the carrying out of the jobseeker's direction, unless, in view of the health of the person or any caring responsibilities of his, that time was or is unreasonable.]
- (7) Paragraph (6)(a) shall not apply—
- (a) where the claimant has agreed a restriction on the level of remuneration he was prepared to accept under regulations 13(3) and 16; or
 - (b) the employment is remunerated only by commission.
- (8) A person shall be regarded for the purposes of section 19(6)(d) ^{F34}and section 20A(2)(g)] as having good cause for neglecting to avail himself of an opportunity of employment unless the situation is a qualifying former employment of that person.
- (9) For the purposes of paragraph (8) a situation is a qualifying former employment of any person if—
- (a) it is employment with an employer for whom he has previously worked or with an employer who has succeeded that employer; and
 - (b) not more than 12 months have elapsed between—
 - (i) the date when he last worked for that employer and
 - (ii) the date when the question under section 19(6)(d) ^{F35}or section 20A(2)(g)] arose or, as the case may be, arises, and
 - (c) the terms and conditions of employment in the situation are not less favourable than those in the situation which he held when he last worked for that employer.

Textual Amendments

- F24** Words in reg. 72(1) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 27(a)**
- F25** Words in reg. 72(2) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 27(b)**
- F26** Words in reg. 72(2)(a) substituted (1.6.1998) by [The Social Security Amendment \(New Deal\) Regulations 1998 \(S.I. 1998/1274\)](#), regs. 1(1), **7(a)**
- F27** Reg. 72(3A)(3B) inserted (1.6.1998) by [The Social Security Amendment \(New Deal\) Regulations 1998 \(S.I. 1998/1274\)](#), regs. 1(1), **7(b)**
- F28** Words in reg. 72(3A) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 27(c)**
- F29** Words in reg. 72(4)(5)(6) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 27(b)**

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- F30** Reg. 72(5)(c) omitted (7.4.1997) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/454\)](#), regs. 1(c), **2(6)(a)**
- F31** Reg. 72(5A) inserted (7.4.1997) by [The Social Security \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/454\)](#), regs. 1(c), **2(6)(b)**
- F32** Words in reg. 72(5A) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 27(c)**
- F33** Words in [reg. 72\(6\)\(b\)](#) substituted (19.4.2004 for specified purposes, 18.10.2004 in so far as not already in force) by [The Jobseeker's Allowance \(Amendment\) Regulations 2004 \(S.I. 2004/1008\)](#), regs. 1(2), **2(3)**
- F34** Words in reg. 72(8) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 27(d)**
- F35** Words in reg. 72(9)(b)(ii) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 27(e)**

Good Cause for the purposes of section 19(5)(b)

73.—(1) This regulation shall have effect for the purposes of section 19 (circumstances in which a jobseeker's allowance is not payable) [^{F36}and section 20A (denial or reduction of joint-claim jobseeker's allowance)].

(2) Without prejudice to any other circumstances in which a person may be regarded as having good cause for any act or omission for the purposes of section 19(5)(b) [^{F37}and section 20A(2)(b)], a person is to be regarded as having good cause for any act or omission for those purposes if, and to the extent that, the act or omission is attributable to any of the following circumstances—

- (a) the claimant in question was suffering from some disease or bodily or mental disablement on account of which—
 - (i) he was not able to attend the relevant training scheme or employment programme in question;
 - (ii) his attendance would have put at risk his health; or
 - (iii) his attendance would have put at risk the health of other persons;
- (b) the claimant's failure to participate in the training scheme or employment programme resulted from a religious or conscientious objection sincerely held;
- (c) the time it took, or would normally have taken, for the claimant to travel from his home to the training scheme or employment programme and back to his home by a route and means appropriate to his circumstances and to the scheme or programme exceeded, or would normally have exceeded, one hour in either direction or, where no appropriate training scheme or employment programme is available within one hour of his home, such greater time as is necessary in the particular circumstances of the nearest appropriate scheme or programme;
- (d) the claimant had caring responsibilities and—
 - (i) no close relative of the person he cared for and no other member of that person's household was available to care for him; and
 - (ii) in the circumstances of the case it was not practical for the claimant to make other arrangements for the care of that person;
- (e) the claimant was attending court as a party to any proceedings, or as a witness or as a juror;
- (f) the claimant was arranging or attending the funeral of a close relative or close friend;
- (g) the claimant was engaged in—
 - (i) the manning or launching of a lifeboat; or

- (ii) the performance of duty as a part-time member of a fire brigade;
- (h) the claimant was required to deal with some domestic emergency; or
- (i) the claimant was engaged during an emergency in duties for the benefit of others.
- [^{F38}(j) the claimant gave up a place on a training scheme or an employment programme and if he had continued to participate in it he would have, or would have been likely to have, put his health and safety at risk.]

[^{F39}(2A) Without prejudice to any other circumstances in which a person may be regarded as having good cause for any act or omission for the purposes of section 19(5)(b) [^{F37}and section 20A(2)(b)], a person is to be regarded as having good cause for any act or omission for those purposes if—

- (a) the act or omission relates to an employment programme specified in regulation 75(1)(a)(ii) [^{F40}or (iv)] or the training scheme specified in regulation 75(1)(b)(ii), and
- (b) he had not, prior to that act or omission, been given or sent a notice in writing by an employment officer referring to the employment programme or training scheme in question (“the specified programme”) and advising him that if any of the circumstances mentioned in section 19(5)(b) [^{F41}or section 20A(2)(b)] arise in his case in relation to the specified programme his jobseeker’s allowance could cease to be payable or could be payable at a lower rate.]

[^{F42}(2B) Without prejudice to any other circumstances in which a person may be regarded as having good cause for any act or omission for the purposes of section 19(5)(b) [^{F37}and section 20A(2)(b)], a person to whom regulation 17A(2) applies, in respect of whom an employment officer has determined that he may undertake a qualifying course, and who is undertaking such a course as a full-time student, is to be regarded as having good cause for any act or omission—

- (a) for the purposes of section 19(5)(b) [^{F37}and section 20A(2)(b)] where the act or omission was in relation to an employment programme and he was, or would have been, required to attend the employment programme at a time which would have prevented him from attending the qualifying course;
- (b) for the purposes of section 19(5)(b)(iii) and (iv) [^{F43}and section 20A(2)(b)(iii) and (iv)] where—
 - (i) the act or omission was in relation to a qualifying course undertaken by him and occurred less than 4 weeks after the first day of the period of study;
 - (ii) the act or omission was in relation to a qualifying course undertaken by him and was due to his lack of ability; or
 - (iii) the act or omission was in relation to a qualifying course undertaken by him which was not suitable for him;]

(3) For the purposes of paragraph (2)(i),

- (a) a person is engaged in duties for the benefit of others while—
 - (i) providing assistance to any person whose life may be endangered or who may be exposed to the risk of serious bodily injury or whose health may be seriously impaired;
 - (ii) protecting property of substantial value from imminent risk of serious damage or destruction; or
 - (iii) assisting in measures being taken to prevent a serious threat to the health of the people;

as a member of a group of persons organised wholly or partly for the purpose of providing such assistance or, as the case may be, protection;

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- (b) events which may give rise to an emergency include—
- (i) a fire, flood or an explosion;
 - (ii) a natural catastrophe;
 - (iii) a railway or other transport accident;
 - (iv) a cave or mountain accident;
 - (v) an accident at sea;
 - (vi) a person being reported missing and the organisation of a search for that person.

[^{F44}(4) For the purposes of paragraph (2B)(b)(iii), a qualifying course is suitable for a person if it is suitable for him in vocationally relevant respects, namely his personal capacity, aptitude, his preference, the level of qualification aimed at, duration of the course and proportion of time, if any, which the person has spent on the training in relation to the length of the course.]

Textual Amendments

- F36** Words in reg. 73(1) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 28(a)**
- F37** Words in reg. 73(2)(2A)(2B) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 28(b)**
- F38** Reg. 73(2)(j) inserted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), regs. 1(1), **6**
- F39** Reg. 73(2A) inserted (5.1.1998) by [The Social Security Amendment \(New Deal\) Regulations 1997 \(S.I. 1997/2863\)](#), regs. 1(1), **7**
- F40** Words in reg. 73(2A)(a) added (9.4.2001) by [The Social Security Amendment \(New Deal\) Regulations 2001 \(S.I. 2001/1029\)](#), regs. 1(1), **5**
- F41** Words in reg. 73(2A)(b) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 28(c)**
- F42** Reg. 73(2B) inserted (1.6.1998) by [The Social Security Amendment \(New Deal\) Regulations 1998 \(S.I. 1998/1274\)](#), regs. 1(1), **8(a)**
- F43** Words in reg. 73(2B)(b) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 28(d)**
- F44** Reg. 73(4) inserted (1.6.1998) by [The Social Security Amendment \(New Deal\) Regulations 1998 \(S.I. 1998/1274\)](#), regs. 1(1), **8(b)**

Modifications etc. (not altering text)

- C3** Reg. 73 applied (temp. from 28.11.2000 until 27.11.2001) by [The Social Security \(New Deal Pilot\) Regulations 2000 \(S.I. 2000/3134\)](#), regs. 1(1)(b), **9** (with reg. 19)

Person of prescribed description for the purpose of section 20(3)

74.—(1) Subject to paragraph (2), a person shall be of a prescribed description for the purposes of section 20(3) [^{F45}and section 20B(3)] (exemption from non-payment of jobseeker's allowance) and shall not fall within section 19(6)(b) or (d) [^{F46}or section 20A(2)(e) or (g)] if he has neither worked in employed earner's employment, nor has been a self-employed earner, nor been a full-time student nor been in relevant education, during the period of 13 weeks preceding the day of the commencement of the employment.

- (2) For the purposes of paragraph (1), a person shall not be regarded as having—
- (a) worked in employed earner's employment; or
 - (b) been a self-employed earner; or

(c) been a full-time student or been in relevant education;

by reason only of any engagement in an activity referred to in paragraph (3) or by his attendance for a period of up to 14 days at a work camp.

(3) The activities referred to in this paragraph are—

(a) the manning or launching of a lifeboat; or

(b) the performance of duty as a part-time member of a fire brigade.

(4) A trial period in section 20(3) [^{F47}and section 20B(3)] means a period of 8 weeks beginning with the commencement of the fifth week of the employment in question and ending at the end of the twelfth week of that employment and for the purposes of this definition in determining the time at which the fifth week of the employment in question commences or at which the twelfth week of that employment ends, any week in which a person has not worked in the employment for at least 16 hours shall be disregarded.

Textual Amendments

F45 Words in reg. 74(1) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 29(a)(i)**

F46 Words in reg. 74(1) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 29(a)(ii)**

F47 Words in reg. 74(4) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 29(b)**

[^{F48}Person in receipt of a training allowance

74A.—(1) An income-based jobseeker's allowance shall be payable to a claimant [^{F49}other than a member of a joint-claim couple] even though section 19 prevents payment of a jobseeker's allowance to him where the claimant is in receipt of a training allowance and is not receiving training falling within paragraph (2) of regulation 170 but the jobseeker's allowance shall be payable only if and for so long as he satisfies the conditions of entitlement to an income-based jobseeker's allowance other than those which he is not required to meet by virtue of regulation 170.

(2) An income-based jobseeker's allowance which is payable to a claimant in accordance with this regulation shall be payable to him at the full rate applicable in his case.]

[^{F50}(3) A joint-claim jobseeker's allowance shall be payable in respect of a joint-claim couple even though section 20A prevents payment of a joint-claim jobseeker's allowance to the couple where a member of that couple to whom that section applies is in receipt of a training allowance and is not receiving training falling within paragraph (2) of regulation 170 but the jobseeker's allowance shall be payable only if and for so long as that member satisfies the conditions of entitlement to a joint-claim jobseeker's allowance other than those which he is not required to meet by virtue of regulation 170.

(4) A joint-claim jobseeker's allowance which is payable to a couple in accordance with this regulation shall be payable to the couple at the full rate applicable to it.]

Textual Amendments

F48 Reg. 74A inserted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), regs. 1(1), **7**

F49 Words in reg. 74A(1) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 30(a)**

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F50 Reg. 74A(3)(4) inserted (19.3.2001) by The Jobseeker’s Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 30(b)**

[^{F51}Reduced allowance where one member of a joint-claim couple is subject to a sanction

74B.—(1) Where only one member of a joint-claim couple is subject to sanctions for the purposes of section 20A, the rate of jobseeker’s allowance payable in respect of the couple for the period of those sanctions shall be calculated in accordance with this regulation.

(2) Where paragraph (1) applies, a reduced rate of jobseeker’s allowance shall be payable to the member of the couple who is not subject to sanctions.

(3) That reduced rate shall be—

- (a) in any case in which the member of the couple who is not subject to sanctions satisfies the conditions set out in section 2, a rate equal to the amount calculated in accordance with section 4(1);
- (b) in any case where the couple are a couple in hardship for the purposes of Part IXA, a rate equal to the amount calculated in accordance with regulation 146G;
- (c) in any other case, a rate calculated in accordance with section 4(3A) save that the applicable amount shall be the amount determined by reference to paragraph 1(1) of Schedule 1 which would have been the applicable amount had the member of the couple who is not subject to sanctions been a single claimant.]

Textual Amendments
F51 Reg. 74B inserted (19.3.2001) by The Jobseeker’s Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 31**

Interpretation

[^{F52}75.—(1) For the purposes of section 19^{F53}, section 20A] and of this Part:

- (a) “an employment programme” means—
 - (i) any one of the following programmes of advice, guidance or job search assistance provided in pursuance of arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973, known as—
 - ^{F54}(aa)
 - [^{F55}(bb) Gateway to Work, being a programme of up to two weeks' duration, consisting of advice and assistance on job search activity and the development of job search skills;]
 - ^{F56}(bb)
 - ^{F57}(cc)
 - ^{F58}(dd)
 - ^{F59}(ee)
 - (ii) any one of the following programmes, provided in pursuance of arrangements made by or on behalf of the Secretary of State under section 2 of the Employment and Training Act 1973 and for which only persons who are aged 18 years or over and less than 26 years immediately prior to entry may be eligible, known as—

- (aa) [^{F60}the Self-Employed Employment Option of the New Deal, being a programme which lasts for any individual for up to 26 weeks and which includes for that individual assistance in pursuing self-employed earner's employment;]
 - (bb) the Voluntary Sector Option of the New Deal, being a programme which lasts for any individual for up to six months and which includes for that individual employed earner's employment or a work placement combined in either case with training, support and job search;
 - (cc) the Environment Task Force Option of the New Deal, being a programme which lasts for any individual for up to six months and which includes for that individual employed earner's employment or a work placement combined in either case with training, support and job search [^{F61}and
 - (iii) [^{F62}employment zone programme, being a programme established by the Secretary of State pursuant to section 60 of the Welfare Reform and Pensions Act 1999 for an employment zone designed to assist claimants for a jobseeker's allowance to obtain sustainable employment and subject to the Employment Zones Regulations 2000 or the Employment Zones Regulations 2003 [^{F63}or the Social Security (Working Neighbourhoods) Regulations 2004].]
 - (iv) the Intensive Activity Period, that is to say, the programme known by that name and provided in pursuance of arrangements made by or on behalf of the Secretary of State under section 2 of the Employment and Training Act 1973, being a programme lasting for up to 52 weeks for any one individual aged 25 years or over and less than 50 years on the first required entry date to any such programme, and consisting for that individual of any one or more of the following elements, namely employed earner's employment, assistance in pursuing self-employed earner's employment, education and training, work experience, assistance with job search, motivation and skills training.
- (b) "a training scheme" means—
- (i) a scheme for training for which persons aged less than 18 years are eligible and for which persons aged 18 years or over and less than 25 years may be eligible, [^{F64}secured by the Learning and Skills Council for England or by the [^{F65}National Assembly for Wales] and, in Scotland, provided] directly or indirectly by a Local Enterprise Company pursuant to its arrangement with, as the case may be, Scottish Enterprise or Highlands and Islands Enterprise (whether that arrangement is known as an Operating Contract or by any other name); ^{F66} ...
 - (ii) the scheme, provided in pursuance of arrangements made by or on behalf of the Secretary of State under section 2 of the Employment and Training Act 1973 and for which only persons who are aged 18 years or over and less than 26 years immediately prior to entry may be eligible, known as the Full-Time Education and Training Option of the New Deal, being a scheme which lasts for any individual for up to one year and which includes for that individual some or all of the following, namely education, training, work experience and support in job search [^{F67}skills; [^{F68}and]
 - (iii) for the purposes of section 19(5)(b)(iii) and (iv) and section 19(5)(c) [^{F69}and section 20A(2)(b)(iii) and (iv) and section 20A(2)(c)], in relation to a person who has been treated as available for employment to any extent under regulation 17A(3), the qualifying course in respect of which he has been so treated.]

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(2) In section 19, except subsection (2) [^{F70}and in section 20A, except subsection (3)], and in this Part, except regulation 69 and the first occasion on which the word occurs in regulation 72(5A)(a), "week" means any period of 7 consecutive days.

(3) In section 19(2)[^{F71}, section 20A(3)], regulation 69 and the first occasion on which the word occurs in regulation 72(5A)(a), "week" means benefit week.

(4) In section 19, except subsection (9) [^{F72}in section 20A], and in this Part, "employment" means employed earner's employment other than such employment in which a person is employed whilst participating in an employment programme falling within paragraph (1)(a)(ii) [^{F73}or (iv) or the Intensive Activity period for 50 plus]; and "employed earner" shall be construed accordingly.

(5) In section 19(9), "employment" means employed earner's employment.]

Textual Amendments

- F52** Reg. 75 substituted (5.1.1998) by [The Social Security Amendment \(New Deal\) Regulations 1997 \(S.I. 1997/2863\)](#), regs. 1(1), **8**
- F53** Words in reg. 75(1) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 32(a)**
- F54** Reg. 75(1)(a)(i)(aa) omitted (14.10.2002) by virtue of [The Social Security Amendment \(Employment Programme\) Regulations 2002 \(S.I. 2002/2314\)](#), regs. 1, **2(4)(a)**
- F55** Reg. 75(1)(a)(i)(bb) inserted (19.6.2000) by [The Jobseeker's Allowance \(Amendment\) \(No. 2\) Regulations 2000 \(S.I. 2000/1370\)](#), regs. 1, **2(4)**
- F56** Reg. 75(1)(a)(i)(bb) omitted (1.12.1998) by virtue of [The Jobseeker's Allowance \(Amendment\) \(No. 2\) Regulations 1998 \(S.I. 1998/1698\)](#), regs. 1(1), **3(c)**
- F57** Reg. 75(1)(a)(i)(cc) omitted (4.8.1998) by virtue of [The Jobseeker's Allowance \(Amendment\) \(No. 2\) Regulations 1998 \(S.I. 1998/1698\)](#), regs. 1(1), **3(a)**
- F58** Reg. 75(1)(a)(i)(dd) omitted (1.12.1998) by virtue of [The Jobseeker's Allowance \(Amendment\) \(No. 2\) Regulations 1998 \(S.I. 1998/1698\)](#), regs. 1(1), **3(c)**
- F59** Reg. 75(1)(a)(i)(ee) omitted (14.10.2002) by virtue of [The Social Security Amendment \(Employment Programme\) Regulations 2002 \(S.I. 2002/2314\)](#), regs. 1, **2(4)(a)**
- F60** Reg. 75(1)(a)(ii)(aa) substituted (14.10.2002) by [The Social Security Amendment \(Employment Programme\) Regulations 2002 \(S.I. 2002/2314\)](#), regs. 1, **2(4)(b)**
- F61** Reg. 75(1)(a)(iii) and word inserted (3.4.2000) by [The Employment Zones Regulations 2000 \(S.I. 2000/721\)](#), regs. 1, **10(2)**
- F62** Reg. 75(1)(a)(iii) substituted (27.10.2003) by [The Employment Zones Regulations 2003 \(S.I. 2003/2438\)](#), regs. 1(1), **6**
- F63** Words in reg. 75(1)(a)(iii) added (26.4.2004) by [The Social Security \(Working Neighbourhoods\) Regulations 2004 \(S.I. 2004/959\)](#), regs. 1, **23(2)**
- F64** Words in reg. 75(1)(b)(i) substituted (26.3.2001) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2001 \(S.I. 2001/652\)](#), regs. 1(1)(a), **5(c)**
- F65** Words in reg. 75(1)(b)(i) substituted (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 1(1), **Sch. 2 para. 8(4)** (with art. 7)
- F66** Word in reg. 75(1)(b)(i) deleted (1.6.1998) by [The Social Security Amendment \(New Deal\) Regulations 1998 \(S.I. 1998/1274\)](#), regs. 1(1), **9(a)**
- F67** Words in reg. 75(1)(b)(ii) substituted (1.6.1998) by [The Social Security Amendment \(New Deal\) Regulations 1998 \(S.I. 1998/1274\)](#), regs. 1(1), **9(b)**
- F68** Reg. 75(1)(b)(iii) inserted (1.6.1998) by [The Social Security Amendment \(New Deal\) Regulations 1998 \(S.I. 1998/1274\)](#), regs. 1(1), **9(c)**
- F69** Words in reg. 75(1)(b)(iii) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 32(b)**

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- F70** Words in reg. 75(2) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 32(c)**
- F71** Words in reg. 75(3) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 32(d)**
- F72** Words in reg. 75(4) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 32(e)**
- F73** Words in reg. 75(4) inserted (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **6(b)**

Modifications etc. (not altering text)

- C4** Reg. 75(1)(a)(iii) applied (with modifications) (25.4.2005) by The Employment Zones (Allocation to Contractors) Pilot Regulations 2005 (S.I. 2005/1125), regs. 1(1), **7** (with reg. 8)
- C5** Words in reg. 75(1)(a)(iv) applied (with modifications) (with effect in accordance with reg. 3(1) of the amending S.I.) by The Social Security (Intensive Activity Period 50 to 59 Pilot) Regulations 2005 (S.I. 2005/636), regs. 1(1), **3** (with reg. 4)
- C6** Words in reg. 75(1)(a)(iv) applied (with modifications) (9.1.2006) by The Social Security (Intensive Activity Period 50 to 59 Pilot)(No.2) Regulations 2005 (S.I. 2005/637), regs. 1(1), **3(1)(2)(3)** (with regs. 3(4), 4)
- C7** Reg. 75(1)(b) applied (S.) (1.4.2003) by The Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003 (S.S.I. 2003/176), arts. 1(1), **8(1)(b)(ii)**
- C8** Reg. 75(1)(b) applied (W.) (1.4.2003) by The Council Tax (Discount Disregards) (Amendment) (Wales) Order 2003 (S.I. 2003/673), arts. 1(1), **3(1)(b)(ii)**

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