
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of sections 62 to 65 of the Child Support, Pensions and Social Security Act 2000 (c. 19) (“the Act”) which relate to restrictions in payment of certain benefits where a person has been found by a court to have breached a community service order.

The Regulations are made before the end of the period of six months beginning with the coming into force of the relevant provisions in the Act and are therefore exempt from the requirement in section 172(1) of the Social Security Administration Act 1992 (c. 5) to refer proposals to make these Regulations to the Social Security Advisory Committee and are made without reference to that Committee.

Regulation 2(1) amends the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) so as to ensure that those whose income support and jobseeker’s allowance are so restricted, do not lose their housing benefit or council tax benefit as a result.

Regulation 2(2) amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991) to ensure that the decision making and appeal mechanisms apply to decisions to restrict income support and jobseeker’s allowance for such reasons.

Regulation 2(3) and (4) respectively make consequential amendments to the Social Security (Back to Work Bonus) (No. 2) Regulations 1996 (S.I. 1996/2570) and to the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207).

Regulation 2(5) amends the Social Security (Credits) Regulations 1975 (S.I. 1975/556) to ensure that those whose jobseeker’s allowance is restricted for such reasons do not lose credits for unemployment.

Regulation 2(6) amends the Discretionary Financial Assistance Regulations 2001 (S.I. 2001/1167) to provide that discretionary housing payments shall not be made where the requirement for financial assistance arises as a consequence of such a restriction.

These Regulations do not impose a charge on business.