
STATUTORY INSTRUMENTS

2009 No. 1541

The Social Security (Incapacity Benefit Work-focused Interviews) (Amendment) Regulations 2009

Amendments to the Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2008

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of “specified benefit” in sub-paragraph (b) (i) for “capable” substitute “incapable”.

(3) For regulation 3(3) (relevant claimant) substitute—

“(3) The second condition is that at least one of the following sub-paragraphs applies to the person—

(a) immediately before 15th December 2008 the person was a “relevant person” within the meaning of—

(i) the 2000 Regulations or the 2001 Regulations, as saved by regulation 16(2) of the 2002 Regulations, or

(ii) the 2003 Regulations;

(b) the person—

(i) is under 25 years of age,

(ii) is ordinarily resident in a Jobcentre Plus Pathways area identified in the Schedule, and

(iii) has been in receipt of a specified benefit for a continuous period of at least 12 months;

(c) at any time before 26th October 2009, the person has been required to take part in an interview under the 2002 Regulations by virtue of having made a claim for, or being entitled to, a specified benefit;

(d) the person makes a claim for a specified benefit in respect of a period beginning after 26th October 2008 and that claim is of a description referred to in regulation 2(2) of the Employment and Support Allowance (Transitional Provisions) Regulations 2008(1).”.

(4) In regulation 8(3) (failure to take part in a work-focused interview) for “good cause has not been shown for that failure within five working days of that day on which the interview was to take place” substitute “the claimant has not shown good cause in accordance with regulation 8(1)”.

(5) In regulation 9(12)(a) (consequences of failure to take part in a work-focused interview) for “below 10” substitute “to below ten”.

(6) In regulation 12 (revocations, consequential amendments, savings and transitional provisions)

—
(a) after paragraph (4) insert—

- “(4A) This paragraph applies to a relevant claimant who—
- (a) at any time before 26th October 2009 has been required to take part in an interview under the 2002 Regulations by virtue of having made a claim for, or being entitled to, a specified benefit, and
 - (b) immediately before 26th October 2009 was subject to the consequences specified in regulation 12 (failure to take part in an interview) of the 2002 Regulations.
- (4B) Where paragraph (4A) applies to a relevant claimant—
- (a) the person continues to be subject to the consequences specified in regulation 12 of the 2002 Regulations, and
 - (b) any other provision of the 2002 Regulations continues to have effect insofar as is necessary to give full effect to sub-paragraph (a).”.

(b) in paragraph (5)—

 - (i) after “paragraph (4)(a)” insert “or (4A)(a)”;
 - (ii) for “that date” substitute “the date on which the reduction ceases to have effect”;
 - (iii) after “the 2003 Regulations” insert “or (as the case may be) regulation 12(2) of the 2002 Regulations”.

(7) At the end add the following Schedule—

“SCHEDULE

Regulation 3(3)(b)

For the purposes of regulation 3(3)(b)(ii) a Jobcentre Plus Pathway area is(2)—

- (a) any of the following Jobcentre Plus districts—
- Ayrshire, Dumfries, Galloway and Inverclyde
 - Cumbria and Lancashire
 - Derbyshire
 - Dorset and Somerset
 - Essex
 - Glasgow
 - Greater Manchester Central
 - Highland, Islands, Clyde Coast and Grampian
 - Lanarkshire and East Dunbartonshire
 - Merseyside
 - Northumbria
 - South Tyne and Wear Valley
 - South Wales Valleys
 - South West Wales
 - South Yorkshire
 - Staffordshire
 - Tees Valley;

(2) Full details of the Jobcentre Plus geographical areas referred to in the Schedule are available from Jobcentre Plus Chief Executive’s Office, Caxton House, Tothill Street. London, SW1 9HA.

(b) an area served by the Jobcentre Plus offices at Runcorn or Widnes.”.