

# **Jobseekers (Back to Work Schemes) Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Work and Pensions, are published separately as HL Bill 91 – EN.

## EUROPEAN CONVENTION ON HUMAN RIGHTS

Lord Freud has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Jobseekers (Back to Work Schemes) Bill are compatible with the Convention rights.

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**B I L L**

TO

Make provision about the effect of certain provisions relating to participation in a scheme designed to assist persons to obtain employment and about notices relating to participation in such a scheme.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Regulations and notices requiring participation in a scheme**

- (1) The 2011 Regulations are to be treated for all purposes as regulations that were made under section 17A of the Jobseekers Act 1995 and other provisions specified in the preamble to the 2011 Regulations and that came into force on the day specified in the 2011 Regulations. 5
- (2) The Employment, Skills and Enterprise Scheme mentioned in the 2011 Regulations is to be treated as having been, until the coming into force of the 2013 Regulations, a scheme within section 17A(1) of the Jobseekers Act 1995.
- (3) The following are to be treated as having been, until the coming into force of the 2013 Regulations, programmes of activities that are part of the Employment, Skills and Enterprise Scheme— 10
  - (a) the programmes described in regulation 3(2) to (8) of the 2013 Regulations, and
  - (b) the programme known as the Community Action Programme, and references to the scheme are to be read accordingly. 15
- (4) A notice given for the purposes of regulation 4(1) of the 2011 Regulations (requirement to participate and notification) is to be treated as a notice that complied with regulation 4(2)(c) (details of what a person is required to do by way of participation in scheme) if it referred to— 20
  - (a) the Employment, Skills and Enterprise Scheme, or
  - (b) a programme of activities treated under subsection (3) as part of the scheme.
- (5) A notice given for the purposes of regulation 4(1) of the 2011 Regulations is to be treated as a notice that complied with regulation 4(2)(e) (information about

- the consequences of failing to participate) if it described an effect on payments of jobseeker's allowance as a consequence or possible consequence of not participating in the scheme or a programme of activities.
- (6) Regulation 4(3) of the 2011 Regulations (notice of changes in what a person is required to do by way of a participation in a scheme) is to be treated as if at all times – 5
- (a) it required the person in question to be notified only if the changes in the requirements mentioned in regulation 4(2)(c) were such that the details relating to those requirements specified in –
- (i) a notice given to the person under regulation 4(1), or 10
- (ii) a notice given to the person under regulation 4(3) on an earlier occasion,
- were no longer accurate, and
- (b) it required the person to be notified only of such changes as made the details inaccurate. 15
- (7) A notice given for the purposes of regulation 4(1) of the Mandatory Work Activity Scheme Regulations is to be treated as a notice that complied with regulation 4(2)(d) (details of what a person is required to do by way of participation in scheme) if it referred to –
- (a) the Mandatory Work Activity Scheme, or 20
- (b) a placement described as Mandatory Work Activity.
- (8) A notice given for the purposes of regulation 4(1) of the Mandatory Work Activity Scheme Regulations is to be treated as a notice that complied with regulation 4(2)(f) (information about the consequences of failing to participate) if it described an effect on payments of jobseeker's allowance as a consequence or possible consequence of not participating in the scheme or placement. 25
- (9) Regulation 4(3) of the Mandatory Work Activity Scheme Regulations is to be treated as if at all times –
- (a) it required the person in question to be notified only if the changes in the requirements mentioned in regulation 4(2)(d) were such that the details relating to those requirements specified in – 30
- (i) a notice given to the person under regulation 4(1), or
- (ii) a notice given to the person under regulation 4(3) on an earlier occasion,
- were no longer accurate, and 35
- (b) it required the person to be notified only of such changes as made the details inaccurate.
- (10) The penalty provisions are to be treated (notwithstanding the amendments made by the 2012 Regulations) as having effect after the relevant time as they did before the relevant time, in relation to a failure to comply with the 2011 Regulations or, as the case may be, the Mandatory Work Activity Scheme Regulations that occurred or began to occur before the relevant time. 40
- (11) In subsection (10) and this subsection –
- “the penalty provisions” means –
- (a) in the case of a failure to comply with the 2011 Regulations, the provisions relating to the imposition of a penalty for such a failure that had effect before the relevant time; 45
- (b) in the case of a failure to comply with the Mandatory Work Activity Scheme Regulations, the provisions relating to the

- imposition of a penalty for such a failure that had effect before the relevant time;
- “the relevant time” means the time at which the 2012 Regulations came into force.
- (12) A penalty imposed on a person before or after the coming into force of this Act for – 5
- (a) failing to participate in a scheme within section 17A(1) of the Jobseekers Act 1995, or
- (b) failing to comply with regulations under section 17A of that Act, 10
- is to be treated as lawfully imposed if the only ground or grounds for treating it as unlawfully imposed is or are removed by subsections (1) to (10).
- (13) Subsection (12) does not affect a person’s ability to apply for a revision or supersession of, or to appeal against, a decision to impose a penalty by reference to other grounds.
- (14) Subject to subsection (10), the 2011 Regulations are to be treated as having been 15  
revoked by the 2013 Regulations on the coming into force of the 2013 Regulations.
- (15) In this section –
- “the 2011 Regulations” means the provisions known as the Jobseeker’s Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011 (S.I. 2011/917); 20
- “the 2012 Regulations” means the Jobseeker’s Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568);
- “the 2013 Regulations” means the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013 (S.I. 2013/276); 25
- “the Mandatory Work Activity Scheme Regulations” means the Jobseeker’s Allowance (Mandatory Work Activity Scheme) Regulations 2011 (S.I. 2011/688).
- 2 Report** 30
- (1) The Secretary of State must appoint an independent person to prepare a report on the operation of the provisions relating to the imposition of a penalty during the period of a year beginning with the day on which this Act comes into force, so far as that operation relates to relevant penalties.
- (2) The person must complete the preparation of the report and send it to the Secretary of State as soon as reasonably practicable after the end of the period mentioned in subsection (1). 35
- (3) On receiving the report, the Secretary of State must lay a copy of it before Parliament.
- (4) In this section – 40
- “penalty” means a penalty that may be imposed for –
- (a) failing to participate in a scheme within section 17A(1) of the Jobseekers Act 1995, or
- (b) failing to comply with regulations under section 17A of that Act; 45

“relevant penalty” means a penalty that, but for section 1 of this Act, would not be or would not have been lawfully imposed on a person.

**3 Extent, commencement and short title**

- (1) This Act extends to England and Wales and Scotland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Jobseekers (Back to Work Schemes) Act 2013.

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## B I L L

To make provision about the effect of certain provisions relating to participation in a scheme designed to assist persons to obtain employment and about notices relating to participation in such a scheme.

*Brought from the Commons on 19th March 2013*

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