

*Draft Statutory Instrument laid before Parliament under section 37(2) of the Jobseekers Act 1995 for approval by resolution of each House of Parliament*

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DRAFT STATUTORY INSTRUMENTS

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**1999 No.**

**SOCIAL SECURITY**

**The Jobseeker's Allowance  
(Amendment) (No. 2) Regulations 1999**

<i>Made</i>	- - - -	<i>1999</i>
<i>Coming into force</i>	- -	<i>1999</i>

Whereas a draft of these Regulations was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995(1) and approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State for Education and Employment, in exercise of the powers conferred by sections 6(2) and (4), 7(4), 35(1)(2) and 36(2) of the Jobseekers Act 1995, and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(3), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Jobseeker's Allowance (Amendment) (No. 2) Regulations 1999 and shall come into force on the fourteenth day after the day on which they are made.

(2) In these Regulations, “the Jobseeker's Allowance Regulations” means the Jobseeker's Allowance Regulations 1996(4).

**Part-time students**

2. In regulation 11(3) of the Jobseeker's Allowance Regulations, for the words “pursuant to its arrangement with the Secretary of State (whether that arrangement is known as an Operating

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(1) 1995 c. 18.

(2) Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

(3) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (c. 5); paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.

(4) S.I.1996/207; relevant amending instruments are S.I. 1996/517, 1997/563, 1998/1274.

Agreement or by any other name)” there shall be substituted the words “, or a Chamber of Commerce, Training and Enterprise, under its contractual arrangement with the Secretary of State”.

### **Circumstances in which a person is to be treated as available for employment**

3. In regulation 14(1) of the Jobseeker’s Allowance Regulations, after sub-paragraph (n) there shall be added the following sub-paragraph—

- “(o) if
- (i) he is available for employment, or is treated as such, on the day he makes his claim for a jobseeker’s allowance; and
  - (ii) the Secretary of State has directed that the prescribed time for claiming a jobseeker’s allowance be extended under regulation 19(6) of the Claims and Payments Regulations<sup>(5)</sup> where the circumstances specified in regulation 19(7) (d) of those Regulations applied in relation to an entitlement to incapacity benefit or an entitlement to income support by virtue of paragraph 7 of Schedule 1B to the Income Support Regulations<sup>(6)</sup>,
- for the period of that extension.”

### **Actively seeking employment in the period at the beginning of a claim**

4. In regulation 18A(1) of the Jobseeker’s Allowance Regulations, after the words “in any case” there shall be inserted the words “, other than a case which falls within regulation 19(1)(i) or (s),”.

### **Circumstances in which a person is to be treated as actively seeking employment**

5.—(1) Regulation 19(1) of the Jobseeker’s Allowance Regulations shall be amended in accordance with the following provisions of this regulation.

(2) After sub-paragraph (h) there shall be inserted the following sub-paragraph—

- “(i) for any period if he is treated as available for employment to any extent in that period under regulation 14(1)(h);”.

(3) After sub-paragraph (r) there shall be added the following sub-paragraph—

- “(s) for any period if he is treated as available for employment to any extent in that period under regulation 14(1)(o).”.

1999

Minister of State,  
Department for Education and Employment

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(5) The Social Security (Claims and Payments) Regulations 1987, S.I. 1987/1968; regulation 19 was substituted by S.I. 1997/793.  
(6) The Income Support (General) Regulations 1987, S.I. 1987/1967; Schedule 1B was inserted by S.I. 1996/206.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Jobseeker's Allowance Regulations 1996.

Regulation 2 amends the definition of "training" in regulation 11 of the Jobseeker's Allowance Regulations to reflect the fact that training that was formerly provided by a Training and Enterprise Council may now in some cases be provided by a Chamber of Commerce, Training and Enterprise.

Regulation 3 treats as available for employment a person whose time for claiming a jobseeker's allowance has been extended in certain circumstances from the usual time (the first day of the period in respect of which the claim is made) by a direction of the Secretary of State. Those circumstances are that the claimant was previously in receipt of incapacity benefit or income support as a result of incapacity, that notification of expiry of that benefit was not sent to the claimant before the date that his entitlement expired, and that the claimant is available for employment (or is treated as such) on the day he claims a jobseeker's allowance.

Regulations 4 and 5 treat as actively seeking employment a person who is treated as available for employment under regulation 3, and a person who has recently been discharged from detention and is treated as available for employment under regulation 14(1)(h) of the Jobseeker's Allowance Regulations 1996.