
STATUTORY INSTRUMENTS

1997 No. 984

SOCIAL SECURITY

The Jobseeker's Allowance (Project Work Pilot Scheme) (No. 2) Regulations 1997

Made - - - - *10th March 1997*
Coming into force - - *26th May 1997*

Whereas a draft of these Regulations 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 exercise of the powers conferred by sections 19(2), (8)(b) and (10)(c), 29(1), (3), (5) and (6)(a), 35(1)(2) and 36(2) and (4)(a) of the Jobseekers Act 1995, and of all other powers enabling her 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(3) 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 makes the following Regulations:

Citation, commencement and duration

1.—(1) These Regulations may be cited as the Jobseeker's Allowance (Project Work Pilot Scheme) (No. 2) Regulations 1997 and shall come into force on 26th May 1997 immediately following the revocation of the Jobseeker's Allowance (Pilot Scheme) Regulations 1996(4).

(2) These Regulations shall cease to have effect on 25th May 1998, unless revoked with effect from an earlier date.

(3) The Jobseeker's Allowance (Pilot Scheme) Regulations 1996, the jobseeker's Allowance (Pilot Scheme) (Amendment) Regulations 1996(5) and the Income Support (Pilot Scheme) Regulations 1996(6) shall be revoked with effect from 26th May 1997.

(1) [1995 c. 18.](#)

(2) Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".

(3) See Section 170 and Section 173(1)(b) of the Social Security Administration Act 1992, [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.

(4) S.I. [1996/1307](#), amended by S.I. [1996/1856](#).

(5) S.I. [1996/1856](#)

(6) S.I. [1996/1252](#).

Interpretation

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

“the Act” means the Jobseekers Act 1995;

“appropriate office” means an office of the Department for Education and Employment which is identified in the Schedule to these Regulations and which a relevant person is required to attend in accordance with a notice under regulation 23 of the Jobseeker’s Allowance Regulations;

“benefit” means income support, unemployment benefit or jobseeker’s allowance or any earnings credited to a person in accordance with regulations made under section 22(5) of the Social Security Contributions and Benefits Act 1992(7) or section 13(4) of the Social Security Act 1975(8) and “receiving benefit” means receiving benefit which that person has claimed and received as an unemployed person or in accordance with Part I of the Act;

“employment interview” means in relation to a relevant person, an interview in respect of which he has received a notice under regulation 23 of the Jobseeker’s Allowance Regulations requiring him to attend an interview to discuss his prospects of work;

“employment officer” means a person who is an employment officer for the purposes of section 19 of the Act;

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(9);

“made a claim for jobseeker’s allowance” includes treated as having made a claim for the allowance and treated as having an award of the allowance in accordance with regulations 5, 6 or 7 of the Jobseeker’s Allowance (Transitional Provisions) Regulations 1996(10);

“Project Work” means the programme provided in pursuance of arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973(11) known as Project Work and which consists of a programme of work experience and job search help lasting for any individual for an aggregate of 13 weeks;

“relevant person” means a person to whom regulation 3 applies;

“week” means any period of 7 consecutive days;

“the 1996 Regulations” means the Jobseeker’s Allowance (Pilot Scheme) Regulations 1996.

(2) In these Regulations, unless the context otherwise requires, 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) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

Application

3.—(1) These Regulations shall apply to any person who

- (a) receives, or has received, a notice under regulation 23 of the Jobseeker’s Allowance Regulations requiring him to attend an employment interview to take place on or after

(7) 1992 c. 4.

(8) 1975 c. 14.

(9) S.I. 1996/207, as amended by the Jobseeker’s Allowance (Amendment) Regulations 1996, S.I. 1996/1516, the Jobseeker’s Allowance and Income Support (General) Amendment Regulations 1996, S.I. 1996/1517 and the Social Security and Child Support (Jobseeker’s Allowance) (Miscellaneous Amendments) Regulations 1996, S.I. 1996/2538.

(10) S.I. 1996/2567.

(11) 1973 c. 10; section 2 was amended by section 25 of the Employment Act 1988 (c. 19).

24th February 1997 at an appropriate office and is, or was, aged 18 or over but under 51 as at the date upon which he receives or received that notice and

- (b) has made a claim for jobseeker's allowance as at the date upon which he receives or received the notice referred to in sub-paragraph (a) and has, or had been, receiving benefit for a period of two years as at that date—
 - (i) without any period of interruption, or
 - (ii) with a period of interruption which did not exceed 28 days, or
 - (iii) with a number of periods of interruption, none of which exceeded 28 days.

(2) Any period of interruption which did not exceed 28 days shall be taken into account in calculating the period of two years referred to in paragraph (1).

Sanction

4.—(1) In relation to a person to whom paragraph (2) applies, “employment programme” in section 19 of the Act means, in addition to the programmes listed in regulation 75 of the Jobseeker's Allowance Regulations, Project Work.

(2) This paragraph applies to any person to whom regulation 3 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 Project Work his benefit could cease to be payable or could be payable at a lower rate.

(3) In relation to a person to whom paragraph (2) applies, for sub-paragraphs (ii) and (iii) of paragraph (a) regulation 69 of the Jobseeker's Allowance Regulations there shall be substituted the following—

“(ii) either—

- (aa) where the determination mentioned in (i) above does not relate to Project Work, on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstance falling within section 19(5), or
- (bb) where the determination mentioned in (i) above relates to Project Work, on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstances falling within section 19(5) that relate to Project Work or a determination has been made that he was not to be treated as available for employment for the purpose of entitlement to income support in accordance with the Income Support (Pilot Scheme) Regulations 1996 (S.I.1996/1252), and

(iii) either—

- (aa) where the determination mentioned in (i) above does not relate to Project Work, the first date on which the jobseeker's allowance was not payable to him on the previous occasion mentioned in (ii) above falls within the period of 12 months preceding the date of the determination mentioned in (i) above, or
- (bb) where the determination mentioned in (i) above relates to Project Work, the first date on which the jobseeker's allowance was not payable to him or the date on which it was determined that he was not to be treated as available for employment for the purpose of entitlement to income support on the previous occasion mentioned in (ii) above falls within the period of 12 months preceding the date of the determination mentioned in (i) above;”.

Good Cause

5. 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) of the Act, and in addition to the circumstances listed in regulation 73 of the Jobseeker's Allowance Regulations, a person to

whom regulation 4(2) applies is to be regarded as having good cause for any act or omission in relation to Project Work for the purposes of section 19(5)(b) where

- (a) there is no place available for him on Project Work or
- (b) he has already participated in Project Work for one continuous period of 13 weeks or two or more periods amounting in total to 13 weeks.

Transitional Provisions

6.—(1) Any person who, immediately before the revocation of the 1996 Regulations, was a relevant person in accordance with regulations 2(1) and 3 of those Regulations, but who had not been given a notice in writing advising him that if he failed to participate in Project Work his benefit could cease to be payable or could be payable at a lower rate, as referred to in regulation 4(2)(b) of those Regulations, shall, if he is not a relevant person under these Regulations, be treated as a relevant person under these Regulations.

(2) Where regulation 4(2) of the 1996 Regulations applied to a person immediately before the revocation of those Regulations he shall be treated as if regulation 4(2) of these Regulations applies to him.

10th March 1997

Eric Forth
Minister of State,
Department for Education and Employment

SCHEDULE

Regulation 2(1)

APPROPRIATE OFFICES

Beverley ESJ
Bransholme ESJ
Hessle ESJ
Hull (Essex House) ESJ
Hull (Market Place) ESJ
Hull (Queen's House) ESJ
Chatham ESJ
Gillingham ESJ
Gravesend ESJ
Maidstone A ESJ
Maidstone B ESJ
Strood ESJ

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace, with modifications, the pilot scheme established by the Income Support (Pilot Scheme) Regulations 1996 (S.I. [1996/1252](#)) and the Jobseeker's Allowance (Pilot Scheme) Regulations 1996 (S.I. [1996/1307](#)) with a further pilot scheme. The scheme relates to persons who have been claiming income support, unemployment benefit or jobseeker's allowance or a combination of benefits and who fulfil the criteria in regulation 3 as to age, the period over which they have been receiving benefit and location of appropriate offices at which they are required to attend (as identified in the Schedule) ("relevant persons").

Regulation 4 has the effect that if a person who is a relevant person for the purpose of these Regulations without good cause refuses or fails to participate in the employment programme known as Project Work or loses his place on Project Work due to misconduct, he will receive a sanction under section 19 of the Jobseekers Act and the Jobseeker's Allowance Regulations (S.I. [1996/207](#)). The effect of this will be a two week or four week loss or reduction in his jobseeker's allowance.

Regulation 5 adds to the list of circumstances to be regarded as good cause for any act or omission for the purposes of section 19 of the Jobseekers Act.

Regulation 6 includes transitional provisions.

These Regulations do not impose a charge on businesses.