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STATUTORY INSTRUMENTS

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**2009 No. 2710**

**SOCIAL SECURITY**

**The Social Security (Flexible New Deal) (No. 2) Regulations 2009**

<i>Made</i>	- - - -	<i>5th October 2009</i>
<i>Laid before Parliament</i>		<i>12th October 2009</i>
<i>Coming into force</i>	- -	<i>2nd November 2009</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 19(2), 20A(3), 35(1), 36(1), (2) and (4) of the Jobseekers Act 1995(1). The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it(2).

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Flexible New Deal) (No. 2) Regulations 2009 and shall come into force on 2nd November 2009.

**Amendment of the Jobseeker's Allowance Regulations**

2.—(1) The Jobseeker's Allowance Regulations 1996(3) are amended as follows.

(2) In regulation 69 (prescribed period for purposes of section 19(2))(4)—

- (a) in paragraph (1)(e)(5) before “26 weeks” insert “subject to paragraph (1A),”;
- (b) after paragraph (1) insert—

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(1) 1995 c.18. Section 20A was inserted by section 59 of, and paragraph 1 and 13 of Schedule 7 to, the Welfare Reform and Pensions Act 1999 (c. 30) (“the 1999 Act”). Sections 35(1) and 36(4) were amended by section 2, and paragraphs 62 and 63 respectively, of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 35(1) is an interpretation provision and is cited because of the meaning it gives to the word “prescribed”. Section 36(1) was amended by section 86(1) of, and paragraph 145 of Schedule 7 to, the Social Security Act 1998 (c. 75) and section 70 of, and paragraph 29 of Schedule 8 to, the 1999 Act.

(2) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

(3) S.I. 1996/207.

(4) Regulation 69 was substituted by S.I. 2000/239. Relevant amending instruments are S.I. 2000/1370, 2000/1978, 2001/1029 and 2009/480.

(5) Inserted by S.I. 2009/480.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“(1A) Where the Secretary of State is satisfied that the claimant has complied with the condition in paragraph (1B), paragraph (1)(e) applies as if the reference to 26 weeks were a reference to either—

(a) 4 weeks, or

(b) the period beginning on the day specified in paragraph (2) and ending on the last day of the benefit week in which the claimant complies with the condition,

whichever is the longer.

(1B) The condition is that, after the date on which the determination mentioned in paragraph (1)(e)(i) is made, the claimant agrees in writing to undertake the activities specified in an action plan prepared in relation to the claimant.”.

5th October 2009

*Yvette Cooper*  
Secretary of State  
Department for Work and Pensions

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Jobseeker's Allowance Regulations 1996 in the case of claimants who are subject to a benefit sanction because it has been determined that they have failed to participate in a programme known as the Flexible New Deal and who have previously been subject to benefit sanctions. Where a claimant agrees in writing to undertake the Flexible New Deal activities set out in an action plan, the Regulations provide for the benefit sanction to last for either four weeks or for the period beginning with the determination and ending with the claimant's agreement to comply with the relevant requirements for the programme (whichever is the longer). Otherwise the sanction will last for 26 weeks.

An impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.