

SCHEDULE 2

Regulation 16(1)

HOUSING BENEFIT AMENDMENTS

1. The Housing Benefit Regulations shall be amended in accordance with the following paragraphs of this Schedule.

2. In regulation 2(1) (interpretation), after the entry relating to “water charges”, there shall be inserted the following entries—

““work-focused interview” has the meaning it has in regulation 3 of the Work-focused Interviews Regulations;

“the Work-focused Interviews Regulations” means the Social Security (Work-focused Interviews) Regulations 2000(1);”.

3.—(1) In regulation 68 (date on which change of circumstances is to take effect), in paragraph (1), the word “either” shall be omitted and for the word “applies” there shall be substituted the words “or regulation 68A applies”.

(2) After regulation 68 there shall be inserted the following regulation—

“Date of change of circumstances following decision as to whether person took part in a work-focused interview

68A.—(1) Where the relevant change of circumstances is a decision made in accordance with regulation 11 of the Work-focused Interviews Regulations as to whether a person took part in a work-focused interview, the date on which the change of circumstances is to take effect shall be determined in accordance with the following paragraphs of this regulation.

(2) Where the relevant change of circumstances is that the consequences specified in regulation 12(2)(b) or (c) of the Work-focused Interviews Regulations apply, the change shall take effect as from the first day of the next benefit week following the date of the decision that the claimant failed without good cause to take part in a work-focused interview.

(3) Where the relevant change of circumstances is that the claimant attains the age of 60 or ceases to reside in an area specified in Schedule 1 to the Work-focused Interviews Regulations, the date on which the change of circumstances is to take effect is the first day of the next benefit week to commence for that person following the date the decision was made or the circumstance occurred.

(4) Where the relevant change of circumstances is a decision that the consequences specified in paragraph (2) which applied to the claimant no longer apply, the date on which the change of circumstances is to take effect is the day on which it would have had effect had the revised decision been made on the date of the decision it revised.

(5) Where a person—

- (a) has been held not to have taken part in a work-focused interview;
- (b) in consequence of that decision suffers a reduction in benefit; and
- (c) subsequently takes part in a work-focused interview,

the date on which the change of circumstances is to have effect is the first day of the benefit week in which the requirement to take part in the interview was met.”.

4. In regulation 79 (review of determinations)—

- (a) in paragraph (1), for the words “Subject to paragraph 1A(2)”, there shall be substituted the words “Subject to paragraphs (1A) and (1B)”; and
 - (b) after paragraph (1A), there shall be inserted the following paragraph—
 - “(1B) A determination or decision that a person did or did not take part in a work-focused interview and if he did not whether he had good cause for not doing so, shall not be reviewed.”.
5. In regulation 81 (further review of determinations)—
- (a) in paragraph (3), at the beginning, there shall be inserted the words “ Subject to paragraph (5)”;
 - (b) after paragraph (4), there shall be added the following paragraph—
 - “(5) A determination or a decision that a person did or did not take part in a work-focused interview and if he did not whether he had good cause for not doing so, shall not be reviewed by a Review Board.”.
6. In Schedule 6 (matters to be included in the Notice of Determination), the following Part shall be added at the end—

“PART VIII

Notice following a decision on a work-focused interview

15.—(1) This Part applies in a case where a decision has been made in accordance with regulation 11 of the Work-focused Interviews Regulations that a person has failed to take part in a work-focused interview.

(2) In a case where one of the consequences specified in sub-paragraphs (3) and (4) apply, the notice of determination shall include a statement as to the person’s right of appeal against the decision that he failed to take part in a work-focused interview.

(3) In a case where the consequence of the failure to take part is that the entitlement to housing benefit terminates, the notice of determination shall include a statement as to—

- (a) the last date of the entitlement to housing benefit;
- (b) the reason entitlement terminated.

(4) In a case where the consequence of the failure to take part is that the amount of housing benefit payable is reduced, the notice of determination shall include a statement as to—

- (a) the amount by which the housing benefit is reduced;
- (b) the date from which the reduction takes effect; and
- (c) the reason for the reduction.

(5) In a case where a new decision is made reversing an earlier decision that a person failed to take part in a work-focused interview, the notice of determination shall include a statement as to—

- (a) the date from which the consequences of the failure cease to apply; and
- (b) the reason for the new decision.”.

(2) The relevant amending Instrument is S.I. [1993/1150](#).