

2010 No. 509

SOCIAL SECURITY

The Jobseeker's Allowance (Sanctions for Failure to Attend) Regulations 2010

Made - - - - 25th February 2010
Laid before Parliament 4th March 2010
Coming into force - 6th April 2010

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by—

- sections 8, 35(1), 36(2) and (4) of, and paragraph 15 of Schedule 1 to, the Jobseekers Act 1995(a),
- sections 9(1), 10(3) and (6), 79(1) and 84 of the Social Security Act 1998(b),
- sections 22(5), 123(1)(d) and (e), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(c),
- section 69(1), (2)(a) and (7) of the Child Support, Pensions and Social Security Act 2000(d).

In respect of the provisions in these Regulations relating to housing benefit and council tax benefit, consultation has taken place with the organisations which appear to the Secretary of State to be representative of the authorities concerned(e).

This Instrument contains only regulations made by virtue of, or consequential upon, section 33 of the Welfare Reform Act 2009 and is made before the end of the period of 6 months beginning with the coming into force of that section(f).

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- (a) 1995 c. 18. Section 8(1) was amended by paragraphs 7(1) and (2) of Schedule 7, and paragraphs 29(1) and (3)(a) of Schedule 8, to the Welfare Reform and Pensions Act 1999 (c. 30) (“the 1999 Act”). Section 8(1A) was inserted by paragraph 7(3) of Schedule 7 to the 1999 Act. Section 8(2) was amended by paragraph 7(4) of Schedule 7 to the 1999 Act and section 33(1) and (2) of the Welfare Reform Act 2009 (c. 24) (“the 2009 Act”). Section 8(2A) was inserted by section 33(3) of the 2009 Act. Transitory modifications are made to section 8(2) and (3) by S.I. 2010/293. Section 35(1) is an interpretation provision and is cited because of the meaning given to “prescribed” and “regulations”. The definition of “prescribed” and section 36(4) were amended by paragraphs 62 and 63 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).
- (b) 1998 c. 14. Section 79(1) was amended by paragraphs 143 and 168(a) of Schedule 3 to S.I. 2008/2833. Section 84 is an interpretation provision and is cited because of the meaning given to “prescribed”.
- (c) 1992 c. 4. Section 22(5) was amended by paragraph 22 of Schedule 2 to the Jobseekers Act 1995 and paragraph 9(1) and (3)(b) of Schedule 3 to the Welfare Reform Act 2007 (c. 5). Section 123(1)(e) was substituted by paragraph 1(1) of Schedule 9 to the Local Government Finance Act 1992 (c. 14). Section 137(1) is an interpretation provision and is cited because of the meaning given to “prescribed”. Section 175(1) was amended by paragraphs 29(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999.
- (d) 2000 c. 14. Section 69(7) is cited because of the meaning given to “prescribed”.
- (e) See section 176(1) of the Social Security Administration Act 1992 (c. 5).
- (f) See section 173(5) of the Social Security Administration Act 1992.

SOCIAL SECURITY JOBSEEKER'S ALLOWANCE (**SANCTIONS FOR FAILURE TO ATTEND**) REGULATIONS 2010

Citation and commencement

1.—(1) These Regulations may be cited as the Jobseeker's Allowance (Sanctions for Failure to Attend) Regulations 2010.

(2) They come into force on 6th April 2010.

[Regulation 2 amends various regulations of S.I. 1996/207.]

[Regulation 3 amends regulations 3(6), 6(2) and 7(8) of S.I. 1999/991.]

[Regulation 4(1)(a) amends regulation 2(3)(a) & (b) of S.I. 2006/213.]

[Regulation 4(1)(b) amends regulation 2(3)(a) & (b) of S.I. 2006/214.]

[Regulation 4(1)(c) amends regulation 2(4)(a) & (b) of S.I. 2006/215.]

[Regulation 4(1)(d) amends regulation 2(4)(a) & (b) of S.I. 2006/216.]

[Regulation 4(3) amends regulation 3(j) of S.I. 2001/1167.]

[Regulation 4(4) amends regulation 8A(5) of S.I. 1975/556.]

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

25th February 2010

Helen Goodman
Parliamentary Under-Secretary of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 33 of the Welfare Reform Act 2009 amended section 8 of the Jobseekers Act 1995 to allow for a new sanction to be applied in certain circumstances when a jobseeker's allowance ("JSA") claimant fails to attend an appointment. The sanction is that, although entitlement to JSA will continue, the benefit will not be payable for a period of at least one week and not more than two weeks.

Regulation 2(4) inserts new regulations 27A and 27B into the Jobseeker's Allowance Regulations 1996 ("the 1996 Regulations") to provide for this new sanction. New regulation 27A provides for the new sanction to be applied where a claimant: (i) fails to attend an interview on the day specified, makes contact with Jobcentre Plus within five working days but fails to show good cause for the failure to attend; or (ii) attends an interview on the day specified but fails to attend at the time specified and (having been warned in writing of the consequences of a subsequent failure to attend on time) then fails on a subsequent occasion to attend at the time specified, makes contact with Jobcentre Plus within five working days of the failure to attend at the time specified but fails to show good cause for that failure. New regulation 27B sets out the period for which JSA is not to be payable and prescribes when this period will begin.

Regulation 2(3) and (4) make consequential amendments to regulations 25 and 27 of the 1996 Regulations. As a result of these amendments, in future entitlement to JSA will end only where a claimant: (i) fails to attend an interview on the day specified and fails to make contact with Jobcentre Plus within five working days; (ii) attends an interview on the day specified but fails to attend at the time specified and (having been warned in writing of the consequences of a subsequent failure to attend on time), then fails on a subsequent occasion to attend at the time specified, and fails to make contact with Jobcentre Plus within five working days of that failure; or (iii) fails to provide a signed declaration as required under regulation 24 and fails to make contact with Jobcentre Plus and show good cause for that failure within five working days.

Regulation 2(2) and (5) to (18) and regulations 3 and 4 make consequential amendments to other provisions of the 1996 Regulations, the Social Security and Child Support (Decisions and Appeals) Regulations 1999, the Housing Benefit Regulations 2006 and the Council Tax Benefit Regulations 2006 (and their non-working age equivalents), the Discretionary Financial Assistance Regulations 2001 and the Social Security (Credits) Regulations 1975.

This Instrument contains only regulations made by virtue of, or consequential upon, section 33 of the Welfare Reform Act 2009, and is made before the expiry of the period of 6 months beginning with the coming into force of that section. These Regulations are therefore exempt in accordance with section 173(5) of the Social Security Administration Act 1992 from the requirement in section 172(1) of that Act to refer proposals to make Regulations to the Social Security Advisory Committee, and are made without reference to that Committee.

A full impact assessment has not been published for this instrument as it has no impact on the private or voluntary sectors.

