

**2006 No. 3088**

**SOCIAL SECURITY**

**The Social Security (Incapacity Benefit Work-focused Interviews) Amendment (No.2) Regulations 2006**

<i>Made</i>	- - - -	<i>16th November 2006</i>
<i>Laid before Parliament</i>		<i>24th November 2006</i>
<i>Coming into force</i>	- -	<i>29th December 2006</i>

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

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(b).

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Incapacity Benefit Work-focused Interviews) Amendment (No.2) Regulations 2006 and shall come into force on 29th December 2006.

**Amendment of the Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2003**

2.—(1) The Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2003(c) are amended in accordance with this regulation.

(2) In regulation 2 (interpretation) in the definition of “relevant person”(d), after paragraph (a)(i)(ee) insert—

“(ff) Part 7 of that Schedule and who makes such a claim on or after 29th December 2006 at an office of the Department for Work and Pensions which is designated by the Secretary of State as a Pathways to Work office(e); or”.

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(a) 1992 c.5. Section 2A was inserted by section 57 of the Welfare Reform and Pensions Act 1999 (c.30) and subsection (2) was amended by S.I. 2002/1457. 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 it gives to the word “prescribe”.

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

(c) S.I. 2003/2439. Amending instruments are S.I.s 2005/3, 2005/2604 and 2006/536.

(d) The definition of “relevant person” was substituted by S.I.s 2005/3 and 2005/2604 and amended by S.I. 2006/536.

(e) Offices designated as a Pathways to Work office and the date they are so designated are identified in a list entitled “Pathways to Work Offices”. That list is available from the Department for Work and Pensions, Pathways to Work, Room 4S25, Quarry House, Quarry Hill, Leeds, LS2 7UA and at the website [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk).

(3) After regulation 2, insert—

**“Persons who move home**

**2A.**—(1) This regulation applies to a person who, on or after 29th December 2006,—

- (a) ceases to reside in an area identified in one of the Parts of the Schedule to these Regulations, and
- (b) immediately begins residing in an area identified in a different Part of that Schedule (“the new area”).

(2) Where paragraph (4) or (5) applies, the person shall be treated as continuing to fall within whichever of paragraphs (a)(i), (a)(ii), (b)(i) or (b)(ii) of the definition of “relevant person” he fell within before he began residing in the new area.

(3) Where neither paragraph (4) nor (5) applies, the person shall cease to be a relevant person.

(4) This paragraph applies where paragraph (a)(i) or (b)(i) of the definition of “relevant person” applies to the person and the new area is an area identified in—

- (a) Parts 1 to 6 of that Schedule, or
- (b) Part 7 of that Schedule and his award of a specified benefit is administered in respect of the new area from an office of the Department for Work and Pensions which is designated by the Secretary of State as a Pathways to Work office.

(5) This paragraph applies where—

- (a) paragraph (a)(ii) or (b)(ii) of the definition of “relevant person” applies to the person, and
- (b) the new area is an area identified in Part 1, 2 or 6 of that Schedule.”.

(4) After Part 6 of the Schedule(a), insert as Part 7 the Part set out in the Schedule to these Regulations.

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

16th November 2006

*Jim Murphy*  
Minister of State,  
Department for Work and Pensions

## SCHEDULE 1

Regulation 2(4)

### Amendment of the Schedule to the Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2003

#### “PART 7

7. For the purposes of regulation 2, the areas are any area not included in Parts 1 to 6.”

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(a) Part 6 was inserted by S.I. 2006/536.

## 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 who 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(2) and (4) and the Schedule amend the places in which a person must live to fall within the principal Regulations (so that they apply to an increased number of persons). In addition to living in those new places, a person must make his or her claim for a specified benefit at a particular Department for Work and Pensions office. Those particular offices are whichever offices the Secretary of State decides to designate as a ‘Pathways to Work office’. Offices covering the whole of Great Britain could be designated.

The new regulation 2A inserted by regulation 2(3) provides that where a person is subject to the principal Regulations because he lives in a specified area (and meets the other relevant conditions), he can continue to be subject to those Regulations when he moves to another specified area. The move must be on or after 29th December 2006. The date he claimed benefit is not relevant to whether he continues to be subject to the principal Regulations.

A Regulatory Impact Assessment has not been produced for this instrument as it has no impact on the costs of business, charities or voluntary bodies.

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