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

DRAFT STATUTORY INSTRUMENTS

2000 No.

SOCIAL SECURITY

The Social Security (New Deal Pilot) Regulations 2000

Made - - - -

Coming into force for the purposes of regulations

6(4) and (5) and 10(2)	*19th March 2001*
for all other purposes	*28th November 2000*

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;

Now, therefore, the Secretary of State for Education and Employment, in relation to Parts I and II of the Regulations, the Secretary of State for Social Security, in relation to Part III of the Regulations (other than in relation to provisions relating to disabled person's tax credit and working families' tax credit(**2**), and the Treasury, in relation to provisions in Part III of the Regulations relating to disabled person's tax credit and working families' tax credit, in exercise of the powers conferred by sections 6(4), 12(1), (4)(a) and (b), 19(2), (8)(b) and (10)(c), 20(4) and (6), 21, 29(1), (3), (5), (6)(a) and (c), 35(1)(**3**) and 36(1), (2) and (4) of, and paragraph 1(2)(b) of Schedule 1 to, the Jobseekers Act 1995 and sections 123(1), 136(3), (5)(a), (b) and (c), 137(1) and (2)(d) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(**4**) and of all other powers enabling each of them in that behalf, after consultation, in respect of provisions in these Regulations relating to housing benefit and council tax benefit, with organisations appearing to the Secretary of State for Social Security to be representative of the authorities concerned(**5**) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**6**), and 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, hereby make the following Regulations:

(**1**) 1995 c. 18.
(**2**) Disability working allowance and family credit were renamed respectively as disabled person's tax credit and working families' tax credit by section 1(1) of the Tax Credits Act 1999 (c. 10).
(**3**) Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".
(**4**) 1992 c. 4; sections 123 and 137 were amended to have effect with respect of council tax benefit, by Schedule 9 to the Local Government Finance Act 1992 (c. 14). Section 137(1) is cited because of the meaning ascribed to the word "prescribed". Section 137(2)(d) was substituted by paragraph 35(3) of Schedule 2 to the Jobseekers Act 1995.
(**5**) *See* section 176(1) of the Social Security Administration Act 1992 (c. 5).
(**6**) *See* sections 170 and 173 (1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of enactments regulations under which must normally be referred to the committee.

PART I

GENERAL

Citation, commencement and duration

1.—(1) These Regulations may be cited as the Social Security (New Deal Pilot) Regulations 2000 and shall come into force—

(a) for the purposes of regulations 6(4) and (5) and 10(2), on 19th March 2001;

(b) for all other purposes, on 28th November 2000 immediately following the expiry of the Social Security (New Deal Pilot) Regulations 1999(**7**).

(2) These Regulations shall cease to have effect on 27th November 2001, unless revoked with effect from an earlier date.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

"the Act" means the Jobseekers Act 1995;

"appropriate office" means an office, by whatever name it is from time to time known, of the Department for Education and Employment which is identified by reference to its name as at the date these Regulations come into force in one or more of the Schedules to these Regulations, and where such an office closes, the references in the Schedules to that office in relation to a person shall be construed as references to the office which that person is required to attend instead of that office;

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

"the Council Tax Benefit Regulations" means the Council Tax Benefit (General) Regulations 1992(**9**);

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations 1991(**10**);

"employment officer" means a person who is at any time an employment officer for the purposes of section 19 of the Act;

"employment-related course" has the same meaning as in regulations 1(3) of the Jobseeker's Allowance Regulations;

"the Family Credit Regulations" means the Family Credit (General) Regulations 1987(**11**);

"full-time student" has the same meaning as in regulation 1(3) of the Jobseeker's Allowance Regulations;

"gateway interview" means an interview with an employment officer to identify and discuss matters that could help a person find work and matters that are preventing him from finding work;

(**7**) S.I. 1999/3156 as amended by S.I. 2000/678.
(**8**) S.I. 1975/556; the relevant amending instrument is S.I. 1996/2367.
(**9**) S.I. 1992/1814.
(**10**) S.I. 1991/2887.
(**11**) S.I. 1987/1973.

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations 1987(**12**);

"the Income Support Regulations" means the Income Support (General) Regulations 1987(**13**);

"intensive activity period of the New Deal pilots for 25 plus" means a programme provided in pursuance of arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973(**14**) for which only persons who are aged 25 years or over may be eligible, known as the intensive activity period of the New Deal pilots for 25 plus, and which includes for any individual, jobsearch activity and one or more of the following, namely training, study, assistance in pursuing self-employed earner's employment and work experience;

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations 1996(**15**);

"part-time student" has the same meaning as in regulation 1(3) of the Jobseeker's Allowance Regulations;

"week" means any period of 7 days.

(2) In regulations 3 to 5, the references to receiving benefit for not less than the periods or, as the case may be, for less than the period, referred to in those regulations means receiving benefit—

(a) without any period of interruption, or

(b) with a period of interruption which did not exceed 28 days, or

(c) with a number of periods of interruption, none of which exceeded 28 days,

and any period of interruption which did not exceed 28 days shall be taken into account in calculating the periods referred to in regulations 3 to 5.

(3) 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 regulations 3 to 5, also be treated as receiving benefit throughout that period.

(4) In these Regulations a reference—

(a) to a numbered regulation is to the regulation in these Regulations bearing that number;

(b) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number; and

(c) to a numbered Schedule is to the Schedule to these Regulations bearing that number.

PART II

THE INTENSIVE ACTIVITY PERIOD OF THE NEW DEAL PILOTS FOR 25 PLUS

Application: persons aged 25 and over in receipt of benefit for 12 months

3. This regulation shall apply to any person who—

(a) is sent a letter dated on or before 31 March 2001 inviting him to attend a New Deal pilot gateway interview at an office listed in Schedule 1; and

(**12**) S.I. 1987/1971.
(**13**) S.I. 1987/1967.
(**14**) 1973 c. 50; section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 19).
(**15**) S.I. 1996/207; the relevant amending instruments are S.I. 1996/516, 517 and 2538, 1997/454, 563 and 2863; 1998/563, 1174 and 1274 and 2000/1978 and 2194.

(b) as at the date of letter referred to in regulation 3(a) is aged 25 or over but under pensionable age and has been receiving benefit for a period of not less than 12 months.

Application: persons aged 25 and over in receipt of benefit for 18 months

4. This regulation shall apply to any person who—

(a) is sent a letter dated on or before 31 March 2001 inviting him to attend a New Deal pilot gateway interview at an office listed in Schedule 2; and

(b) as at the date of letter referred to in regulation 4(a) is aged 25 or over but under pensionable age and has been receiving benefit for a period of not less than 18 months.

Application: volunteers

5. This regulation shall apply to any person who—

(a) on or after the date on which these Regulations come into force and on or before 31 March 2001 attends an appropriate office listed in Schedule 3 pursuant to a notification under regulation 23 or 23A of the Jobseeker's Allowance Regulations(**16**) and when he so attends volunteers to attend a gateway interview,

(b) on the day he so attends, is aged 25 or over but under pensionable age and has been receiving benefit for a period of less than 18 months, and

(c) in respect of whom an employment officer agrees that he may be given a gateway interview.

Sanction

6.—(1) In relation to a person to whom paragraph (2) or (4) applies, "employment programme" in section 19 of the Act means, in addition to the programmes listed in regulation 75(1) of the Jobseeker's Allowance Regulations(**17**), the intensive activity period of the New Deal pilots for 25 plus.

(2) This paragraph applies to any person (other than a person specified in paragraph (4)) to whom regulation 3, 4, or 5 applies and who has been given or sent a notice in writing by an employment officer advising him that if he fails to participate in the intensive activity period of the New Deal pilots for 25 plus his jobseeker's allowance could cease to be payable or could be payable at a lower rate.

(3) In relation to a person to whom paragraph (2) applies, the prescribed period for the purposes of section 19(2) of the Act shall begin on the first day of the week following the date on which a jobseeker's allowance is determined not to be payable to the person and shall be—

(a) 2 weeks in any case which does not fall within sub-paragraph (b) below;

(b) 4 weeks in any case in which on a previous occasion a jobseeker's allowance was determined not to be payable to him in circumstances falling within section 19(5) of the Act that relate to the intensive activity period of the New Deal pilots for 25 plus and the first date on which a jobseeker's allowance was not payable to him as a result of that determination falls within the period of 12 months preceding the date of the determination mentioned in (3) above.

(4) This paragraph applies to a member of a joint-claim couple to whom regulation 3, 4, or 5 applies and who has been given or sent a notice in writing by an employment officer advising him that if he fails to participate in the intensive activity period of the New Deal pilots for 25 plus the

(**16**) Regulation 23A was inserted by S.I. 2000/1978 and Regulation 23 was amended by S.I. 2000/2194, regulation 2(2).
(**17**) Regulation 75(1) was amended by S.I. 2000/1370, regulation 2(1) and (4).

jobseeker's allowance payable to the joint-claim couple of which he is a member could cease to be payable or could be payable at a lower rate.

(5) In relation to a person to whom paragraph (4) applies, the prescribed period for the purposes of section 20A(3) of the Act shall begin on the first day of the week following the date on which that person is determined to be subject to sanctions for the purposes of section 20A of the Act and shall be—

(a) 2 weeks in any case which does not fall within sub-paragraph (b) below;

(b) 4 weeks in any case in which on a previous occasion a jobseeker's allowance was determined not to be payable to him in circumstances falling within section 19(5) of the Act or in a case in which he was determined to be subject to sanctions in the circumstances falling within section 20A(2)(a) to (c) of the Act that relate to the intensive activity period of the New Deal pilots for 25 plus and the first date on which a jobseeker's allowance was not payable to him or in respect of which he was subject to sanctions as a result of that determination falls within the period of 12 months preceding the date of the determination mentioned in (3) above.

(6) In this regulation, "week" has the same meaning as "benefit week" in regulation 1(3) of the Jobseeker's Allowance Regulations.

Interpretation of sections 19 and 20A of the Jobseekers Act 1995 and Part V of the Jobseeker's Allowance Regulations

7. In relation to a person to whom regulation 3, 4 or 5 applies, "employment" in sections 19 and 20A of the Act, except section 19(9), and in Part V of the Jobseeker's Allowance Regulations means employed earner's employment other than employed earner's employment in which a person is employed whilst participating in the intensive activity period of the New Deal pilots for 25 plus and "employed earner" shall be construed accordingly.

Availability for employment

8.—(1) In relation to a person to whom regulation 3, 4 or 5 applies—

(a) regulation 15(a) of the Jobseeker's Allowance Regulations shall be modified in its application to him as if the following words were added after the words "full-time student" where those words appear for the first time—

> ", other than where he is a full-time student by virtue of undertaking an employment-related course as part of the intensive activity period of the New Deal pilots for 25 plus,"; and

(b) if in any week in which he is participating in the intensive activity period of the New Deal pilots for 25 plus he is as part of that programme undertaking as a full-time student or a part-time student an employment-related course for not less than three days in that week, he shall be treated as available for employment for that week.

(2) In this regulation, "week" has the same meaning as "benefit week" in regulation 1(3) of the Jobseeker's Allowance Regulations.

Good Cause

9. Without prejudice to any other circumstances in which a person may be regarded as having good cause for any act or omission for the purposes of section 19(5)(b) or 20A(2)(b) of the Act, and in addition to the circumstances listed in regulation 73 of the Jobseeker's Allowance Regulations, a person to whom regulation 3, 4 or 5 applies is to be regarded as having good cause for an act or omission in relation to the intensive activity period of the New Deal pilots for 25 plus for the purposes of section 19(5)(b) or 20A(2)(b) where he has already participated in that same intensive