

SCHEDULE 2

Regulation 2(5)

AMENDMENTS TO THE PRINCIPAL REGULATIONS

1. In regulation 1(3) (interpretation), at the end of the definition of “partner”, there shall be added the words—

“but in so far as this definition applies to a member of a joint-claim couple, it shall only apply to such a member specified in regulation 3E(2)”.

2. After regulation 23 (attendance) there shall be inserted the following regulation—

“Attendance by members of a joint-claim couple

23A. Each member of a joint-claim couple shall attend at such place and at such time as the employment officer may specify by a notification which is given or sent to that member and which may be in writing, by telephone or by electronic means.”.

3. In regulation 24 (provision of information and evidence)—

(a) after paragraph (1) there shall be inserted the following paragraph—

“(1A) A member of a joint-claim couple shall provide such information as to the circumstances of each or either member of a couple, the availability for employment of each or either member of the couple and the extent to which each or either member of the couple is actively seeking employment as may be required by the Secretary of State in order to determine the entitlement of the couple to a jobseeker’s allowance, whether that allowance is payable to the couple and, if so, in what amount.”;

(b) at the end of paragraph (3) there shall be inserted the words “, and in this paragraph “couple” does not include a joint-claim couple”;

(c) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Where entitlement to a joint-claim jobseeker’s allowance or whether that allowance is payable and, if so, in what amount, is or may be affected by the circumstances of any member of a polygamous marriage, the Secretary of State may require either member of the joint-claim couple to certify in writing that any member of the polygamous marriage confirms the information given about that member’s circumstances.”;

(d) after paragraph (5) there shall be inserted the following paragraph—

“(5A) A member of a joint-claim couple shall furnish such certificates, documents and other evidence affecting the continuing entitlement of the couple to a jobseeker’s allowance, whether that allowance is payable to the couple and, if so, in what amount as the Secretary of State may require.”;

(e) in paragraph (7)(a), after the words “a jobseeker’s allowance” there shall be inserted the words “or, in the case of a joint-claim couple, the entitlement of the couple to a joint-claim jobseeker’s allowance”;

(f) in paragraph (8) after the words “paragraph (1)” there shall be inserted the words “,(1A)” and after the words “regulation 23” there shall be inserted the words “or 23A”;

(g) in paragraph (9) after the words “(4) or (5)” there shall be inserted the words “or (5A)”;

(h) in paragraph (10) after the words “regulation 23” there shall be inserted the words “or 23A”.

4. In regulation 25(1) (entitlement ceasing on a failure to comply)—

(a) in sub-paragraph (a) for the words “the claimant” there shall be substituted the words “a claimant”;

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- (b) in both sub-paragraphs (a) and (b) after the words “regulation 23” there shall be inserted the words “or 23A”;
 - (c) in both sub-paragraphs (b) and (c) for the words “the claimant” there shall be substituted the words “that claimant”.
- 5.** In regulation 26 (time at which entitlement is to cease)—
- (a) in paragraph (a)(1) for the words “the claimant” there shall be substituted the words “that claimant”;
 - (b) after the words “regulation 23” there shall be inserted the words “or 23A”.
- 6.** In regulation 27(1) (where entitlement is not to cease)—
- (a) for the words “the claimant” there shall be substituted the words “a claimant”;
 - (b) after the words “regulation 23” there shall be inserted the words “or 23A”.
- 7.** In regulation 28(1) (matters to be taken into account in determining whether a claimant has good cause for failing to comply with a notice under regulation 23 or 23A), after the words “regulation 23” there shall be inserted the words “or 23A”.
- 8.** In regulation 30 (circumstances in which a claimant is to be regarded as having good cause for failing to comply with a notice under regulation 23 or 23A), after the words “regulation 23” there shall be inserted the words “or 23A”.
- 9.** At the end of regulation 34 (jobseeker’s agreement treated as having been made), there shall be added the following paragraph—
- “(f) if he is temporarily absent from Great Britain in the circumstances prescribed in regulation 50(6B)(a) or (c), for the period of any such temporary absence.”.
- 10.** In regulation 46(1) (waiting days)—
- (a) at the end of sub-paragraph (b) there shall be inserted “; or”;
 - (b) after sub-paragraph (b) there shall be added the following sub-paragraphs—
 - “(c) a joint-claim couple are entitled to a joint-claim jobseeker’s allowance in respect of themselves and that paragraph of that Schedule has already applied to one member of that couple in respect of a jobseeking period which is linked to a jobseeking period relating to that member which has commenced by virtue of his having claimed a jobseeker’s allowance as a member of that couple;
 - (d) a joint-claim couple have claimed a jobseeker’s allowance jointly within 12 weeks of either member of that couple being entitled to a jobseeker’s allowance, income support, incapacity benefit or invalid care allowance;
 - (e) a member of a joint-claim couple is both in receipt of a training allowance and the nominated member for the purposes of section 3B.”.
- 11.** In regulation 47 (jobseeking periods), at the end of sub-paragraph (b) in paragraph (2) there shall be added the words “or, where the claimant is a member of a joint-claim couple, a jobseeker’s allowance is payable in accordance with Part IXA (hardship)”.
- 12.** In regulation 49 (persons approaching retirement and the jobseeking period)—
- (a) at the beginning of paragraph (1) there shall be inserted the words “Subject to paragraph (5),”;
 - (b) after paragraph (4) there shall be added the following paragraph—

(1) Regulation 26(a) was amended by S.I.1996/1517.

“(5) This regulation shall not apply in respect of any days in respect of which a joint-claim jobseeker’s allowance has been claimed.”.

13. In regulation 50 (persons temporarily absent from Great Britain), after paragraph (6) there shall be inserted the following paragraphs—

“(6A) A member of a joint-claim couple shall be treated, for the purposes of the Act, as being in Great Britain where he is a member of a transitional case couple as defined for the purposes of paragraph 8A(2) of Schedule 1 to the Act and, as at the date on which Schedule 7 to the Welfare Reform and Pensions Act 1999 comes into force—

- (a) he is temporarily absent from Great Britain; or
- (b) he has made definite arrangements to be temporarily absent from Great Britain from some future date,

and that member shall be so treated during any such period of temporary absence from Great Britain.

(6B) A member of a joint-claim couple shall be treated, for the purposes of the Act, as being in Great Britain during any period of temporary absence from Great Britain—

- (a) not exceeding 4 weeks where he is in Northern Ireland and the period of absence is unlikely to exceed 52 weeks;
- (b) not exceeding 4 weeks where he is in receipt of a training allowance during the period of absence and regulation 170 applies in his case; or
- (c) not exceeding 7 days where the absence is for the purpose of attending an interview for employment,

where that member is so temporarily absent as at the date of claim by the other member of that couple.”.

14. In regulation 51 (remunerative work), in both paragraph (1)(a) and (2), for the words “the claimant” there shall be substituted the words “a claimant”.

15. In regulation 52 (persons treated as engaged in remunerative work)—

- (a) in paragraph (2), after the words “income-based jobseeker’s allowance” in the first place where they occur there shall be inserted the words “but not a joint-claim jobseeker’s allowance”;
- (b) after paragraph (2) there shall be inserted the following paragraph—

“(2A) For the purposes of a joint-claim jobseeker’s allowance, a member of a joint-claim couple shall be treated as engaged in remunerative work where—

- (a) he is or was involved in a trade dispute;
- (b) had the joint-claim couple of which he is a member claimed a jobseeker’s allowance jointly, section 14 (trade disputes) would have applied in the case of one or both members of that couple; and
- (c) the joint-claim couple were not entitled to a joint-claim jobseeker’s allowance when that member of the joint-claim couple became involved in the trade dispute,

and shall be so treated for a period of 7 days beginning on the date the stoppage of work commenced at that member’s place of employment or, if there was no stoppage of work, the date on which that member first withdrew his labour in furtherance of the trade dispute.”.

16. After regulation 53(g) (persons treated as not engaged in remunerative work), there shall be inserted the following paragraph—

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- “(gg) he is—
- (i) a member of a joint-claim couple; and
 - (ii) involved in a trade dispute; and
 - (iii) not a person to whom regulation 52(2A) applies,
- and had the joint-claim couple of which he is a member claimed a jobseeker’s allowance jointly, section 14 (trade disputes) would have applied in the case of one or both members of that couple;”.

17. In paragraph (1) of regulation 55(2) (short periods of sickness), after the words “section 19(5) or (6)” there shall be inserted the words “or 20A(2)”.

18. For regulation 58 (young persons to whom section 3(1)(f)(iii) or 3A(1)(e)(ii) applies), there shall be substituted the following regulation—

“Young persons to whom section 3(1)(f)(iii) or 3A(1)(e)(ii) applies

58. For the period specified in relation to him, a young person to whom regulation 59, 60 or 61 applies shall be regarded as a person within prescribed circumstances for the purposes of section 3(1)(f)(iii) or section 3A(1)(e)(ii) (conditions of entitlement for certain persons under the age of 18).”.

19. In regulation 61 (other young persons in prescribed circumstances)—

- (a) in paragraph (1)(d) and (e), after the words “section 3(1)(f)(ii)” there shall be inserted the words “or section 3A(1)(e)(i)”;
- (b) in paragraph (1)(f), after the words “section 19(6)(c) or (d)” there shall be inserted the words “or section 20A(2)(b), (c), (f) or (g)”;
- (c) in paragraph (2)(c), after the words “regulation 23” there shall be inserted the words “or regulation 23A”.

20. In regulation 62 (registration), after the words “section 3(1)(f)(ii) or (iii)” there shall be inserted the words “or section 3A(1)(e)(i) or (ii)”.

21. In regulation 63 (reduced payments under section 17)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (b)—
 - (aa) after the words “section 19(5)(b) or (c)” there shall be inserted the words “or section 20A(2)(b) or (c)”;
 - (bb) after the words “section 19(6)(a) or (b)” there shall be inserted the words “or section 20A(2)(d) or (e)”;
 - (ii) in sub-paragraph (c) after the words “section 19(5)(b)(i), (ii) or (iv)”, in both places where they occur, there shall be inserted the words “or section 20A(2)(b)(i), (ii) or (iv)”;
 - (iii) in sub-paragraph (d) after the words “section 19(5)(b)(iii)”, in both places where they occur, there shall be inserted the words “or section 20A(2)(b)(iii)”;
- (b) in paragraph (4) after the words “section 19(5)(b)(iii)” there shall be inserted the words “or section 20A(2)(b)(iii)” and after the words “section 19(5)(c)” there shall be inserted the words “or section 20A(2)(c)”.

(2) Regulation 55(1) was amended by S.I. [1996/1517](#).

22. In regulation 66(1) (the jobseeker’s agreement) after the words “section 19” there shall be inserted the words “or section 20A” and after the words “sections 19 and 20” there shall be inserted the words “or sections 20A and 20B”.

23. In regulation 67 (sanctions)—

(a) in paragraph (1)(3)—

(i) after the words “section 19(5)(b)”, in each place where they occur, there shall be inserted the words “or section 20A(2)(b)”;

(ii) in sub-paragraph (b), after the words “section 19(5)(b)(i), (ii) or (iv)” there shall be inserted the words “or section 20A(2)(b)(i), (ii) or (iv)” and after the words “section 19(5)(b)(iii)” there shall be inserted the words “or section 20A(2)(b)(iii)”;

(b) in paragraph (2)—

(i) after the words “section 19(6)(c) or (d)”, in each place where they occur, there shall be inserted the words “or section 20A(2)(f) or (g)”;

(ii) after the words “section 19(5)(b) or (c)” there shall be inserted the words “or section 20A(2)(b) or (c)”;

(iii) after the words “section 19(6)(a) or (b)” there shall be inserted the words “or section 20A(2)(d) or (e)”;

(c) in paragraph (3)—

(i) after the words “section 19(5)(b)(iii)” there shall be inserted the words “or section 20A(2)(b)(iii)”;

(ii) after the words “section 19(5)(c)” there shall be inserted the words “or section 20A(2)(c)”.

24. In regulation 68(1) and (2)(4) (reduced amount of allowance) after the words “a couple” there shall be inserted “(including a joint-claim couple)” and after the words “19(6)(c) or (d)” there shall be inserted the words “or within section 20A(2)(a) to (c), (f) or (g)”.

25. In regulation 69(5) (prescribed period for the purposes of sections 19(2) and 20A(3))—

(a) in paragraph (1)—

(i) for the words “section 19(2)” there shall be substituted the words “sections 19(2) and 20A(3)”;

(ii) after the words “section 19(5)”, in each place where they occur, there shall be inserted the words “or section 20A(2)(a) to (c)”;

(b) in paragraph (2) for the words “section 19(2)” there shall be substituted the words “sections 19(2) and 20A(3)”;

(c) in paragraph (3) after the words “section 19” there shall be inserted the words “or section 20A”;

(d) in paragraph (4)(c) after the words “section 19(5) or (6)” there shall be inserted the words “or section 20A(2)”.

26. In regulation 70 (sanctions of discretionary length)—

(a) after the words “section 19(3)” there shall be inserted the words “or section 20A(4)”;

(b) after the words “section 19(6)(a)” there shall be inserted the words “or section 20A(2)(d)”.

(3) Regulation 67(1) was amended by S.I. [1996/1517](#).

(4) Regulation 68 was amended by S.I. [1997/827](#).

(5) Regulation 69 was substituted by S.I. [2000/239](#).

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27. In regulation 72 (good cause for the purposes of section 19(5)(a) and (6)(c) and (d) and section 20A(2)(a), (f) and (g))—

- (a) at the end of paragraph (1) there shall be inserted the words “and section 20A (denial or reduction of joint-claim jobseeker’s allowance)”;
- (b) in paragraphs (2)(6), (4), (5) and (6) after the words “for the purposes of section 19(5)(a) and (6)(c) and (d)” there shall be inserted the words “and section 20A(2)(a), (f) and (g)”;
- (c) in both paragraphs (3A) and (5A) after the words “for the purposes of section 19(6)(c) and (d)”, in each place where they occur, there shall be inserted the words “and section 20A(2)(f) and (g)”;
- (d) in paragraph (8) after the words “for the purposes of section 19(6)(d)” there shall be inserted the words “and section 20A(2)(g)”;
- (e) in paragraph (9)(b)(ii) after the words “section 19(6)(d)” there shall be inserted the words “or section 20A(2)(g)”.

28. In regulation 73 (good cause for the purposes of section 19(5)(b) and section 20A(2)(b))—

- (a) at the end of paragraph (1) there shall be inserted the words “and section 20A (denial or reduction of joint-claim jobseeker’s allowance)”;
- (b) in paragraphs (2), (2A) and (2B)(7) after the words “for the purposes of section 19(5)(b)”, in each place where they occur, there shall be inserted the words “and section 20A(2)(b)”;
- (c) in paragraph (2A)(b) after the words “in section 19(5)(b)” there shall be inserted the words “or section 20A(2)(b)”;
- (d) in paragraph (2B)(b) after the words “for the purposes of section 19(5)(b)(iii) and (iv)” there shall be inserted the words “and section 20A(2)(b)(iii) and (iv)”.

29. In regulation 74 (person of prescribed description for the purposes of section 20(3) and 20B(3))—

- (a) in paragraph (1)—
 - (i) after the words “section 20(3)” there shall be inserted the words “and section 20B(3)”;
 - (ii) after the words “section 19(6)(b) or (d)” there shall be inserted the words “or section 20A(2)(e) or (g)”;
- (b) in paragraph (4), after the words “section 20(3)” there shall be inserted the words “and section 20B(3)”.

30. In regulation 74A(8) (person in receipt of a training allowance)—

- (a) in paragraph (1) after the words “a claimant” there shall be inserted the words “other than a member of a joint-claim couple”;
- (b) after paragraph (2) there shall be inserted the following paragraphs—

“(3) A joint-claim jobseeker’s allowance shall be payable in respect of a joint-claim couple even though section 20A prevents payment of a joint-claim jobseeker’s allowance to the couple where a member of that couple to whom that section applies is in receipt of a training allowance and is not receiving training falling within paragraph (2) of regulation 170 but the jobseeker’s allowance shall be payable only if and for so long as that member satisfies the conditions of entitlement to a joint-claim jobseeker’s allowance other than those which he is not required to meet by virtue of regulation 170.

(6) Regulation 72(2) was amended by S.I. 1998/1274.

(7) Regulation 73(2A) was inserted by S.I. 1997/2863 and regulation 73(2B) was inserted by S.I. 1998/1274.

(8) Regulation 74A was inserted by S.I. 1996/1516.

(4) A joint-claim jobseeker's allowance which is payable to a couple in accordance with this regulation shall be payable to the couple at the full rate applicable to it.”.

31. After regulation 74A there shall be inserted the following regulation—

“Reduced allowance where one member of a joint-claim couple is subject to a sanction

74B.—(1) Where only one member of a joint-claim couple is subject to sanctions for the purposes of section 20A, the rate of jobseeker's allowance payable in respect of the couple for the period of those sanctions shall be calculated in accordance with this regulation.

(2) Where paragraph (1) applies, a reduced rate of jobseeker's allowance shall be payable to the member of the couple who is not subject to sanctions.

(3) That reduced rate shall be—

- (a) in any case in which the member of the couple who is not subject to sanctions satisfies the conditions set out in section 2, a rate equal to the amount calculated in accordance with section 4(1);
- (b) in any case where the couple are a couple in hardship for the purposes of Part IXA, a rate equal to the amount calculated in accordance with regulation 146G;
- (c) in any other case, a rate calculated in accordance with section 4(3A) save that the applicable amount shall be the amount determined by reference to paragraph 1(1) of Schedule 1 which would have been the applicable amount had the member of the couple who is not subject to sanctions been a single claimant.”.

32. In regulation 75(9) (interpretation)—

- (a) in paragraph (1) after the words “section 19” there shall be inserted the words “, section 20A”;
- (b) in paragraph (1)(b)(iii) after the words “section 19(5)(c)” there shall be inserted the words “and section 20A(2)(b)(iii) and (iv) and section 20A(2)(c)”;
- (c) in paragraph (2) after the words “subsection (2)” there shall be inserted the words “and in section 20A, except subsection (3)”;
- (d) in paragraph (3) after the words “section 19(2)” there shall be inserted the words “, section 20A(3)”;
- (e) in paragraph (4) after the words “subsection (9)” there shall be inserted the words “in section 20A”.

33. In regulation 78 (circumstances in which a person is to be treated as being or not being a member of the household)—

(a) after paragraph (1) there shall be inserted the following paragraph—

“(1A) Subject to paragraphs (2) and (3), the members of a joint-claim couple shall be treated for the purposes of the Act as members of the same household notwithstanding that they are temporarily living away from each other.”;

(b) in paragraph (2) for the words “Paragraph (1)” there shall be substituted the words “Paragraphs (1) and (1A)”;

(c) in paragraph (3)—

(i) for the words “Paragraph (1)” there shall be substituted the words “Paragraphs (1) and (1A)”;

(9) Regulation 75 was substituted by S.I. [1997/2863](#) and amended by S.I. [1997/454](#) and [1274](#) and [1998/1698](#).

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- (ii) in sub-paragraph (c), for the words “the claimant” there shall be substituted the words “a claimant”.

34. For regulation 82 there shall be substituted the following regulation—

“Income-based jobseeker’s allowance

82.—(1) Regulations 83 to 86 and 87 apply in the case of an income-based jobseeker’s allowance but not a joint-claim jobseeker’s allowance.

(2) Regulations 86A to 86D only apply in the case of a joint-claim jobseeker’s allowance.”.

35. After regulation 86 there shall be inserted the following regulations—

“Applicable amounts for joint-claim couples

86A. Except in the case of a joint-claim couple where regulation 86B (polygamous marriages), 86C (special cases) or 86D (members of joint-claim couples in residential care and nursing homes) or Part X (urgent cases) applies, the applicable amount of a joint-claim couple who are jointly claiming a jobseeker’s allowance shall be the aggregate of such of the following amounts as may apply in their case—

- (a) an amount in respect of the joint-claim couple determined in accordance with sub-paragraph (3) of paragraph 1 of Schedule 1;
- (b) an amount in respect of either or both members of the joint-claim couple determined in accordance with paragraph 3 of Schedule 1 (residential allowance);
- (c) the amount of any premiums which may be applicable to either or both members of the joint-claim couple, determined in accordance with Parts IVA and IVB of Schedule 1 (premiums); and
- (d) any amounts determined in accordance with Schedule 2 (housing costs) which may be applicable to the joint-claim couple in respect of mortgage interest payments or such other housing costs as are prescribed in that Schedule.

Applicable amounts for joint-claim couples: polygamous marriages

86B. Except in the case of a joint-claim couple where regulation 86A, 86C (special cases) or 86D (members of joint claim couples in residential care and nursing homes) or Part X (urgent cases) applies, the applicable amount of a joint-claim couple who are jointly claiming a jobseeker’s allowance where either or both members of that couple are members of a polygamous marriage, shall be the aggregate of such of the following amounts as may apply in their case—

- (a) the highest amount applicable to a member of the joint-claim couple and one other member of that marriage determined in accordance with sub-paragraph (3) of paragraph 1 of Schedule 1 as if those members were a couple;
- (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3)(e) and (1)(e) of paragraph 1 of Schedule 1 in respect of each of the other members of the polygamous marriage who are members of that household;
- (c) an amount, whether in respect of a member of the joint-claim couple or any member of his household aged 16 or over, determined in accordance with paragraph 3 of Schedule 1 (residential allowance);

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- (d) the amount of any premiums which may be applicable to a member of the joint-claim couple determined in accordance with Parts IVA and IVB of Schedule 1 (premiums); and
- (e) any amounts determined in accordance with Schedule 2 (housing costs) which may be applicable to the joint-claim couple in respect of mortgage interest payments or such other housing costs as are prescribed in that Schedule.

Joint-claim couples: special cases

86C.—(1) Where a member of a joint-claim couple is a person to whom any paragraph in column (1) of Schedule 5A applies (applicable amounts in special cases for joint-claim couples), the amount included in the joint-claim couple’s weekly applicable amount shall be the amount prescribed in the corresponding paragraph in column (2) of that Schedule.

(2) Except where the amount prescribed in Schedule 5A in respect of a joint-claim couple includes an amount applicable under regulation 86A(c) or 86B(d), a person to whom paragraph (1) applies shall be treated as not falling within the conditions specified in paragraph 20I of Schedule 1 (severe disability premium).

(3) In Schedule 5A, for the purposes of paragraphs 1 and 11 (persons in residential care or nursing home who become patients), where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

(4) Expressions used in this regulation and in Schedule 5A shall have the same meaning as those expressions have for the purposes of regulation 85 and Schedule 5 save that for the purposes of this regulation and of Schedule 5A, the definition of “person from abroad” in regulation 85(4) shall have effect as if after the words “a claimant” there were inserted the words “,other than a member of a joint-claim couple who is not the nominated member for the purposes of section 3B,”.

Applicable amount for a joint-claim couple where a number is in residential care or a nursing home

86D.—(1) Where either or both members of a joint-claim couple have a preserved right and that member or those members live in a residential care or nursing home, the weekly applicable amount of the joint-claim couple shall, except in a case to which regulation 86C (joint-claim couples: special cases) applies, be calculated in accordance with Schedule 4A.

(2) A member of a joint-claim couple has a preserved right for the purposes of this regulation if he satisfies the requirements for a preserved right under regulation 19 of, and Schedule 4 to, the Income Support Regulations.

(3) Expressions used in Schedule 4A shall have the same meaning as those expressions have for the purposes of Schedule 4.

(4) Regulation 86(5) shall have effect for the purposes of this regulation as if for the words “a person resident in those premises shall be determined under Schedule 4” there were substituted the words “a joint-claim couple where either or both members of the couple are resident in those premises shall be determined under Schedule 4A.”.

36. In regulation 88(1) (calculation of income and capital of members of a claimant’s family and of a polygamous marriage), for the words “and to regulation” there shall be substituted the words “and regulations 88ZA (calculation of income and capital of a joint-claim couple) and”.

37. After regulation 88 there shall be inserted the following regulation—

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“Calculation of income and capital of a joint-claim couple

88ZA.—(1) Subject to paragraphs (2) and (4), the income and capital of a joint-claim couple shall be calculated by—

- (a) determining the income and capital of each member of that couple in accordance with this Part; and
- (b) aggregating the amount determined in respect of each member in accordance with sub-paragraph (a) above.

(2) Where—

- (a) a member of a joint-claim couple is aged less than 18;
- (b) the other member is aged over 18; and
- (c) the applicable amount of the couple falls to be determined under paragraph 1(3)(g) or (h) of Schedule 1 (applicable amounts),

the income of the joint-claim couple shall not be aggregated to the extent that the amount specified in paragraph 1(3)(e) of that Schedule exceeds the amount which applies in that case which is specified in paragraph 1(3)(g) or (h) of that Schedule.

(3) Where a member of a joint-claim couple is married polygamously to two or more members of his household, the joint-claim couple shall be treated as possessing income and capital belonging to each such member and the income and capital of that member shall be calculated in accordance with the following provisions of this Part in like manner as for each member of the joint-claim couple.

(4) Regulations 99(2) and 101(2) in so far as they relate to paragraphs 5, 7, 8 and 11 of Schedule 6 (earnings to be disregarded) shall not apply to a member of a joint-claim couple but there shall instead be disregarded from the net earnings of a member of a joint-claim couple any sum, where applicable, specified in—

- (a) paragraphs 1 to 4 and 13 to 16 of Schedule 6; and
- (b) paragraphs 1 to 6 of Schedule 6A.”

38. In regulation 93(1) (calculation of income) for the words “section 3(1)” there shall be substituted the words “sections 3(1) (the income-based conditions) and 3A(1) (the conditions for claims by joint-claim couples)”.

39. In regulation 94(2)(b) (calculation of earnings derived from employed earner’s employment and income other than earnings), after the words “Schedule 6” there shall be inserted the words “and Schedule 6A”.

40. In regulation 95(2) (calculation of earnings of self-employed earners), after the words “Schedule 6” there shall be inserted the words “and Schedule 6A”.

41. In regulation 102C(10) (calculation of income of participants in the self-employment route of the Employment Option of the New Deal)—

- (a) in paragraph (3)(a), after the words “or his partner” there shall be inserted the words “or, in the case of a joint-claim couple, the participant and the other member of the couple of which the participant is a member,”;
- (b) in paragraph (4), after the words “Schedule 6” there shall be inserted the words “or paragraphs 1, 2, 5 and 6 of Schedule 6A”.

42. In regulation 105(10)(a)(ii)(11) (notional income), for the words “or 84(1)(g)” there shall be substituted the words “, 84(1)(g), 86A(d) or 86B(e)”.

(10) Regulation 102C was inserted by S.I. 1998/1174.

(11) Regulation 105(10) was amended by S.I. 1998/2117.

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43. In regulation 107 (capital limit), after “13(1)” there shall be inserted the words “and (2A)”.
44. In regulation 113(3)(a)(ii)(12) (notional capital), for the words “or 84(1)(g)” there shall be substituted the words “, 84(1)(g), 86A(d) or 86B(e)”.
45. In regulation 140(13) (meaning of person in hardship)—
- (a) in paragraph (1), after the word “applies” there shall be inserted the words “or a member of a joint-claim couple and regulation 3E does not apply”;
 - (b) in paragraph (2), after the word “applies” there shall be inserted the words “or where the person in hardship is a member of a joint-claim couple and regulation 3E does not apply”.
46. In regulation 148(1) (applicable amount in urgent cases), after the words “income-based jobseeker’s allowance” there shall be inserted the words “but not a joint-claim jobseeker’s allowance”.
47. After regulation 148, there shall be inserted the following regulation—

“Applicable amount in urgent cases: joint-claim couples

148A.—(1) For the purpose of calculating any entitlement to a joint-claim jobseeker’s allowance under this Part—

- (a) except in a case to which sub-paragraph (b), (c) or (d) applies, a joint-claim couple’s weekly applicable amount shall be the aggregate of—
 - (i) 90 per cent. of the amount applicable (reduced where appropriate in accordance with regulation 146G (applicable amount in hardship cases for joint-claim couples)) in respect of the couple under paragraph 1(3) of Schedule 1 or, as the case may be, the amount applicable in respect of them under regulation 86B (joint-claim couples: polygamous marriages);
 - (ii) the amount, if applicable, specified in Part IVA of Schedule 1 (premiums);
 - (iii) any amounts applicable under regulation 86A(d) or, as the case may be, 86B(e) (housing costs); and
 - (iv) the amount, if applicable, specified in paragraph 3 of Schedule 1;
- (b) where a member of a joint-claim couple is a resident in a residential care home or a nursing home and has a preserved right, the weekly applicable amount of the joint-claim couple shall be the aggregate of—
 - (i) 90 per cent. of the amount of the allowance for personal expenses prescribed in paragraph 12(a) of Schedule 4A (applicable amounts of members in residential care and nursing homes) and where regulation 146G (applicable amount in hardship cases for joint-claim couples) applies, the reference in this head to 90 per cent. of the amount so reduced shall be construed as a reference to 90 per cent. of the relevant amount under that regulation reduced by the percentage specified in paragraph (1) or (2), as the case may be, of that regulation;
 - (ii) the amount in respect of the weekly charge for his accommodation calculated in accordance with regulation 86D and Schedule 4A;
- (c) where a member of a joint-claim couple is in residential accommodation, the weekly applicable amount shall be 98 per cent. of the amount referred to in column (2) of paragraph 9 of Schedule 5A (applicable amounts of joint-claim couples in special cases) which is applicable to the couple;

(12) Regulation 113(3) was amended by S.I. 1998/2117.

(13) Regulation 140(1) was amended by S.I. 1996/1516 and regulation 140(2) was amended by S.I. 1997/2863.

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- (d) except where sub-paragraph (b) or (c) applies, in the case of a member of a joint-claim couple to whom any paragraph of Schedule 5A (applicable amounts of joint-claim couples in special cases) applies, the amount shall be 90 per cent. of the amount applicable in column (2) of that Schedule in respect of the joint-claim couple plus, if applicable—
 - (i) any premium under Part IVA of Schedule 1;
 - (ii) any amounts applicable under regulation 86A(d) or, as the case may be, 86B(e) (housing costs).

(2) Where the calculation of a joint-claim couple's applicable amount under this regulation results in a fraction of a penny that fraction shall be treated as a penny."

48. In regulation 150 (amount of a jobseeker's allowance payable), after paragraph (1) there shall be inserted the following paragraphs—

"(1A) In relation to a joint-claim couple jointly claiming a joint-claim jobseeker's allowance, paragraph (1) shall have effect as if the references to the claimant were references to the joint-claim couple.

(1B) Where a joint-claim couple become, or cease to be, a joint-claim couple on any day other than on the first day of a benefit week, the amount payable by way of a joint-claim jobseeker's allowance in respect of that benefit week shall be calculated by applying the formula in paragraph (1)."

49. In regulation 151 (amount of a jobseeker's allowance payable when a person is in a residential care or nursing home)—

- (a) in paragraph (1), after the words "the claimant" in both places where those words occur there shall be inserted the words "or, as the case may be, the joint-claim couple";
- (b) in paragraph (2), after the words "weekly applicable amount" there shall be inserted the words "or, as the case may be, the weekly applicable amount of the joint-claim couple".

50. In regulation 152 (relevant week)—

- (a) in paragraph (1)(c)—
 - (i) after the words "section 19" there shall be inserted the words "or 20A";
 - (ii) after the words "that claimant", there shall be inserted the words "or the joint-claim couple";
- (b) at the beginning of paragraph (2) there shall be inserted the words "Except in a case to which paragraph (3) applies,";
- (c) after paragraph (2) there shall be added the following paragraph—

"(3) Where a joint-claim couple have an award of a joint-claim jobseeker's allowance and their benefit week changes, for the purpose of calculating the amounts of a joint-claim jobseeker's allowance payable for the part-week beginning on the day after their last complete benefit week before the change and ending immediately before the change, the relevant week is the period of 7 days beginning on the day after the last complete benefit week."

51. In regulation 153 (modification in the calculation of income), for the words "or regulation 88(4)" there shall be substituted the words ", regulation 88(4) or 88ZA(3)".

52. Regulation 155 (modification of section 15(2) of the Act) shall be renumbered regulation 155(1) and—

- (a) in the renumbered paragraph (1), after the words "income-based jobseeker's allowance" in the first place where those words occur, there shall be inserted the words "but not a joint-claim jobseeker's allowance";

(b) after the renumbered paragraph (1) there shall be added the following paragraph—

“(2) In its application to a joint-claim jobseeker’s allowance payable for a part-week, section 15(2)(d) shall have effect subject to the following modification—

“(d) any payment by way of a joint-claim jobseeker’s allowance for that period or any part of it which apart from this paragraph would be made to the nominated member for the purposes of section 3B—

(i) shall not be made, if the amount of joint-claim jobseeker’s allowance which would be payable for less than a week is equal to or less than the proportion of the prescribed sum appropriate to the number of days in the part-week;

(ii) shall be at a rate equal to the difference between the amount which would be payable for a period of less than a week and the prescribed sum where that amount would be more than the prescribed sum.””

53.—(1) Schedule 1 (applicable amounts) shall be amended in accordance with the following sub-paragraphs.

(2) In paragraph 1, for the words “and 84(1)” there shall be substituted the words “, 84(1), 86A and 86B”.

(3) In paragraph 3(1), for the words “and 84(1)(d)” there shall be substituted the words “, 84(1)(d), 86A(b) and 86B(c)”.

(4) After Part IV there shall be inserted the following Parts—

“PART IVA

PREMIUMS FOR JOINT-CLAIM COUPLES

20A. Except as provided in paragraph 20B, the weekly premium specified in Part IVB of this Schedule shall, for the purposes of regulations 86A(c) and 86B(d), be applicable to a joint-claim couple where either or both members of a joint-claim couple satisfy the condition specified in paragraphs 20E to 20J in respect of that premium.

20B. Subject to paragraph 20C, where a member of a joint-claim couple satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium shall be applicable to the joint-claim couple in respect of that member and, if they are different amounts, the higher or highest amount shall apply.

20C.—(1) The severe disability premium to which paragraph 20I applies may be applicable in addition to any other premium which may apply under this Part of this Schedule.

(2) The carer premium to which paragraph 20J applies may be applicable in addition to any other premium which may apply under this Part of this Schedule.

20D.—(1) Subject to sub-paragraph (2) for the purposes of this Part of this Schedule, once a premium is applicable to a joint-claim couple under this Part, a person shall be treated as being in receipt of any benefit—

(a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979(**14**) applies, for any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and

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- (b) for any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973⁽¹⁵⁾, or by Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990⁽¹⁶⁾, or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 20J, a person shall be treated as being in receipt of invalid care allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act.

Pensioner premium where one member of a joint-claim couple has attained the age of 60

20E. The condition is that one member of a joint-claim couple has attained the age of 60 but not the age of 75.

Higher Pensioner Premium

20F.—(1) The condition is that one member of a joint-claim couple—

- (a) has attained the age of 60 but not the age of 80, and either the additional conditions specified in paragraph 20H are satisfied in respect of him; or
- (b) has attained the age of 60 and—
 - (i) was entitled to or was treated as entitled to either income support or an income-based jobseeker’s allowance and the disability premium was or, as the case may be, would have been applicable to him in respect of a benefit week within 8 weeks of his 60th birthday and he has, subject to sub-paragraph (2), remained continuously entitled to one of those benefits since attaining that age; or
 - (ii) was a member of a joint-claim couple who had been entitled to, or who had been treated as entitled to, a joint-claim jobseeker’s allowance and the disability premium was or, as the case may be, would have been applicable to that couple in respect of a benefit week within 8 weeks of the 60th birthday of either member of that couple and the couple have, subject to that sub-paragraph (2), remained continuously entitled to a joint-claim jobseeker’s allowance since that member attained that age.

(2) For the purpose of this paragraph and paragraph 20H—

- (a) once the higher pensioner premium is applicable to a joint-claim couple, if that member then ceases, for a period of eight weeks or less, to be entitled or treated as entitled to either income support or income-based jobseeker’s allowance or that couple cease to be entitled to or treated as entitled to a joint-claim jobseeker’s allowance, he shall or, as the case may be, that couple shall, on becoming re-entitled to any of those benefits, thereafter be treated as having been continuously entitled thereto;
- (b) in so far as sub-paragraph (1)(b)(i) or (ii) is concerned, if a member of a joint-claim couple ceases to be entitled or treated as entitled to either income support or an income-based jobseeker’s allowance or that couple cease to be entitled to or treated as entitled to a joint-claim jobseeker’s allowance for a period not exceeding eight

⁽¹⁵⁾ 1973 c. 50, section 2 was substituted by the Employment Act 1988, section 25(1) and amended by the Employment Act 1989 (c. 38), section 29(4), Schedule 7 Part I and by the Trade Union Reform and Employment Rights Act 1993 (c. 19) section 47(1).

⁽¹⁶⁾ 1990 c. 35.

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weeks which includes the 60th birthday of either member of that couple, he shall or, as the case may be, the couple shall, on becoming re-entitled to either of those benefits, thereafter be treated as having been continuously entitled thereto.

(3) In this paragraph, where a member of a joint-claim couple is a welfare to work beneficiary, sub-paragraphs (1)(b)(i) and (2)(b) shall apply to him as if for the words “8 weeks” there were substituted the words “52 weeks”.

(4) For the purposes of this paragraph, a member of a joint-claim couple shall be treated as having been entitled to income support or to an income-based jobseeker’s allowance or the couple of which he is a member shall be treated as having been entitled to a joint-claim jobseeker’s allowance throughout any period which comprises only days on which a member was participating in an employment zone scheme and was not entitled to—

- (a) income support because, as a consequence of his participation in that scheme, he was engaged in remunerative work or had income in excess of the claimant’s applicable amount as prescribed in Part IV of the Income Support Regulations; or
- (b) a jobseeker’s allowance because, as a consequence of his participation in that scheme, he was engaged in remunerative work or failed to satisfy the condition specified in section 2(1)(c) or the couple of which he was a member failed to satisfy the condition in section 3A(1)(a).

Disability Premium

20G. The condition is that a member of a joint-claim couple has not attained the age of 60 and satisfies any one of the additional conditions specified in paragraph 20H.

Additional Conditions for Higher Pensioner and Disability Premium

20H.—(1) The additional conditions specified in this paragraph are that a member of a joint-claim couple—

- (a) is in receipt of either disabled person’s tax credit or mobility supplement;
- (b) is in receipt of severe disablement allowance;
- (c) is in receipt of attendance allowance or disability living allowance or is a person whose disability living allowance is payable, in whole or in part, to another in accordance with regulation 44 of the Claims and Payments Regulations (payment of disability living allowance on behalf of third party);
- (d) is in receipt of long-term incapacity benefit or is a person to whom section 30B(4) of the Benefits Act (long-term rate of incapacity benefit payable to those who are terminally ill) applies⁽¹⁷⁾;
- (e) has been entitled to statutory sick pay, has been incapable of work or has been treated as incapable of work for a continuous period of not less than—
 - (i) 196 days in the case of a member of a joint-claim couple who is terminally ill within the meaning of section 30B(4) of the Benefits Act; or
 - (ii) 364 days in any other case,

and for these purposes, any two or more periods of entitlement or incapacity separated by a break of not more than 56 days shall be treated as one continuous period;

(17) Section 30B was inserted by the Social Security (Incapacity for Work) Act 1994 (c. 18) section 2(1).

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- (f) has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of, and Schedule 2 to, the National Health Service Act 1977⁽¹⁸⁾ or under section 46 of the National Health Service (Scotland) Act 1978⁽¹⁹⁾ or provided by the Department of Health and Social Services for Northern Ireland under article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972⁽²⁰⁾, or receives payments by way of grant from the Secretary of State under paragraph 2 of Schedule 2 to the Act of 1977 (additional provisions as to vehicles) or, in Scotland, under section 46 of the Act of 1978;
- (g) is a person who is entitled to the mobility component of disability living allowance but to whom the component is not payable in accordance with regulation 42 of the Claims and Payments Regulations (cases where disability living allowance not payable);
- (h) was either—
 - (i) in receipt of long-term incapacity benefit under section 30A(5) of the Benefits Act⁽²¹⁾ immediately before attaining pensionable age and he is still alive; or
 - (ii) entitled to attendance allowance or disability living allowance but payment of that benefit was suspended in accordance with regulations under section 113(2) of the Benefits Act or otherwise abated as a consequence of either member of the joint-claim couple becoming a patient within the meaning of regulation 85(4) (special cases),
 and in either case, the higher pensioner premium or disability premium had been applicable to the joint-claim couple; or
 - (i) is registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948⁽²²⁾ (welfare services), or, in Scotland, has been certified as blind and in consequence is registered as blind in a register maintained by or on behalf of a regional or islands council.

(2) In the case of a member of a joint-claim couple who is a welfare to work beneficiary, the reference in sub-paragraph (1)(e) to a period of 56 days shall be treated as a reference to a period of 52 weeks.

(3) For the purposes of sub-paragraph (1)(i), a person who has ceased to be registered as blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

Severe Disability Premium

20I.—(1) The condition is that—

- (a) a member of a joint-claim couple is in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act (“the qualifying benefits”); and

⁽¹⁸⁾ 1977 c. 49.

⁽¹⁹⁾ 1978 c. 29.

⁽²⁰⁾ S.I. 1972/1265 (N.I. 14).

⁽²¹⁾ Section 30A was inserted by the Social Security (Incapacity for Work) Act 1994 (c. 18), section 1(1).

⁽²²⁾ 1948 c. 29; section 29 was amended by the National Assistance (Amendment) Act 1959 (c. 30), section 1(2); the Mental Health (Scotland) Act 1960 (c. 61), sections 113 and 114 and Schedule 4; the Social Work (Scotland) Act 1968 (c. 49), section 95(2) and Schedule 9, Part I; the Local Government Act 1972 (c. 70), sections 195(6), 272(1), Schedule 23 paragraph 2 and Schedule 30; the Employment and Training Act 1973 (c. 50), section 14(1) and Schedule 3 paragraph 3; the National Health Service Act 1977 (c. 49), section 129 and Schedule 15 paragraph 6; the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 30 and Schedule 10 Part I; the Children Act 1989 (c. 41) section 108(5) and Schedule 13 paragraph 11(2) and the National Health Service and Community Care Act 1990 (c. 19), section 44(7).

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- (b) the other member is also in receipt of such an allowance, or if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of a qualifying benefit; and
 - (c) subject to sub-paragraph (3), there is no non-dependant aged 18 or over normally residing with the joint-claim couple or with whom they are normally residing; and
 - (d) either—
 - (i) no person is entitled to, and in receipt of, an invalid care allowance under section 70 of the Benefits Act in respect of caring for either member or the couple or all the members of the polygamous marriage; or
 - (ii) a person is engaged in caring for one member (but not both members) of the couple, or one or more but not all members of the polygamous marriage, and in consequence is entitled to an invalid care allowance under section 70 of the Benefits Act.
- (2) Where the other member does not satisfy the condition in sub-paragraph (1)(b), and that member is blind or treated as blind within the meaning of paragraph 20H(1)(i) and (2), that member shall be treated for the purposes of sub-paragraph (1) as if he were not a member of the couple.
- (3) The following persons shall not be regarded as non-dependant for the purposes of sub-paragraph (1)(c)—
- (a) a person in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act;
 - (b) subject to sub-paragraph (5), a person who joins the joint-claim couple's household for the first time in order to care for a member of a joint claim couple and immediately before so joining, that member satisfied the condition in sub-paragraph (1);
 - (c) a person who is blind or treated as blind within the meaning of paragraph 20H(1)(i) and (2).
- (4) For the purposes of sub-paragraph (1), a member of a joint-claim couple shall be treated—
- (a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
 - (b) as being entitled to and in receipt of an invalid care allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.
- (5) Sub-paragraph (3)(b) shall apply only for the first 12 weeks following the date on which the person to whom that provision applies first joins the joint-claim couple's household.
- (6) For the purposes of sub-paragraph (1)(d), no account shall be taken of an award of invalid care allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is made.

Carer Premium

20J.—(1) Subject to sub-paragraphs (3) and (4), the condition is that either or both members of a joint-claim couple are entitled to and in receipt of an invalid care allowance under section 70 of the Benefits Act.

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(2) Either or both members, as the case may be, shall be treated for the purposes of sub-paragraph (1) as being entitled to an invalid care allowance where—

- (a) they would be in receipt of such an allowance but for any provision of the Social Security (Overlapping Benefits) Regulations 1979(23); and
- (b) the claim for that allowance was made on or after 1st October 1990; and
- (c) the person or persons in respect of whose care the allowance has been claimed remains or remain in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Benefits Act.

(3) Where a carer premium is awarded but the member of the joint-claim couple in respect of whom it has been awarded ceases to be entitled to an invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in head (c) of that sub-paragraph;
- (b) in any other case, that member ceased to be entitled to an invalid care allowance.

(4) Where a member of a joint-claim couple who has been entitled to an invalid care allowance ceases to be entitled to that allowance and makes a claim for a jobseeker’s allowance jointly with the other member of that couple, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) where sub-paragraph (2) applies, the person in respect of whose care the invalid care allowance has been claimed ceased to be in receipt of the allowances referred to in head (c) of that sub-paragraph;
- (b) in any other case, that member was last entitled to an invalid care allowance.

Member of a joint-claim couple in receipt of concessionary payments

20K. For the purpose of determining whether a premium is applicable to a joint-claim couple under paragraphs 20H to 20J, any concessionary payment made to compensate a person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Person in receipt of benefit

20L. For the purposes of this Part of this Schedule, a member of a joint-claim couple shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

PART IVB

WEEKLY AMOUNTS OF PREMIUMS SPECIFIED IN PART IVA

<i>Premium</i>	<i>Amount</i>
20M. —	(1) £40.00.

(23) S.I. 1979/597.

<i>Premium</i>	<i>Amount</i>
(1) Pensioner premium where one member of a joint-claim couple is aged over 60 and the condition in paragraph 20E is satisfied.	
(2) Higher Pensioner Premium where one member of a joint-claim couple satisfies the condition in paragraph 20F.	(2) £43.40.
(3) Disability Premium where one member of a joint-claim couple satisfies the condition in paragraph 20G.	(3) £31.75.
(4) Severe Disability Premium where one member of a joint-claim couple satisfies the condition in paragraph 20I(1)— 174	(i) £40.20.
(i) if there is someone in receipt of an invalid care allowance or if either member satisfies that condition only by virtue of paragraph 20I(3);	
(ii) if no-one is in receipt of such an allowance.	(ii) £80.40.
(5) Carer Premium.	(5) £14.15 in respect of each person who satisfied the condition specified in paragraph 20J.”

54.—(1) Schedule 2 (housing costs) shall be amended in accordance with the following sub-paragraphs.

(2) In paragraph 1A(**24**) (previous entitlement to income support), after sub-paragraph (1) there shall be inserted the following sub-paragraph—

“(1A) Where either member of a joint-claim couple was in receipt of or treated as being in receipt of income support not more than 12 weeks before the couple becomes entitled to a joint-claim jobseeker’s allowance, or, where either member is a person to whom paragraph 13(2) or (10) (linking rules) refers, not more than 26 weeks before becoming so entitled and—

(a) the applicable amount for income support included an amount in respect of housing costs under paragraph 15 or 16 of Schedule 3 to the Income Support Regulations; and

(b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

the applicable amount in respect of housing costs for joint-claim jobseeker’s allowance shall be the applicable amount in respect of those costs current when entitlement to income support was last determined.”.

(3) In paragraph 2(1) (circumstances in which a person is liable to meet housing costs), in both heads (a) and (c), after the words “or his partner” there shall be inserted the words “or, where that person is a member of a joint-claim couple, the other member of that couple.”.

(4) In paragraph 4 (housing costs not met)—

(a) for the words “the claimant” wherever those words occur, there shall be substituted the words “a claimant”;

(b) for sub-paragraph (2)(c)(ii) there shall be substituted the following—

(24) Paragraph 1A was inserted by S.I. [1997/2305](#).

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- “(ii) who becomes, or whose partner becomes or, where that person is a member of a joint-claim couple, that couple become, entitled to a jobseeker’s allowance after 6th October 1996 and that entitlement is within 26 weeks of an earlier entitlement to income support for the claimant or his partner or, as the case may be, either member of the joint-claim couple.”;
- (c) in sub-paragraph (4A)(25)—
- (i) for the words “or his partner”, wherever those words occur, there shall be substituted the words “, his partner or, where that person is a member of a joint-claim couple, the other member of that couple”;
- (ii) in paragraph (b), for the words “or in section 3(1)(a)” there shall be substituted the words “, 3(1)(a) or 3A(1)(a)”;
- (d) in sub-paragraph (7)(b), after the words “most favourable to him” there shall be inserted the words “or, as the case may be, to the joint-claim couple of which he is a member”;
- (e) in sub-paragraph (8)(ii), for the words “or 84(1)(g)” there shall be substituted the words “, 84(1)(g), 86A(d) or 86B(e)”.
- (5) At the end of paragraph 6 (existing housing costs) there shall be added the following sub-paragraph—
- “(4) Where either member of a joint-claim couple ceases to be in receipt of or treated as being in receipt of income support and that couple then become entitled to a joint-claim jobseeker’s allowance in a case to which paragraph 1A(1A) applies, the eligible capital for the time being owing shall be recalculated on each anniversary of the date on which the housing costs were first met for whichever of the benefits concerned either member of the couple was first entitled to.”.
- (6) After paragraph 7(2A)(26) (new housing costs) there shall be inserted the following sub-paragraph—
- “(2B) Where either member of a joint-claim couple ceases to be in receipt of or treated as being in receipt of income support and that couple then become entitled to a joint-claim jobseeker’s allowance in a case to which paragraph 1A(1A) applies, the eligible capital for the time being owing shall be recalculated on each anniversary of the date on which the housing costs were first met for whichever of the benefits concerned either member of the couple was first entitled to.”.
- (7) In paragraph 8(1)(a) (general exclusions from paragraphs 6 and 7), after the words “or his partner” there shall be inserted the words “or either member of a joint-claim couple”.
- (8) In paragraph 13 (linking rule)—
- (a) in sub-paragraph (1), for the words “sub-paragraph (2)” there shall be substituted the words “sub-paragraphs (2) and (2A)”;
- (b) after sub-paragraph (1)(d), there shall be inserted the following paragraph—
- “(dd) where the applicable amount of a member of a joint-claim couple was determined in accordance with paragraph 1(1) (single claimant) or paragraph 1(2) (lone parent) of Schedule 1 (applicable amounts) in respect of a past period, provided that the claim was made within twelve weeks of the joint-claimant becoming a member of the joint-claim couple, the joint-claim couple shall be treated as having been in receipt of a jobseeker’s allowance for the same period as that member of the joint-claim couple had been treated, for the purposes of this Schedule, as having been;”;

(25) Paragraph 4(4A) was inserted by S.I. [1997/2863](#).

(26) Paragraph 7(2A) was inserted by S.I. [1997/2305](#).

- (c) after sub-paragraph (2) there shall be inserted the following sub-paragraphs—
- “(2A) Where a joint-claim jobseeker’s allowance is payable to one member of a joint-claim couple in accordance with section 3B, both members of the couple shall be treated as receiving, or having received, a jobseeker’s allowance for the purpose of this paragraph.
- (2B) Where both joint-claimants claiming a jobseeker’s allowance in respect of themselves have not been in receipt of a jobseeker’s allowance for a period before they became a joint-claim couple, sub-paragraph (1) shall have effect in respect of that couple in relation to the period which is most favourable to the couple for the purposes of this Schedule.”;
- (d) in sub-paragraph (3), after the words “or his partner”, in both places where those words occur, there shall be inserted the words “or, where a claimant is a member of a joint-claim couple, the other member of that couple”;
- (e) in sub-paragraph (3A)—
- (i) after the words “or his partner”, wherever those words occur, there shall be inserted the words “or, where a claimant is a member of a joint-claim couple, the other member of that couple”;
- (ii) in head (b), for the words “or in section 3(1)(a)” there shall be substituted the words “, 3(1)(a) or 3A (1)(a)”.

55. After Schedule 4 there shall be inserted the following Schedule—

“SCHEDULE 4A

Regulation 86D

APPLICABLE AMOUNT OF A JOINT-CLAIM COUPLE WHERE
A MEMBER IS IN A RESIDENTIAL CARE OR NURSING HOME

- 1.** In this Schedule, “the relevant member” means a member of a joint-claim couple to whom regulation 86D applies.
- 2.** The weekly applicable amount of a joint-claim couple where one member of that couple is a relevant member shall be the aggregate of—
- (a) the weekly applicable amount which is applicable to a member of the couple who is not a relevant member calculated in accordance with regulation 83(a), (c) or (e) as if that member was a single claimant;
- (b) subject to paragraph 4, the weekly charge for the accommodation, including all meals and services, provided for the relevant member increased, where appropriate, in accordance with paragraph 3 but, except in a case to which paragraph 11 applies, subject to the maximum determined in accordance with paragraph 4;
- (c) a weekly amount for personal expenses for the relevant member determined in accordance with paragraph 12; and
- (d) where the relevant member is only temporarily in such accommodation any amount applicable under regulation 86A(d) or 86B(e) (housing costs) in respect of the dwelling normally occupied as the home.
- 3.—(1)** Where, in addition to the weekly charge for accommodation, a separate charge is made for the provision of heating, attention in connection with bodily functions, supervision, extra baths, laundry or a special diet needed for a medical reason, the weekly charge for the purpose of paragraph 2(a) shall be increased by the amount of that charge.
- (2) Where the weekly charge for the accommodation does not include the provision of all meals, it shall for the purpose of paragraph 2(a), be increased in respect of the relevant member by the following amount—

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- (a) if the meals can be purchased within the residential care or nursing home, the amount equal to the actual cost of the meals, calculated on a weekly basis; or
- (b) if the meals cannot be so purchased, the amount calculated on a weekly basis—
 - (i) for breakfast, at a daily rate of £1.10;
 - (ii) for a midday meal, at a daily rate of £1.55; and
 - (iii) for an evening meal, at a daily rate of £1.55,

except that, if some or all of the meals are normally provided free of charge or at a reduced rate, the amount shall be reduced to take account of the lower charge or reduction.

4. Where any part of the weekly charge for the accommodation is met by housing benefit, an amount equal to the part so met shall be deducted from the amount calculated in accordance with paragraph 2(a).

5. Subject to paragraph 11, the maximum referred to in paragraph 2(a) shall be in respect of each relevant member, the appropriate amount in respect of him specified in or determined in accordance with paragraphs 6 to 10.

Residential care homes

6. Subject to paragraphs 8 to 10, where the accommodation provided for the relevant member is a residential care home for persons in need of personal care by virtue of—

- (a) past or present mental disorder but excluding mental handicap, the appropriate amount shall be £234.00 per week;
- (b) past or present drug or alcohol dependence, the appropriate amount shall be £234.00 per week;
- (c) mental handicap, the appropriate amount shall be £266.00 per week;
- (d) physical disablement, the appropriate amount shall be £303.00 per week;
- (e) any condition not falling within sub-paragraphs (a) to (d) above, the appropriate amount shall be £221.00 per week.

Nursing homes

7. Subject to paragraphs 8 to 10, where the accommodation provided for the relevant member is a nursing home for persons in need of personal care by virtue of—

- (a) past or present mental disorder but excluding mental handicap, the appropriate amount shall be £331.00 per week;
- (b) mental handicap, the appropriate amount shall be £337.00 per week;
- (c) past or present drug or alcohol dependence, the appropriate amount shall be £331.00 per week;
- (d) physical disablement, the appropriate amount shall be £373.00 per week;
- (e) terminal illness, the appropriate amount shall be £330.00 per week;
- (f) any condition not falling within sub-paragraphs (a) to (e), the appropriate amount shall be £330.00 per week.

8. The appropriate amount applicable to a relevant member in a residential care home or nursing home shall, subject to paragraph 9, be determined—

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- (a) where the home is a residential care home registered under Part I of the Registered Homes Act 1984⁽²⁷⁾, by reference to the particulars recorded in the register kept by the relevant registration authority for the purposes of that Act; or
- (b) where the home is a residential care home not so registered or a nursing home, by reference to the type of care which, taking into account the facilities and accommodation provided, the home is providing to the relevant member.

9.—(1) Where more than one amount would otherwise be applicable, in accordance with paragraph 8, to a relevant member in a residential care home or a nursing home, the appropriate amount in any case shall be determined in accordance with the following sub-paragraphs.

(2) Where the home is a residential care home registered under Part I of the Registered Homes Act 1984 and where the personal care that the relevant member is receiving corresponds to the care received by a category of residents for whom the register indicates that the home provides accommodation, the appropriate amount shall be the amount, in paragraph 6, as is consistent with that personal care.

(3) Where the home is a residential care home which is so registered but where the personal care that the relevant member is receiving does not correspond to the care received by a category of residents for whom the register indicates that the home provides accommodation, the appropriate amount shall be the lesser or least amount, in paragraph 6, as is consistent with those categories.

(4) In any case not falling within sub-paragraph (2) or (3), the appropriate amount shall be whichever amount of the amounts applicable in accordance with paragraph 6, 7 or 8 is, having regard to the types of personal care that the home provides, most consistent with the personal care being received by the relevant member in that accommodation.

10.—(1) Where the accommodation provided for the relevant member is a residential care home or a nursing home which is, in either case, situated in the Greater London area and the actual charge for that accommodation exceeds the appropriate amount in his case by virtue of the preceding paragraphs of this Schedule, the amount shall be increased by any excess up to—

- (a) in the case of a residential care home, £46.00;
- (b) in the case of a nursing home, £51.00.

Circumstances in which the maximum is not to apply

11.—(1) Where a relevant member who satisfied the conditions in sub-paragraph (2) has been able to meet the charges referred to in paragraphs 2 and 3 without recourse to a jobseeker's allowance, income support or supplementary benefit, the maximum determined in accordance with paragraph 5 shall not apply for the period of 13 weeks or, if alternative accommodation is found earlier, such lesser period following the date of claim except to the extent that the claimant is able to meet out of income disregarded for the purposes of Part VIII the balance of the actual charge over the maximum.

(2) The conditions for the purposes of sub-paragraph (1) are that—

- (a) the relevant member has lived in the same accommodation for more than 12 months;
- (b) he was able to afford the charges in respect of that accommodation when he took up residence;
- (c) having regard to the availability of suitable alternative accommodation and to the circumstances mentioned in paragraph 12(5)(b) of Schedule 2 (housing costs), it is reasonable that the maximum should not apply in order to allow him time to find alternative accommodation;

(27) 1984 c. 23.

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- (d) he is not a person who is being accommodated—
 - (i) by a housing authority under Part III of the Housing Act 1985⁽²⁸⁾ (housing the homeless); or
 - (ii) by a local authority under section 20 of the Children Act 1989⁽²⁹⁾ (provision for accommodation for children: general) or, in Scotland, section 12 of the Social Work (Scotland) Act 1968⁽³⁰⁾ (general welfare); and
 - (e) he is seeking alternative accommodation and intends to leave his present accommodation once alternative accommodation is found.
- (3) Where—
- (a) the relevant member was a resident in a residential care home or nursing home immediately before 29th April 1985 and has continued after that date to be resident in the same accommodation, apart from any period of temporary absence;
 - (b) immediately before that date, the actual charge for the relevant member's accommodation was being met either wholly or partly out of his resources, or, wholly or partly out of other resources which can no longer be made available for this purpose;
 - (c) since that date, the local authority have not at any time accepted responsibility for the making of arrangements for the provision of such accommodation for the relevant member; and
 - (d) the Secretary of State is satisfied that, unless this provision applies in the relevant member's case, the joint-claim couple of which he is a member will suffer exceptional hardship,

the maximum amount shall be the rate specified in sub-paragraph (4) if that rate exceeds the maximum which, but for this sub-paragraph, would be determined under paragraph 5.

- (4) For the purposes of sub-paragraph (3), the rate is either—
- (a) the actual weekly charge for the accommodation immediately before 29th April 1985 plus £10; or
 - (b) the aggregate of the following amounts—
 - (i) the amount estimated under regulation 9(6) of the Supplementary Benefit (Requirements) Regulations 1983⁽³¹⁾ as then in force as the reasonable weekly charge for the area immediately before that date;
 - (ii) £26.15; and
 - (iii) if the relevant member was entitled at that date to attendance allowance under section 64 of the Benefits Act at the higher rate £28.60 or, as the case may be, at the lower rate, £19.10,
 whichever is the lower amount.

Personal allowances

12. The allowance for personal expenses for the relevant member referred to in paragraph 2(b) shall be—

- (a) for the relevant member, £15.45; and
- (b) for the other member of the joint-claim couple, £15.45;

⁽²⁸⁾ 1985 c. 68.

⁽²⁹⁾ 1989 c. 41.

⁽³⁰⁾ 1968 c. 49.

⁽³¹⁾ S.I. 1983/1399.

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- (c) for a young person aged 18, £15.00;
- (d) for a young person aged under 18 but over 16, £10.40.”.

56. In Schedule 5 (applicable amounts in special cases)—

- (a) paragraph 10 (couples where one member is absent from the United Kingdom) shall be renumbered paragraph 10(1) and after the renumbered paragraph 10(1) there shall be inserted—

- (i) the following sub-paragraph in column (1)—

“(2) A claimant who is a member of a joint-claim couple and whose partner is temporarily absent from the United Kingdom—

- (a) in the circumstances prescribed in regulation 50(6A);
 - (b) in any other circumstances.”;

- (ii) the following sub-paragraph in column (2)—

- (a) “(2) For the first four weeks of that absence, the amount applicable to them as a couple under regulation 83 or 86 and thereafter the amount applicable to the claimant in Great Britain under regulation 83 or 86 as if the claimant were a single claimant;
 - (b) The amount which would be applicable to the claimant under regulation 83 or 86 if that claimant was a single claimant for the period commencing on the date of claim and ending on the day after the day on which the partner returns to the United Kingdom.”;

- (b) after paragraph 17, there shall be inserted—

- (i) the following paragraph in column (1)—

“Joint-claim couples where a claim is made other than jointly by both members

17A. A joint claim couple and one member—

- (a) is a person to whom regulation 3E(2)(a) applies;
 - (b) is a person to whom regulation 3E(2)(b) applies.”;

- (ii) the following paragraph in column (2)—

- “(a) The amount which would be applicable to the claimant under regulation 83 or 86 if that claimant was a single claimant for the period commencing on the day on which the member of the couple who is not the claimant fails to attend at the time and place specified by the Secretary of State for the purposes of regulation 6 of the Claims and Payments Regulations and ending on the day on which that member does so attend;
 - (b) The amount which would be applicable to the claimant under regulation 83 or 86 if that claimant was a single claimant.”.

57. After Schedule 5 there shall be inserted the following Schedule—

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“SCHEDULE 5A

Regulation 86C

APPLICABLE AMOUNTS OF JOINT-CLAIM COUPLES IN SPECIAL CASES

<i>Column (1)</i>	<i>Column (2)</i>
<p>Patients</p> <p>1. Subject to paragraphs 9 and 11, a joint-claim couple where one member—</p> <p>(a) has been a patient for more than six weeks;</p> <p>(b) is a member of a polygamous marriage and another member of that marriage who is not a joint-claimant has been a patient for more than six weeks.</p>	<p>(a) The applicable amount under regulation 86A reduced by £13.50;</p> <p>(b) The applicable amount under regulation 86B (polygamous marriages) reduced by £13.50 in respect of each member of the polygamous marriage who is a patient.</p>
<p>Joint-Claim Couple Without Accommodation</p> <p>2. A joint-claim couple who are without accommodation.</p>	<p>2. The amount applicable to the couple under regulation 86A(a) (personal allowance) only.</p>
<p>Members of Religious Orders</p> <p>3. A joint-claim couple who are both members of and fully maintained by a religious order.</p>	<p>3. Nil.</p>
<p>Specified Cases of Temporarily Separated Joint-Claim Couples</p> <p>4. A joint-claim couple who are temporarily separated where—</p> <p>(a) one member is—</p> <p>(i) not a patient but is resident in a nursing home;</p> <p>(ii) resident in a residential care home;</p> <p>(iii) resident in premises used for the rehabilitation of alcoholics or drug addicts;</p> <p>(iv) resident in accommodation provided under section 3 of, and Part II of the Schedule to, the Polish Resettlement Act 1947 (provision of accommodation in camps⁽³²⁾);</p> <p>(v) participating in arrangements for training made under</p>	<p>4. Either—</p> <p>(a) the amount applicable to the joint-claim couple under regulation 86A; or</p> <p>(b) the aggregate of the applicable amounts of both claimants assessed under the provisions of these Regulations as if each of them were a single claimant,</p> <p>whichever is the greater.</p>

(32) 1947 c. 19; Section 3(1) was amended by the Ministry of Social Security Act 1966 (c. 20), section 39(1) and Schedule 6 and by the Social Security Act 1980 (c. 30), section 20(1) and Schedule 4, paragraph 1(1)(a).

<i>Column (1)</i>	<i>Column (2)</i>
<p>section 2 of the Employment and Training Act 1973⁽³³⁾, or section 2 of the Enterprise and New Towns (Scotland) Act 1990⁽³⁴⁾ or participating in an employment rehabilitation programme established under that section of the Act of 1973, where the course requires him to live away from the dwelling occupied as the home; or</p> <p>(vi) in a probation or bail hostel approved for the purpose by the Secretary of State, and</p> <p>(b) the other member is—</p> <p>(i) living in the dwelling occupied as the home;</p> <p>(ii) a patient;</p> <p>(iii) in residential accommodation; or</p> <p>(iv) resident in a residential care home or nursing home.</p> <p>Polygamous Marriages where one or more members of the marriage are temporarily separated</p> <p>5. A joint-claim couple where one member is a member of a polygamous marriage and is temporarily separated from a partner of his, where one of them is living in the home while the other member is—</p> <p>(a) not a patient but is resident in a nursing home;</p> <p>(b) resident in a residential care home;</p> <p>(c) resident in premises used for the rehabilitation of alcoholics or drug addicts;</p> <p>(d) attending a course of training or instruction provided or approved by the Secretary of State where the course requires him to live away from home; or</p>	<p>5. Either—</p> <p>(a) the amount applicable to the joint-claim couple under regulation 86B; or</p> <p>(b) the aggregate of the amount applicable for the joint-claim couple in respect of the members of the polygamous marriage who remain in the home under regulation 86B and the amount applicable in respect of those members not in the home calculated as if each of them were a single claimant, whichever is the greater.</p>

(33) 1973 c. 50; section 2 was substituted by the Employment Act 1988 (c. 19), section 25(1) and amended by section 29(4) of, and Part I of Schedule 7 to, the Employment Act 1989 (c. 38) and section 47(1) of the Trade Union Reform and Employment Rights Act 1993 (c. 19).

(34) 1990 c. 35.

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<i>Column (1)</i>	<i>Column (2)</i>
<p>(e) in a probation or bail hostel approved for the purpose by the Secretary of State.</p> <p>Joint-claim couples and members of polygamous marriages where one member is, or all are, temporarily in local authority accommodation</p> <p>6. —</p> <p>(1) A joint-claim couple where one member is temporarily separated from the other member where one of them is living in the home while the other is in accommodation referred to in any of sub-paragraphs (a) to (d) (excluding heads (i) and (ii) of sub-paragraph (d)) of the definition of residential accommodation in regulation 85 (special cases).</p> <p>(2) A joint-claim couple where one member is a member of a polygamous marriage and is temporarily separated from a partner of his where one is, or some are, living in the home while one is, or some are, in accommodation referred to in sub-paragraph (1).</p> <p>(3) A joint-claim couple where both members or all the members of a polygamous marriage of which a member of the joint-claim couple is a member, are in accommodation referred to in sub-paragraph (1).</p> <p>Joint-claim couples where one member is absent from the United Kingdom</p> <p>7. A joint-claim couple where one member is temporarily absent from the United Kingdom—</p> <p>(a) in the circumstances prescribed in regulation 50(6B);</p> <p>(b) in any other circumstances.</p> <p>Polygamous marriages where any member of the marriage is abroad</p> <p>8. A joint-claim couple where one member is a member of a polygamous marriage and—</p> <p>(a) he, the other member or one of his partners is;</p>	<p>6. —</p> <p>(1) The aggregate of the amount applicable for the claimant who remains in the home calculated as if he were a single claimant under regulation 83, 85 or 86 and in respect of the other joint-claimant £67.50 of which £15.45 is for personal expenses.</p> <p>(2) The aggregate of the amount applicable for the members of the polygamous marriage who remain in the home under regulation 86B, and in respect of each member not in the home, £67.50 of which £15.45 is for personal expenses.</p> <p>(3) For each member of that couple or marriage £67.50 of which £15.45 is for personal expenses plus, if appropriate, the amount applicable under regulation 84A(d) and 84B(e).</p> <p>(a) The amount applicable to them as a couple under regulation 86A or 86D for the relevant period prescribed in regulation 50(6B).</p> <p>(b) For the first four weeks of that absence, the amount applicable to them as a couple under regulation 86A or 86D as the case may be and thereafter the amount applicable to the claimant in Great Britain under regulation 83 or 86 as the case may be as if that claimant were a single claimant.</p> <p>8. For the first four weeks of that absence, the amount applicable to the joint-claim couple under regulations 86B to 86D, as the case may be, and thereafter, if the joint-claim couple are in Great Britain the amount applicable to them under regulations 86B to 86D, as the case may be, as if any member of the polygamous</p>

<i>Column (1)</i>	<i>Column (2)</i>
<p>(b) he, the other member and one or more of his partners are; or</p> <p>(c) the other member and one or more of his partners or two or more of his partners are,</p> <p>temporarily absent from the United Kingdom.</p> <p>Members of joint-claim couples in residential accommodation</p> <p>9. —</p> <p>(1) Subject to sub-paragraph (2), a joint-claim couple where one member is in or only temporarily absent from residential accommodation.</p> <p>(2) A joint-claim couple where either member is a member of a polygamous marriage and one or more members of that marriage are in or only temporarily absent from residential accommodation.</p> <p>Members of joint-claim couples temporarily absent from a hostel, residential care or nursing home</p> <p>10. A joint-claim couple where a member is temporarily absent from accommodation for which he is liable to pay a retaining fee and, but for his temporary absence from that accommodation, his applicable amount would be calculated in accordance with regulation 86D (applicable amounts for joint-claim couples where a member is in a residential care or nursing home), and—</p> <p>(a) he is a person in accommodation referred to in any of sub-paragraphs (a) to (c) of the definition of residential accommodation in regulation 85(4) (special cases) and paragraph 9 does not apply to him by reason only that his stay in that accommodation has not become other than temporary; or</p> <p>(b) he is a person to whom paragraph 1 (patients) applies.</p> <p>Members of joint-claim couples in residential care or nursing homes who become patients</p> <p>11. A joint-claim couple to whom regulation 86D (applicable amounts for joint-claim couples where a member is in residential</p>	<p>marriage not in the United Kingdom were not a member of the marriage.</p> <p>9. —</p> <p>(1) £67.50 of which £15.45 is for personal expenses.</p> <p>(2) The amount specified in sub-paragraph (1) of this column multiplied by the number of members of the polygamous marriage in or only temporarily absent from that accommodation.</p> <p>10. The amount otherwise applicable to the joint-claim couple under these Regulations may be increased to take account of the retaining fee by an amount not exceeding 80 per cent. of the applicable amount referred to in paragraph 1(1)(a) of Schedule 4A (applicable amounts of joint-claim couples where a member is in a residential care or nursing home) and any such increase shall not be for a continuous period of more than 52 weeks.</p> <p>(a) (i) The amount which would be applicable under regulation 86D as if the claimant or the member of the family who is a patient were resident in the accommodation</p>

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<i>Column (1)</i>	<i>Column (2)</i>
care or nursing home) applies immediately before either member became a patient where—	to which regulation 86D applies;
(a) that member has been a patient for not more than 2 weeks and—	(ii) the amount which would be applicable under regulation 86D having taken into account the reduced charge, as if the claimant or the member of the family who is a patient were resident in the accommodation to which regulation 86D applies;
(i) continues to be liable to meet the weekly charge for the accommodation without reduction in respect of himself;	
(ii) continues to be liable to meet the weekly charge for the accommodation but at a reduced rate; or	(b) where that member of that marriage remains in the accommodation, the amount applicable to the joint-claim couple as if regulation 86B, having taken into account any reduction in charge, continued to apply to that couple except that in respect of the member of the polygamous marriage who has been a patient for more than six weeks, no amount shall be applicable in respect of the couple under paragraph 3(2) of Schedule 4A and for the amount in respect of the allowance for personal expenses prescribed by paragraph 12 of Schedule 4A there shall be substituted the amount of £16.90.
(b) that member is one member of a polygamous marriage and one or more other members of that marriage (other than the other member of the joint-claim couple) has been a patient for a period of more than 6 weeks.	

Rounding of Fractions

13. Where any calculation under this Schedule or as a result of a joint-claim jobseeker’s allowance being awarded for a period of less than one complete benefit week results in a fraction of a penny, that fraction shall be treated as a penny.”.

58. After Schedule 6 there shall be inserted the following Schedule—

“SCHEDULE 6A

Regulation 88ZA(4)

SUMS TO BE DISREGARDED IN THE CALCULATION OF
EARNINGS OF MEMBERS OF JOINT-CLAIM COUPLES

1.—(1) In a case to which this paragraph applies, £15; but notwithstanding regulation 88ZA (calculation of income and capital of members of a joint-claim couple), if this paragraph applies to one member of a joint-claim couple, it shall not apply to the other member except where, and to the extent that, the earnings of the member which are to be disregarded under this paragraph are less than £15.

(2) This paragraph applies where the joint-claim couple’s applicable amount includes, or but for one member being an in-patient or in accommodation in a residential care home or nursing

home or in residential accommodation would include, an amount by way of a disability premium under Schedule 1 (applicable amounts).

- (3) This paragraph applies where—
 - (a) the joint-claim couple's applicable amount would include—
 - (i) an amount by way of the disability premium under Schedule 1 but for the higher pensioner premium under that Schedule being applicable; or
 - (ii) had a member of that couple not been an in-patient or in accommodation in a residential care home or nursing home or in residential accommodation, the higher pensioner premium under that Schedule and had that been the case, the joint-claim couple would also satisfy the condition in (i) above; and
 - (b) either member is under the age of 60 and at least one is engaged in part-time employment.
- (4) This paragraph applies where—
 - (a) the joint-claim couple's applicable amount includes, or but for a member being an in-patient or in accommodation in a residential care home or nursing home or in residential accommodation would include, an amount by way of the higher pensioner premium under Schedule 1; and
 - (b) either member has attained the age of 60; and
 - (c) immediately before attaining that age either, or as the case may be both, members were engaged in part-time employment and the joint-claimant was entitled by virtue of subparagraph (2) or (3) to a disregard of £15; and
 - (d) either, or as the case may be both, members have continued in part-time employment.
- (5) For the purposes of this paragraph—
 - (a) except where paragraph (b) or (c) applies, no account shall be taken of any period not exceeding eight consecutive weeks occurring—
 - (i) on or after the date on which either member attained the age of 60 during which either member was, or both members were, not engaged in part-time employment or either member was, or both members were, not entitled to a jobseeker's allowance or income support; or
 - (ii) immediately after the date on which either member ceased to participate in arrangements for training made under section 2 of the Employment and Training Act 1973⁽³⁵⁾ or section 2 of the Enterprise and New Towns (Scotland) Act 1990⁽³⁶⁾ or ceased to participate in an employment rehabilitation programme established under that section of the 1973 Act;
 - (b) in a case where either or both members have ceased to be entitled to a jobseeker's allowance or income support because either member becomes engaged in remunerative work, no account shall be taken of any period during which either or both members were not entitled to a jobseeker's allowance or income support, not exceeding the permitted period, occurring on or after the date on which either member attained the age of 60;
 - (c) no account shall be taken of any period occurring on or after the date on which either member attained the age of 60 during which either or both members were not entitled to a jobseeker's allowance or income support because either or both members were participating in arrangements for training made under section 2 of the Employment and

(35) 1973 c. 50; section 2 was substituted by the Employment Act 1988 (c. 19), section 25(1) and amended by section 29(4) of, and Part I of Schedule 7 to, the Employment Act 1989 (c. 38) and section 47(1) of the Trade Union Reform and Employment Rights Act 1993 (c. 19).

(36) 1990 c. 35.

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Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 or participating in an employment rehabilitation programme established under that section of the 1973 Act.

2.—(1) In a case where paragraph 1 does not apply to a member of a joint-claim couple and subject to sub-paragraph (2), where the joint-claim couple's applicable amount includes an amount by way of the carer premium under Schedule 1 (applicable amounts), £15 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of an invalid care allowance or treated in accordance with paragraph 20J(2) of that Schedule as being in receipt of an invalid care allowance.

(2) Where the carer premium is awarded in respect of a joint-claim couple, the earnings of each member shall for the purposes of this paragraph be aggregated but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £15 of the aggregated amount.

3.—(1) In the case to which neither paragraph 1 nor 2 applies to a member of a joint-claim couple ("the first member"), £15 of earnings derived from one or more employments to which paragraph 9 of Schedule 6 applies but, notwithstanding regulation 88ZA (calculation of income and capital of a joint-claim couple), if this paragraph applies to one member of a joint-claim couple it shall not apply to the other member except to the extent specified in sub-paragraph (2).

(2) If the other member is engaged in employment—

- (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the first member's earnings disregarded under this paragraph exceed £15;
- (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £5 as would not in aggregate with the first member's earnings disregarded under this paragraph exceed £15.

4. Where a member of a joint-claim couple is engaged in one or more employments specified in paragraph 3(1) but his earnings derived from such employments are less than £15 in any week and he is also engaged in any other part-time employment, so much of his earnings from that other employment up to £5 as would not in aggregate with the amount of his earnings disregarded under paragraph 3 exceed £15.

5. In the case of a member of a joint-claim couple who—

- (a) has been engaged in employment as a member of any territorial or reserve force prescribed in Part I of Schedule 3 to the Social Security (Contributions) Regulations 1979(37); and
- (b) by reason of that employment, the joint-claim couple have failed to satisfy any of the conditions of entitlement to a joint-claim jobseeker's allowance, other than the condition in section 3A(1)(a) (income not in excess of applicable amount),

any earnings from that employment paid in respect of the period in which the joint-claim couple were not entitled to a joint-claim jobseeker's allowance.

6.—(1) In a case where none of paragraphs 1 to 5 apply, £10 but, notwithstanding regulation 88ZA (calculation of income and capital of joint-claim couples), if this paragraph applies to one member of a joint-claim couple, it shall not apply to the other member except where, and to the extent that, the earnings of the member which are to be disregarded under this sub-paragraph are less than £10.

(37) S.I. 1979/591; the relevant amending instruments are S.I. 1980/1975 and 1994/1553.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) In a case where one or more of paragraphs 1 to 5 apply and the total amount disregarded under those paragraphs is less than £10, so much of the earnings of the member of a joint-claim couple as would not in aggregate with the amount disregarded under paragraphs 1 to 5 exceed £10.

7. In this Schedule, “part-time employment” and “permitted period” shall bear the meanings prescribed respectively in paragraphs 20 and 21 of Schedule 6.”.