

Freedom of Information request 374/2014

Received 23 January 2014

Published

Information request

"I am volunteering at a Citizens Advice Bureau, and as part of my work I attend benefit tribunals with our benefits specialist. As I am also a law student, I undertake some legal research into some of the cases we deal with.

I am currently trying to undertake research into sanctions applied on Jobseekers Allowance. I have found DMG chapter 34 very useful for this. However, I cannot find the cases or legislation used within this guidance. For example, it footnotes 'JSA Regs, reg XX(X)' throughout. However, one cannot find what act this is without the year it was produced; there are many variations of the JSA regulations. I also cannot find the case details for any of the cases cited e.g. R(U) 5/87. I have emailed Lincolns Inn library and I have been told that many of these cases are only available in hard copy, and so this explains why I am not able to find them on your database.

What I would like to know is:

- Which 'JSA Regs' are the DWP referring to in DMG chapter 34 sanctions
- Is there a way to find the cases specifically on DMG chapter 34 (I have already tried using the oscc database)
- Can these cases be used in a tribunal"

DWP response

All regulations are abbreviated within the Decision Makers Guide and a list of Statutory Instruments used is found at the attached link:

<https://www.gov.uk/government/publications/decision-makers-guide-abbreviations-staff-guide>

Throughout DMG Chapter 34, reference to 'JSA Regs' refers to The Jobseeker's Allowance Regulations 1996.

DWP produces a consolidated version of social security legislation, including the JSA Regs, see link: <http://www.dwp.gov.uk/law-volumes/>

The only Upper Tribunal decisions available electronically are on the attached site

<http://www.administrativeappeals.tribunals.gov.uk/Decisions/decisions.htm>

The site contains reported decisions and also a selection of unreported decisions of significance from 1991 onwards.

Older decisions are only available in hard copy bound or loose leaf volumes. All decisions of Commissioners or Upper Tribunal judges can be cited before tribunals, whether reported or unreported. Reported decisions should be preferred over an unreported decision unless the unreported decision was the later decision and the Judge has expressly decided not to follow the earlier reported decision. What is most up to date and relevant is that which we use when giving guidance in the Decision Makers Guide.