

2005 No. 2604

SOCIAL SECURITY

The Social Security (Incapacity Benefit Work-focused Interviews) Amendment (No. 2) Regulations 2005

<i>Made</i> - - - -	<i>19th September 2005</i>
<i>Laid before Parliament</i>	<i>26th September 2005</i>
<i>Coming into force</i> - -	<i>31st October 2005</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 2A(1), 189(1), (4) to (6) and (7A) and 191 of the Social Security Administration Act 1992(a) and of 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(b), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Incapacity Benefit Work-focused Interviews) Amendment (No. 2) Regulations 2005 and shall come into force on 31st October 2005.

(2) In these Regulations, “the 2003 Regulations” means the Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2003(c).

(3) The 2003 Regulations shall be amended in accordance with these Regulations.

Amendment of the definitions in the 2003 Regulations

2. In regulation 2 (interpretation)(d)—

(a) for the definition of “relevant person” there is substituted—

““relevant person” means—

(a) a person to whom paragraph (b) does not apply and who—

(i) resides in an area identified in—

(aa) Part 1 of the Schedule to these Regulations and who makes a claim for a specified benefit on or after 27th October 2003,

(a) 1992 c.5. Section 2A was inserted by section 57 of the Welfare Reform and Pensions Act 1999 (c.30). Section 189(1) and (4) to (6) was amended by paragraph 109 of Schedule 7 to the Social Security Act 1998 (c.14); section 189(1) was amended by paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) and Schedule 6 to the Tax Credits Act 2002 (c.21); section 189(7A) was inserted by paragraph 82 of Schedule 12 to the Welfare Reform and Pensions Act 1999. Section 191 is cited because of the meaning there given to the word “prescribe”.

(b) See section 173(1)(b) of the Social Security Administration Act 1992.

(c) S.I. 2003/2439. Amending instrument is S.I. 2005/3.

(d) The definitions of “relevant person” and “specified benefit” were amended by S.I. 2005/3.

- (bb) Part 2 of that Schedule and who makes such a claim on or after 5th April 2004,
- (cc) Part 3 of that Schedule and who makes such a claim on or after 31st October 2005,
- (dd) Part 4 of that Schedule and who makes such a claim on or after 24th April 2006, or
- (ee) Part 5 of that Schedule and who makes such a claim on or after 30th October 2006; or
- (ii) resides in an area identified in—
 - (aa) Part 1 of the Schedule to these Regulations and who made a claim for a specified benefit on or after 27th October 2001 but before 27th October 2003, or
 - (bb) Part 2 of that Schedule and who made such a claim on or after 5th April 2002 but before 5th April 2004, and who is entitled to a specified benefit under that claim; or
- (b) a person who would fall within both heads (i) and (ii) of paragraph (a) and who—
 - (i) does not make a claim for a specified benefit on or after 7th February 2005, or
 - (ii) makes a claim for a specified benefit on or after 7th February 2005;”;
- (b) for paragraphs (c) and (ca) of the definition of “specified benefit” there is substituted—
 - “(c) income support where paragraph 24 or 25 (persons appealing against a decision which embodies a determination that they are not incapable of work) of Schedule 1B to the Income Support (General) Regulations 1987(a) applies; or”.

Amendment of the Schedule to the 2003 Regulations

3. After Part 2 of the Schedule, there is inserted as Parts 3 to 5 the Parts set out in the Schedule to these Regulations.

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

19th September 2005

Margaret Hodge
Minister of State,
Department for Work and Pensions

(a) S.I. 1987/1967. Paragraphs 24 and 25 were amended by S.I. 1999/2422 (c.61) and paragraph 25 was amended by S.I. 1999/3109 and 2005/337.

SCHEDULE

Regulation 3

Amendment of the Schedule to the 2003 Regulations

“PART 3

3. For the purposes of regulation 2 the areas are—

- (a) the areas of—
 - Cumbria County Council;
 - Darlington Borough Council;
 - Glasgow City Council;
 - Hartlepool Borough Council;
 - Middlesbrough Borough Council;
 - Redcar and Cleveland Borough Council;
 - Stockton Borough Council; and
- (b) the following postcode districts—
 - FY1 to FY8;
 - L39;
 - L40;
 - LA1 to LA6;
 - PR1 to PR7;
 - PR9;
 - PR25;
 - PR26;
 - WN8.

PART 4

4. For the purposes of regulation 2 the areas are—

- (a) the areas of—
 - Barnsley Metropolitan Borough Council;
 - City of Sunderland Council;
 - Chester-le-Street District Council;
 - Doncaster Metropolitan Borough Council;
 - Durham City Council;
 - East Dunbartonshire Council;
 - Easington District Council;
 - North Lanarkshire Council;
 - Rotherham Metropolitan Borough Council;
 - Sedgefield Borough Council;
 - South Lanarkshire Council; and
- (b) the following postcode districts—
 - CF33 6PS to CF33 6PU, CF33 6RA to CF33 6RD, CF33 6RL;

CH41 to CH49;
CH60 to CH63;
DH6 0;
DH7 0;
DH8 0, DH8 5 to DH8 9;
DH9 6 to DH9 9;
DL2 3;
DL11;
DL12 0, DL12 8, DL12 9;
DL13 1 to DL13 5;
DL14 0, DL14 6 to DL14 9;
DL15 0, DL15 8, DL15 9;
L1 to L9;
L11 to L13;
L15 to L19;
L24 to L27;
M1 to M9;
M11 to M23;
M27;
M28;
M30 to M33;
M38;
M40;
M41;
M44;
M50;
M60;
M90;
NE16 6;
SA1 to SA8;
SA9 2;
SA10 6 to SA10 9;
SA11 1 to SA11 5;
SA12 6 to SA12 9;
SA13 1 to SA13 3;
SA14 to SA18;
SA19 2, SA19 6 to SA19 9;
SA20 0, SA20 1, SA20 6;
SA31 to SA39;
SA41 to SA48;
SA61 to SA73;
SY23 to SY25;
WA13 9SR to WA13 9UZ, WA13 9WA, WA13 9WX to WA13 9WZ;

WA14;
WA15.

PART 5

5. For the purposes of regulation 2 the areas are—

(a) the areas of—

Halton Borough Council;
Knowsley Metropolitan Borough Council;
Newcastle Borough Council;
St Helens Council;
Sefton Council;
Stafford Borough Council;
Stoke on Trent City Council; and

(b) the following postcode districts—

B74 3;
B75 5RY to B75 5SZ;
B77 1 to B77 5;
B78 2, B78 3;
B79 0, B79 7 to B79 9;
CF37 4HN, CF37 4HP, CF37 4HR, CF37 4HW;
CF46 5, CF46 6;
CF47 0, CF47 8, CF47 9;
CF48 1 to CF48 4;
CF81 8JA to CF81 8ZY, CF81 9;
CF82 7, CF82 8;
CF83 1 to CF83 4, CF83 8;
DE13 0, DE13 7 to DE13 9;
DE14 1 to DE14 3;
DE15 0, DE15 9;
NP11 3 to NP11 7;
NP12 0 to NP12 3;
NP13 1 to NP13 3;
NP22 3 to NP22 5;
NP23 4 to NP23 8;
NP24 6;
SK11 0;
SK17 0;
ST7 3, ST7 4;
ST8 to ST10;
ST13;
ST14 5, ST14 7, ST14 8;
ST17;

ST18;
ST19 5, ST19 9;
TF10 9BJ, TF10 9BL, TF10 9BX, TF10 9BZ;
TF11 8J to TF11 8N;
WS3 5;
WS6;
WS7;
WS11 to WS13;
WS14 0, WS14 9;
WS15;
WV6 7EY;
WV10 7, WV10 8Q;
WV11 2.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2003 (S.I. 2003/2439) (“the principal Regulations”) to increase the numbers of persons that can be required to attend work-focused interviews as a condition of their continued entitlement to full benefit. These Regulations and the principal Regulations apply to certain persons who claim incapacity benefit, severe disablement allowance, income support on the grounds of incapacity or income support whilst they are appealing against a decision which embodies a determination that they are not incapable of work (“specified benefits”).

Regulation 2 amends the principal Regulations (so that they apply to an increased number of persons) by expanding the areas of the country in which they apply. Regulation 3 and the Schedule specify those new areas of the country. (Where a claimant claims more than one specified benefit, the reference to 7th February 2005 in the definition of “relevant person” inserted by regulation 2 may be used to determine, amongst other things, the number of interviews he is required to take part in.)

Regulation 2 also amends the specified benefits so that for income support claimed whilst a person is appealing against a decision which embodies a determination that they are not incapable of work, the only relevant date is the date of that claim.

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

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**The Social Security (Incapacity Benefit Work-focused
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£3.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1348 9/2005 151348T 19585

ISBN 0-11-073363-0



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