

[This S.I. has been revoked by reg. 12 of S.I. 2008/2928 but continues to have effect in certain circumstances. See page 3.4325.]

2003 No. 2439

SOCIAL SECURITY

The Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2003

Made - - - - 20th September 2003
Laid before Parliament 26th September 2003
Coming into force - 27th October 2003

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 136(3) and (5)(b), 137(1) and 175(3) and (4) of the Social Security Contributions and Benefits Act 1992(a), sections 2A(1), (3) to (6) and (8), 2B(6) and (7), 189(4) to (6) and (7A) and 191 of the Social Security Administration Act 1992(b) and sections 12(1) and (4)(b), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(c) and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 8(1) of the Tribunals and Inquiries Act 1992(d) and in respect of provisions in these Regulations relating to housing benefit and council tax benefit with organisations appearing to him to be representative of the authorities concerned(e) and after reference to the Social Security Advisory Committee(f), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2003 and shall come into force on 27th October 2003.

Interpretation

2. In these Regulations—

“benefit week” means any period of seven days corresponding to the week in respect of which the relevant specified benefit is due to be paid;

“interview” means a work-focused interview with a relevant person who has claimed a specified benefit and which is conducted for any or all of the following purposes—

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- (a) 1992 c. 4. Section 123(1)(e) was substituted by paragraph 1(1) of Schedule 9 to the Local Government Finance Act 1992 (c. 14). Section 137(1) is an interpretation provision and is cited because of the meaning there given to the word “prescribed”. Section 175(4) was amended by section 2 of, and paragraph 29 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).
 - (b) 1992 c. 5. Sections 2A and 2B were inserted by section 57 of the Welfare Reform and Pensions Act 1999 (c. 30). Section 189(4) to (6) was amended by section 86 of, and paragraph 109 of Schedule 7 to, the Social Security Act 1998 (c. 14). Section 189(7A) was inserted by paragraph 82 of Schedule 12 to the Welfare Reform and Pensions Act 1999. Section 191 is cited because of the meaning there given to the word “prescribe”.
 - (c) 1995 c. 18. Section 35(1) is an interpretation provision and is cited because of the meaning there given to the words “prescribed” and “regulations”. Sections 35(1) and 36(4) were amended by section 2 of, and paragraphs 62 and 63 respectively of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999.
 - (d) 1992 c. 53.
 - (e) See section 176(1) of the Social Security Administration Act 1992 as amended by section 103 of, and paragraph 23 of Schedule 9 to, the Local Government Finance Act 1992 (c. 14).
 - (f) See sections 172(1) of the Social Security Administration Act 1992; 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.

- (a) assessing that relevant person's prospects for existing or future employment (whether paid or voluntary);
- (b) assisting or encouraging that relevant person to enhance his prospects of such employment;
- (c) identifying activities which that relevant person may undertake to strengthen his existing or future prospects of employment;
- (d) identifying current or future employment, training or rehabilitation opportunities suitable to that relevant person's needs;
- (e) identifying educational opportunities connected with the existing or future employment prospects or needs of that relevant person;

“officer” means a person who is an officer of, or who is providing services to or exercising functions of, the Secretary of State;

“personal capability assessment” means the assessment defined in Part III of the Social Security (Incapacity for Work) (General) Regulations 1995^(a) (personal capability assessment);

“relevant decision” has the meaning given by section 2B(2) of the Social Security Administration Act 1992 (supplementary provisions relating to work-focused interviews);

►¹“relevant person” means—

(a) a person to whom paragraph (b) does not apply and who—

(i) resides in an area identified in—

(aa) Part 1 of the Schedule to these Regulations and who makes a claim for a specified benefit on or after 27th October 2003,

(bb) Part 2 ►²or Part 6 ◀ of that Schedule and who makes such a claim on or after 5th April 2004,

(cc) Part 3 of that Schedule and who makes such a claim on or after 31st October 2005,

(dd) Part 4 of that Schedule and who makes such a claim on or after 24th April 2006,

(ee) Part 5 of that Schedule to these Regulations and who makes such a claim on or after 30th October 2006; or

►³(ff) Part 7 of that Schedule and who makes such a claim on or after 29th December 2006 at an office of the Department for Work and Pensions which is designated by the Secretary of State as a Pathways to Work office^(b); or ◀

(ii) resides in an area identified in—

(aa) Part 1 of the Schedule to these Regulations and who makes a claim for a specified benefit on or after 27th October ►²1997 ◀ but before 27th October 2003, or

(bb) Part 2 of that Schedule and who makes a claim on or after 5th April ►²1998 ◀ but before 5th April 2004, ►²or

(cc) Part 6 of the Schedule and who made such a claim before 5th April 2004, ◀

and who is entitled to a specified benefit under that claim;

(b) a person who would fall within both heads (i) and (ii) of paragraph (a) and who—

(i) does not make a claim for a specified benefit on or after 7th February 2005, or

(ii) makes a claim for a specified benefit on or after 7th February 2005; ◀

“specified benefit” means—

(a) incapacity benefit;

¹Defn. of “relevant person” substituted by reg. 2(a) of S.I. 2005/2604 as from 31.10.05.

²Words inserted and substituted in reg. 2(a)(i)(bb), (ii)(aa) & (bb) and head (cc) inserted by reg. 2(2)(a) & (b) of S.I. 2006/536 as from 3.4.06.

³Reg. 2(a)(i)(ff) inserted by reg. 2(2) of S.I. 2006/3088 as from 29.12.06.

(a) S.I. 1995/311. Part III was amended by S.I. 1995/987, 1996/3207, 1999/3109 and 2000/590.

(b) Offices designated as a Pathways to Work office and the date they are so designated are identified in a list entitled “Pathways to Work Offices”. That list is available from the Department for Work and Pensions, Pathways to Work, Room 4S25, Quarry House, Quarry Hill, Leeds, LS2 7UA and at the website www.jobcentreplus.gov.uk.

- (b) income support where paragraph 7 (persons incapable of work) of Schedule 1B to the Income Support (General) Regulations 1987(a) applies;
- (c) ► income support where paragraph 24 or 25 (persons appealing against a decision which embodies a determination that they are not incapable of work) of Schedule 1B to the Income Support (General) Regulations 1987(b) applies; or◄
- (d) severe disablement allowance.

¹Words substituted in para. (c) & (ca) of defn. of "specified benefit" by reg. 2(b) of S.I. 2005/2604 as from 31.10.05.

►Persons who move home

2A.—(1) This regulation applies to a person who, on or after 29th December 2006,—

- (a) ceases to reside in an area identified in one of the Parts of the Schedule to these Regulations, and
- (b) immediately begins residing in an area identified in a different Part of that Schedule ("the new area").

(2) Where paragraph (4) or (5) applies, the person shall be treated as continuing to fall within whichever of paragraphs (a)(i), (a)(ii), (b)(i) or (b)(ii) of the definition of "relevant person" he fell within before he began residing in the new area.

(3) Where neither paragraph (4) nor (5) applies, the person shall cease to be a relevant person.

(4) This paragraph applies where paragraph (a)(i) or (b)(i) of the definition of "relevant person" applies to the person and the new area is an area identified in—

- (a) Parts 1 to 6 of that Schedule, or
- (b) Part 7 of that Schedule and his award of a specified benefit is administered in respect of the new area from an office of the Department for Work and Pensions which is designated by the Secretary of State as a Pathways to Work office.

(5) This paragraph applies where—

- (a) paragraph (a)(ii) or (b)(ii) of the definition of "relevant person" applies to the person, and
- (b) the new area is an area identified in Part 1, 2 or 6 of that Schedule.◄

²Reg. 2A inserted by reg. 2(3) of S.I. 2006/3088 as from 29.12.06.

Requirement for a relevant person entitled to a specified benefit to take part in an interview

3.—(1) Subject to ►³paragraphs (2) and (2A) below and regulations 6 to 8◄, a relevant person who—

- (a) is entitled to a specified benefit; and
- ³(b) has attained the age of 18 but has not attained the age of 60—
 - (i) in respect of a relevant person to whom paragraph (a)(i) or (b)(i) of the definition of "relevant person" applies, on the day on which he makes his claim for that specified benefit; or
 - (ii) in respect of a relevant person to whom paragraph (a)(ii) or (b)(ii) of the definition of "relevant person" applies, on 7th February 2005,◄

³Words in reg. 3(1) & 3(1)(b) substituted by para. 2(a) & (b) of sch. to S.I. 2005/3 as from 7.2.05.

shall be required to take part in an interview as a condition of his continuing to be entitled to the full amount of the specified benefit which is payable to him.

(2) A relevant person who—

- (a) has taken part in an interview under paragraph (1) above by virtue of—
 - (i) being; or
 - (ii) having been, entitled to a specified benefit; and
- (b) becomes entitled to—
 - (i) another specified benefit; or
 - (ii) the same specified benefit where sub-paragraph (a)(ii) applies; and

(a) S.I. 1987/1967. Schedule 1B was inserted by S.I. 1996/206.

(b) 1987/1967 paragraphs 24 and 25 were amended by S.I. 1999/2422 (c. 61) and paragraph 25 was amended by S.I. 1999/3109 and 2005/337.

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- (c) has not—
 - (i) been engaged in remunerative work; or
 - (ii) made a claim for a jobseeker's allowance,
 after having been entitled to the specified benefit referred to in sub-paragraph (a) above and before becoming entitled to the specified benefit referred to in sub-paragraph (b) above,

¹Sub-para. (2A) inserted and reg. 3 substituted by para. 2(c) & (d) of sch. to S.I. 2005/3 as from 7.2.05.

►¹(2A) A relevant person who becomes entitled to two or more specified benefits and has not taken part in an interview under paragraph (1) above by virtue of that entitlement—

- (a) is only required to take part in one interview under that paragraph; and
- (b) that interview counts for the purposes of all those benefits. ◀

shall not be required to take part in a further interview under paragraph (1) above.

►¹(3) An officer shall arrange for the interview referred to in paragraph (1) above to take place—

- (a) in respect of a relevant person to whom paragraph (a)(i) or (b)(i) of the definition of "relevant person" applies, after the expiry of eight weeks after the date the claim for a specified benefit is made or as soon as is reasonably practicable thereafter; or
- (b) in respect of a relevant person to whom paragraph (a)(ii) or (b)(ii) of the definition of "relevant person" applies, on a date the officer determines. ◀

Continuing entitlement to a specified benefit dependent upon an interview

4.—(1) Subject to paragraph (2) below and regulations 6 to 8 a relevant person who—

- (a) has taken part in an interview under regulation 3;
- (b) is entitled to a specified benefit; and
- (c) has not attained the age of 60,

²Words in reg. 4(1) substituted and sub-para. (1A) inserted by para. 3(a) & (b) of sch. to S.I. 2005/3 as from 7.2.05.

shall be required to take part in ►²a sequence of further interviews as provided for by paragraph (1A) below, ◀, each at, or as soon as is reasonably practicable after, the expiry of one month from the day he last took part in an interview, the day he was treated under regulation 6 as having complied with such a requirement to take part in an interview or, as the case may be, the day a relevant decision was made under regulation 9(4), as a condition of his continuing to be entitled to the full amount of the specified benefit which is payable to him.

►²(1A) A relevant person to whom—

- (a) paragraph (a)(i) or (b)(i) of the definition of "relevant person" applies shall be required to take part in a sequence of five further interviews;
- (b) paragraph (a)(ii) or (b)(ii) of the definition of "relevant person" applies shall be required to take part in a sequence of two further interviews. ◀

(2) A relevant person who—

- (a) has taken part in one or more interviews under paragraph (1) above by virtue of—
 - (i) being; or
 - (ii) having been,
 entitled to a specified benefit; and
- (b) becomes entitled to—
 - (i) another specified benefit; or
 - (ii) the same specified benefit where sub-paragraph (a)(ii) applies; and
- (c) has not—
 - (i) been engaged in remunerative work; or
 - (ii) made a claim for a jobseeker's allowance,
 after having been entitled to the specified benefit referred to in sub-paragraph (a) above and before becoming entitled to the specified benefit referred to in sub-paragraph (b) above,

shall be required to continue to take part in the sequence of interviews in accordance with paragraph (1) until he has taken part in a total of ►¹five or, as the case may be, two◀ such interviews.

¹Words inserted in reg. 4(2) & (3) by para. 3(c) of sch. to S.I. 2005/3 as from 7.2.05.

- (3) Subject to regulations 6 and 7, where a relevant person—
- (a) has taken part in the five ►¹or, as the case may be, two◀ further interviews referred to in paragraph (1) above;
 - (b) is entitled to a specified benefit; and
 - (c) has not attained the age of 60,

he shall be required to take part in an interview as a condition of his continuing to be entitled to the full amount of the specified benefit which is payable to him where any of the circumstances specified in paragraph (6) below apply or where paragraph (7) below applies.

- (4) Subject to regulations 6 and 7, where a relevant person—
- (a) has had the requirement to take part in ►²the five or, as the case may be, two◀ interviews referred to in paragraph (1) above waived in accordance with regulation 6;
 - (b) is entitled to a specified benefit; and
 - (c) has not attained the age of 60,

²Words in para. (4)(a) & (5)(a) substituted by para. 3(d) & (e) of sch. to S.I. 2005/3 as from 7.2.05.

he shall be required to take part in an interview as a condition of his continuing to be entitled to the full amount of the specified benefit which is payable to him where any of the circumstances specified in paragraph (6) below apply or where paragraph (7) below applies.

- (5) Subject to regulations 6 and 7, where—
- ²(a) a relevant person falls within paragraph (a)(i) or (b)(i) of the definition of “relevant person”
 - (aa) regulation 8 applies to the relevant person;◀
 - (b) the relevant person is entitled to a specified benefit; and
 - (c) the relevant person has not attained the age of 60,

he shall be required to take part in an interview as a condition of his continuing to be entitled to the full amount of the specified benefit which is payable to him where any of the circumstances specified in paragraph (6) below apply or where paragraph (7) below applies.

- (6) The circumstances specified in this paragraph are those where—
- (a) it is determined in accordance with a personal capability assessment that a relevant person is incapable of work and therefore, continues to be entitled to a specified benefit;
 - (b) a relevant person’s entitlement to a carer’s allowance^(a) ceases whilst his entitlement to a specified benefit continues;
 - (c) a relevant person becomes engaged or ceases to be engaged in part-time work; or
 - (d) a relevant person has been undergoing education, training or a rehabilitation programme arranged by an officer and that education, training or rehabilitation programme comes to an end.

(7) A requirement to take part in an interview arises under this paragraph where a relevant person has not been required to take part in an interview under paragraphs (3) to (5) above for at least 36 months from the date he last took part in an interview.

The interview

5.—(1) The officer shall inform a relevant person who is required to take part in an interview of the time and place of the interview.

- (2) An officer shall conduct the interview.

(a) S.I. 2002/1457 changed the name of invalid care allowance to carer’s allowance with effect from 1st April 2003.

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(3) The officer may determine that an interview is to take place in the relevant person's home where it would, in the officer's opinion, be unreasonable to expect that relevant person to attend elsewhere because that relevant person's personal circumstances are such that attending elsewhere would cause him undue inconvenience or endanger his health.

Waiver of requirement to take part in an interview

6.—(1) A requirement imposed by these Regulations to take part in an interview shall not apply where an officer determines that an interview would not be—

- (a) of assistance to the relevant person concerned; or
- (b) appropriate in the circumstances.

(2) A relevant person in relation to whom a requirement to take part in an interview has been waived under paragraph (1) above shall be treated for the purposes of—

- (a) regulation 3 or 4; and
- (b) entitlement to a specified benefit,

as having complied with that requirement in respect of that interview.

Deferment of requirement to take part in an interview

7.—(1) An officer may determine, in the case of a relevant person, that the requirement to take part in an interview shall be deferred at the time the requirement to take part in an interview arises or applies because an interview would not at that time be—

- (a) of assistance to that relevant person; or
- (b) appropriate in the circumstances.

(2) Where the officer determines in accordance with paragraph (1) above that the requirement to take part in an interview shall be deferred, he shall also determine when that determination is made, the time when the requirement to take part in an interview is to apply in the relevant person's case.

(3) Where a requirement to take part in an interview has been deferred in accordance with paragraph (1) above, then until—

- (a) a determination is made under regulation 6(1);
- (b) the relevant person takes part in an interview; or
- (c) a relevant decision has been made in relation to that relevant person in accordance with regulation 9(4),

that relevant person shall be treated for the purposes of entitlement to a specified benefit as having complied with that requirement.

Exemptions

►¹**8.** A relevant person to whom—

- (a) paragraph (a)(i) or (b)(i) of the definition of “relevant person” applies, shall be exempt from the requirement to take part in any interview under regulation 4(1);
- (b) paragraph (a)(ii) or (b)(ii) of the definition of “relevant person” applies, shall be exempt from the requirement to take part in any interview under regulation 3(1) or 4,

if, on the day on which the requirement to take part in that interview arises or applies, the relevant person is treated as incapable of work in accordance with the provisions of regulation 10 of the Social Security (Incapacity for Work) (General) Regulations 1995(a) (certain persons with a severe condition to be treated as incapable of work).◀

Taking part in an interview

9.—(1) The officer shall determine whether a relevant person has taken part in an interview.

(a) S.I. 1995/311. Relevant amending instruments are S.I. 1995/987, 1996/3207, 1997/1009 and 1999/3109.

¹Reg. 8 substituted by para. 4 of sch. to S.I. 2005/3 as from 7.2.05.

(2) A relevant person shall be regarded as having taken part in an interview referred to in regulation 3 if—

- (a) he attends for the interview at the place and time notified to him by the officer;
- (b) he participates in discussions with the officer in relation to the relevant person's employability, including any action the relevant person and the officer agree is reasonable and they are willing to take in order to help the relevant person enhance his employment prospects;
- (c) he provides answers (where asked) to questions and appropriate information about—
 - (i) details of and the level to which he has pursued any educational qualifications;
 - (ii) his employment history;
 - (iii) his aspirations for future employment;
 - (iv) any vocational training he has undertaken;
 - (v) any skills he has acquired which fit him for employment;
 - (vi) any vocational training or skills which he wishes to undertake or acquire;
 - (vii) any paid or unpaid employment he is engaged in;
 - (viii) the extent to which his medical condition, in his opinion, restricts his ability to obtain or puts him at a disadvantage in obtaining employment;
 - (ix) his work related abilities; and
 - (x) any caring or childcare responsibilities he has; and
- (d) he assists the officer in the completion of an action plan which records the matters discussed in relation to sub-paragraph (b) above.

(3) A relevant person shall be regarded as having taken part in any one of the interviews referred to in regulation 4 if—

- (a) he attends for the interview at the place and time notified to him by the officer;
- (b) he participates in discussions with the officer—
 - (i) in relation to the relevant person's employability or any progress he might have made towards obtaining employment;
 - (ii) about any action the relevant person or the officer might have taken as a result of the matters discussed in relation to paragraph (2)(b) above;
 - (iii) about how, if at all, the action plan referred to in paragraph (2)(d) above should be amended; and
 - (iv) in order to consider any of the programmes and support available to help the relevant person obtain employment;
- (c) he provides answers (where asked) to questions and appropriate information about—
 - (i) the content of any report made following his personal capability assessment, insofar as that report relates to the relevant person's capabilities and employability; and
 - (ii) his opinion as to the extent to which his medical condition restricts his ability to obtain employment; and
- (d) he assists the officer in the completion of any amendment of the action plan referred to in paragraph (2)(d) above in light of the matters discussed in relation to sub-paragraph (b) above and the information provided in relation to sub-paragraph (c) above.

(4) Where an officer determines that a relevant person has failed to take part in an interview and good cause has not been shown for that failure within five working days of the day on which the interview was to take place, a relevant decision shall be made for the purposes of section 2B of the Social Security Administration Act 1992.

Failure to take part in an interview

10.—(1) A relevant person in respect of whom a relevant decision has been made in accordance with regulation 9(4) shall, subject to paragraph (12) below, suffer the consequences specified in paragraph (2) below.

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(2) The consequences specified in this paragraph are, subject to paragraphs (3) and (4) below, that the relevant person's benefit shall be reduced as from the first day of the next benefit week following the day a relevant decision was made, by a sum equal to 20 per cent. of the amount applicable on the date the first reduction commences in respect of a single claimant for income support aged not less than 25.

(3) Benefit reduced in accordance with paragraph (2) above shall not be reduced below ten pence per week.

(4) Where two or more specified benefits are in payment to a relevant person, a reduction made in accordance with paragraph (2) above shall be applied, except in a case to which paragraph (5) below applies, to the specified benefits in the following order of priority—

- (a) income support;
- (b) incapacity benefit;
- (c) severe disablement allowance.

(5) Where the amount of the reduction is greater than some, but not all, of the specified benefits listed in paragraph (4) above, 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) 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) above, ten pence shall be added to the amount of the reduction.

(7) In a case where the whole of the reduction cannot be applied against any one specified benefit because the amount of 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 in paragraph (4) above 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 ten pence remaining in payment.

(8) Where the rate of any specified benefit payable to a relevant person 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 relevant person following the change.

(9) Paragraph (1) above shall apply to a relevant person each time a relevant decision is made in accordance with regulation 9(4) in respect of him.

(10) Where a relevant person whose benefit has been reduced in accordance with paragraph (2) above subsequently takes part in an interview, the whole of 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.

(11) For the purposes of determining the amount of any benefit payable, a relevant person shall be treated as receiving the amount of any specified benefit which would have been payable but for a reduction made in accordance with paragraph (2) above.

(12) The consequences specified in paragraph (2) above shall not apply to a person who—

- (a) brings new facts to the notice of the Secretary of State within one month of the date on which a relevant decision was notified to him and—
 - (i) those facts could not reasonably have been brought to the Secretary of State's notice within five working days of the day on which the interview was to take place; and
 - (ii) those facts show that he had good cause for his failure to take part in the interview;
- (b) is no longer required to take part in an interview as a condition for continuing to be entitled to the full amount of the specified benefit which is payable to him apart from these Regulations; or
- (c) attains the age of 60.

Good cause

11. Matters to be taken into account in determining whether a relevant person has shown good cause for his failure to take part in an interview include—

- (a) that the relevant person misunderstood the requirement to take part in the interview due to any learning, language or literacy difficulties of the relevant person or any misleading information given to the relevant person by the officer;
- (b) that the relevant person was attending a medical or dental appointment, or accompanying a person for whom the relevant person has caring responsibilities to such an appointment, and that it would have been unreasonable, in the circumstances, to rearrange the appointment;
- (c) that the relevant person had difficulties with his normal mode of transport and that no reasonable alternative was available;
- (d) that the established customs and practices of the religion to which the relevant person belongs prevented him from attending on the day or at the time fixed for the interview;
- (e) that the relevant person was attending an interview with an employer with a view to obtaining employment;
- (f) that the relevant person was pursuing employment opportunities as a self-employed earner;
- (g) that the relevant person or a dependant of his or a person for whom he provides care suffered an accident, sudden illness or relapse of a physical or mental health condition;
- (h) that the relevant person was attending the funeral of a relative or close friend on the day fixed for the interview;
- (i) that a disability from which the relevant person suffers made it impossible for him to attend at the time fixed for the interview.

Appeals

12.—(1) This regulation applies to any relevant decision under regulation 9(4) or any decision made under section 10 of the Social Security Act 1998(a) (decisions superseding earlier decisions) superseding such a relevant decision.

(2) This regulation applies whether the decision is as originally made or as revised under section 9 of the Social Security Act 1998 (revision of decisions).

(3) In the case of a decision to which this regulation applies, the relevant person in respect of whom the decision was made shall have a right of appeal under section 12 of the Social Security Act 1998(b) ►¹(appeal to First-tier Tribunal) to the First-tier Tribunal◀.

¹Words substituted in reg. 12(3) by art. 239 of S.I. 2008/2683 as from 3.11.08.

[Regulation 13 makes various amendments to S.I. 1987/1967.]

[Regulation 14 makes various amendments to S.I. 1987/1971.]

[Regulation 15 makes various amendments to S.I. 1992/1814.]

[Regulation 16 makes various amendments to S.I. 1996/207.]

[Regulation 17 makes various amendments to S.I. 2002/1703.]

Signed by authority of the Secretary of State for Work and Pensions.

P. Hollis
Parliamentary Under-Secretary of State,
Department for Work and Pensions

20th September 2003

(a) 1998 c. 14. Section 10 was amended by sections 18 and 26(3) of, and paragraph 23 of Schedule 7 and Part 1 of Schedule 10 to, the Social Security Contributions (Transfer of Functions, etc) Act 1999.

(b) Section 12 was amended by sections 18 and 26(3) of, and paragraph 25 of Schedule 7 and Part 1 of Schedule 10 to, the Social Security Contributions (Transfer of Functions, etc) Act 1999.

SCHEDULE

Regulation 2

PART 1

1. For the purposes of regulation 2 the areas are—

(a) the areas of—

Amber Valley Borough Council;

Bolsover District Council excluding the postcode districts of S43 4, NG19 7 and S80 4;

Chesterfield Borough Council;

Derby City Council;

Derbyshire Dales District Council excluding the postcode districts of S32 and S33;

Erewash Borough Council;

High Peak Borough Council excluding the postcode districts of S32 and S33;

North East Derbyshire District Council excluding the postcode districts of S12 3A, S12 3B, S12 3D, S12 3E, S12 3F, S12 3G, S12 3H, S12 3J, S12 3L, S12 3U, S12 3XA, S12 3XB, S12 3XE, S12 3XH, S12 3XL, S12 3XQ, S17 3 and S11 7;

South Derbyshire District Council;

(b) the following postcode districts—

CF31;

CF32 excluding the following parts: CF32 OP, CF32 OQ, CF32 OR, CF32 OS, CF32 OTA, CF32 OTB, CF32 OTD, CF32 OTE, CF32 OTF, CF32 OTH, CF32 OTL, CF32 OTN;

CF33 excluding the following parts: CF33 6PS, CF33 6PT, CF33 6PU, CF33 6RA, CF33 6RB, CF33 6RD, CF33 6RL;

CF34;

CF35 excluding the following parts: CF35 5AB, CF35 5AD, CF35 5AE, CF35 5AF, CF35 5AG, CF35 5AH, CF35 5AL, CF35 5AN, CF35 5AR, CF35 5AS, CF35 5AY, CF35 5BA, CF35 5BB, CF35 5BD, CF35 5BE, CF35 5BG, CF35 5BH, CF35 5BJ, CF35 5BL, CF35 5BN, CF35 5BP, CF35 5BQ, CF35 5BW, CF35 5BY, CF35 5BZ, CF35 5DA, CF35 5DD, CF35 5DE, CF35 5DF, CF35 5DG, CF35 5DH, CF35 5DL, CF35 5DN, CF35 5DP, CF35 5DR, CF35 5DS, CF35 5DT, CF35 5DU, CF35 5DW, CF35 5DY, CF35 5EA, CF35 5EB, CF35 5ED, CF35 5EE, CF35 5EF, CF35 5EG, CF35 5HY, CF35 5RG, CF35 5RH, CF35 5S;

CF36 to CF45;

CF72 8 excluding the following parts: CF72 8JU to CF72 8JZ;

CF72 9;

CF15 7 excluding the following parts: CF15 7A, CF15 7H, CF15 7JL to CF15 7JZ, CF15 7L, CF15 7NH to CF15 7NX, CF15 7UG to CF15 7UW, CF15 7W to CF15 7Z;

FK20 8SB;

G78;

G82 5BT, G82 5EN, G82 5EP, G82 5ER to G82 5ET, G82 5EW to G82 5EZ, G82 5HB, G82 5HD to G82 5HH, G82 5HL, G82 5HN, G82 5HQ, G82 5HW, G82 5JH, G82 5JJ, G82 5JQ, G82 5JT, G82 5JU, G82 5JW to G82 5JZ, G82 5L, G82 5N, G82 5P to G82 5Q, G82 5Y;

G83 7A, G83 7B, G83 7DA, G83 7DB, G83 7DD to G83 7DH, G83 7DJ, G83 7DL, G83 7DN, G83 7DP to G83 7DU, G83 7DW, G83 7E, G83 7Y, G83 8NT, G83 8NU, G83 8NX to G83 8NZ, G83 8PA, G83 8PB, G83 8PD to G83 8PG, G83 8RA, G83 8RB, G83 8RD to G83 8RH, G83 8RQ, G83 8SZ, G83 8T, G83 8W;

G84;

PA1;

PA2 0, PA2 6 to PA2 8B, PA2 8D, PA2 8E, PA2 8H, PA2 8J, PA2 8L, PA2 8N, PA2 8P to PA2 8T, PA2 8UD, PA2 8UE, PA2 8UG, PA2 8UJ, PA2 8UL, PA2 8UQ, PA2 8UT, PA2 8UU, PA2 8UW to PA2 8UY, PA2 8W, PA2 8Y, PA2 9;

PA3 1 to PA3 4;

PA4 to PA10;

PA11 3A, PA11 3B, PA11 3D, PA11 3E, PA11 3H to PA11 3J, PA11 3L, PA11 3NA, PA11 3NB, PA11 3ND to PA11 3NG, PA11 3NL, PA11 3NN, PA11 3NP to PA11 3NR, PA11 3NT, PA11 3NU, PA11 3NW to PA11 3NZ, PA11 3PA, PA11 3PB, PA11 3PD to PA11 3PH, PA11 3PJ, PA11 3PL, PA11 3PN, PA11 3PP to PA11 3PU, PA11 3PW to PA11 3PZ, PA11 3QA, PA11 3QB, PA11 3QD to PA11 3QH, PA11 3QJ, PA11 3QL, PA11 3QN, PA11 3QP to PA11 3QT, PA11 3QW to PA11 3QZ, PA11 3RA, PA11 3RB, PA11 3RD, PA11 3RE, PA11 3RG, PA11 3RH, PA11 3RL, PA11 3RN, PA11 3RP to PA11 3RU, PA11 3RX to PA11 3RZ, PA11 3SA, PA11 3SB, PA11 3SD to PA11 3SH, PA11 3SJ, PA11 3SL, PA11 3SN, PA11 3SP to PA11 3SU, PA11 3SW to PA11 3SZ, PA11 3T, PA11 3Y;

PA12;

PA13 4A, PA13 4B, PA13 4D, PA13 4E, PA13 4H, PA13 4J, PA13 4L, PA13 4N, PA13 4PA, PA13 4PB, PA13 4PD to PA13 4PH, PA13 4PJ, PA13 4PL, PA13 4PN, PA13 4PP to PA13 4PU, PA13 4PW to PA13 4PZ, PA13 4Q to PA13 4T, PA13 4W, PA13 4Y, PA13 4Z;

PA14 5, PA14 6A, PA14 6B, PA14 6D, PA14 6E, PA14 6H, PA14 6J, PA14 6L, PA14 6N, PA14 6PA, PA14 6PB, PA14 6PD to PA14 6PH, PA14 6PJ, PA14 6PL, PA14 6PN, PA14 6PP to PA14 6PT, PA14 6PW, PA14 6Q to PA14 6TA, PA14 6TD, PA14 6TE, PA14 6TG, PA14 6TH, PA14 6TJ, PA14 6TL, PA14 6TN, PA14 6TP, PA14 6TR, PA14 6TS, PA14 6U, PA14 6WA, PA14 6WD to PA14 6WF, PA14 6X, PA14 6YA, PA14 6YB, PA14 6YD to PA14 6YH, PA14 6YJ, PA14 6YL, PA14 6YN, PA14 6YP to PA14 6YU, PA14 6YW to PA14 6YZ;

PA15;

PA16;

PA18 to PA33;

PA34 4, PA34 5A, PA34 5B, PA34 5D, PA34 5E, PA34 5H to PA34 5J, PA34 5N to PA34 5P, PA34 5QA, PA34 5QD, PA34 5QE, PA34 5R to PA34 5T, PA45 5UG to PA34 5UJ, PA34 5UL, PA34 5UN, PA34 5UQ, PA34 5Y;

PA35 to PA37;

PA38 4BA, PA38 4BB, PA38 4BD, PA38 4BE, PA38 4BG, PA38 4BH, PA38 4BJ, PA38 4BL, PA38 4BN, PA38 4BQ, PA38 4DB, PA38 4DD to PA38 4DH, PA38 4DJ, PA38 4DL, PA38 4DN, PA38 4DP to PA38 4DR;

PA41 to PA49;

PA60 to PA78.

PART 2

2. For the purposes of regulation 2 the areas are—

(a) the areas of—

Basildon District Council;
 Braintree District Council;
 ►Brentwood District Council◄
 Castle Point District Council;
 Chelmsford Borough Council;
 Colchester Borough Council;
 Epping Forest District Council;
 Harlow District Council;
 Maldon District Council;

►◄

Rochford District Council;

►◄

Southend on Sea Borough Council;

►◄

►◄

Tendring District Council;
 Thurrock Borough Council;
 Uttlesford District Council;

►◄

(b) the following postcode districts—

BB1 - BB12;

BB18;

►DH2◄

►DH3◄

DH9 0RY, DH9 0RZ, DH9 0SA;

NE8;

NE9 5, NE9 6, NE9 7A, NE9 7B, NE9 7D, NE9 7E, NE9 7H, NE9 7J, NE9 7L, NE9 7NA, NE9 7NB, NE9 7ND, NE9 7QA, NE9 7QB, NE9 7QD to NE9 7QF, NE9 7SP, NE9 7T, NE9 7UA, NE9 7UB, NE9 7UD, NE9 7UP, NE9 7US to NE9 7UU, NE9 7UX, NE9 7UY, NE9 7W, NE9 7XA, NE9 7XB, NE9 7XD to NE9 7XH, NE9 7XJ, NE9 7XL, NE9 7XN, NE9 7XP to NE9 7XU, NE9 7XY, NE9 7YA, NE9 7YB, NE9 7YD to NE9 7YH, NE9 7YJ, NE9 7YL, NE9 7YN, NE9 7YP, NE9 7YS;

NE10;

NE11;

NE15 8NR;

NE16 3, NE16 4, NE16 5A, NE16 5B, NE16 5D, NE16 5EB, NE16 5ED to NE16 5EF, NE16 5EH, NE16 5EL, NE16 5EN, NE16 5EP to NE16 5EU, NE16 5EW, NE16 5EX, NE16 5H, NE16 5J, NE16 5L, NE16 5N, NE16 5P to NE16 5U, NE16 5W to NE16 5Z, NE16 6AA, NE16 6AB, NE16 6AD, NE16 6AE, NE16 6BE,

Words inserted and omitted in para. 2(a) of Part 2 and substituted in 2(b) by reg. 2(3)(a) & (b) of S.I. 2006/536 as from 3.4.06.

NE16 6BG, NE16 6NU, NE16 6NX, NE16 6PA, NE16 6PB, NE16 6PD to NE16 6PG;
NE17 7AA, NE17 7AB, NE17 7AD to NE17 7AH, NE17 7AJ, NE17 7AN, NE17 7AP, NE17 7AQ, NE17 7AR, NE17 7AS, NE17 7AW, NE17 7AZ, NE17 7BA, NE17 7BB, NE17 7BD, NE17 7BP, NE17 7BS to NE17 7BU, NE17 7BX to NE17 7BZ, NE17 7D, NE17 7E, NE17 7HA, NE17 7HB, NE17 7HD, NE17 7HE, NE17 7HS, NE17 7HU, NE17 7HX to NE17 7HZ, NE17 7J, NE17 7L, NE17 7QE, NE17 7TE, NE17 7TF to NE17 7TH, NE17 7TJ, NE17 7TL;
NE36 0E, NE36 0H, NE36 0J, NE36 0L, NE36 0N, NE36 0P to NE36 0U, NE36 0W, NE36 0Y, NE37 3JB;
NE39 1, NE39 2;
NE40;
NE41 8JD, NE41 8JE, NE41 8JG, NE41 8JH, NE41 8JJ, NE41 8JL, NE41 8JN, NE41 8JQ, NE41 8JW;
NE42 5NL, NE42 5NN, NE42 5NP, NE42 5NR, NE42 5NW;
NE82;
NE85 2NE;
NE98 1B, NE98 1X, NE98 1YL;
OL12 8AA to ZZ;
OL13;
SR5 1RP;
SR6 7A, SR6 7B, SR6 7D, SR6 7E, SR6 7H, SR6 7J, SR6 7L, SR6 7NA, SR6 7ND to SR6 7NH, SR6 7NJ, SR6 7NN, SR6 7NP to SR6 7NT, SR6 7NW, SR6 7NZ, SR6 7P to SR6 7T, SR6 7W to SR6 7Y.

►PART 3

3. For the purposes of regulation 2 the areas are—
- (a) the areas of—
- Cumbria County Council;
 - Darlington Borough Council;
 - Glasgow City Council;
 - Hartlepool Borough Council;
 - Middlesbrough Borough Council;
 - Redcar and Cleveland Borough Council;
 - Stockton Borough Council; and
- (b) the following postcode districts—
- FY1 to FY8;
 - L39;
 - L40;
 - LA1 to LA6;
 - PR1 to PR7;
 - PR9;
 - PR25;
 - PR26;
 - WN8;

Parts 3 to 5 added to Sch. by reg. 3 of S.I. 2005/2604 as from 31.10.05.

PART 4

4. For the purposes of regulation 2 the areas are—

(a) the areas of—

Barnsley Metropolitan Borough Council;
City of Sunderland Council;
Chester-le-Street District Council;
Doncaster Metropolitan Borough Council;
Durham City Council;
East Dunbartonshire Council;
Easington District Council;
North Lanarkshire Council;
Rotherham Metropolitan Borough Council;
Sedgefield Borough Council;
South Lanarkshire Council; and

(b) the following postcode districts—

CF33 6PS to CF33 6PU, CF33 6RA to CF33 6RD, CF33 6RL;
CH41 to CH49;
CH60 to CH63;
DH6 0;
DH7 0;
DH8 0, DH8 5 to DH 8 9;
DH9 6 to DH9 9;
DL2 3;
DL11;
DL12 0, DL12 8, DL12 9;
DL13 1 to DL13 5;
DL14 0, DL14 6 to DL14 9;
DL15 0, DL15 8, DL15 9;
▶G13 0, G13 4; G14 0; G60; G63 0;
G81 1 to G81 6; G82 1 to G82 5;
G83 0, G83 8, G83 9, ◀
L1 to L9;
L11 to L13;
L15 to L19;
L24 to L27;
M1 to M9;
M11 to M23;
M27;
M28;
M30 to M33;
M38;
M40;
M41;
M44;
M50;

Words inserted into
para. 4(b) of Part 4 to
Sch. by reg. 2(4) of S.I.
2006/536 as from
3.4.06.

M60;
M90;
NE16 6;
SA1 to SA8;
SA9 2;
SA 10 6 to SA 10 9;
SA11 1 to SA 11 5;
SA12 6 to SA12 9;
SA13 1 to SA13 3;
SA14 to SA18;
SA19 2, SA19 6 to SA19 9;
SA20 0, SA20 1, SA20 6;
SA31 to SA39;
SA41 to SA48;
SA61 to SA73;
SY23 to SY25;
WA13 9SR to WA13 9UZ, WA13 9WA, WA13 9WX to WA13 9WZ;
WA14;
WA15.

PART 5

5. For the purposes of regulation 2 the areas are—

(a) the areas of—

Halton Borough Council;
Knowsley Metropolitan Borough Council;
Newcastle Borough Council;
St Helens Council;
Sefton Council;
Stafford Borough Council;
Stoke on Trent City Council; and

(b) the following postcode districts—

B74 3;
B75 5RY to B75 5SZ;
B77 1 to B77 5;
B78 2, B78 3;
B79 0, B79 7 to B79 9;
CF37 4HN, CF37 4HP, CF37 4HR, CF37 4HW;
CF45 5, CF46 6;
CF47 0, CF47 8, CF47 9;
CF48 1 to CF48 4;
CF81 8JA to CF81 8ZY, CF81 9;
CF82 7, CF82 8;
CF83 1 to CF83 4, CF83 8;
DE13 0, DE13 7 to DE13 9;
DE14 1 to DE14 3;
DE15 0, DE15 9;
NP11 3 to NP11 7;
NP12 0 to NP12 3;

NP13 1 to NP13 3;
NP22 3 to NP22 5;
NP23 4 to NP23 8;
NP24 6;
SK11 0;
SK17 0;
ST7 3, ST7 4;
ST8 to ST10;
ST13;
ST145, ST14 7, ST14 8;
ST17;
ST18;
ST19 5, ST19 9;
TF10 9BJ, TF10 9BL, TF10 9BX, TF10 9BZ;
TF11 8J to TF11 8N;
WS3 5;
WS6;
WS7;
WS11 to WS13;
WS14 0, WS14 9;
WS15;
WV6 7EY;
WV10 7, WV10 8Q;
WV11 2.◀

¹Part 6 added to Sch. by
reg. 2(5) of S.I. 2006/
536 as from 3.4.06.

►PART 6

6. For the purposes of regulation 2 the areas are the areas of—
Mendip District Council;
Sedgemoor District Council;
South Somerset District Council;
Taunton Deane Borough Council;
West Somerset District Council;◀

²Part 7 added to Sch. by
reg. 2(4) of S.I. 2006/
3088 as from 29.12.06.

►PART 7

7. For the purposes of regulation 2, the areas are any area not included in Parts 1 to 6.◀

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose a requirement on certain persons who claim incapacity benefit, income support on the grounds of incapacity, income support whilst they are appealing against a decision which embodies a determination that they are not incapable of work, or severe disablement allowance (“specified benefit”) to take part in work-focused interviews.

Regulation 2 provides for interpretation. In particular it provides for these Regulations to apply only to persons who reside in certain areas of the country which are identified in the Schedule.

Regulation 3 specifies those persons who are required to take part in a work-focused interview.

In particular, regulation 3(2) provides that a person who has taken part in a work-focused interview under that regulation and whose entitlement to a specified benefit ends shall not be required to take part in another interview under that regulation if he becomes entitled to another specified benefit or if he regains entitlement to the original specified benefit. Regulation 3(2) does not apply, however, if the person has done some paid work or made a claim for a jobseeker’s allowance after his entitlement to a specified benefit ceased and before he became entitled to another specified benefit or regained entitlement to the original specified benefit.

Regulation 4 prescribes when a person shall be required to take part in five further work-focused interviews and any subsequent interviews as a condition of his continuing entitlement to the full amount of a specified benefit.

In particular, regulation 4(2) provides that a person who has taken part in one or more interviews under that regulation and whose entitlement to a specified benefit ends shall be required to continue to take part in the sequence of interviews under that regulation until he has taken part in a total of five such interviews if he becomes entitled to another specified benefit or if he regains entitlement to the original specified benefit. Regulation 4(2) does not apply, however, if the person has done some paid work or made a claim for a jobseeker’s allowance after his entitlement to a specified benefit ceased and before he became entitled to another specified benefit or regained entitlement to the original specified benefit.

Regulation 3(2) or 4(2) would apply where a person’s entitlement to incapacity benefit ends and he then becomes entitled to income support whilst he is appealing against the decision which embodies a determination that he is not incapable of work. The effect of regulations 3(2) and 4(2) is that he continues with the work-focused interview process from the stage he reached before his original entitlement ceased without having to start the whole interview process again.

Regulation 5 provides for the person to be advised of the time and place of the work-focused interview and provides that such an interview can take place in the person’s home if the officer considers that it would be unreasonable to require the person to attend elsewhere.

Regulation 6 provides that the requirement to take part in a work-focused interview can be waived where an interview would not be of assistance to the person or it would not be appropriate in the circumstances of the case.

Regulation 7 provides that a work-focused interview can be deferred.

Regulation 8 provides that a person who is deemed to be exempt from undergoing a personal capability assessment shall be exempt from the requirement to take part in any of the five further work-focused interviews under regulation 4(1).

SOCIAL SECURITY (INCAPACITY BENEFIT WORK-FOCUSED INTERVIEWS) REGULATIONS 2003

Regulation 9 prescribes the circumstances where a person is to be regarded as having taken part in a work-focused interview.

Regulation 10 sets out the consequences of a failure to take part in a work-focused interview, including how benefit shall be reduced for every failure to take part in such an interview and it specifies the circumstances where those consequences do not apply.

Regulation 11 specifies examples of matters to be taken into account in determining whether a person had good cause for his failure to take part in a work-focused interview.

Regulation 12 provides that a decision that a person has failed to take part in a work-focused interview without good cause can be appealed to an appeal tribunal under section 12 of the Social Security Act 1998 (c. 14).

Regulations 13 and 16 amend the Income Support (General) Regulations 1987 (S.I. 1987/1967) and the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) respectively to provide that any payment made under the Return to Work Credit Scheme to a claimant's partner shall be disregarded in the calculation of income or capital for the purposes of determining entitlement to income support or jobseeker's allowance.

Regulations 14 and 15 amend the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) respectively to provide that any payment made under the Return to Work Credit Scheme to a claimant or his partner shall be disregarded in the calculation of income or capital for the purposes of determining entitlement to housing benefit or council tax benefit.

The Return to Work Credit Scheme is a scheme set up under section 2 of the Employment and Training Act 1973 (c. 50) for a person to whom these Regulations apply who stops claiming a specified benefit because he has found paid work of at least 16 hours per week and whose earnings do not exceed £15,000 per year. The credit is payable for 52 weeks following the end of the person's entitlement to a specified benefit. A leaflet describing the scheme can be obtained by writing to room 4S25, Quarry House, Quarry Hill, Leeds LS2 7UA.

Regulation 17 amends the Social Security (Jobcentre Plus Interviews) Regulations 2002 (S.I. 2002/1703) to provide that those Regulations shall not apply to a person to whom these Regulations apply.

The Report of the Social Security Advisory Committee dated 14th August 2003 on the proposals referred to them in respect of these Regulations, together with a statement showing the extent to which the proposals give effect to the Recommendations of the Committee, and in so far as they do not give effect to them, the reasons why not, are contained in Command Paper Cm. 5969 published by The Stationery Office Ltd.

These Regulations do not impose a charge on business.