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

2004 No.

SOCIAL SECURITY

The Social Security (Intensive Activity Period 50 to 59 Pilot)(No.2) Regulations 2004

Made - - - -	*2004*
Coming into force - -	*10th January 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 resolution of each House of Parliament;

Whereas these Regulations 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 19(10)(c), 29(1) and (3), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(**3**), and of all other powers enabling him in that behalf, 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 Social Security (Intensive Activity Period 50 to 59 Pilot) (No.2) Regulations 2004 and shall come into force on 10th January 2005.

(2) These Regulations shall cease to have effect on 9th January 2006 unless revoked with effect from an earlier date.

(**1**) 1995 c. 18.
(**2**) *See* section 29(8) of the Jobseekers Act 1995.
(**3**) Section 35(1) is an interpretation provision and is cited because of the meaning there given to the words "prescribed" and "regulations". Sections 35(1) and 36(4) were amended by section 2 of, and paragraphs 62 and 63 respectively of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c. 2).
(**4**) *See* sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (c. 5); paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of "relevant enactments" in respect of which regulations must normally be referred to the Committee.

Interpretation

2.—(1) In these Regulations—

"appropriate office" means an office, by whatever name it is from time to time known, of the Department for Work and Pensions which is identified in the Schedule to these Regulations by reference to its district and name as at the date these Regulations come into force and, where such an office closes, a reference in the Schedule to that office shall be construed as a reference to the office which a person is required to attend by an employment officer instead of that office;

"benefit" means a jobseeker's allowance or any earnings credited to a person in accordance with regulation 8A of the Social Security (Credits) Regulations 1975(**5**);

"the Jobseeker's Regulations" means the Jobseeker's Allowance Regulations 1996(**6**).

(2) In respect of any period throughout which a member of a joint-claim couple is receiving a joint-claim jobseeker's allowance, the other member of that couple shall, for the purposes of regulation 3(3)(c), also be treated as receiving benefit throughout that period.

Application of Intensive Activity Period 50 to 59 Pilot

3.—(1) Subject to paragraph (4), in relation to a person to whom paragraph (2) applies, in regulation 75(1)(a)(iv) of the Jobseeker's Regulations(**7**) (interpretation) after "any one individual" for "aged 25 years or over and less than 50 years" substitute "aged 50 years or over and less than 60 years".

(2) This paragraph shall apply to any person who meets the conditions specified in paragraph (3) and who is selected by an employment officer, on a sampling basis, to participate in the Intensive Activity Period as specified in regulation 75(1)(a)(iv) of the Jobseeker's Regulations as amended by paragraph.

(3) For the purposes of paragraph (2) the conditions are that he is a person—

(a) who, between 10th January 2005 and 9th January 2006 attends an appropriate office pursuant to a notification given or sent under regulation 23 or 23A of the Jobseeker's Regulations; and

(b) who, on the day he so attends, is aged 50 years or over and less than 60; and

(c) who has been receiving benefit for a cumulative period of at least 18 months in the previous 21 months; and

(d) who has been given or sent a notice in writing by an employment officer notifying him of a place on the Intensive Activity Period as specified in regulation 75(1)(a)(iv) of the Jobseeker's Regulations as amended by paragraph (1), and advising him that if he fails to participate in that programme, his jobseeker's allowance could cease to be payable or could be payable at a lower rate.

(4) Where a person to whom paragraph (2) would otherwise apply informs the Secretary of State of a change in address that results in that person being notified under regulation 23 or 23A of the Jobseeker's Regulations that he should attend a place that is not an appropriate office for the purposes of these Regulations—

(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 the Intensive

(**5**) S.I. 1975/556. Regulation 8A was inserted by S.I.1996/2367; relevant amending instruments are S.I. 2000/3120, 2001/518, 1711 and 2002/490.
(**6**) S.I. 1996/207.
(**7**) Regulation 75 was substituted by S.I. 1997/2863, relevant amending instruments are S.I. 1998/1274, 1698, 2000/721, 1370, 1978, 2001/652, 1029, 2002/2314 and 2003/2438.

Activity Period as specified in regulation 75(1)(a)(iv) of the Jobseekers Regulations as amended by paragraph (1) shall end; and

(b) these Regulations shall cease to apply to that person.

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

Minister of State,
2004 Department for Work and Pensions