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STATUTORY INSTRUMENTS

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**1996 No. 207**

**The Jobseeker's Allowance Regulations 1996**

**PART V**

**SANCTIONS**

**[<sup>F1</sup>The period of a reduction under section 19: higher-level sanctions**

**69.**—[<sup>F2</sup>(1) Subject to paragraphs (3) and (4), a reduction under section 19 (higher-level sanctions) in the circumstances described in the first column of the following table is to have effect for the period set out in the second column.

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Circumstances in which reduction period applies	Reduction period
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (2)	13 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is not within 52 weeks beginning with the date of the current sanctionable failure	13 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 52 weeks, but not within 2 weeks, beginning with the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is or, but for paragraph (4), would have been—	
(a) 13 weeks	26 weeks
(b) 26 weeks	156 weeks
(c) 156 weeks	156 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 2 weeks beginning with the date of the current sanctionable failure and the period of	

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reduction applicable to the most recent previous sanctionable failure is or, but for paragraph (4), would have been—

- (a) 13 weeks 13 weeks
- (b) 26 weeks 26 weeks
- (c) 156 weeks 156 weeks.]

- (2) A previous sanctionable failure referred to in paragraph (1) falls within this paragraph if—
  - (a) the failure resulted in a decision to reduce the claimant’s award in accordance with section 19 [<sup>F3</sup>and];
  - (b) in the case of a joint-claim couple, the failure was by the same claimant; <sup>F4</sup>...
  - <sup>F4</sup>(c) .....

(3) Where a claimant’s award has been reduced in relation to a sanctionable failure which is specified in section 19(2)(a), (b) or (d) and which occurred before the date of claim for a jobseeker’s allowance, any such failure must not be counted for the purpose of determining the period of a reduction for a subsequent sanctionable failure under section 19.

(4) Where a sanctionable failure which is specified in section 19(2)(a), (b) or (d) occurs on or before the date on which a claim for a jobseeker’s allowance is made—

- (a) except where sub-paragraph (b) applies, the reduction relating to that failure is to have effect for the period set out in paragraph (1) that applies in the claimant’s case (the “applicable sanction period”) minus the period beginning with the day after the date of the sanctionable failure and ending with the day before the date of claim;
- (b) if—
  - (i) the failure was in relation to employment which was due to last for a limited period,
  - (ii) the limited period ends on or before the end of the applicable sanction period, and
  - (iii) the date of claim is on or before the last day of the limited period,

the reduction relating to that failure is to have effect for the period beginning with the day after the date of the sanctionable failure and ending with the last day of the limited period minus the period beginning with the day after the date of the sanctionable failure and ending with the day before the date of claim.

(5) In paragraph (4)(b), “limited period” means a specific term which is fixed, or which can be ascertained, before it begins, by reference to some relevant circumstance.

- (6) The period of a reduction under section 19 begins—
  - (a) on the first day of the benefit week in which the sanctionable failure occurred where, on the date of the determination to reduce the award, the claimant has not been paid a jobseeker’s allowance since the sanctionable failure occurred; or
  - (b) in any other case, on the first day of the benefit week after the end of the benefit week in respect of which the claimant was last paid a jobseeker’s allowance.

**Textual Amendments**

**F1** Regs. 69-69B substituted for reg. 69 (22.10.2012) by The Jobseeker’s Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568), regs. 1(1), 2(2)

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- F2** Reg. 69(1) substituted (with application in accordance with reg. 2 of the amending S.I.) by The Social Security (Jobseeker's Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016 (S.I. 2016/678), regs. 1, **3(2)(a)**
- F3** Word in reg. 69(2)(a) inserted (with application in accordance with reg. 2 of the amending S.I.) by The Social Security (Jobseeker's Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016 (S.I. 2016/678), regs. 1, **3(2)(b)(i)**
- F4** Reg. 69(2)(c) and word omitted (with application in accordance with reg. 2 of the amending S.I.) by virtue of The Social Security (Jobseeker's Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016 (S.I. 2016/678), regs. 1, **3(2)(b)(ii)**

### The period of a reduction under section 19A: Other sanctions

**69A.**—<sup>F5</sup>(1) A reduction under section 19A (other sanctions) in the circumstances described in the first column of the following table is to have effect for the period set out in the second column.

Circumstances in which reduction period applies	Reduction period
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (2)	4 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is not within 52 weeks beginning with the date of the current sanctionable failure	4 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 52 weeks, but not within 2 weeks, beginning with the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is—	
(a) 4 weeks	13 weeks
(b) 13 weeks	13 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 2 weeks beginning with the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is—	
(a) 4 weeks	4 weeks
(b) 13 weeks	13 weeks.]

(2) A previous sanctionable failure falls within this paragraph if—

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- (a) the failure resulted in a decision to reduce the claimant's award in accordance with section 19A; [<sup>F6</sup>and]
- (b) in the case of a joint-claim couple, the failure was by the same claimant;<sup>F7</sup> ...
- <sup>F7</sup>(c) .....
- (3) The period of a reduction under section 19A begins—
  - (a) on the first day of the benefit week in which the sanctionable failure occurred where, on the date of the determination to reduce the award, the claimant has not been paid a jobseeker's allowance since the sanctionable failure occurred; or
  - (b) in any other case, on the first day of the benefit week after the end of the benefit week in respect of which the claimant was last paid a jobseeker's allowance.

**Textual Amendments**

**F1** Regs. 69-69B substituted for reg. 69 (22.10.2012) by The Jobseeker's Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568), regs. 1(1), **2(2)**

**F5** Reg. 69A(1) substituted (with application in accordance with reg. 2 of the amending S.I.) by The Social Security (Jobseeker's Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016 (S.I. 2016/678), regs. 1, **3(3)(a)**

**F6** Word in reg. 69A(2)(a) inserted (with application in accordance with reg. 2 of the amending S.I.) by The Social Security (Jobseeker's Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016 (S.I. 2016/678), regs. 1, **3(3)(b)(i)**

**F7** Reg. 69A(2)(c) and word omitted (with application in accordance with reg. 2 of the amending S.I.) by virtue of The Social Security (Jobseeker's Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016 (S.I. 2016/678), regs. 1, **3(3)(b)(ii)**

**The period of a reduction under section 19B: Claimants ceasing to be available for employment etc.**

**69B.**—(1) Subject to paragraph (5), the amount of an award of a jobseeker's allowance, other than a joint-claim jobseeker's allowance, is to be reduced in accordance with this regulation and regulation 70 (amount of a reduction) if the claimant—

- (a) was previously entitled to a jobseeker's allowance, or was a member of a couple entitled to a joint-claim jobseeker's allowance; and
- (b) ceased to be so entitled by failing to comply with the condition in section 1(2)(a) or (c) (availability for employment and actively seeking employment).

(2) Subject to paragraph (5), the amount of an award of a joint-claim jobseeker's allowance is to be reduced in accordance with this regulation and regulation 70 (amount of a reduction) if the case falls within either paragraph (3) or (4).

- (3) A case falls within this paragraph if—
  - (a) one of the claimants was previously entitled to a jobseeker's allowance, other than a joint-claim jobseeker's allowance; and
  - (b) ceased to be so entitled by failing to comply with the condition in section 1(2)(a) [<sup>F8</sup>or (c)].
- (4) A case falls within this paragraph if—
  - (a) the couple were previously entitled to a joint-claim jobseeker's allowance but ceased to be so entitled by either or both of them failing to comply with the condition in section 1(2) (a) or (c); or

- (b) either member of the couple was a member of another couple previously entitled to such an allowance and that couple ceased to be so entitled by that person failing to comply with the condition in section 1(2)(a) or (c).
- (5) This regulation does not apply where—
  - (a) the claimant had been treated as available for work under regulation 14 (circumstances in which a person is to be treated as available), or as actively seeking employment under regulation 19 (circumstances in which a person is to be treated as actively seeking employment);
  - (b) the claimant ceased to be so treated due to no longer falling within regulation 14 or 19;
  - (c) as a result of (b), the claimant's award was terminated for failing to comply with the conditions in section 1(2)(a) or (c) (availability for employment and actively seeking employment); and
  - (d) the Secretary of State considers that a reduction is not appropriate in the claimant's circumstances.

[<sup>F9</sup>(6) Subject to paragraph (7), a reduction under this regulation in the circumstances described in the first column of the following table is to have effect for the period set out in the second column.

Circumstances in which reduction period applies	Reduction period
Where there has been only one occasion on which the claimant's previous entitlement ceased	4 weeks
Where there have been two or more occasions on which the claimant's previous entitlement ceased and the date of the most recent occasion is not within 52 weeks beginning with the date of the next most recent occasion	4 weeks
Where there have been two or more occasions on which the claimant's previous entitlement ceased and the date of the most recent occasion is within 52 weeks, but not within 2 weeks, beginning with the date of the next most recent occasion and the period of reduction applicable on that occasion is or, but for paragraph (7), would have been—	
(a) 4 weeks	13 weeks
(b) 13 weeks	13 weeks
Where there have been two or more occasions on which the claimant's previous entitlement ceased and the date of the most recent occasion is within 2 weeks beginning with the date of the next most recent occasion and the period of reduction applicable on that occasion is or, but for paragraph (7), would have been—	
(a) 4 weeks	4 weeks
(b) 13 weeks	13 weeks.]

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(7) The period specified in paragraph (6) is to be reduced by the period beginning with the first day of the benefit week following the benefit week in which the claimant was last paid an award of jobseeker's allowance and ending with the day before the date of claim [<sup>F10</sup>or where regulation 3(g) of the Claims and Payments Regulations applies, the day before the suspension ends].

(8) The period of a reduction under this regulation begins on the date of claim [<sup>F11</sup>or where regulation 3(g) of the Claims and Payments Regulations applies, the date on which the suspension ends].

#### Textual Amendments

- F1** Regs. 69-69B substituted for reg. 69 (22.10.2012) by The Jobseeker's Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568), regs. 1(1), **2(2)**
- F8** Words in reg. 69B(3)(b) inserted (2.4.2013) by The Social Security (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/443), regs. 1, **4(6)(a)**
- F9** Reg. 69B(6) substituted (with application in accordance with reg. 2 of the amending S.I.) by The Social Security (Jobseeker's Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016 (S.I. 2016/678), regs. 1, **3(4)**
- F10** Words in reg. 69B(7) inserted (2.4.2013) by The Social Security (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/443), regs. 1, **4(6)(b)**
- F11** Words in reg. 69B(8) inserted (2.4.2013) by The Social Security (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/443), regs. 1, **4(6)(c)**

#### [<sup>F12</sup> The amount of a reduction under section 19 and 19A and regulation 69B

**70.**—(1) Subject to paragraph (2), the amount of a reduction under section 19 or 19A or regulation 69B is—

- (a) 100% of the allowance payable to the claimant; or
  - (b) in the case of a joint-claim couple—
    - (i) 100% of the allowance payable to the couple, where the reduction relates to a sanctionable failure by each member of the couple, or
    - (ii) an amount calculated in accordance with paragraph (3), where the reduction relates to a sanctionable failure by only one member of the couple.
- (2) In a case where the following circumstances apply —
- (a) a claimant's award is already reduced in accordance with section 19 or 19A or regulation 69B; or
  - (b) in the case of a joint-claim couple, an award of a joint-claim jobseeker's allowance is already reduced in accordance with section 19 or 19A or regulation 69B as a result of a sanctionable failure by one or each member of the couple and the current sanctionable failure is by the same claimant,

no reduction is to be made for any days when those circumstances apply.

(3) The amount referred to in paragraph (1)(b)(ii) is such amount which, after its deduction from the full amount of the award of a joint-claim jobseeker's allowance, leaves the following amount—

- (a) in any case in which the member of the couple, who is not the member whose sanctionable failure led to the reduction, satisfies the conditions set out in section 2 of the Act (contribution based conditions), a rate equal to the amount calculated in accordance with section 4(1) (amount payable by way of a jobseeker's allowance);

- (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 (applicable amount in hardship cases for joint-claim couples);
- (c) in any other case, a rate calculated in accordance with section 4(3A) (amount payable by way of a joint-claim jobseeker's allowance) 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

**F12** Reg. 70 substituted (22.10.2012) by [The Jobseeker's Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(3)**

#### [<sup>F13</sup>Cases in which no reduction is to be made under section 19 or 19A

**70A.**—(1) No reduction is to be made under section 19 (higher-level sanctions) where—

- (a) the sanctionable failure is listed in section 19(2)(a), (b), or (d);
- (b) the sanctionable failure occurs before a claim to a jobseeker's allowance is made; and
- (c) the period of the reduction as calculated under sub-paragraph (a) or (b) of regulation 69(4) is the same as, or shorter than, the period between the date of the sanctionable failure and the date of claim.

(2) No reduction is to be made under section 19A (other sanctions) where the sanctionable failure is specified in section 19A(2)(a) (failure to comply with regulations under section 8(1) or (1A)) and—

- (a) is a failure to comply with regulation 24 (provision of information and evidence); or
  - (b) unless paragraph (3) or (4) applies, is a failure to comply with regulation 23 (attendance) or 23A (attendance by members of a joint-claim couple).
- (3) This paragraph applies where the claimant—
- (a) fails to [<sup>F14</sup>participate] on the day specified in a relevant notification;
  - (b) makes contact with an employment officer in the manner set out in a relevant notification before the end of the period of five working days beginning with the first working day after the day on which the claimant failed to [<sup>F14</sup>participate] on the day specified; and
  - (c) fails to show a good reason for that failure to [<sup>F14</sup>participate].

(4) This paragraph applies where—

- [<sup>F15</sup>(a) the claimant fails to participate in an interview at the time specified in a relevant notification, but makes contact with an employment officer in the manner set out in the notification on the day specified in the notification;]
- (b) [<sup>F16</sup>the Secretary of State has informed the claimant in writing that a failure to participate in an interview at the time specified in a relevant notification, on the next occasion on which a claimant is required to participate in an interview], at the time specified in a relevant notification, may result in the claimant's entitlement to a jobseeker's allowance or a joint-claim jobseeker's allowance ceasing or the award being subject to a reduction;
- (c) the claimant fails to [<sup>F17</sup>participate in an interview at the time specified] at the time specified in a relevant notification on the next occasion;

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- (d) the claimant makes contact with an employment officer in the manner set out in a relevant notification before the end of the period of five working days after the day on which the claimant failed to [<sup>F18</sup>participate in an interview at the time specified] at the time specified; and
- (e) the claimant fails to show a good reason for that failure to [<sup>F19</sup>participate in an interview at the time specified].
- (5) In this regulation, “relevant notification” has the meaning given in regulation 25.

#### Textual Amendments

- F13** Regs. 70A-70C inserted (22.10.2012) by [The Jobseeker's Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(4)**
- F14** Word in reg. 70A(3)(a)(b)(c) substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **4(7)(a)**
- F15** Reg. 70A(4)(a) substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **4(7)(b)(i)**
- F16** Words in reg. 70A(4)(b) substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **4(7)(b)(ii)**
- F17** Words in reg. 70A(4)(c) substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **4(7)(b)(iii)**
- F18** Words in reg. 70A(4)(d) substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **4(7)(b)(iii)**
- F19** Words in reg. 70A(4)(e) substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **4(7)(b)(iii)**

#### Sanctionable failures under section 19: schemes under section 17A(1)

**70B.**—(1) Mandatory Work Activity is a prescribed scheme for the purposes of section 19(2)(e) (higher level sanctions).

(2) In paragraph (1) “Mandatory Work Activity” means a scheme under section 17A(1) (schemes for assisting persons to obtain employment; “work for your benefit” schemes etc) designed to provide work or work-related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting claimants to improve their prospects of obtaining employment.

#### Textual Amendments

- F13** Regs. 70A-70C inserted (22.10.2012) by [The Jobseeker's Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(4)**

#### Application of a reduction to a new award

**70C.**—(1) Subject to paragraph (4), this regulation applies where—

- (a) the amount of an award is reduced in accordance with section 19 or 19A or regulation 69B;
- (b) that award (“the previous award”) is terminated;
- (c) the reduction period had either not yet begun or not ended when the previous award was terminated;
- (d) a new award is made to the claimant who had been entitled to the previous award; and



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- (e) in the case of an award of a joint-claim jobseeker's allowance, the reduction to the previous award was made in relation to a sanctionable failure by the claimant who is entitled to the new award.
- (2) Where this regulation applies, the reduction period that would have applied to the previous award but for the award having terminated applies to the new award from the first day of the benefit week in which the claim for the new award is made for the outstanding period.
- (3) In this regulation—
- “outstanding period” means the period determined under regulation 69, 69A or 69B in relation to the previous award minus—
- (a) the benefit weeks in respect of which the previous award was reduced; and
- (b) the period beginning with the first day of the benefit week after the benefit week in which the previous award was terminated and ending with the first day of the benefit week in which entitlement to the new award begins;
- “reduction period” means the period determined under regulation 69, 69A or 69B in relation to the previous award.
- (4) This regulation does not apply where the Secretary of State is satisfied that, since the date of the most recent sanctionable failure, the claimant has been in employment for a period of, or more than one period where the total of those periods amounts to, at least 26 weeks.]

#### Textual Amendments

**F13** Regs. 70A-70C inserted (22.10.2012) by [The Jobseeker's Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), 2(4)

#### 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, <sup>F20</sup> ...
- (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 [<sup>F21</sup>or
- (c) where he has been laid off or kept on short-time to the extent specified in [<sup>F22</sup>section 148 of the Employment Rights Act 1996], 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 [<sup>F23</sup>139(1) of the Employment Rights Act 1996].

#### Textual Amendments

**F20** 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

**F21** 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

**F22** Words in reg. 71(1)(c) substituted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(1), 8(5)(a)

**F23** Words in reg. 71(2) substituted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(1), 8(5)(b)

Status: Point in time view as at 10/04/2017.

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**[<sup>F24</sup>Good reason for the purpose of section 19(2)(c) and (d) and 19A(2)(c)**

72. A person is not to be regarded as having a good reason for any act or omission for the purposes of section 19(2)(c) and (d) and section 19A(2)(c) if, and to the extent that, the reason for that act or omission relates to 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 [<sup>F25</sup>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.]

**Textual Amendments**  
**F24** Reg. 72 substituted (22.10.2012) by [The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(5)**  
**F25** Words in reg. 72 substituted for reg. 72(a)(b) and hyphen (5.11.2012) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2012 \(S.I. 2012/2575\)](#), regs. 1(2), **3(3)**

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

<sup>F26</sup>73. ....

**Textual Amendments**  
**F26** Reg. 73 revoked (22.10.2012) by [The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(6)**

**Just cause for the purpose of sections 19(6)(b) and 20A(2)(e)**

<sup>F27</sup>73A. ....

**Textual Amendments**  
**F27** Reg. 73A revoked (22.10.2012) by [The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(6)**

**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) <sup>F28</sup>... (exemption from non-payment of jobseeker’s allowance) and shall not fall within [<sup>F29</sup>section 19(2)(b) or (d)]<sup>F28</sup>... 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.

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- (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) <sup>F30</sup>... 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**

**F28** Words in reg. 74(1) omitted (22.10.2012) by virtue of [The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(7)(a)(i)**

**F29** Words in reg. 74(1) substituted (22.10.2012) by [The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(7)(a)(ii)**

**F30** Words in reg. 74(4) omitted (22.10.2012) by virtue of [The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(7)(b)**

**Person in receipt of a training allowance**

<sup>F31</sup>74A. ....

**Textual Amendments**

**F31** [Reg. 74A](#) revoked (5.11.2012) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2012 \(S.I. 2012/2575\)](#), regs. 1(2), **3(4)**

**Reduced allowance where one member of a joint-claim couple is subject to a sanction**

<sup>F32</sup>74B. ....

**Textual Amendments**

**F32** [Reg. 74B](#) revoked (22.10.2012) by [The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(8)**

**Interpretation**

- [<sup>F33</sup>75.—(1) For the purposes of [<sup>F34</sup>section 19A] and of this Part:
  - [<sup>F35</sup>(a) “an employment programme” means a programme or scheme which is designed to assist a claimant to prepare for or move into work;]
  - [<sup>F36</sup>(b) “a training scheme” means a scheme or course which is designed to assist a claimant to gain the skills, knowledge or experience that will make it more likely, in the opinion of the Secretary of State, that the claimant will obtain work or be able to do so.]
- <sup>F37</sup>(2) .....
- [<sup>F38</sup>(3) In section 19A and in this Part, “week” means any period of 7 consecutive days.]

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(4) [<sup>F39</sup>In section 19 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) and “employed earner” shall be construed accordingly; and for the purposes of paragraph (4) of regulation 70C includes self-employment where the claimant’s income as calculated under Part VIII exceeds his applicable amount as calculated under sections 4(1), 12 and 13 of the Act.]

(5) [<sup>F40</sup>In this Part],

[<sup>F41</sup>“current sanctionable failure” means a failure which is sanctionable under section 19 (higher-level sanctions), 19A (other sanctions) or 19B (claimants ceasing to be available for employment etc) in relation to which the Secretary of State has not yet determined whether the amount of an award is to be reduced in accordance with section 19 or 19A or regulation 69B;]

<sup>F42</sup> ...

[<sup>F43</sup>“sanctionable failure” means a failure which is sanctionable under section 19 (higher-level sanctions), 19A (other sanctions) or 19B (claimants ceasing to be available for employment etc).]]

#### Textual Amendments

- F33** Reg. 75 substituted (5.1.1998) by [The Social Security Amendment \(New Deal\) Regulations 1997 \(S.I. 1997/2863\)](#), regs. 1(1), **8**
- F34** Words in reg. 75(1) substituted (22.10.2012) by [The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(9)(a)(i)**
- F35** Reg. 75(1)(a) substituted (22.10.2012) by [The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(9)(a)(ii)**
- F36** Reg. 75(1)(b) substituted (22.10.2012) by [The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(9)(a)(iii)**
- F37** Reg. 75(2) omitted (22.10.2012) by virtue of [The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(9)(b)**
- F38** Reg. 75(3) substituted (22.10.2012) by [The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(9)(c)**
- F39** Reg. 75(4) substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **4(8)(a)**
- F40** Words in reg. 75(5) substituted (22.10.2012) by [The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(9)(e)(i)**
- F41** Words in reg. 75(5) inserted (22.10.2012) by [The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(9)(e)(ii)**
- F42** Words in reg. 75(5) deleted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **4(8)(b)**
- F43** Words in reg. 75(5) inserted (22.10.2012) by [The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **2(9)(e)(iii)**

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