
STATUTORY INSTRUMENTS

2011 No. 688

**The Jobseeker's Allowance (Mandatory
Work Activity Scheme) Regulations 2011**

PART 5

Consequential amendments

Definitions

11.—(1) Paragraph (2) applies to the following provisions (which relate to interpretation)—

- (a) regulation 2(1) of the Council Tax Benefit Regulations;
- (b) regulation 2(1) of the Housing Benefit Regulations;
- (c) regulation 2(1) of the Housing Renewal Grants Regulations;
- (d) regulation 1(3) of the Jobseeker's Allowance Regulations.

(2) In each of the provisions to which this paragraph applies insert the following definition in the appropriate place—

““the Mandatory Work Activity Scheme” means a scheme within section 17A (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to provide work or work-related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting claimants to improve their prospects of obtaining employment;”.

Notional income

12.—(1) This regulation applies to the following provisions (which relate to notional income)—

- (a) regulation 32(7) of the Council Tax Benefit Regulations ^{M1};
- (b) regulation 42(7) of the Housing Benefit Regulations ^{M2};
- (c) regulation 31(9A) of the Housing Renewal Grants Regulations ^{M3};
- (d) regulation 105(10A) of the Jobseeker's Allowance Regulations ^{M4}.

(2) In each of the provisions to which this regulation applies insert the following sub-paragraph after sub-paragraph (ca)—

“(cb) in respect of a person's participation in the Mandatory Work Activity Scheme;”.

Marginal Citations

M1 Regulation 32(7) was amended by S.I. 2006/588, 2008/698, 2008/2767 and 2009/480 and modified by S.I. 2010/1222.

- M2** Regulation 42(7) was amended by S.I 2006/588, 2008/698, 2008/2767 and 2009/480 and modified by S.I. 2010/1222.
- M3** Paragraph (9A) was inserted by S.I. 1998/808, was substituted by S.I. 1999/1523, was amended by S.I. 2000/973, 2000/531, 2000/2798 and 2002/530 and was modified by S.I. 2010/1222 .
- M4** Paragraph (10A) was inserted by S.I. 1998/2117, was amended by S.I 1999/2640, 2003/455, 2006/588 , 2008/698 and 2009/480 and was modified by S.I. 2010/1222.

Notional capital

- 13.**—(1) This regulation applies to the following provisions (which relate to notional capital)—
- regulation 39(4) of the Council Tax Benefit Regulations ^{M5};
 - regulation 49(4) of the Housing Benefit Regulations ^{M6};
 - regulation 38(3A) of the Housing Renewal Grants Regulations ^{M7};
 - regulation 113(3A) of the Jobseeker's Allowance Regulations ^{M8}.
- (2) In each of the provisions to which this regulation applies insert the following sub-paragraph after sub-paragraph (ba)—
- “(bb) in respect of a person's participation in the Mandatory Work Activity Scheme;”.

Marginal Citations

- M5** Regulation 39(4) was amended by S.I 2006/588, 2008/698, 2008/2767 and 2009/480 and modified by S.I. 2010/1222.
- M6** Regulation 49(4) was amended by S.I 2006/588, 2008/698, 2008/2767 and 2009/480 and modified by S.I. 2010/1222.
- M7** Paragraph (3A) was inserted by S.I. 1999/1523 and was amended by S.I 2000/531, 2000/973, 2002/530 and 2002/2798 and modified by S.I. 2010/1222.
- M8** Paragraph (3A) was inserted by S.I. 1998/2117 and was amended by S.I 1999/2640, 2001/1029, 2004/2308, 2005/3391, 2006/588, 2008/698 and 2009/480 and modified by S.I. 2010/1222.

Income to be disregarded

- 14.**—(1) This regulation applies to the following Schedules (which relate to sums to be disregarded in the calculation of income other than earnings)—
- Schedule 4 to the Council Tax Benefit Regulations;
 - Schedule 5 to the Housing Benefit Regulations;
 - Schedule 3 to the Housing Renewal Grants Regulations;
 - Schedule 7 to the Jobseeker's Allowance Regulations.
- (2) In each Schedule to which this regulation applies insert the following paragraph after paragraph A1. ^{M9}—

“**A2.** Any payment made to the claimant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.”.

Marginal Citations

- M9** Each of the Schedules listed in regulation 15(1) was modified by [S.I. 2010/1222](#) so as to insert paragraph A1.

Capital to be disregarded

15.—(1) This regulation applies to the following Schedules (which relate to capital to be disregarded)—

- (a) Schedule 5 to the Council Tax Benefit Regulations;
- (b) Schedule 6 to the Housing Benefit Regulations;
- (c) Schedule 4 to the Housing Renewal Grants Regulations;
- (d) Schedule 8 to the Jobseeker's Allowance Regulations.

(2) In each Schedule to which this regulation applies insert the following paragraph after paragraph A1. ^{M10}—

“**A2.** Any payment made to the claimant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.”.

Marginal Citations

- M10** Each of the Schedules listed in regulation 16(1) was modified by [S.I. 2010/1222](#) so as to insert paragraph A1.

Further amendments of the Jobseeker's Allowance Regulations

16. The Jobseeker's Allowance Regulations are amended as follows—

- (a) in the definition of “relevant notification” in regulation 25(1A) (entitlement ceasing on a failure to comply) ^{M11}, insert the words “ or under the Mandatory Work Activity Scheme ” after “scheme”;
- (b) in regulation 47(4)(b)(ii) (jobseeking period) ^{M12} insert the words “ regulations made under section 17A or by virtue of ” before “section 19”;
- (c) at the end of regulation 53 ^{M13} (persons treated as not engaged in remunerative work) insert—
 - “(l) he is participating in the Mandatory Work Activity Scheme.”;
- (d) in regulation 55(1)(a) (short periods of sickness) ^{M14} before “; and” insert—
 - “or who failed without good cause to comply with regulations made under section 17A”;
- (e) in regulation 55A(1)(a) (periods of sickness and persons receiving treatment outside Great Britain) ^{M15} before “; and” insert—
 - “or who failed without good cause to comply with regulations made under section 17A”;

- (f) in regulation 140(1)(f)(i) (meaning of “person in hardship”) ^{M16}, after “case”, insert “ or because a jobseeker's allowance is not payable pursuant to regulations made under section 17A ”;
- (g) in regulation 152(1)(c) (relevant week) ^{M17}, before “section 19” insert “ regulations made under section 17A or in accordance with ”.

Marginal Citations

- M11** Relevant amending instruments are S.I. 1999/530, 2000/1978, 2000/2194 and 2010/509; regulation 25(1A) was also modified by S.I. 2010/1222.
- M12** Regulation 47(4) was amended by S.I. 1996/1517, 2001/518, 2001/1711, 2002/490, 2010/424, 2010/509 and 2010/1160 and modified by S.I. 2010/1222.
- M13** Relevant amending instruments are S.I. 1999/2165, 1999/3156, 2000/1978, 2000/2910, 2004/963, 2004/3168, 2005/2060, 2005/2929, 2006/2378, 2009/3228 and 2010/641; regulation 53 was also modified by S.I. 2010/1222.
- M14** Regulation 55(1) was amended by S.I. 1996/1517, 1999/2860, 2000/1978 and 2008/1534 and modified by S.I. 2010/1222.
- M15** Regulation 55A was inserted by S.I. 2004/1869, was amended by S.I. 2008/1554 and was modified by S.I. 2010/1222.
- M16** Relevant amending instruments are S.I. 1999/2860 and 2000/1978; regulation 140(1)(f)(i) was also modified by S.I. 2010/1222.
- M17** A relevant amending instrument is S.I. 2000/1978; regulation 152(1)(c) was also modified by S.I. 2010/1222.

Consequential amendments relating to sanctions

- 17.—(1) Paragraph (2) applies to the following provisions ^{M18}—
- (a) regulation 2(4)(a) and (b) (interpretation) of the Council Tax Benefit Regulations;
 - (b) regulation 2(4)(a) and (b) (interpretation) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 ^{M19};
 - (c) regulation 3(j) (circumstances in which discretionary housing payments may be made) of the Discretionary Financial Assistance Regulations 2001 ^{M20};
 - (d) regulation 2(3)(a) and (b) (interpretation) of the Housing Benefit Regulations;
 - (e) regulation 2(3)(a) and (b) (interpretation) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 ^{M21}.
- (2) In each of the provisions to which this paragraph applies insert the words “ or regulations made under section 17A ” after “section 19 or 20A”.
- (3) In regulation 5(3)(b) (meaning of “person in hardship”) of the Social Security (Loss of Benefit) Regulations 2001 ^{M22}, after “8” insert “ , 17A ”.
- (4) In regulation 8A(5) (credits for unemployment) of the Social Security (Credits) Regulations 1975 ^{M23}, after sub-paragraph (b) insert—
- “(ba) a week in respect of which, because of regulations made under section 17A of that Act, a jobseeker's allowance was not payable to the person concerned even though he satisfied the conditions for entitlement to that allowance; or”.

Marginal Citations

- M18** Each of the Regulations listed in regulation 17(1) was modified by [S.I. 2010/1222](#).
- M19** [S.I. 2006/216](#).
- M20** [S.I. 2001/1167](#).
- M21** [S.I. 2006/214](#).
- M22** [S.I. 2001/4022](#). Relevant amending instruments are [S.I. 2010/424](#) and 1160; [regulation 5\(3\)\(b\)](#) was also modified by [S.I. 2010/1222](#).
- M23** [S.I. 1975/556](#). Regulation 8A was inserted by [S.I. 1996/2367](#), paragraph (5) was amended by [S.I. 2001/518](#) and modified by [S.I. 2010/1222](#).

Consequential amendments relating to decisions and appeals

18. The Social Security and Child Support (Decisions and Appeals) Regulations 1999 ^{M24} are amended as follows—

- (a) in regulation 3(6) (revision of decisions) ^{M25}, after “Jobseekers Act” insert the words “, or with regulations made under section 17A of that Act ”;
- (b) in regulation 6(2) (supersession of decisions) ^{M26}, after sub-paragraph (f) insert the following sub-paragraph—
- “(fa) is a decision that a jobseeker's allowance is payable to a claimant where that allowance ceases to be payable or is reduced by virtue of regulations made under section 17A of the Jobseekers Act;”;
- (c) after regulation 7(8) (date from which a decision superseded under section 10 takes effect) ^{M27} insert the following paragraph—
- “(8ZA) A decision to which regulation 6(2)(fa) applies shall take effect on the day specified in regulation 8(6)(a) or (b) of the Jobseeker's Allowance (Mandatory Work Activity Scheme) Regulations 2011.”.

Marginal Citations

- M24** [S.I. 1999/991](#).
- M25** [Regulation 3](#) was revoked, in so far as it related to child benefit or guardian's allowance, by [S.I. 2003/916](#). Regulation 3(6) was amended by [S.I. 2000/1982](#) and modified by [S.I. 2010/1222](#).
- M26** [Regulation 6](#) was revoked, in so far as it related to child benefit or guardian's allowance, by [S.I. 2003/916](#). A relevant amending instrument is [S.I. 1999/2677](#); [regulation 6\(2\)](#) was also modified by [S.I. 2010/1222](#).
- M27** [Regulation 7](#) was revoked, in so far as it related to child benefit or guardian's allowance, by [S.I. 2003/916](#). Regulation 7(8) was substituted by [S.I. 1999/2677](#), was amended by [S.I. 2000/1982](#) and 2008/2677 and modified by [S.I. 2010/1222](#).

Consequential amendments relating to the Jobseeker's Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010

19. The following regulations of the Jobseeker's Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010 ^{M28} are revoked—

- (a) regulation 10(4) (hardship);
- (b) regulation 18(b) to (f) (further modifications of the Jobseeker's Allowance Regulations);
- (c) regulation 19 (consequential modifications relating to sanctions); and

Changes to legislation: There are currently no known outstanding effects for the The Jobseeker's Allowance (Mandatory Work Activity Scheme) Regulations 2011, PART 5. (See end of Document for details)

(d) regulation 20(a) and (b) (consequential modifications relating to decisions and appeals).

.....
Marginal Citations

M28 [S.I. 2010/1222](#).

Changes to legislation:

There are currently no known outstanding effects for the The Jobseeker's Allowance (Mandatory Work Activity Scheme) Regulations 2011, PART 5.