

STATUTORY INSTRUMENTS

2001 No. 3210

The Social Security (Jobcentre Plus Interviews) Regulations 2001

Failure to take part in an interview

11.—(1) [^{F1}A person who—

- (a) has been notified of any interview in accordance with these Regulations;
- (b) fails to take part in that interview; and
- (c) fails to show before the end of five working days following the day on which the interview was to take place, good cause for his failure to take part in the interview,

shall, subject to paragraph (12), suffer the consequences set out below.]

(2) [^{F2}Those consequences are—

^{F2}(a)

^{F2}(b)

- (c) where the claimant has an award of benefit and the requirement for the interview arose under regulation 4, the claimant's benefit shall be reduced as from the first day of the next benefit week following the day the decision was made, by a sum equal (but subject to paragraphs (3) and (4)) to 20 per cent. of the amount applicable on the date the deduction commences in respect of a single claimant for income support aged not less than 25.]

(3) [^{F3}Benefit reduced in accordance with paragraph (2)(c) shall not be reduced below 10 pence per week.]

(4) [^{F4}Where two or more specified benefits are in payment to a claimant, a deduction made in accordance with this regulation shall be applied, except in a case to which paragraph (5) applies, to the specified benefits in the following order of priority—

- (a) income support;
- (b) incapacity benefit;
- ^{F5}(c)
- ^{F5}(d)
- (e) severe disablement allowance.]

(5) [^{F6}Where the amount of the reduction is greater than some (but not all) of the specified benefits listed in paragraph (4), the reduction shall be made against the first benefit in that list which is the same as, or greater than, the amount of the reduction.]

(6) [^{F7}For the purpose of determining whether a specified benefit is the same as, or greater than, the amount of the reduction for the purposes of paragraph (5), 10 pence shall be added to the amount of the reduction.]

(7) [^{F8}In a case where the whole of the reduction cannot be applied against any one specified benefit because no one benefit is the same as, or greater than, the amount of the reduction, the reduction shall be applied against the first benefit in payment in the list of priorities at paragraph (4)

and so on against each benefit in turn until the whole of the reduction is exhausted or, if this is not possible, the whole of the specified benefits are exhausted, subject in each case to 10 pence remaining in payment.]

(8) [^{F9}Where the rate of any specified benefit payable to a claimant changes, the rules set out above for a reduction in the benefit payable shall be applied to the new rates and any adjustments to the benefits against which the reductions are made shall take effect from the beginning of the first benefit week to commence for that claimant following the change.]

(9) [^{F10}Where a claimant whose benefit has been reduced in accordance with this regulation subsequently takes part in an interview, the reduction shall cease to have effect on the first day of the benefit week in which the requirement to take part in an interview was met.]

(10) [^{F11}For the avoidance of doubt, a person who is regarded as not having made a claim for any benefit because he failed to take part in an interview shall be required to make a new claim in order to establish entitlement to any specified benefit.]

(11) [^{F12}For the purposes of determining the amount of any benefit payable, a claimant shall be treated as receiving the amount of any specified benefit which would have been payable but for a reduction made in accordance with this regulation.]

(12) [^{F13}The consequences set out in this regulation shall not apply in the case of a person who brings new facts to the notice of the officer within one month of the date on which the decision was notified and—

- (a) those facts could not reasonably have been brought to the officer's notice within five working days of the day on which the interview was to take place; and
- (b) those facts show that he had good cause for his failure to take part in the interview.]

(13) [^{F14}In paragraphs (2) and (12), the “decision” means the decision that the person failed without good cause to take part in an interview.]

Textual Amendments

- F1** Reg. 11(1) revoked (30.9.2002) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, Sch. 1 (with reg. 16(2)(3))
- F2** Reg. 11(2) revoked (30.9.2002) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, Sch. 1 (with reg. 16(2)(3))
- F3** Reg. 11(3) revoked (30.9.2002) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, Sch. 1 (with reg. 16(2)(3))
- F4** Reg. 11(4) revoked (30.9.2002) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, Sch. 1 (with reg. 16(2)(3))
- F5** Reg. 11(4)(c)(d) omitted (31.10.2005) by virtue of [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **6(5)**
- F6** Reg. 11(5) revoked (30.9.2002) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, Sch. 1 (with reg. 16(2)(3))
- F7** Reg. 11(6) revoked (30.9.2002) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, Sch. 1 (with reg. 16(2)(3))
- F8** Reg. 11(7) revoked (30.9.2002) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, Sch. 1 (with reg. 16(2)(3))
- F9** Reg. 11(8) revoked (30.9.2002) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, Sch. 1 (with reg. 16(2)(3))
- F10** Reg. 11(9) revoked (30.9.2002) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, Sch. 1 (with reg. 16(2)(3))
- F11** Reg. 11(10) revoked (30.9.2002) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, Sch. 1 (with reg. 16(2)(3))

- F12** Reg. 11(11) revoked (30.9.2002) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, Sch. 1 (with reg. 16(2)(3))
- F13** Reg. 11(12) revoked (30.9.2002) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, Sch. 1 (with reg. 16(2)(3))
- F14** Reg. 11(13) revoked (30.9.2002) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, Sch. 1 (with reg. 16(2)(3))

Modifications etc. (not altering text)

- C1** Reg. 11 disapplied (26.10.2009) by [Social Security \(Incapacity Benefit Work-focused Interviews\) \(Amendment\) Regulations 2009 \(S.I. 2009/1541\)](#), regs. 1(1), **3(5)**
- C2** Reg. 11 modified (26.10.2009) by [Social Security \(Incapacity Benefit Work-focused Interviews\) \(Amendment\) Regulations 2009 \(S.I. 2009/1541\)](#), regs. 1(1), **3(3)**

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Jobcentre Plus Interviews) Regulations 2001, Section 11.