
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

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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

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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.