

2003 No. 2438

SOCIAL SECURITY

The Employment Zones Regulations 2003

Made - - - - 22nd September 2003

Laid before Parliament 26th September 2003

Coming into force - 27th October 2003

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 60(1) to (3) and (9) and 83(4) and (6) of the Welfare Reform and Pensions Act 1999(a) and section 19 of the Jobseekers Act 1995(b), and all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(c), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Employment Zones Regulations 2003 and shall come into force on 27th October 2003.

(2) In these Regulations ►, except where the context otherwise requires◄—

“claimant” means a claimant for a jobseeker’s allowance(d);

“direction” means a direction to participate in an employment zone programme;

“employment officer” means an officer of the Secretary of State or such other person as may be designated for the purposes of sections 8 and 19 of the Jobseekers Act 1995 by an order made by the Secretary of State;

“employment zone” means an area within Great Britain subject to a designation for the purpose of these Regulations by the Secretary of State pursuant to section 60 of the Welfare Reform and Pensions Act 1999 as an area wherein an employment zone programme subject to these Regulations(e) is established;

“employment zone programme” means a programme designed to assist claimants for a jobseeker’s allowance to obtain sustainable employment established by the Secretary of State pursuant to section 60 of the Welfare Reform and Pensions Act 1999 for an employment zone.

Words inserted reg. 1(2)
by reg. 2(a) of S.I.
2004/1043 as from
26.04.04.

(a) 1999 c. 30; subsection (9) is an interpretation provision cited for the meaning given to the words “employment” and “prescribed”.

(b) 1995 c. 18.

(c) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; section 84(1) of and Schedule 12 Part II (paragraphs 79 and 81(a)) to the Welfare Reform and Pensions Act 1999 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.

(d) Jobseeker’s allowance is a social security benefit paid in accordance with the provisions of the Jobseekers Act 1995 and the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207) as amended.

(e) The list of areas designated as employment zones for the purposes of these Regulations can be obtained from Welfare to Work Strategy Division, Department for Work and Pensions, Room N1108, Moorfoot, Sheffield S1 4PQ. This list is published on the internet at www.employmentzones.gov.uk.back

Regs. 1-2

Definitions of “Employment Zones Regulations” and “New Deal for Young People Programme” inserted into reg. 1(2) by reg. 2(a) of S.I. 2005/1744 as from 30.07.05.

Words added to defn. of “Employment Zones Regulations” and defn. of “New Deal for Young People Programme” substituted by reg. 2(2)(a) & (b) of S.I. 2006/1000 as from 24.4.06.
Word inserted in reg. 3 by reg. 2(b) of S.I. 2004/1043 as from 26.04.04.

New reg. 2(1) inserted, old para. (1) renumbered (1A) and words substituted in para. (1A) by reg. 2(B)(a)-(c) of S.I. 2006/1000 as from 24.4.06.

Words in reg. 2(1)(c) substituted by reg. 2(b) of S.I. 2005/1744 as from 30.07.05.
Reg. 2(2) substituted by reg. 2(c) of S.I. 2005/1744 as from 30.07.05.
Words in reg. 2(2) substituted and paras. (3) & (4) added by reg. 2(3)(d) & (e) of S.I. 2006/1000 as from 24.4.06.

►“Employment Zones Regulations” means these Regulations, the Employment Zones Regulations 2000(a), the Employment Zones (Allocation to Contractors) Pilot Regulations 2004(b) and the Employment Zones (Allocation to Contractors) Pilot Regulations 2005(c) ►and the Employment Zones (Allocation to Contractors) Pilot Regulations 2006(d)◄;

►“New Deal for Young People programme” means a programme provided in pursuance of arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973(e) and specified in regulation 75(1)(a)(i)(bb) (Gateway to Work), 75(1)(a)(ii) (the Self-Employed Employment Option, the Voluntary Sector Option or the Environment Task Force Option of New Deal) or 75(1)(b)(ii) (the Full-Time Education and Training Option of New Deal) of the Jobseeker’s Allowance Regulations 1996.◄◄

(3) For the purposes of section 60 of the Welfare Reform and Pensions Act 1999 “employment” means employment whether under a contract of service or a contract of apprenticeship, or a contract for services, or otherwise ►than◄ under a contract, and includes in particular self-employment and the holding of an office.

Referral to an employment zone programme

2.—►(1) This regulation applies to a claimant—

- (a) who is ordinarily resident within an employment zone, or
- (b) whose address for payment of his jobseeker’s allowance is located within an employment zone.◄

►(1A)◄ An employment officer may direct a claimant who is aged 25 years or over ►and to whom this regulation applies◄ to participate in an employment zone programme if in the period immediately preceding the date on which the direction is made, the claimant—

- (a) was entitled to a jobseeker’s allowance for a continuous period of at least 18 months; or
- (b) was entitled to a jobseeker’s allowance for a cumulative total of at least 18 months out of the previous 21 months; or
- (c) had participated in an employment zone programme pursuant to ►the Employment Zones Regulations in the previous twelve months but did not complete the programme.◄

►(2) An employment officer may direct a claimant who is aged 18 years or over but less than 25 years ►and to whom this regulation applies◄ to participate in an employment zone programme if, in the period immediately preceding the date on which the direction is made, the claimant—

- (a) was entitled to a jobseeker’s allowance for a continuous period of at least six months after participating in a New Deal for Young People programme or an employment zone programme pursuant to the Employment Zones Regulations;
- (b) was entitled to a jobseeker’s allowance for a cumulative period of at least six months after participating in a New Deal for Young People programme or an employment zone programme pursuant to the Employment Zones Regulations provided that any breaks in that period of entitlement do not exceed a period of 28 days in total; or
- (c) had participated in an employment zone programme pursuant to the Employment Zones Regulations in the previous twelve months but did not complete the programme.◄

►(3) The employment officer shall notify the claimant in writing that he is required to participate in the employment zone programme.

(4) A claimant to whom paragraph (1A)(c) or (2)(c) applies shall be treated as having

(a) S.I. 2000/721; these Regulations were revoked, with savings, by S.I. 2003/2438 (as amended by S.I. 2004/1043) as from 26th April 2004.

(b) S.I. 2004/934.

(c) S.I. 2005/1125.

(d) S.I. 2006/962.

(e) 1973 (c. 50) section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 29).

completed so much of an employment zone programme for the purposes of regulations 4 and 5 as is equal to the period of his previous participation in the employment zone programme.◀

▶¹(5) Where there is more than one employment zone contractor providing an employment zone programme in the claimant's zone, the claimant may (subject to paragraphs (6) and (7)) select the contractor with whom he will participate in the programme.

¹Regs. 2(5)-(8) inserted by reg. 2(2) of S.I. 2007/924 as from 23.4.07.

(6) If the claimant has previously begun but not completed an employment zone programme provided by a particular contractor operating in the claimant's zone, an employment officer may direct the claimant to participate in the programme with that contractor.

(7) If the claimant fails to choose a contractor when requested to do so by an employment officer, the officer may direct him to participate in the programme with a particular contractor.

(8) In this regulation—

“the claimant's zone” means the employment zone in which the claimant is ordinarily resident or in which his address for payment of his jobseeker's allowance is located;

“employment zone contractor” means a person who is providing an employment zone programme on behalf of the Secretary of State.◀

Early entry to an employment zone programme

▶²3.—(1) An employment officer may direct a claimant who is aged 25 years or over to participate in an employment zone programme where—

²Reg. 3 substituted by reg. 2(4) of S.I. 2006/1000 as from 24.4.06.

- (a) the claimant has asked to participate in an employment zone programme;
- (b) his personal circumstances place him at a significant disadvantage in obtaining employment; and
- (c) he is ordinarily resident within an employment zone or his address for payment of his jobseeker's allowance is located within an employment zone.

(2) An employment officer may direct a claimant who is aged 18 years or over but less than 25 years to participate in an employment zone programme where—

- (a) the claimant has asked to participate in an employment zone programme;
- (b) his personal circumstances place him at a significant disadvantage in obtaining employment;
- (c) he has participated in a New Deal for Young People programme; and
- (d) he is ordinarily resident within an employment zone or his address for payment of his jobseeker's allowance is located within an employment zone.

(3) The employment officer shall notify the claimant in writing that he is required to participate in the employment zone programme.◀

Stages of employment zone programme

4.—(1) An employment zone programme shall consist of two stages—

- (a) the first stage shall last for a ▶³maximum period of 28 days excluding public holidays◀
- (b) the second stage shall last for a maximum period of 26 weeks.

³Words in reg. 4(1) and reg. 4(3) substituted by reg. 2(d)-(f) of S.I. 2005/1744 as from 30.07.05.

(2) A claimant begins to participate in the first stage of an employment zone programme on the day when he attends an initial interview with an employment officer who is an employment zone programme adviser following a direction given under regulation 2 or 3.

(3) ▶³A claimant◀ shall cease to participate in the first stage on such day as may be specified by an employment officer in a written notification to the claimant.

(4) A claimant begins to participate in the second stage of an employment zone programme on the day specified by an employment officer in a written notification to the claimant.

Regs. 4-8

¹Words in reg. 4(5) substituted by reg. 2(d)-(f) of S.I. 2005/1744 as from 30.07.05.

²Reg. 4(6) inserted by reg. 2(g) of S.I. 2005/1744 as from 30.07.05.

(5) ►¹A claimant◄ shall cease to participate in the second stage on such day as may be specified by an employment officer in a written notification to the claimant.

(6) ►²In this regulation “public holiday” means Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (a) in any part of Great Britain.◄

Modification of the requirements of the Jobseekers Act 1995

5.—(1) During the claimant’s participation in the first stage of an employment zone programme the requirements for receipt of a jobseeker’s allowance specified in section 1(2) of the Jobseekers Act 1995(b) are modified by suspension of the requirement in section 1(2)(b) of that Act that the claimant has entered into a jobseeker’s agreement which remains in force.

(2) During the claimant’s participation in the second stage of an employment zone programme the requirements for receipt of a jobseeker’s allowance specified in section 1(2) of the Jobseekers Act 1995(c) are modified by the suspension of the requirements in section 1(2)(a) to (c) of that Act that the claimant—

- (a) be available for employment;
- (b) has entered into a jobseeker’s agreement which remains in force; and
- (c) is actively seeking employment.

[Regulation 6 amends regulation 75 of S.I. 1996/207.]

³Regs. 7 & 8 inserted by reg. 2(f) of S.I. 2004/1043 as from 26.4.04.

⁴Words in reg. 7(1) substituted by reg. 2(h) of S.I. 2005/1744 as from 30.07.05.

►³Cessation

7.—(1) Subject to paragraph (2), ►⁴where the Secretary of State is satisfied that a person to whom a direction given under regulation 2 or 3 would otherwise apply is no longer◄ ordinarily resident within an employment zone or, in the case of a person to whom regulation 3 applies, his address for payment of his jobseeker’s allowance is no longer within an employment zone, then—

- (a) any sanction incurred by that person under sections 19 or 20A of the Jobseekers Act 1995(d) as a result of his refusing or failing to participate in, or giving up a place on an employment zone programme shall end; and
- (b) subject to paragraph (2), these Regulations shall cease to apply to that person.

(2) Where that person asks to complete an employment zone programme in which he is participating, regulations 4 and 5 of these Regulations shall continue to apply until he ceases to participate in that programme but he shall not incur a sanction under section 19 or 20A of the Jobseekers Act 1995 if, for whatever reason, he subsequently refuses or fails to participate in, or gives up his place on that programme.

Revocation and Saving

8.—(1) Subject to paragraph (2), the Employment Zone Regulations 2000(e) are hereby revoked.

(2) In the case of a claimant to whom notice to attend an initial interview has been sent in accordance with regulation 5 of the Employment Zones Regulations 2000 before 26th April 2004, those Regulations shall continue to apply until the claimant has completed the employment zone programme or is notified by an employment officer that he is no longer required to participate in an employment zone programme subject to the Employment zones Regulations 2000.◄

(a) 1971 c. 80.

(b) 1995 c. 18, subsection (2) was amended by s. 59 of and Schedule 7 to the Welfare Reform and Pensions Act 1999 c. 30.

(c) 1995 c. 18.

(d) 1995 c. 18.

(e) S.I. 2000/721 as amended by S.I. 2000/1279; S.I. 2000/1305; S.I. 2001/261; S.I. 2001/1865 and S.I. 2001/2521.

Signed by authority of the Secretary of State for Work and Pensions.

22nd September 2003

P.Hollis
Parliamentary Under-Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for a claimant of a jobseeker's allowance to participate in an employment zone programme established by the Secretary of State under section 60 of the Welfare Reform and Pensions Act 1999^(a) in areas of Great Britain known as "employment zones" to assist jobseekers to obtain sustainable employment.

Employment zones are designated by the Secretary of State in accordance with section 60 of the Welfare Reform and Pensions Act 1999. A list of the areas designated as employment zones for the purposes of these Regulations can be obtained from Welfare to Work Strategy Division, Department for Work and Pensions, Room N1108 Moorfoot, Sheffield, S1 4PQ. The list is also available on the Internet at www.employmentzones.gov.uk.

Regulation 1 provides for citation, commencement and interpretation.

Regulation 2 specifies those claimants who may be directed by an employment officer to participate in an employment zone programme. Regulation 2(1) makes provision for the participation in an employment zone programme of a jobseeker's allowance claimant who is aged 25 years or over and lives within an area designated as an employment zone for the purpose of these Regulations subject to certain specified conditions. Regulation 2(2) makes provision for the participation in an employment zone programme of a jobseeker's allowance claimant who is aged 18 years or more but under 25 years of age who has participated in the programme of assistance for such jobseekers known as "New Deal for Young People"^(b) and lives in an area designated as an employment zone for the purposes of these Regulations subject to certain specified conditions.

Regulation 3 makes provision for a jobseeker's allowance claimant who is at a significant disadvantage in the labour market to apply to an employment officer for a direction to enable him to participate in an employment zone programme. Such a jobseeker is not subject to the qualifying requirements set out in regulation 2 provided that he is either ordinarily resident within an employment zone or the address for payment of his jobseeker's allowance is located within an employment zone.

Regulation 4 sets out the two stages of an employment zone programme.

Regulation 5 makes provision for the requirements of the Jobseekers Act 1995 to be modified in the case of a person who is participating in an employment zone programme. Regulation 5(1) provides that during the first stage of the programme the requirement for a claimant of jobseeker's allowance to maintain a jobseeker's agreement is suspended. Regulation 5(2) provides that during the second stage of the programme the requirements for a claimant of jobseeker's allowance to be available for work, to maintain a jobseeker's agreement and to be actively seeking work are suspended.

Regulation 6 amends the definition of "employment zone programme" in regulation 75(1)(a)(iii) of the Jobseeker's Allowance Regulations 1996^(c). This has the effect of enabling the sanction provision set out in section 19 of the Jobseekers Act 1995^(d) to apply to defaults by a jobseeker's allowance claimant in connection with an employment zone programme operated under the Employment Zone Regulations 2000 or these Regulations.

The Regulations do not impose a charge on business.

(a) 1999 c. 30.

(b) 'New Deal for Young People' is a programme of training and assistance provided in accordance with section 2 of the Employment and Training Act 1973 (c. 50) to assist people claiming for a jobseeker's allowance aged 18 years or more but less than 25 years of age to obtain employment.

(c) S.I. 1996/207. Regulation 75(1)(a)(iii) was amended by regulation 10 of the Employment Zones 2000 (S.I. 2000/721).

(d) 1995 c. 18.