

STATUTORY INSTRUMENTS

2002 No. 1703

The Social Security (Jobcentre Plus Interviews) Regulations 2002

Failure to take part in an interview

12.—(1) A person in respect of whom a relevant decision has been made in accordance with regulation 11(4) shall, subject to paragraph (12), suffer the consequences set out below.

(2) Those consequences are—

- (a) where the interview arose in connection with a claim for a [^{F1}relevant benefit], that the person to whom the claim relates is to be regarded as not having made a claim for a [^{F1}relevant benefit];
- (b) where an interview which arose in connection with a claim for a [^{F1}relevant benefit] was deferred and benefit became payable by virtue of regulation 7(3), that the person's entitlement to that benefit shall terminate from the first day of the next benefit week following the date on which the relevant decision was made;
- (c) where the claimant has an award of benefit and the requirement for the interview arose under regulation [^{F2}4, 4ZA or 4A][^{F3}or by virtue of the claimant falling within regulation 3(1)(a)(ii)], the claimant's benefit shall be reduced as from the first day of the next benefit week following the day the relevant decision was made, by a sum equal (but subject to paragraphs (3) and (4)) to 20 per cent. of the amount applicable ^{F4}... in respect of a single claimant for income support aged not less than 25.

(3) Benefit reduced in accordance with paragraph (2)(c) shall not be reduced below ten pence per week.

(4) Where two or more specified benefits are in payment to a claimant, a deduction made in accordance with this regulation shall be applied, except in a case to which paragraph (5) applies, to the specified benefits in the following order of priority—

- (a) income support;
- (b) incapacity benefit;
- ^{F5}(c)
- ^{F5}(d)
- (e) severe disablement allowance.

(5) Where the amount of the reduction is greater than some (but not all) of the specified benefits listed in paragraph (4), the reduction shall be made against the first benefit in that list which is the same as, or greater than, the amount of the reduction.

(6) For the purpose of determining whether a specified benefit is the same as, or greater than, the amount of the reduction for the purposes of paragraph (5), ten pence shall be added to the amount of the reduction.

(7) In a case where the whole of the reduction cannot be applied against any one specified benefit because no one benefit is the same as, or greater than, the amount of the reduction, the reduction

shall be applied against the first benefit in payment in the list of priorities at paragraph (4) and so on against each benefit in turn until the whole of the reduction is exhausted or, if this is not possible, the whole of the specified benefits are exhausted, subject in each case to ten pence remaining in payment.

^{F6}(8)

(9) Where a claimant whose benefit has been reduced in accordance with this regulation subsequently [^{F7}satisfies a compliance condition], the reduction shall cease to have effect on the first day of the benefit week in which the [^{F7}compliance condition was satisfied].

[^{F8}(9A) In paragraph (9) “compliance condition” means a requirement to—

- (a) take part in an interview; or
- (b) undertake work-related activity]

(10) For the avoidance of doubt, a person who is regarded as not having made a claim for any benefit because he failed to take part in an interview shall be required to make a new claim in order to establish entitlement to any specified benefit.

(11) For the purposes of determining the amount of any benefit payable, a claimant shall be treated as receiving the amount of any specified benefit which would have been payable but for a reduction made in accordance with this regulation.

(12) The consequences set out in this regulation shall not apply in the case of a person who brings new facts to the notice of the Secretary of State within one month of the date on which the decision was notified and—

- (a) those facts could not reasonably have been brought to the Secretary of State’s notice within five working days of the [^{F9}date on which the person was notified of his failure to take part in the interview]; and
- (b) those facts show that he had good cause for his failure to take part in the interview.

(13) In paragraphs (2) and (12), the “decision” means the decision that the person failed without good cause to take part in an interview.

Textual Amendments

- F1** Words in reg. 12(2)(a)(b) substituted (31.10.2005) by virtue of [Social Security \(Work-focused Interviews\) Amendment Regulations 2005](#) (S.I. 2005/2727), regs. 1(1), **2(8)(a)**
- F2** Words in reg. 12(2)(c) substituted (31.10.2011) by [The Social Security \(Work-focused Interviews for Lone Parents and Partners\) \(Amendment\) Regulations 2011](#) (S.I. 2011/2428), regs. 1, **3(10)**
- F3** Words in reg. 12(2)(c) inserted (31.10.2005) by virtue of [Social Security \(Work-focused Interviews\) Amendment Regulations 2005](#) (S.I. 2005/2727), regs. 1(1), **2(8)(b)**
- F4** Words in reg. 12(2)(c) omitted (31.10.2011) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011](#) (S.I. 2011/2425), regs. 1(2), **14(6)(a)**
- F5** Reg. 12(4)(c)(d) omitted (31.10.2005) by virtue of [Social Security \(Work-focused Interviews\) Amendment Regulations 2005](#) (S.I. 2005/2727), regs. 1(1), **2(10)(c)**
- F6** Reg. 12(8) omitted (31.10.2011) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011](#) (S.I. 2011/2425), regs. 1(2), **14(6)(b)**
- F7** Words in reg. 12(9) substituted (28.4.2014) by [The Income Support \(Work-Related Activity\) and Miscellaneous Amendments Regulations 2014](#) (S.I. 2014/1097), regs. 1(1), **14(7)(a)**
- F8** Reg. 12(9A) inserted (28.4.2014) by [The Income Support \(Work-Related Activity\) and Miscellaneous Amendments Regulations 2014](#) (S.I. 2014/1097), regs. 1(1), **14(7)(b)**
- F9** Words in reg. 12(12)(a) substituted (28.4.2014) by [The Income Support \(Work-Related Activity\) and Miscellaneous Amendments Regulations 2014](#) (S.I. 2014/1097), regs. 1(1), **14(7)(c)**

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Jobcentre Plus Interviews) Regulations 2002, Section 12.