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STATUTORY INSTRUMENTS

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**1996 No. 1516**

**The Jobseeker's Allowance (Amendment) Regulations 1996**

**PART I**  
**GENERAL**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Jobseeker's Allowance (Amendment) Regulations 1996 and shall come into force on 7th October 1996, immediately following the coming into force of the Jobseeker's Allowance Regulations 1996<sup>(1)</sup>.

(2) In these Regulations—

“the Act” means the Jobseekers Act 1995;

“the Jobseeker's Allowance Regulations” means the Jobseeker's Allowance Regulations 1996.

**“Full-time student”**

2.—(1) Regulation 1(3) of the Jobseeker's Allowance Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In the definition of “full-time student”, in sub-paragraph (i) of paragraph (b), the words “(not being higher education)” shall be omitted and at the end there shall be added the words “or a full-time course of study which is a course of higher education and is funded in whole or in part by the Secretary of State for Scotland;”.

(3) In the definition of “full-time course of advanced education”, in paragraph (a), the words “(not being higher education)” shall be omitted and at the end there shall be added the words “or a full-time course of study which is a course of higher education and is funded in whole or in part by the Secretary of State for Scotland;”.

**PART II**  
**JOBSEEKING**

**Jobseeker's Agreement treated as having been made**

3. In regulation 34 of the Jobseeker's Allowance Regulations, insert at the end—

“(e) where the claimant was in receipt of a training allowance and was, in accordance with regulation 170, entitled to an income-based jobseeker's allowance without being available for employment, having entered into a jobseeker's agreement or actively seeking employment, for the period beginning with the date on which regulation 170

ceased to apply to him and ending on the date on which he has an interview with an employment officer for the purpose of drawing up a jobseeker's agreement.”.

### **Young person**

4. The definition of “young person” in regulation 57(1) of the Jobseeker's Allowance Regulations (interpretation) shall be amended to read as follows:

““young person” means a person who has reached the age of 16 but not the age of 18 and who does not satisfy the conditions in section 2 or whose entitlement to a contribution-based jobseeker's allowance has ceased as a result of sub-section (1) of section 5.”.

### **Voluntary redundancy**

5. In sub-paragraph (a) of paragraph (1) of regulation 71 of the Jobseeker's Allowance Regulations (voluntary redundancy) delete the word “or” and at the end of sub-paragraph (b) insert the words

“or

(c) where he has been laid off or kept on short-time to the extent specified in sub-section (1) of section 88 of the Employment Protection (Consolidation) Act 1978(2), and has complied with the requirements of that section.”.

### **Good cause for the purposes of section 19(5)(b)**

6. In paragraph (2) of regulation 73 of the Jobseeker's Allowance Regulations insert at the end:

“(j) the claimant gave up a place on a training scheme or an employment programme and if he had continued to participate in it he would have, or would have been likely to have, put his health and safety at risk.”.

### **Person in receipt of a training allowance**

7. After regulation 74 of the Jobseeker's Allowance Regulations there shall be inserted the following regulation:

#### **“Person in receipt of a training allowance**

74A.—(1) An income-based jobseeker's allowance shall be payable to a claimant even though section 19 prevents payment of a jobseeker's allowance to him where the claimant 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 he satisfies the conditions of entitlement to an income-based jobseeker's allowance other than those which he is not required to meet by virtue of regulation 170.

(2) An income-based jobseeker's allowance which is payable to a claimant in accordance with this regulation shall be payable to him at the full rate applicable in his case.”.

### **Minor amendments**

8. The provisions of the Jobseeker's Allowance Regulations specified in column (1) of Part I of the Schedule to these Regulations shall be amended to the extent specified in column (2) of that Schedule.

## PART III

### MISCELLANEOUS

#### Remunerative work

**9.**—(1) Regulation 51 of the Jobseeker’s Allowance Regulations (remunerative work) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1), in sub-paragraph (b) at the end, there shall be added—  
“and

(c) in the case of a non-dependant, or of a child or young person to whom paragraph 18 of Schedule 6 refers, work in which he is engaged or, where his hours of work fluctuate, is engaged on average, for not less than 16 hours per week.”.

(3) In paragraph (3)(c)(i) the words “under section 64 of the Benefits Act”, and in paragraph (3)(c)(ii) the words “to which section 64 of the Benefits Act applies”, shall be omitted.

(4) In paragraph (3)(c)(iii), for the words “Benefits Act”, there shall be substituted the words  
“Benefits Act; or

(iv) a person who has claimed either attendance allowance or disability living allowance and has an award of attendance allowance or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act for a period commencing after the date on which that claim was made.”.

#### Persons from abroad

**10.**—(1) In paragraph (4) of regulation 85 of the Jobseeker’s Allowance Regulations (special cases)—

(a) in the first of the definitions of “person from abroad”, after sub-paragraph (h) there shall be added—

“or

(i) has been given leave to enter, or remain in, the United Kingdom by the Secretary of State upon an undertaking given by another person or persons in writing in pursuance of immigration rules within the meaning of the Immigration Act 1971(3), to be responsible for his maintenance and accommodation; and he has not been resident in the United Kingdom for a period of at least 5 years beginning from the date of entry or the date on which the undertaking was given in respect of him, whichever date is the later; or

(j) while he is a person to whom any of the definitions in sub-paragraphs (a) to (i) applies in his case, submits a claim to the Secretary of State, which is not finally determined, for asylum under the Convention(4);”.

(b) at the end of that definition there shall be added the words—

“and for the purposes of this definition “the immigration authorities” means an adjudicator, an immigration officer or an immigration appeal tribunal appointed for the purposes of the Immigration Act 1971 and in addition means the Secretary of State.”;

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(3) 1971 c. 77 as amended by the British Nationality Act 1981 (c. 61).

(4) The Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention.

- (c) in the second of the definitions of “person from abroad” for the words following “the United Kingdom” up to and including the “Isle of Man”, there shall be substituted the words “the Channel Islands, the Isle of Man or the Republic of Ireland.”.
- (2) In regulation 147 of those Regulations (urgent cases), for paragraphs (3) to (5) there shall be substituted the following paragraphs—
- “(3) This paragraph applies to a person from abroad within the meaning of regulation 85(4) (special cases) who—
- (a) is an asylum seeker; and
  - (b) holds a work permit or has written authorisation from the Secretary of State permitting him to work in the United Kingdom.
- (4) For the purposes of this regulation, a person—
- (a) is an asylum seeker when he submits on his arrival (other than on his re-entry) in the United Kingdom from a country outside the Common Travel Area, a claim for asylum to the Secretary of State that it would be contrary to the United Kingdom’s obligations under the Convention for him to be removed from, or required to leave, the United Kingdom and that claim is recorded by the Secretary of State as having been made; or
  - (b) becomes, while present in Great Britain, an asylum seeker when—
    - (i) the Secretary of State makes a declaration to the effect that the country of which he is a national is subject to such a fundamental change in circumstances that he would not normally order the return of a person to that country; and
    - (ii) he submits, within a period of 3 months from the day that declaration was made, a claim for asylum to the Secretary of State under the Convention relating to the Status of Refugees; and
    - (iii) his claim for asylum under that Convention is recorded by the Secretary of State as having been made; and
  - (c) ceases to be an asylum seeker—
    - (i) in the case of a claim for asylum which, on or after 5th February 1996, is recorded by the Secretary of State as having been determined (other than on appeal) or abandoned, on the date on which it is so recorded; or
    - (ii) in the case of a claim for asylum which is recorded as determined before 5th February 1996 and in respect of which there is either an appeal pending on 5th February 1996 or an appeal is made within the time limits specified in rule 5 of the Asylum Appeals (Procedure) Rules 1993<sup>(5)</sup>, on the date on which that appeal is determined.
- (5) In this Regulation—
- “the Common Travel Area” means the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively;
- “the Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention;
- “work permit” has the meaning it bears in the Immigration Act 1971<sup>(6)</sup> by virtue of section 33(1) of that Act.”.

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<sup>(5)</sup> S.I. 1993/1661.

<sup>(6)</sup> 1971 c. 77.

## Capital limit

11. For regulation 107 of the Jobseeker’s Allowance Regulations (capital limit) there shall be substituted the following regulation—

“107. For the purposes of section 13(1) (no entitlement to an income-based jobseeker’s allowance if capital exceeds a prescribed amount)—

- (a) except where paragraph (b) applies, the prescribed amount is £8,000;
- (b) in the case to which regulation 116(1B) applies, the prescribed amount is £16,000.”.

## Calculation of tariff income from capital

12. In regulation 116 of the Jobseeker’s Allowance Regulations (calculation of tariff income from capital)—

- (a) in paragraph (1) at the beginning, there shall be inserted the words “Except in a case to which paragraph (1B) applies,”;
- (b) after paragraph (1) there shall be inserted the following paragraphs—

“(1A) In the case of a claimant to whom paragraph (1B) applies and whose capital calculated in accordance with Chapter VI of Part VIII exceeds £10,000, it shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £10,000 but not exceeding £16,000.

(1B) This paragraph applies where the claimant lives permanently in—

- (a) a residential care or nursing home, or residential accommodation and that home or accommodation provides board and personal care for the claimant by reason of his disablement, past or present dependence on alcohol or drugs or past or present mental disorder; or
- (b) an establishment run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society; or
- (c) accommodation provided under section 3 of, and Part II of the Schedule to, the Polish Resettlement Act 1947(7) (provision of accommodation in camps) where the claimant requires personal care and is provided with it in the accommodation, and in this sub-paragraph, “personal care” means care which includes assistance with bodily functions where such assistance is required.

(1C) For the purpose of paragraph (1B), a claimant shall be treated as living permanently in such home or accommodation where he is absent—

- (a) from a home or accommodation referred to in sub-paragraph (a) or (b) of paragraph (1B)—
  - (i) in the case of a claimant referred to in regulation 19(2) of the Income Support (General) Regulations 1987(8) for a period not exceeding 52 weeks, and
  - (ii) in any other case, for a period not exceeding 13 weeks;
- (b) from accommodation referred to in sub-paragraph (c) of paragraph (1B), but intends, with the agreement of the manager of the accommodation, to return to the accommodation in due course.”;

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(7) 1947 c. 19.

(8) S.I. 1987/1967.

- (c) in paragraphs (2) and (3) for the words “paragraph (1)”, in each place where they occur, there shall be substituted the words “paragraphs (1) and (1A)”;
- (d) after paragraph (3) there shall be added the following paragraph—
  - “(4) In its application to this regulation, the definition of “residential accommodation” in regulation 85(4) (special cases) shall have effect as if, after the words “subject to the following provisions of this regulation”, there were inserted the words “(except paragraph (6)).”.”

### **Hardship payments**

**13.**—(1) In regulation 140(1)(h)(ii) of the Jobseeker’s Allowance Regulations (meaning of “person in hardship”) for the words “whichever is the earlier”, there shall be substituted the words—  
“whichever is the earlier; or

- (iii) has claimed either attendance allowance or disability living allowance and has an award of either attendance allowance or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act for a period commencing after the date on which that claim was made.”

(2) In regulation 140(5)(a) of those Regulations, after the words “Schedule 1” there shall be inserted the words “or for a disabled child premium specified in paragraph 16 of that Schedule;”.

### **Provision of information**

**14.** In regulation 144 of the Jobseeker’s Allowance Regulations (provision of information), after the words “For the purposes of” there shall be inserted the words “section 20(5) of and”.

### **Applicable amount in hardship cases**

**15.**—(1) In regulation 145(1) of the Jobseeker’s Allowance Regulations (applicable amount in hardship cases), for the words from the beginning up to and including “the following amount—”, there shall be substituted the words—

“(1) The weekly applicable amount of a person to whom an income-based jobseeker’s allowance is payable in accordance with this Part of these Regulations shall be reduced by a sum equivalent to 40% or, in a case where the claimant or any other member of his family is either pregnant or is seriously ill, 20% of the following amount—”.

(2) Paragraph (2) shall be omitted.

### **Part-weeks**

**16.** In regulation 151 of the Jobseeker’s Allowance Regulations (amount of a jobseeker’s allowance payable where a person is in a residential care or nursing home), in paragraph (3) at the end there shall be added the words—

“‘N’ is the number of days in the part-week.”.

### **Share fishermen**

**17.** In regulation 161 (additional conditions for payment of a jobseeker’s allowance)—

- (a) for the word “week” in each place where it appears there shall be substituted the words “benefit week”;
- (b) after paragraph (3) the following paragraph shall be added—

“(4) In this regulation, “benefit week” in relation to a contribution-based jobseeker’s allowance has the meaning it has in regulation 164 (share fisherman: amount payable) and in relation to an income-based jobseeker’s allowance has the meaning it has in regulation 1(3) (interpretation).”.

### **Young persons**

**18.** In paragraph 1 of Schedule 1 to the Jobseeker’s Allowance Regulations—

- (a) in sub-paragraphs (1)(b)(i), (2)(b)(i), (3)(a)(vi), (b)(i), (c)(i) and (f)(i), the words “and is registered in accordance with regulation 62”, in each place where they occur, shall be omitted; and
- (b) in sub-paragraph (3)(a), for sub-head (iv) there shall be substituted the following sub-heads—
  - “(iv) they are married and one member of the couple is a person to whom regulation 59, 60 or 61 applies and the other member is registered in accordance with regulation 62; or
  - (iva) they are married and each member of the couple is a person to whom regulation 59, 60 or 61 applies; or”.

### **Disregards**

**19.** In paragraph 11 of Schedule 6 to the Jobseeker’s Allowance Regulations (sums to be disregarded in the calculation of earnings) the words “and both members of the couple are aged under 60” shall be omitted.

### **Minor amendments**

**20.** The provisions of the Jobseeker’s Allowance Regulations specified in column (1) of Part II of the Schedule to these Regulations shall be amended to the extent specified in column (2) of that Schedule.

Signed in connection with Part II of the Regulations by authority of the Secretary of State for Education and Employment.

Department for Education and Employment  
11th June 1996

*Eric Forth*  
Minister of State,

Signed in connection with the remainder of the Regulations by authority of the Secretary of State for Social Security.

Department of Social Security  
11th June 1996

*Roger Evans*  
Parliamentary Under-Secretary of State,