

2008 No. 759

SOCIAL SECURITY

**The Social Security (Jobcentre Plus Interviews for Partners)
Amendment Regulations 2008**

<i>Made</i> - - - -	<i>18th March 2008</i>
<i>Laid before Parliament</i>	<i>25th March 2008</i>
<i>Coming into force</i> - -	<i>28th April 2008</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 2AA(1) and (4) to (7), 189(1) and (4) to (6) and 191 of the Social Security Administration Act 1992(a).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(b).

Citation and commencement

1.—(1) These Regulations may be cited as the Social Security (Jobcentre Plus Interviews for Partners) Amendment Regulations 2008.

(2) They shall come into force on 28th April 2008.

Amendment of the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003

2.—(1) The Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003(c) are amended as follows.

(2) In regulation 2 (interpretation and application)—

- (a) in the heading, omit “and application”;
- (b) in paragraph (1), in the definition of “partner” omit paragraph (a);
- (c) omit paragraph (2).

(3) For regulation 3 (requirement for partner to take part in an interview as a condition of a specified benefit continuing to be paid at full amount) substitute—

(a) 1992 c. 5 (“the 1992 Act”). Section 2AA was inserted by section 49 of the Employment Act 1999 (c. 22); sub-section (7) was amended by section 254 of, and Schedule 24 to, the Civil Partnership Act 2004 (c.33); section 189(1) and (4) to (6) was amended by paragraph 109 of Schedule 7 to the Social Security Act 1998 (c.14); section 189(1) was amended by paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) and Schedule 6 to the Tax Credits Act 2002 (c.21). Section 191 is cited because of the meaning it gives to the word “prescribe”.

(b) See section 173(1)(b) of the 1992 Act.

(c) S.I. 2003/1886.

“Partner of a person claiming a specified benefit to take part in an interview

3.—(1) Subject to regulations 5 to 8, a partner to whom this regulation applies is required to take part in an interview as a condition of the claimant continuing to be paid the full amount of a specified benefit which is payable apart from these Regulations.

(2) This regulation applies to a partner of a person claiming a specified benefit where—

- (a) the claimant has been continuously entitled to a specified benefit for at least 26 weeks;
- (b) the claimant has been awarded the benefit at a higher rate referable to the partner;
- (c) the benefit is administered from a designated Jobcentre Plus Office^(a); and
- (d) the partner has not taken part or been required to take part in an interview under these Regulations.

(3) Where a requirement to take part in an interview arises under this regulation in relation to a particular specified benefit, the requirement also applies in relation to any other specified benefit in payment to the claimant at a higher rate referable to his partner on the date set for the interview and notified to the partner in accordance with regulation 9(1).

Partner of a person claiming jobseeker’s allowance to take part in an interview where child or qualifying young person in household

3A.—(1) Subject to regulations 5 to 8, a partner to whom this regulation applies is required to take part in an interview as a condition of the claimant continuing to be paid the full amount of a jobseeker’s allowance which is payable apart from these Regulations.

(2) This regulation applies to a partner of a person claiming a jobseeker’s allowance where—

- (a) the claimant or the partner is responsible for a child or qualifying young person who is a member of that person’s household;
- (b) the claimant has been continuously entitled to a jobseeker’s allowance for at least 26 weeks;
- (c) the claimant has been awarded that benefit at a higher rate referable to the partner;
- (d) the benefit is administered at a designated Jobcentre Plus Office; and
- (e) the partner has taken part or failed to take part in an interview under these Regulations.

(3) The requirement to take part in an interview under this regulation arises every six months, on a date to be determined in accordance with paragraphs (4) and (5).

(4) Where the interview referred to in paragraph (2)(e) was on a date before 28th October 2007—

- (a) the requirement arises for the first time on 28th April 2008; and
- (b) it then arises again every six months after the date on which the partner last took part or failed to take part in an interview.

(5) Where the interview referred to in paragraph (2)(e) was on a date on or after 28th October 2007, the requirement arises every six months after the date on which the partner last took part or failed to take part in an interview.

(6) For the purposes of paragraph (2)(a), “child” and “qualifying young person” are to be construed in accordance with section 142 of the Social Security Contributions and Benefits Act 1992^(b).

(a) A list of offices designated as Jobcentre Plus Offices is available from the Department for Work and Pensions at the following address: Correspondence Manager, Jobcentre Plus Secretariat, Level 1, Steel City House, West Street, Sheffield S1 2GQ.
(b) 1992 c. 4.

(7) References in paragraphs (2)(e), (4) and (5) to a partner having taken part in an interview are to be construed as including cases where the partner is treated as having taken part in an interview under regulation 5 or 6.”

(4) In regulation 4 (time when interview is to take place), for “3(1)” substitute “3 or 3A”.

(5) In regulation 5(2) (waiver of requirement to take part in an interview) and regulation 6(3) (deferment of requirement to take part in an interview) omit “for the purposes of regulation 3”.

(6) In regulation 7 (exemption), for “3(1) or 6(2)” substitute “3, 3A or 6(2)”.

(7) In regulation 11 (failure to take part in an interview)—

(a) in paragraph (1), for “3” substitute “3 or 3A”;

(b) in paragraph (4), for “regulation 3” substitute “these Regulations”.

(8) In regulation 12 (circumstances where regulation 11 does not apply), for “these Regulations apply under the provisions within regulation 2(2)” substitute “regulation 3 or 3A applies”.

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

18th March 2008

Stephen C. Timms
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003 (“the Principal Regulations”) impose a requirement on the partners of claimants of certain benefits to take part in a work-focused interview (“an interview”) where the claimant has been continuously entitled to the benefit for at least 26 weeks and it has been awarded at a higher rate referable to his partner.

These Regulations amend the Principal Regulations to impose additional requirements on the partner of a claimant of a jobseeker’s allowance (other than a joint-claim jobseeker’s allowance) to take part in interviews every six months where the claimant or his partner is responsible for a child or qualifying young person who lives in his household.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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