
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose requirements to take part in work-focused interviews (“interviews”) on certain persons who reside in specified areas. The requirements apply to those who make a claim for income support or incapacity benefit or, as at the date that these Regulations come into force, are already entitled to income support except where paragraph 7 (persons incapable of work) of Schedule 1B to the Income Support (General) Regulations 1987 (S.I.1987/1967) applies. They also apply to the partners of certain recipients of income support, incapacity benefit, severe disablement allowance or income-based jobseeker’s allowance (other than a joint-claim jobseeker’s allowance) where the recipient is entitled to the benefit at a higher rate in respect of the partner.

These Regulations also make provision for claimants 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 (c. 30) to assist them to obtain sustainable employment where those jobseekers reside in areas designated as “employment zones”.

Regulation 1 provides for citation and commencement, and regulation 2 provides for interpretation and application. In particular it provides for these Regulations to apply only to certain persons who reside in areas of the country which are identified in the Schedule.

Regulation 3 specifies those persons who are required to take part in an interview as a condition of a claim for income support or incapacity benefit.

Regulation 4 prescribes that certain persons are required to take part in interviews as a condition of their or, where they are a partner, of the benefit recipient continuing to be paid the full amount of any of the specified benefits to which they are entitled. It also specifies when requirements to take part in interviews will arise.

Regulation 5 prescribes the time when an interview is to take place.

Regulation 6 provides that a requirement to take part in an interview can be waived where it would not be of assistance to the person, or it would not be appropriate in the circumstances of the case, and regulation 7 provides that an interview can be deferred.

Regulation 8 prescribes circumstances when a person is exempted from a requirement to take part in an interview. Regulation 9 prescribes that where a person is in receipt of two or more specified benefits concurrently requirements to take part in interviews will not arise in relation to each benefit separately. It also specifies when the next requirement will arise where a person in receipt of at least one specified benefit makes a claim for either income support or incapacity benefit.

Regulation 10 provides for a person to be advised of the date, place and time of the interview and provides that an interview can take place in the person’s home if it is considered that it would be unreasonable to require the person to attend elsewhere.

Regulation 11 prescribes the circumstances where a person is to be regarded as having taken part in an interview. Regulation 12 sets out the consequences of a failure to take part in an interview, including how benefit can be reduced for such a failure. Regulation 13 specifies the circumstances where those consequences cease to apply, and regulation 14 specifies examples of matters to be taken into account in determining whether a person had good cause for his failure to take part in an interview.

Status: This is the original version (as it was originally made).

Regulation 15 provides that a decision that a person has failed to take part in an interview without good cause can be appealed to an appeal tribunal under section 12 of the Social Security Act 1998 (c. 14).

Regulation 16 designates certain areas as employment zones by reference to the postcodes set out in Part 2 of the Schedule.

In conjunction with the provision in regulation 2(4), regulation 17 specifies those jobseekers who may be directed to participate in an employment zone programme and regulation 18 specifies those jobseekers who may request early entry and then be directed to participate in an employment zone programme.

Regulation 19 sets out the two stages of the employment zone programme.

Regulation 20 makes provision for certain requirements of the Jobseekers Act 1995 (c. 18) to be suspended in the case of a jobseeker who is participating in an employment zone programme.

Regulation 21 provides for the employment zone provisions in these Regulations to cease to apply to a jobseeker who informs the Secretary of State that he is no longer ordinarily resident within one of the areas set out in Part 2 of the Schedule, unless he asks to complete an employment zone programme which he has already begun. The regulation also provides for any sanction incurred by that jobseeker under section 19 or 20A of the Jobseekers Act 1995 in relation to his participation (including a failure to participate) in an employment zone programme to end and for no further such sanctions to be imposed on a jobseeker who asks to continue the employment zone programme under this provision.

Regulation 22 makes a consequential amendment to the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) which relates to claims made by persons subject to work-focused interviews.

Regulation 23 amends the definition of “employment zone programme” in regulation 75(1)(a)(iii) of the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207) which has the effect of enabling sanction provisions under the Jobseekers Act 1995 to apply to defaults by jobseekers in connection with an employment zone programme operated under these Regulations.

Regulation 24 makes consequential amendments to provisions in the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991) which relate to work-focused interviews.

Regulations 25, 26 and 27 make consequential amendments to the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 (S.I. 2000/1926), the Social Security (Jobcentre Plus Interviews) Regulations 2002 (S.I. 2002/1703) and the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003 (S.I. 2003/1886). These are required so that while persons are subject to these Regulations they will not be called in for interviews under any of those regulations, but they may be called in for such interviews when they are no longer subject to these Regulations.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.