Draft Regulations laid before Parliament under section 37(2) of the Jobseekers Act 1995, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No. [ ]

SOCIAL SECURITY

The Employment Zones (Allocation to Contractors) Pilot Regulations 2006

Made - - - -	*[ ]*
Coming into force - -	*24th April 2006*

These Regulations are made in exercise of the powers conferred by sections 60(1) to (3) and (9) and 83(4), (6) and (9) of the Welfare Reform and Pensions Act 1999(**1**) and sections 19(10)(c), 29(1), (3) and (5) and 36(2) and (4) of the Jobseekers Act 1995(**2**).

These Regulations, so far as section 29(1) of the Jobseekers Act 1995 applies to them, are made with a view to ascertaining whether their provisions will, or will be likely to, encourage persons to obtain work or will, or will be likely to, facilitate the obtaining by persons of work(**3**).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(**4**).

A draft of this instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995 and approved by a resolution of each House of Parliament.

Accordingly the Secretary of State for Work and Pensions makes the following Regulations:

Citation, commencement and duration

1.—(1) These Regulations may be cited as the Employment Zones (Allocation to Contractors) Pilot Regulations 2006 and shall come into force on 24th April 2006.

(2) These Regulations shall cease to have effect on 23rd April 2007 unless revoked with effect from an earlier date.

(**1**) 1999 c.30; subsection (9) is an interpretation provision cited for the meaning given to the words "employment" and "prescribed".
(**2**) 1995 c.18.
(**3**) *See* section 29(8) of the Jobseekers Act 1995.
(**4**) *See* sections 170 and 173(1)(b) of the Social Security Administration Act 1992; section 41(4) of and Schedule 2 (paragraph 67(a)) to the Jobseekers Act 1995 inserted the provisions of the Jobseekers Act 1995 into the list of "relevant enactments" in respect of which regulations must normally be referred to the Committee; section 84(1) of and Schedule 12 Part II (paragraphs 79 and 81(a)) to the Welfare Reform and Pensions Act 1999 added section 60 of that Act to that list.

Interpretation

2.—(1) In these Regulations—

"the 1995 Act" means the Jobseekers Act 1995(**5**);

"the 1999 Act" means the Welfare Reform and Pensions Act 1999(**6**);

"claimant" means a claimant for a jobseeker's allowance(**7**);

"employment officer" means an officer of the Secretary of State or such other person as may be designated for the purposes of sections 8 and 19 of the 1995 Act by an order made by the Secretary of State;

"employment zone" means an area within Great Britain listed in the Schedule as an area designated by the Secretary of State pursuant to section 60 of the 1999 Act as an area in which an employment zone programme subject to these Regulations is established;

"employment zone contractor" means a person who is providing an employment zone programme on behalf of the Secretary of State;

"employment zone programme" means a programme which is designed to assist claimants to obtain sustainable employment and which is established by the Secretary of State pursuant to section 60 of the 1999 Act for an employment zone;

"Employment Zones Regulations" means the Employment Zones Regulations 2003(**8**), the Employment Zones (Allocation to Contractors) Pilot Regulations 2004(**9**) or the Employment Zones (Allocation to Contractors) Pilot Regulations 2005(**10**);

"New Deal for Young People programme" means a programme provided in pursuance of arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973(**11**) and specified in regulation 75(1)(a)(i)(bb) (Gateway to Work), 75(1)(a)(ii) (the Self-Employed Employment Option, the Voluntary Sector Option or the Environment Task Force Option of New Deal) or 75(1)(b)(ii) (the Full-Time Education and Training Option of New Deal) of the Jobseeker's Allowance Regulations 1996(**12**).

(2) An employment programme for the purposes of section 19(5) of the 1995 Act(**13**) includes an employment zone programme in which a claimant is required to participate under regulation 3, 4, 5 or 9 of these Regulations.

Referral to an employment zone programme

3.—(1) An employment officer may, on a sampling basis, select a claimant who is aged 25 years or over to participate in an employment zone programme with a particular employment zone contractor where—

(a) the claimant is ordinarily resident within an employment zone or his address for payment of his jobseeker's allowance is located within an employment zone; and

(b) in the period immediately preceding the date on which the selection is made the claimant—

(i) was entitled to a jobseeker's allowance for a continuous period of at least 18 months;

(**5**) 1995 c.18.
(**6**) 1999 c.30.
(**7**) Jobseeker's allowance is a social security benefit paid in accordance with the provisions of the Jobseekers Act 1995 and the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) as amended.
(**8**) S.I. 2003/2438 as amended by S.I. 2004/1043 and S.I. 2005/1744.
(**9**) S.I. 2004/934.
(**10**) S.I. 2005/1125.
(**11**) 1973 c.50; section 2 was substituted by section 25(1) of the Employment Act 1988 (c.19).
(**12**) S.I. 1996/207 as amended.
(**13**) Section 19(5) of the Jobseekers Act 1995 provides grounds for precluding payment of a jobseeker's allowance for a claimant's refusal of an employment programme opportunity without good cause.

(ii) was entitled to a jobseeker's allowance for a cumulative total of at least 18 months out of the previous 21 months; or

(iii) had participated in an employment zone programme pursuant to the Employment Zones Regulations or these Regulations in the previous twelve months but did not complete the programme.

(2) An employment officer may, on a sampling basis, select a claimant who is aged 18 years or over but less than 25 years to participate in an employment zone programme with a particular employment zone contractor where—

(a) the claimant is ordinarily resident within an employment zone or his address for payment of his jobseeker's allowance is located within an employment zone; and

(b) in the period immediately preceding the date on which the selection is made the claimant—

(i) was entitled to a jobseeker's allowance for a continuous period of at least six months after participating in a New Deal for Young People programme or an employment zone programme pursuant to the Employment Zones Regulations or these Regulations;

(ii) was entitled to a jobseeker's allowance for a cumulative period of at least six months after participating in a New Deal for Young People programme or an employment zone programme pursuant to the Employment Zones Regulations or these Regulations without any break in that period of entitlement exceeding a period of 28 days in total; or

(iii) had participated in an employment zone programme pursuant to the Employment Zones Regulations or these Regulations in the previous twelve months but did not complete the programme.

(3) The employment officer shall notify the claimant in writing that he is required to participate in the employment zone programme provided by that employment zone contractor.

(4) A claimant to whom paragraph (1)(b)(iii) or (2)(b)(iii) applies shall be treated as having completed so much of an employment zone programme for the purposes of regulations 6 and 7 as is equal to the period of his previous participation in the employment zone programme.

Early entry to an employment zone programme

4.—(1) An employment officer may, on a sampling basis, select a claimant who is aged 25 years or over to participate in an employment zone programme with a particular employment zone contractor where—

(a) the claimant has asked to participate in an employment zone programme;

(b) his personal circumstances place him at a significant disadvantage in obtaining employment; and

(c) he is ordinarily resident within an employment zone or his address for payment of his jobseeker's allowance is located within an employment zone.

(2) An employment officer may, on a sampling basis, select a claimant who is aged 18 years or over but less than 25 years to participate in an employment zone programme with a particular employment zone contractor where—

(a) the claimant has asked to participate in an employment zone programme;

(b) his personal circumstances place him at a significant disadvantage in obtaining employment;

(c) he has participated in a New Deal for Young People programme; and

(d) he is ordinarily resident within an employment zone or his address for payment of his jobseeker's allowance is located within an employment zone.

(3) The employment officer shall notify the claimant in writing that he is required to participate in the employment zone programme provided by that employment zone contractor.

Requirement to complete an employment zone programme

5.—(1) This regulation applies where a claimant—

(a) has participated in an employment zone programme under the Employment Zones Regulations or these Regulations in the twelve months immediately preceding the date on which he is notified by an employment officer that he is required to complete an employment zone programme;

(b) he is ordinarily resident within an employment zone or his address for payment of his jobseeker's allowance is located within an employment zone;

(c) he did not complete the previous employment zone programme; and

(d) the same employment zone contractor provides an employment zone programme in the employment zone.

(2) Where this regulation applies, an employment officer may notify the claimant that he is required to attend and complete an employment zone programme with the same employment zone contractor.

(3) That claimant shall be treated as having completed so much of an employment zone programme for the purposes of regulations 6 and 7 as is equal to the period of his previous participation in the employment zone programme.

Stages of an employment zone programme

6.—(1) An employment zone programme shall consist of two stages—

(a) the first stage shall last for a maximum period of 28 days excluding any public holidays;

(b) the second stage shall last for a maximum period of 26 weeks.

(2) A claimant begins to participate in the first stage of an employment zone programme on the day when he attends an initial interview with a programme adviser following a written notification of his selection for participation given under regulation 3 or 4.

(3) A claimant shall cease to participate in the first stage on the day specified by an employment officer in a written notification to the claimant.

(4) A claimant begins to participate in the second stage of an employment zone programme on the day specified by an employment officer in a written notification to the claimant.

(5) A claimant shall cease to participate in the second stage on the day specified by an employment officer in a written notification to the claimant.

(6) In this regulation—

"public holiday" means Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**14**) in any part of Great Britain;

"programme adviser" means an employment officer designated by the Secretary of State as an employment zone programme adviser.

(**14**) 1971 c.80.

Suspension of the requirements of the Jobseekers Act 1995

7.—(1) During the claimant's participation in the first stage of an employment zone programme the condition for receipt of a jobseeker's allowance specified in section 1(2)(b) of the 1995 Act that the claimant has entered into a jobseeker's agreement which remains in force is suspended.

(2) During the claimant's participation in the second stage of an employment zone programme the conditions for receipt of a jobseeker's allowance specified in section 1(2) of the 1995 Act shall apply with the suspension of the conditions in section 1(2)(a) to (c) of that Act that the claimant—

(a) is available for employment;

(b) has entered into a jobseeker's agreement which remains in force; and

(c) is actively seeking employment.

Amendment of the Jobseeker's Allowance Regulations 1996

8.—(1) In the case of a person who is selected to participate in an employment zone programme with a particular employment zone contractor under regulation 3 or 4 or who is required to attend and complete an employment zone programme under regulation 5, regulation 75(1)(a)(iii) of the Jobseeker's Allowance Regulations 1996 shall apply with the addition of the words ", or the Employment Zones (Allocation to Contractors) Pilot Regulations 2006" after the words "the Social Security (Working Neighbourhoods) Regulations 2004"(**15**).

(2) Where the Secretary of State is satisfied that a person to whom paragraph (1) would otherwise apply is neither—

(a) ordinarily resident within an employment zone, nor

(b) someone whose address for payment of his jobseeker's allowance is within an employment zone,

then any relevant sanction incurred by that person shall end and these Regulations shall cease to apply.

(3) However, where that person asks to complete an employment zone programme in which he is participating, these Regulations, other than paragraph (1) of this regulation, shall continue to apply.

(4) In paragraph (2) "relevant sanction" means a sanction incurred by that person under section 19 or 20A(**16**) of the 1995 Act as a result of his refusing or failing to participate in, or giving up a place on an employment zone programme as specified in regulation 75(1)(a)(iii) of the Jobseeker's Allowance Regulations 1996 (as modified by paragraph (1)).

Transitional Arrangements

9.—(1) This regulation applies to a claimant—

(a) who—

(i) was selected to participate in an employment zone programme under regulation 3 or 4 of the Employment Zones (Allocation to Contractors) Pilot Regulations 2005(**17**) before the 24th April 2006; or

(ii) was required by virtue of regulation 8 of those Regulations, to participate in an employment zone programme; and

(**15**) S.I. 1996/207. The definition of an employment zone in regulation 75(1)(a)(iii) of the Jobseeker's Allowance Regulations 1996 was inserted by regulation 6 of the Employment Zones Regulations 2003 (S.I. 2003/2438) and amended by the Social Security (Working Neighbourhoods) Regulations 2004 (S.I. 2004/959).

(**16**) Section 20A was inserted by section 59 of and Schedule 7 to the Welfare Reform and Pensions Act 1999.

(**17**) S.I. 2005/1125. The Regulations expire on 24th April 2006.