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STATUTORY INSTRUMENTS

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**1996 No. 1517**

**SOCIAL SECURITY**

**The Jobseeker's Allowance and Income Support  
(General) (Amendment) Regulations 1996**

*Made* - - - - *11th June 1996*  
*Coming into force* - - *7th October 1996*

Whereas a draft of this Instrument 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 relation to Part II of these Regulations and the Secretary of State for Social Security, in relation to the remainder of the Regulations, in exercise of the powers conferred by sections 4(1), (4) and (5), 6(2) and (4), 7(4), 8,9(12), 19(8)(b), 21, 35(1) and (3) and 36 of, and paragraphs 4,9, 12 and 16 of Schedule 1 to, the Jobseekers Act 1995(2), section 5(1)(h) of the Social Security Administration Act 1992(3), section 124(1)(e) of the Social Security Contributions and Benefits Act 1992(4) and of all other powers enabling him in that behalf, by this instrument, which contains only regulations made by virtue of, or consequential upon, those provisions of the Jobseekers Act 1995 and which is made before the end of the period of 6 months beginning with the coming into force of those provisions(5), hereby makes the following Regulations:

**PART I**  
**GENERAL**

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 and shall come into force on 7th October 1996, immediately following the coming into force of the Jobseeker's Allowance (Amendment) Regulations 1996(6).

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(1) 1995 c. 18.  
(2) Section 35(1) is an interpretation provision and is cited because of the meanings ascribed to the words "prescribed" and "regulations".  
(3) 1992 c. 5.  
(4) 1992 c. 4; section 124(1)(e) was inserted by paragraph 30(5) of Schedule 2 to the Jobseekers Act 1995.  
(5) See section 173(5)(a) of the Social Security Administration Act 1992 (c. 5).  
(6) S.I. 1996/1516.

(2) In these Regulations—

“the Act” means the Jobseekers Act 1995;

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(7).

### **Definitions**

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 “benefit week”—

(a) after the words “regulation 23 (attendance)” there shall be inserted the words—

“requiring him to provide a signed declaration as referred to in regulation 24(6) or, in the case of a claimant who is not normally required to attend in person, on the day which corresponds with the day of the week specified by the Secretary of State in accordance with regulation 24(10) for the provision of a signed declaration,”.

(b) in head (a) at the end the word “and” shall be omitted and after head (a) there shall be inserted the following head—

“(aa) where the Secretary of State has set a day for payment of a jobseeker’s allowance in respect of a claim, but no notice has yet been given or sent to the claimant in accordance with regulation 23, the “benefit week” means a period of 7 days ending on the day which has been set;”.

(3) In the definition of “week” for the words “Part III and regulation 87” there shall be substituted the words “Parts III, VI, VII, VIII, IX, X, XI, XII and XIII”

(4) In the definition of “training allowance” after the words “Employment and Training Act 1973(c)” there shall be inserted the words “or section 2 of the Enterprise and New Towns (Scotland) Act 1990(8),”

## **PART II**

### **JOBSEEKING**

#### **Part-time students**

3. In paragraph (1)(b) of regulation 11 of the Jobseeker’s Allowance Regulations (part-time students), for the words “1,(4)” there shall be substituted the words “13(3) or (4)”.

#### **Volunteers**

4. In paragraph (a) of regulation 12 of the Jobseeker’s Allowance Regulations (volunteers), for the words “13(4)” there shall be substituted the words “13(3) or (4)”.

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

5.—(1) Regulation 14 of the Jobseeker’s Allowance Regulations shall be amended in accordance with the following provisions of this regulation.

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(7) S.I. 1996/207; the relevant amending instrument is S.I. 1996/1516.

(8) 1990 c. 35.

(2) In paragraph (1)(i), for the words “for that period” there shall be substituted the words “for the period beginning on the date of claim and ending on the day before the beginning of the first week after the date of claim”.

(3) Paragraph (1)(j) shall be amended to read as follows—

“if the award is terminated other than on the last day of a week, for the period beginning with the beginning of the week in which the award is terminated and ending on the day on which the award is terminated;”.

(4) In paragraph (3), for the words “1,(3)” there shall be substituted the words “1,(4)” and for the words “7(1) or 13(4)” there shall be substituted the words “7(1), 13(4) or 17(2)”.

### **Laid off and short-time workers**

6. Paragraph (2) of regulation 17 of the Jobseeker’s Allowance Regulations shall be amended by inserting at the beginning “(a)” and at the end—

“unless paragraph (b) or (c) applies

(b) The total number of hours for which a person kept on short-time works and is available for casual employment may be less than 40 in any week if that person has imposed restrictions on his availability which are reasonable in the light of his physical or mental condition;

(c) The total number of hours for which a person kept on short-time works and is available for casual employment may be less than 40 in any week if he has caring responsibilities providing the total number of hours for which he works and is available for casual employment is as many as his caring responsibilities allow and for the specific hours those responsibilities allow and is at least 16 in any week;”.

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

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

(2) In paragraph (1)(i), for the words “for that period” there shall be substituted the words “for the period beginning on the date of claim and ending on the day before the beginning of the first week after the date of claim”.

(3) Paragraph (1)(j) shall be amended to read as follows—

“if the award is terminated other than on the last day of a week, for the period beginning with the beginning of the week in which the award is terminated and ending on the day on which the award is terminated;”

### **Provision of information and evidence**

8.—(1) Regulation 24(6) of the Jobseeker’s Allowance Regulations is amended as follows.

(2) For sub-paragraph (a) substitute—

“(a) since making a claim for a jobseeker’s allowance or since he last provided a declaration in accordance with this paragraph he has either been available for employment or satisfied the circumstances to be treated as available for employment, save as he has otherwise notified the Secretary of State;”.

(3) In paragraph (c) omit “payability or”.

### **Time at which entitlement is to cease**

9. In regulation 26(a) of the Jobseeker’s Allowance Regulations, for “establishes his entitlement” substitute “shows that he continues to be entitled”.

### **Jobseeker’s agreement to remain in effect**

10. In regulation 36 of the Jobseeker’s Allowance Regulations, for paragraph (b) substitute—

- “(b) in respect of any part of a period of suspension, where—
- (i) the Secretary of State has directed under regulation 37(1A) of the Claims and Payments Regulations<sup>(9)</sup> that payment under an award be suspended for a definite or indefinite period on the ground that a question arises whether the conditions for entitlement to that allowance are or were fulfilled or the award ought to be revised,
  - (ii) subsequently that suspension expires or is cancelled in respect of a part only of the period for which it has been in force, and
  - (iii) it is then determined that the award should be revised to the effect that there was no entitlement to the allowance in respect of all or any part of the period between the start of the period over which the award has been suspended and the date when the suspension expires or is cancelled; or”

### **Interpretation of Part IV**

11.—(1) Regulation 57 of the Jobseeker’s Allowance Regulations shall be amended in accordance with the following provisions of this regulation.

- (a) (2) (a) In sub-paragraph (aa) of paragraph (2)(c)(ii) there shall be inserted at the beginning the words “in England and Wales” and the word “or” shall be deleted.
  - (b) In sub-paragraph (bb) of paragraph (2)(c)(ii), for the words “the Criminal Procedure (Scotland) Act 1975” there shall be substituted the words “the Prisons (Scotland) Act 1989” and for footnote (b) there shall be substituted “1989 c. 45.” and at the end the word “or” shall be inserted.
  - (c) After sub-paragraph (bb) of paragraph (2)(c)(ii) there shall be inserted the following—
 

“(cc) in Scotland, in the care of a local authority under a relevant enactment and whilst in that care was not living with his parents or any close relative.”.
- (3) Paragraph (3) shall be amended to read as follows—
- “(a) in England and Wales, any reference in this regulation to a person acting in place (b) of a person’s parents includes a reference to—
    - (i) where the person is being looked after by a local authority or voluntary organisation which places him with a family, a relative of his, or some other suitable person, the person with whom the person is placed, whether or not any payment is made to him in connection with the placement; or
    - (ii) in any other case, any person with parental responsibility for the child, and for this purpose “parental responsibility” has the meaning it has in the Children Act 1989<sup>(10)</sup> by virtue of section 3 of that Act; and
  - (b) in Scotland, any reference in this regulation to a person acting in place of a person’s parents includes a reference to a local authority or voluntary organisation where the person is in its care under a relevant enactment, or to a person with whom the person is

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<sup>(9)</sup> paragraph (1A) was inserted by S.I. 1996/1460.

<sup>(10)</sup> 1989 c. 41.

boarded out by a local authority or voluntary organisation whether or not any payment is made by it.”.

### **Attendance, information and evidence for young persons**

**12.** After regulation 65 of the Jobseeker’s Allowance Regulations there shall be inserted the following regulation:

#### **“Attendance, information and evidence**

**65A.** A young person who does not fall within regulation 61(1)(a) or (f) shall, if the Secretary of State requires him to do so, provide, in addition to the declaration specified in regulation 24(6), a declaration to the effect that since making a claim for a jobseeker’s allowance or since he last provided a declaration in accordance with this regulation he has been actively seeking suitable training to the extent necessary to give him his best prospects of securing suitable training save as he has otherwise notified the Secretary of State.”.

### **Sanctions for young persons**

**13.** In sub-paragraph (b) of paragraph (1) of regulation 67, the word “not” shall be deleted on each occasion on which it occurs.

## **PART III**

### **MISCELLANEOUS**

#### **Jobseeking period**

**14.**—(1) Regulation 47 of the Jobseeker’s Allowance Regulations (Jobseeking period) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (4), after sub-paragraph (a) at the end there shall be added the words “and either”.

(3) In paragraph (4) for sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs—

“(b) (i) on which the claimant satisfies the conditions specified in section 2 (the contribution-based conditions) other than the conditions specified in subsection (1) (c) and (d) of that section; and

(ii) on which a contribution-based jobseeker’s allowance is not payable to the claimant by virtue of section 19; or (c) which falls within a period which is treated as a period in which the claimant satisfies the conditions specified in paragraphs (a) to (c) of subsection (2) of section 1, in accordance with paragraph (2).”.

#### **Linking periods**

**15.** In regulation 48 of the Jobseeker’s Allowance Regulations (linking periods) for sub-paragraph (1)(d) there shall be substituted the following sub-paragraph—

“(d) a period in respect of which the claimant is summoned for jury service and is required to attend court.”.

### Persons approaching retirement

16.—(1) Regulation 49 of the Jobseeker’s Allowance Regulations shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (2) there shall be substituted the following paragraph—

“(2) For the purposes of paragraph (1) of regulation 47 (jobseeking period) but subject to paragraphs (3) and (4), any days to which paragraph (1) applies and in respect of which the person does not satisfy or is not treated in accordance with regulation 14, 16, 17, 19, 20, 21 or 34 as satisfying the conditions specified in paragraphs (a) to (c) of subsection (2) of section 1 (conditions of entitlement to a jobseeker’s allowance), shall be days on which the person is treated as satisfying the condition in paragraphs (a) to (c) and (e) to (i) of subsection (2) of section (1).”.

(3) In paragraph (3), sub-paragraph (a) shall be omitted.

### Short periods of sickness

17.—(1) Regulation 55 of the Jobseeker’s Allowance Regulations (short periods of sickness) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)(a) for the words from “satisfies” to “section 1(2)(a) or (c)” there shall be substituted the words “has been awarded a jobseeker’s allowance”.

(3) In paragraph (1)(c) for the word “satisfies” there shall be substituted the words “would satisfy”.

### Circumstances in which a person is to be treated as being or not being a member of the household

18. In regulation 78 of the Jobseeker’s Allowance Regulations (circumstances in which a person is to be treated as being or not being a member of the household), for sub-paragraph (b) of paragraph (3) there shall be substituted the following sub-paragraph—

“(b) one, both or all of them are—

- (i) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
- (ii) on temporary release in accordance with the provisions of the Prison Act 1952<sup>(11)</sup> or rules made under section 39(6) of the Prisons (Scotland) Act 1989<sup>(12)</sup>.”.

### Payments by way of pensions

19.—(1) Regulation 81 of the Jobseeker’s Allowance Regulations (payments by way of pensions) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) for the word “week” there shall be substituted the words “benefit week”.

(3) After paragraph (1) the following paragraphs shall be inserted—

“(1A) Where pension payments first begin to be made to a person for a period starting other than on the first day of a benefit week, the deduction referred to in paragraph (1) shall have effect from the beginning of that benefit week.

(1B) Where pension payments are already in payment to a person and a change in the rate or payment takes effect in a week other than at the beginning of the benefit week, the

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(11) 1952 c. 52.

(12) 1989 c45.

deduction referred to in paragraph (1) shall have effect from the first day of that benefit week.”.

(4) In paragraph (2), sub-paragraphs (a) and (b) shall be omitted.

### **Permitted periods**

**20.** In regulation 87 of the Jobseeker’s Allowance Regulations (transitional supplement to income-based jobseeker’s allowance) in paragraph 7—

(a) for the words “For the purposes” to “shall have effect—” there shall be substituted the words—

“For the purposes of applying paragraph (1), regulation 2A of the Income Support (Transitional) Regulations, and for the purposes of paragraph (6), regulation 3A of the Income Support Regulations shall have effect in accordance with the following sub-paragraphs—”;

(b) in paragraph (2A)(a) as inserted by paragraph (7)(b) for the words “was not payable” there shall be substituted the words “is not payable”.

### **Minimum amount of a jobseeker’s allowance**

**21.** In Part VII of the Jobseeker’s Allowance Regulations after regulation 87 there shall be inserted the following regulation—

“**87A.** Where the amount of a jobseeker’s allowance is less than 10 pence a week that allowance shall not be payable.”.

### **Earnings of employed earners**

**22.—**(1) In regulation 98 of the Jobseeker’s Allowance Regulations (earnings of employed earners), in paragraph (1) for sub-paragraph (f) there shall be substituted the following sub-paragraphs—

“(f) any payment or award of compensation made under section 68(2), 69, 71(2)(a), 77 or 79 of the Employment Protection (Consolidation) Act 1978(13) (remedies for unfair dismissal and compensation);

(ff) any payment or remuneration made under section 12, 19 or 47 of the Employment Protection (Consolidation) Act 1978 (guaranteed payments, remuneration whilst suspended from work on medical or maternity grounds);”.

(2) In paragraph (3)(c) after “(f)” there shall be inserted “,(ff),”.

### **Calculation of income other than earnings**

**23.** In regulation 103 of the Jobseeker’s Allowance Regulations (calculation of income other than earnings) in paragraph (6) after “98(2)” there shall be inserted “(a) to (e)”.

### **Calculation of grant income**

**24.** In regulation 131 of the Jobseeker’s Allowance Regulations (calculation of grant income) in paragraph (2)(f) for the words “£278” there shall be substituted the words “£280”.

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(13) 1978 c. 44. Section 47 was substituted by the Trade Union Reform and Employment Rights Act 1993 (c. 19) (“the 1993 Act”), Schedule 3; section 68(2) was amended by the Employment Act 1982 (c. 46) (“the 1982 Act”), Schedule 3, Part II, paragraph 21; section 71(2)(a) was amended by the 1982 Act, Schedule 3, Part II, paragraph 22; sections 77 and 79 were inserted by paragraph 5 of Schedule 10 to the 1993 Act.

### **Meaning of “person in hardship”**

25. In regulation 140 of the Jobseeker’s Allowance Regulations in paragraph (3) after the words “income support or” there shall be inserted the words “a claimant or a partner of a claimant”.

### **Circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship**

26.—(1) Regulation 141 of the Jobseeker’s Allowance Regulations (circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (2) for the words “shall be treated as entitled to an income-based jobseeker’s allowance for the period beginning with the date of claim or,” there shall be substituted the words “, other than a person to whom regulation 46(1) (waiting days) applies, shall be treated as entitled to an income-based jobseeker’s allowance for the period beginning with the 4th day of the jobseeking period or,”.

(3) In paragraph (3) the words “of claim” shall be omitted and after the word “paragraph” where it occurs for the second time the words “which is applicable in his case” shall be inserted.

### **Further circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship**

27. In regulation 142 of the Jobseeker’s Allowance Regulations (further circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship) for sub-paragraphs (a) and (b) of paragraph (2) there shall be substituted the following sub-paragraphs—

- “(a) in a case where regulation 46(1) applies, the 15th day of the jobseeking period; or
- (b) in a case where paragraph 4 of Schedule 1 to the Act applies, the 18th day of the jobseeking period; or”.

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

28. In regulation 145 of the Jobseeker’s Allowance Regulations (applicable amount in hardship cases) in paragraph (1)(c) for the words “does not apply” there shall be substituted the word “applies”.

### **Housing costs**

29.—(1) Schedule 2 to the Jobseeker’s Allowance Regulations (housing costs) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 4(6)—

- (a) in head (a) after the words “paragraph 14” there shall be inserted the words “during the relevant period”;
- (b) for head (b) there shall be substituted the following sub-paragraph—
  - “(b) to finance the purchase of a property where an earlier loan, which qualified under paragraphs 14 and 15 during the relevant period in respect of another property, is paid off (in whole or in part) with monies received from the sale of that property;”

(3) In paragraph 11, in sub-paragraph (1) for head (a) there shall be substituted the following head—



- “(a) except where sub-paragraph (2) applies shall be the rate specified in paragraph 12(1) (a) of Schedule 3 to the Income Support Regulations(14); or”.
- (4) In paragraph 13—
- (a) in head (a)(ii) of sub-paragraph (1) the words “he was or was treated as being in receipt thereof or to which (i) above applies” shall be omitted and after the word “which” where it occurs for the third time there shall be inserted—
- “(aa) he was, or was treated as being, in receipt of a jobseeker’s allowance,
- (bb) he was treated as entitled to a jobseeker’s allowance for the purposes of sub-paragraphs (5), (6) and (7), or
- (cc) (i) above applies;”.
- (5) In paragraph 17, in sub-paragraph (7) for head (b) there shall be substituted the following head—
- “(b) if he is in receipt of an allowance payable in respect of training he is undertaking, and for this purpose “training” has the meaning it has in regulation 1 l(3); or”.
- (6) In paragraph 18(1)(c), after the words “linking rule”, the words “or for determining whether any qualifying or other period is satisfied” shall be inserted.

#### **Applicable amounts in special cases**

**30.** In Schedule 5 to the Jobseeker’s Allowance Regulations (applicable amounts in special cases), in column (1) in sub-paragraph (b) of paragraph 17 for heads (i) and (ii) there shall be substituted the following heads—

- “(i) the claimant is not a patient and the other member of the couple or one or more members of the marriage has been a patient for a period of more than 6 weeks; or
- (ii) the claimant is a patient but has not been a patient for more than 2 weeks and the other member of the couple or one or more members of the marriage has been a patient for more than 6 weeks;”.

#### **Sums to be disregarded in the calculation of earnings**

**31.**—(1) Schedule 6 to the Jobseeker’s Allowance Regulations (sums to be disregarded in the calculation of earnings) shall be amended in accordance with the following provisions of this regulation.

- (2) In paragraph 1(a)(ii) after “(f)” there shall be inserted “, (ff)”.
- (3) In paragraph 2 after “(f)” there shall be inserted “,(ff)”.

#### **Occupational pensions**

**32.** In Schedule 7 to the Jobseeker’s Allowance Regulations (sums to be disregarded in the calculation of income other than earnings) after paragraph 16 the following paragraph shall be inserted—

- “**16A.**—(1) Subject to sub-paragraphs (2) and (3), where a claimant—
- (a) is a person to whom Schedule 4 (applicable amounts of persons in residential care and nursing homes) or paragraph 16 or 17 of Schedule 5 (applicable amounts in special cases) applies;
- (b) is not residing with his spouse; and

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(14) Schedule 3 was substituted by [S.I. 1995/1613](#); relevant amendments were made by [S.I. 1995/2287](#).

- (c) has at least 50 per cent. of any occupational pension of his being paid to, or in respect of, his spouse for that spouse's maintenance, an amount equal to 50 per cent. of the pension or pensions concerned.
- (2) Where a claimant is entitled to more than one occupational pension, those pensions shall be aggregated for the purposes of sub-paragraph (1).
- (3) This paragraph shall not have effect in respect of that part of any occupational pension to which a spouse is legally entitled whether under a court order or not."

## PART IV

### INCOME SUPPORT

#### **Amendment of the Income Support (General) Regulations 1987**

**33.**—(1) Paragraph 4 of Schedule 1B to the Income Support (General) Regulations (prescribed categories of person entitled to income support)(15) shall be amended in accordance with the following provisions of this regulation.

(2) In head (a)(i) the words "under section 64 of the Contributions and Benefits Act" shall be omitted.

(3) In head (a)(ii) the words "under that section" shall be omitted.

(4) After head (a)(ii) there shall be inserted the following new head—

"(ia) the person being cared for has claimed attendance allowance in accordance with section 65(6)(a) of the Contributions and Benefits Act (claims in advance of entitlement), an award has been made in respect of that claim under section 65(6)(b) of that Act and, where the period for which the award is payable has begun, that person is in receipt of the allowance;"

(5) After head (a)(iii) there shall be inserted the following head—

"(iia) the person being cared for has claimed entitlement to the care component of a disability living allowance in accordance with, regulation 13A of the Social Security (Claims and Payments) Regulations 1987(16) (advance claims and awards), an award at the highest or middle rate has been made in respect of that claim and, where the period for which the award is payable has begun, that person is in receipt of the allowance;"

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

11th June 1996

*Eric Forth*  
Minister of State,  
Department for Education and Employment

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(15) *S.I. 1987/1967*; Schedule 1B was inserted in the Income Support Regulations by Schedule 1 to the Income Support (General) (Jobseeker's Allowance Consequential Amendments) Regulations 1996 (*S.I. 1996/206*) as from 7th October 1996.

(16) *S.I. 1987/1968*; regulation 13A was inserted by *S.I. 1991/2741*.

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

11th June 1996

*Roger Evans*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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

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## EXPLANATORY NOTE

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

The Regulations contained in this instrument are made either by virtue of, or in consequence of, provisions in the Jobseekers Act 1995 (c. 18) (“the 1995 Act”). This instrument is made before the end of the period of 6 months beginning with the coming into force of those provisions; the regulations in it are therefore exempted from the requirement in section 172(1) of the Social Security Administration Act 1992 (c. 5) to refer proposals to make these Regulations to the Social Security Advisory Committee and are made without reference to that Committee.

These Regulations contain amendments to the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207) (“the Jobseeker’s Allowance Regulations”).

Part I of these Regulations deals with citation, commencement and interpretation and amends the definition of “benefit week”, “week” and “training allowance”.

Part II of these Regulations contains amendments made by the Secretary of State for Employment.

Regulations 3 and 4 provide for a person who has restricted the total number of hours for which he is available for employment due to his physical or mental condition to fall within regulations 11 (part-time students) and 12 (volunteers).

Regulations 5 and 7 make minor amendments to the circumstances in which a person is to be treated as available for employment and actively seeking employment.

Regulation 6 amends the circumstances in which a person who is kept on short time is treated as available for employment so that a person who has imposed restrictions on his availability because of his physical or mental condition or caring responsibilities may be available for less than 40 hours in a week.

Regulation 8 amends the description of the signed declaration which may be provided by a claimant pursuant to regulation 24(6) of the Jobseeker’s Allowance Regulations.

Regulation 9 makes a minor drafting amendment to regulation 26(a) of the Jobseeker’s Allowance Regulations, which provides for the time at which entitlement is to cease where a claimant fails to comply with a notice requiring attendance or fails to provide the prescribed declaration.

Regulation 10 amends one of the circumstances in which a jobseeker’s agreement is not to cease to have effect on the coming to an end of an award of a jobseeker’s allowance, in order to reflect an amendment to the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) by regulation 2(3) of the Social Security (Claims and Payments) (Jobseeker’s Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460).

Regulation 11 makes minor amendments to regulation 57 of the Jobseeker’s Allowance Regulations (Interpretation of Part IV-Young Persons).

Regulation 12 provides for 16 and 17 year old claimants to provide a declaration to the effect that they have been actively seeking suitable training.

Regulation 13 provides for regulation 67 of the Jobseeker’s Allowance Regulations (additional circumstances in which a young person is to be regarded as having good cause for the purposes of section 19(5)(b) of the 1995 Act).

Part III of these Regulations (which contains miscellaneous amendments to the Jobseeker’s Allowance Regulations) begins with regulation 14 which provides that a period of hardship payment

shall count as a period during which the claimant was entitled to a contribution-based jobseeker's allowance.

Regulation 15 specifies that in order to count as a linking period for the purposes of regulation 48 of the Jobseeker's Allowance Regulations a jobseeker must attend court as a juror, rather than merely be summoned for jury service.

Regulation 16 provides that a day on which a person approaching retirement age satisfies, or is treated as satisfying, the conditions of entitlement to a jobseeker's allowance count towards a jobseeking period.

Regulation 17 provides that a person must be already entitled to a jobseeker's allowance before he can take advantage of the short-term sickness provisions in regulation 55 of the Jobseeker's Allowance Regulations.

Regulation 18 provides that neither a prisoner, nor a person released on temporary licence shall be treated as a member of the same household.

Regulation 19 provides that where a pension is paid other than at the beginning of a benefit week, it shall be taken into account from that benefit week in calculating entitlement to a contribution-based jobseeker's allowance.

Regulation 20 provides that a person who is entitled to a special transitional addition to their income support when a jobseeker's allowance is introduced shall have the same permitted period as a person entitled to income support.

Regulation 21 provides that where a jobseeker's allowance would be less than 10 pence it shall not be payable.

Regulation 22 differentiates between awards of compensation made by an industrial tribunal and other payments, and regulation 31 makes the necessary consequential amendment in Schedule 6 to the Jobseeker's Allowance Regulations. This has the effect that only awards of compensation are disregarded in the calculation of a claimant's earnings.

Regulation 23 provides that statutory redundancy payments shall not be taken into account as income.

Regulation 24 uprates the sum intended to meet the cost of a student's books or equipment to £280.

Regulation 25 provides that a person whose partner falls within section 124(1)(e) of the Social Security Contributions and Benefits Act 1992 shall not be treated as a "person in hardship".

Regulation 26 provides that an income-based jobseeker's allowance shall be payable in hardship cases after 3 waiting days and regulation 28 deals with the applicable amount of an income-based jobseeker's allowance in hardship cases.

Regulation 27 provides that the days during which there is no entitlement to an income-based jobseeker's allowance shall be during the jobseeking period rather than necessarily following the date of claim.

Regulation 29 deals with the housing costs of income-based jobseeker's allowance claimants and provides that the standard interest rate to be applied shall be the same as the rate in income support legislation. It also provides that persons receiving an allowance for youth training, rather than other training programmes, can be taken into account as a non-dependant for the purposes of applying a nil deduction for housing costs. It also provides for continuity between income support and a jobseeker's allowance in respect of qualifying periods.

Regulation 30 deals with the applicable amount where the claimant's partner has been in hospital as a patient for over 6 weeks, or where both the claimant and his partner are patients.

Regulation 32 amends Schedule 7 to the Jobseeker's Allowance Regulations to provide that where a claimant for a jobseeker's allowance is resident in a residential care home or nursing home and is

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

paying 50 per cent. of any occupational pension to which he is entitled to his spouse, the sum paid shall be disregarded in calculating the claimant's income. The disregard shall not have effect—

- (a) where a claimant acquires a spouse after entering a residential care home or nursing home,
- (b) in the case of a pension not payable to the claimant, or
- (c) in calculating a claimant's notional income.

Part IV of these Regulations amends the Income Support (General) Regulations 1987 with respect to the categories of persons who will be entitled to income support from 7th October 1996 in the case of a person who is awarded attendance allowance or disability living allowance.

These Regulations do not impose a charge on businesses.