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

2005 No.

SOCIAL SECURITY

The Employment Zones (Allocation to Contractors) Pilot Regulations 2005

Made - - - -	*2005*
Coming into force - -	*25th April 2005*

[Whereas a draft of this instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995(**1**) and approved by a resolution of each House of Parliament.]

Whereas 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(**2**).

Now, therefore, the Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 60(1), (2) and (9) and 83(4) and (6) of the Welfare Reform and Pensions Act 1999(**3**) and sections 19(10) and 29(1), (3) and (5) and 36(2) and (4) of the Jobseekers Act 1995, and 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(**4**), hereby makes the following Regulations:

Citation, commencement and duration

1.—(1) These Regulations may be cited as the Employment Zones (Allocation to Contractors) Pilot Regulations 2005 and shall come into force on 25th April 2005.

(2) These Regulations shall cease to have effect on 24th April 2006 unless revoked with effect from an earlier date.

(**1**) 1995 c.18.
(**2**) *See* section 29(8) of the Jobseekers Act 1995.
(**3**) 1999 c.30; subsection (9) is an interpretation provision cited for the meaning given to the words "employment" and "prescribed".
(**4**) *See* sections 170 and 173(1)(b) of the Social Security Administration Act 1992; 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 the list of "relevant enactments" in respect of which regulations must normally be referred to the Committee.

Interpretation

2. In these Regulations—

"the 1999 Act" means the Welfare Reform and Pensions Act 1999(**5**);

"claimant" means a claimant for a jobseeker's allowance(**6**);

"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 Jobseekers Act 1995 by an order made by the Secretary of State;

"employment zone" means an area within Great Britain listed in the Schedule to these Regulations as an area designated by the Secretary of State pursuant to section 60 of the 1999 Act as an area wherein 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 scheme which is designed to assist claimants for a jobseeker's allowance 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 2000(**7**), the Employment Zones Regulations 2003(**8**) or the Employment Zones (Allocation to Contractors) Pilot Regulations 2004(**9**);

"New Deal for Young People " means a programme provided in pursuance of arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973(**10**) and specified in regulation 75(1)(a)(ii) or 75(1)(b)(ii) of the Jobseeker's Allowance Regulations 1996(**11**).

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 and ordinarily resident within an employment zone to participate in an employment zone programme with a particular employment zone contractor if, in the period immediately preceding the date on which the selection is made, the claimant—

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

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

(c) 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 who is ordinarily resident within an employment zone to participate in an employment zone programme with a particular employment zone contractor if, in the period immediately preceding the date on which the selection is made, the claimant—

(**5**) 1999 c.30.
(**6**) 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.
(**7**) S.I. 2000/721; these Regulations were revoked, with savings, by S.I.2003/2438 (as amended by S.I. 2004/1043) as from 26th. April 2004.
(**8**) S.I. 2003/2438 as amended by S.I. 2004/1043.
(**9**) S.I. 2004/934.
(**10**) 1973 c.50; section 2 was substituted by section 25(1) of the Employment Act 1988 (c.19).
(**11**) S.I. 1996/207.

(a) 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;

(b) 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 provided that any breaks in that period of entitlement do not exceed a period of 28 days in total; or

(c) 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.

Early entry to an employment zone programme

4.—(1) An employment officer may, on a sampling basis, select a claimant to participate in an employment zone programme with a particular employment zone contractor provided that the claimant has asked to participate in an employment zone programme and—

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

(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.

(2) 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.

Stages of an employment zone programme

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

(a) the first stage shall last for a maximum period of 28 days excluding 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 an employment officer who is an employment zone 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(**12**) in any part of Great Britain.

Suspension of the requirements of the Jobseekers Act 1995

6.—(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 Jobseekers

(**12**) 1971 c.80.

Act 1995(**13**) 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 Jobseekers Act 1995 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

7.—(1) In the case of a person who is selected on a sampling basis to participate in an employment zone programme with a particular employment zone contractor under regulation 3 or 4, regulation 75(1)(a)(iii) of the Jobseeker's Allowance Regulations 1996(**14**) shall apply with the addition of the words ", or the Employment Zones (Allocation to Contractors) Pilot Regulations 2005" after the words "the Employment Zones Regulations 2003".

(2) Where the Secretary of State is satisfied that a person to whom paragraph (1) would otherwise apply is no longer ordinarily resident within an employment zone or, in the case of a person to whom regulation 4 applies, his address for payment of his jobseeker's allowance is no longer within an employment zone, then—

(a) any sanction incurred by that person under sections 19 or 20A of the Jobseekers Act 1995 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 amended by paragraph (1) shall end and, subject to sub-paragraph (b), these Regulations shall cease to apply to that person; and

(b) 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.

Transitional Arrangements

8.—(1) Subject to paragraph (2), regulations 5 to 7 of these Regulations shall apply to a claimant who was selected to participate in an employment zone programme under regulation 3 or 4 of the Employment Zones (Allocation to Contractors) Pilot Regulations 2004(**15**) before the 25th April 2005 but did not complete the programme before those Regulations expired.

(2) A claimant to whom paragraph (1) applies shall be treated as completing so much of an employment zone programme for the purposes of regulations 5 and 6 of these Regulations as is equal to the period of his participation in the employment zone programme subject to the Employment Zones (Allocation to Contractors) Pilot Regulations 2004.

(**13**) 1995 c.18, subsection (2) was amended by section 59 of and Schedule 7 to the Welfare Reform and Pensions Act 1999 (c.30).
(**14**) 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).
(**15**) S.I. 2004/934.

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

Minister of State,
2005 Department for Work and Pensions