

STATUTORY INSTRUMENTS

1996 No. 206

The Income Support (General) (Jobseeker's Allowance Consequential Amendments) Regulations 1996

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income Support (General) (Jobseeker's Allowance Consequential Amendments) Regulations 1996 and shall come into force on 7th October 1996.

(2) Regulations 2 to 32 of these Regulations shall have effect in relation to any particular claimant at the beginning of the first benefit week to commence for that claimant on or after 7th October 1996 which applies in his case.

(3) In these Regulations—

the expressions "benefit week" and "claimant" have the same meanings as in the principal Regulations;

"the principal Regulations" means the Income Support (General) Regulations 1987^{M1}.

Marginal Citations

M1 S.I. 1987/1967.

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (interpretation)—

(a) after the definition of "attendance allowance" there shall be inserted the following definition—

““the benefit Acts" means the Contributions and Benefits Act and the Jobseekers Act 1995;
M2.”

(b) the definition of "registered person" shall be omitted.

Marginal Citations

M2 1995 c.18.

Amendment of regulation 3A of the principal Regulations

3. In regulation 3A of the principal Regulations (permitted period)^{M3}—

(a) in paragraph (1)(a) the words "subject to paragraph (2)," shall be omitted; and

(b) paragraphs (2) and (3) shall be omitted.

Changes to legislation: *The Income Support (General) (Jobseeker's Allowance Consequential Amendments)*

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Marginal Citations

M3 Regulation 3A was inserted by S.I. 1989/1678.

Insertion of regulation 4ZA in the principal Regulations

4. In Part II of the principal Regulations (conditions of entitlement) there shall be inserted at the beginning the following regulation—

“ Prescribed categories of person

4ZA.—(1) Subject to the following provisions of this regulation, a person to whom any paragraph of Schedule 1B applies falls within a prescribed category of person for the purposes of section 124(1)(e) of the Contributions and Benefits Act (entitlement to income support).

(2) Paragraph (1) does not apply to a student during the period of study.

(3) A student during the period of study falls within a prescribed category of person for the purposes of section 124(1)(e) of the Contributions and Benefits Act only if—

(a) regulation 70(3)(a) applies to him; or

(b) paragraph 1, 2, 10, 11, 12, or 18 of Schedule 1B applies to him; or

(c) any other paragraph of Schedule 1B applies to him and he has a partner who is also a student, and either he or his partner is treated as responsible for a child or young person, but this provision shall apply only for the period of the summer vacation appropriate to his course.”.

Amendment of regulation 4 of the principal Regulations

5.—(1) Regulation 4(2) of the principal Regulations (temporary absence from Great Britain) shall be amended in accordance with the following provisions of this regulation.

(2) For heads (i) and (ii) of sub-paragraph (c) there shall be substituted the following heads—

“(i) the claimant falls within one or more of the prescribed categories of person listed in Schedule 1B other than paragraphs 7, 15, 20, 21, 24, 25, 26 or 27 of that Schedule; or

(ii) the claimant falls within paragraph 7 of Schedule 1B (persons incapable of work) and his absence from Great Britain is for the sole purpose of receiving treatment from an appropriately qualified person for the incapacity by reason of which he satisfies the conditions of that paragraph; or.”

(3) In head (v) ^{M4} for the words “paragraph 5 of Schedule 1” there shall be substituted the words “paragraph 7 of Schedule 1B”.

Marginal Citations

M4 Head (v) was added by S.I. 1988/663 and substituted by S.I. 1995/482.

Amendment of regulation 6 of the principal Regulations

6. In regulation 6 of the principal Regulations (persons not treated as engaged in remunerative work) for paragraph (f) there shall be substituted the following paragraph—

“(f) he is a person to whom paragraph 4 of Schedule 1B applies;”.

Amendment of regulation 13 of the principal Regulations

7. In regulation 13(2) of the principal Regulations (circumstances in which persons in relevant education are to be entitled to income support)—

- (a) sub-paragraphs (f) and (g) shall be omitted; and
- (b) for sub-paragraph (h) there shall be substituted the following sub-paragraph—
 - “(h) is a person to whom paragraph 18 of Schedule 1B (refugees) applies.”.

Amendment of regulation 16 of the principal Regulations

8.—(1) Regulation 16 of the principal Regulations (circumstances in which a person is to be treated as being or not being a member of the household)^{M5} shall be amended in accordance with the following provisions of this regulation.

(2) In sub-paragraphs (a)(i), (aa)(i) and (b)(i) of paragraph (5) there shall be added at the beginning the words “subject to paragraph (5A),”.

(3) After paragraph (5) there shall be inserted the following paragraph—

“(5A) Sub-paragraphs (a)(i), (aa)(i) and (b)(i) of paragraph (5) shall not apply in a case where immediately before the date of claim for income support the claimant was entitled to an income-based jobseeker's allowance.”.

Marginal Citations

M5 Relevant amending instruments are [S.I. 1988/663](#), 1989/534 and 1990/547.

Amendment of regulation 17 of the principal Regulations

9. In regulation 17(1) of the principal Regulations (applicable amounts) for the words “18 to 22” there shall be substituted the words “18 to 22A”.

Amendment of regulation 18 of the principal Regulations

10.—(1) Regulation 18 of the principal Regulations (polygamous marriages)^{M6} shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)—

- (a) for the words “19 to 22” there shall be substituted the words “19 to 22A”; and
- (b) in sub-paragraph (b) for the words “sub-paragraphs (3)(c)” there shall be substituted the words “sub-paragraphs (3)(d)”.

(3) In paragraph (2) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

- “(b) that partner is a person who—
 - (i) had he not been a member of a polygamous marriage would have qualified for income support under regulation 4ZA; or
 - (ii) satisfies the requirements of section 3(1)(f)(iii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); or
 - (iii) is the subject of a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship).”.

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Marginal Citations

M6 Relevant amending instrument is [S.I. 1988/1228](#).

Amendment of regulation 19 of the principal Regulations

11. In regulation 19(1) of the principal Regulations (applicable amounts for persons in residential care and nursing homes) ^{M7} for the words “regulation 22” there shall be substituted the words “regulation 22A”.

Marginal Citations

M7 Relevant amending instruments are [S.I. 1988/663](#) and 1992/3147.

Amendment of regulation 21 of the principal Regulations

12. In regulation 21(1) ^{M8} of the principal Regulations (special cases) for the words “regulations 21A and 22” there shall be substituted the words “regulation 22A”.

Marginal Citations

M8 Relevant amending instruments are [S.I. 1990/2324](#) and 1994/527.

Addition of regulation 22A of the principal Regulations

13. In Part IV of the principal Regulations (applicable amounts) at the end there shall be added the following regulation—

“Reduction in applicable amount where the claimant is appealing against a decision that he is not incapable of work

22A.—(1) Subject to paragraph (3), where a claimant falls within paragraph 25 of Schedule 1B (persons appealing against a decision that they are not incapable of work under the all work test), and none of the other paragraphs of that Schedule applies to him, his applicable amount shall be reduced by a sum equivalent to 20 per cent. of the following amount—

- (a) in the case of a person to whom regulation 17 or 18 or paragraphs 6, 9 to 12, 16, 17(c)(i) or (d)(i) of Schedule 7 applies—
 - (i) where he is a single claimant aged less than 18 or a member of a couple or a polygamous marriage where all the members, in either case, are less than 18, the amount specified in paragraph 1(1)(a), (b) or (c), as the case may be, of Schedule 2 (applicable amounts);
 - (ii) where he is a single claimant aged not less than 18 but less than 25 or a member of a couple or a polygamous marriage where one member is aged not less than 18 but less than 25 and the other member, or in the case of a polygamous marriage each other member, is a person under 18 who—
 - (aa) does not qualify for income support under regulation 4ZA, or who would not so qualify if he were to make a claim; and

- (bb) does not satisfy the requirements of section 3(1)(f)(iii) of the Jobseekers Act 1995 (prescribed circumstances for persons aged 16 but less than 18); and
 - (cc) is not the subject of a direction under section 16 of the Jobseekers Act 1995 (persons under 18: severe hardship), the amount specified in paragraph 1(1)(d) of that Schedule;
 - (iii) where he is a single claimant aged not less than 25 or a member of a couple or a polygamous marriage (other than a member of a couple or a polygamous marriage to whom head (ii) of this sub-paragraph applies) at least one of whom is aged not less than 18, the amount specified in paragraph 1(1)(e) of that Schedule;
- (b) in the case of a person to whom regulation 19 applies (applicable amounts for people in residential care and nursing homes), the amount allowed for personal expenses for him specified in paragraph 13 of Schedule 4.
- (2) A reduction under paragraph (1) shall, if it is not a multiple of 5p, be rounded to the nearest such multiple or, if it is a multiple of 2.5p but not of 5p, to the next lower multiple of 5p.
- (3) Paragraph (1) shall not apply to a claimant who is appealing against a decision that he is not incapable of work under the all work test where that decision was made on the first application of the test to the claimant, and the claimant was, immediately prior to 13th April 1995, either—
- (a) in receipt of invalidity pension under Part II of the Contributions and Benefits Act as then in force, or severe disablement allowance; or
 - (b) incapable of work in accordance with paragraph 5 of Schedule 1 as in force on 12th April 1995 and had been so for a continuous period of 28 weeks.”.

Amendment of regulation 23 of the principal Regulations

14.—(1) Regulation 23(4) of the principal Regulations (calculation of income and capital of members of claimant’s family and of a polygamous marriage) ^{M9} shall be amended in accordance with the following provisions of this regulation.

(2) For the words “paragraph 1(3)(b), (e) or (f)” there shall be substituted the words “paragraphs 1(3)(b), (c), (f) or (g)”.

(3) In sub-paragraph (a) for the words “paragraph 1(3)(b)” there shall be substituted the words “paragraph 1(3)(c)”.

(4) In sub-paragraph (b) for the words “paragraph 1(3)(e) or (f)” there shall be substituted the words “paragraph 1(3)(f) or (g)”.

Marginal Citations

M9 Paragraph (4) was added by [S.I. 1988/1228](#).

Amendment of regulation 31 of the principal Regulations

15. In regulation 31(2) of the principal Regulations (date on which income is treated as paid) ^{M10} for the words “unemployment benefit” there shall be substituted the words “jobseeker’s allowance”.

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Marginal Citations

M10 Relevant amending instruments are [S.I. 1988/663](#) and 1445 and 1995/482.

Amendment of regulation 32 of the principal Regulations

16. In regulation 32(4) of the principal Regulations (calculation of weekly amount of income)^{M11}—

- (a) in sub-paragraph (a) the words “unemployment benefit” shall be omitted; and
- (b) in sub-paragraph (b) after the words “income support” there shall be inserted the words “or jobseeker’s allowance”.

Marginal Citations

M11 Relevant amending instruments are [S.I. 1988/663](#) and 1445 and 1995/482.

Amendment of regulation 42 of the principal Regulations

17. In regulation 42(2) of the principal Regulations (notional income)^{M12} for sub-paragraph (c) there shall be substituted the following sub-paragraph—

“(c) jobseeker’s allowance;.”

Marginal Citations

M12 Relevant amending instruments are [S.I. 1988/663](#), 1992/468 and 1995/2303.

Amendment of regulation 71 of the principal Regulations

18.—(1) Regulation 71 of the principal Regulations (applicable amounts in urgent cases)^{M13} shall be amended in accordance with the following provisions of this regulation.

(2) In head (i) of paragraph (1)(a), for the words following “(polygamous marriages);” to the end of the head there shall be substituted the words “and where regulation 22A (reduction in applicable amount where the claimant is appealing against a decision that he is not incapable of work) applies, the reference in this head to 90 per cent. of the amount applicable shall be construed as a reference to 90 per cent. of the relevant amount under that regulation reduced by 20 per cent;”.

(3) In head (i) of paragraph (1)(b), for the words following “all of them;” to the end of the head there shall be substituted the words “and where regulation 22A (reduction in applicable amount where the claimant is appealing against a decision that he is not incapable of work) applies, the reference in this head to 90 per cent. of the amount shall be construed as a reference to 90 per cent. of the relevant amount under that regulation reduced by 20 per cent;”.

Marginal Citations

M13 Relevant amending instruments are [S.I. 1988/663](#) and 1445, 1989/534 and 1993/2119.

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Amendment of regulation 73 of the principal Regulations

19. In regulation 73(3) of the principal Regulations (amount of income support payable for part weeks)^{M14} for the words "unemployment benefit" there shall be substituted the words "jobseeker's allowance".

Marginal Citations

M14 Regulations 73 to 77 were inserted by S.I. 1988/663; relevant amending instruments are S.I. 1988/1445 and 1995/482.

Amendment of regulation 75 of the principal Regulations

20. In paragraphs (b), (e) and (f) of regulation 75 of the principal Regulations (modifications in the calculation of income) for the words "unemployment benefit" in each place where they occur there shall be substituted the words "jobseeker's allowance".

Amendment of regulation 76 of the principal Regulations

21. In regulation 76(a) of the principal Regulations (reduction in certain cases) for the words from the beginning of the paragraph to "applies" there shall be substituted the words "in the case of a claimant to whom regulation 22A (reduction in applicable amount where the claimant is appealing against a decision that he is not incapable of work) applies".

Insertion of Schedule 1B in the principal Regulations

22. Immediately before Schedule 2 to the principal Regulations (applicable amounts) there shall be inserted as Schedule 1B the Schedule set out in Schedule 1 to these Regulations.

Amendment of Schedule 2 to the principal Regulations

23. Schedule 2 to the principal Regulations (applicable amounts)^{M15} shall be amended in accordance with the provisions of Schedule 2 to these Regulations.

Marginal Citations

M15 Relevant amending instrument is S.I. 1995/559.

Amendment of Schedule 3 to the principal Regulations

24.—(1) Schedule 3 to the principal Regulations (housing costs)^{M16} shall be amended in accordance with the following provisions of this regulation.

(2) For head (a) of paragraph 8(2) (new housing costs) there shall be substituted the following head—

“(a) is a person to whom paragraph 4 or 5 of Schedule 1B (persons caring for another person) applies;”.

(3) In paragraph 14 (linking rule)—

(a) in sub-paragraph (5)(a) after the words "unemployment benefit," there shall be inserted the words "a contribution-based jobseeker's allowance,";

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- (b) in sub-paragraph (5A) ^{M17} for the words “paragraph 4 of Schedule 1 applies (persons with caring responsibilities not required to be available for employment)” there shall be substituted the words “paragraph 4 or 5 of Schedule 1B (persons caring for another person) applies”; and
- (c) in sub-paragraph (5B) for head (b) there shall be substituted the following head—
“(b) is a student, other than one who would qualify for income support under regulation 4ZA(3) (prescribed categories of person);”.

Marginal Citations

M16 [Schedule 3](#) was substituted by [S.I. 1995/1613](#).

M17 Sub-paragraphs (5A) and (5B) were inserted by [S.I. 1995/2927](#).

Amendment of Schedules 3A and 3B to the principal Regulations

25. In Schedules 3A and 3B to the principal Regulations (protected sum) ^{M18} in the definition of “protected sum” in paragraph 1(1) of each Schedule after the words “under this Schedule” there shall be inserted the words “or by virtue of regulation 87(2) of the Jobseeker’s Allowance Regulations 1996 ^{M19}”.

Marginal Citations

M18 [Schedule 3A](#) was inserted by [S.I. 1988/1445](#); relevant amending instrument is [S.I. 1989/534](#).

Schedule 3B was inserted by [S.I. 1989/534](#).

M19 [S.I. 1996/207](#)

Amendment of Schedule 10 to the principal Regulations

26. In paragraph 7 of Schedule 10 to the principal Regulations (capital to be disregarded) in sub-paragraph (b) after the words “an income-related benefit or” there shall be inserted the words “an income-based jobseeker’s allowance,”.

Transitional provisions

27.—(1) Where on 6th October 1996 or at any time during the eight weeks immediately preceding that date paragraph 4(1) of Schedule 1 to the principal Regulations (persons caring for another person) as in force on that date applied to a claimant, or would have applied to him if he had made a claim for income support, the claimant shall be treated for the purposes of paragraphs 5 and 6 of Schedule 1B to the principal Regulations as if, throughout the period that paragraph 4(1) of Schedule 1 applied or would have applied to him, paragraph 4 of Schedule 1B had applied or would have applied to him.

(2) Where on 6th October 1996 paragraph 5 of Schedule 1 to the principal Regulations (persons incapable of work) as in force on that date applied to a claimant, the claimant shall be treated for the purposes of regulation 4(2)(c)(v) of and paragraph 10 of Schedule 1B to the principal Regulations as if, throughout the period that paragraph 5 of Schedule 1 applied to him, paragraph 7 of Schedule 1B had applied to him.

(3) Where—

- (a) a determination of the amount of a person’s benefit has been made in a case to which regulation 19(5) of The Disability Working Allowance and Income Support

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(General) Amendment Regulations 1995^{M20} as originally made had effect (amendments consequential on the coming into force of the Social Security (Incapacity for Work) Act 1994: transitional provisions); and

- (b) an appeal to which regulations 8(2A) or 11(2A) of the principal Regulations as in force on 2nd October 1995 referred (persons not required to be available or registered for employment), has still to be determined,

regulation 22A(1) of the principal Regulations (reduction in applicable amount where the claimant is appealing against a decision that he is not incapable of work) shall not apply to that person.

Marginal Citations

M20 [S.I. 1995/482](#); relevant amending instrument is [S.I. 1995/2303](#).

Revocations

28. The regulations listed in Column 2 of Schedule 3 to these Regulations are hereby revoked to the extent specified in Column 3 of Schedule 3 to these Regulations.

Amendment of the Income Support (Transitional) Regulations

29.—(1) The Income Support (Transitional) Regulations 1987^{M21} shall be amended in accordance with the following provisions of this regulation.

- (2) In regulation 2 (interpretation) at the end there shall be added the following paragraph—

“(3) In these Regulations the expressions “transitional addition” and “special transitional addition” include any amount payable by virtue of regulation 87(1) of the Jobseeker's Allowance Regulations 1996^{M22}.”.

- (3) In regulation 2A (permitted period)^{M23}—

- (a) in paragraph (1)(a) the words “subject to paragraph (2),” shall be omitted; and
(b) paragraphs (2) and (3) shall be omitted.

Marginal Citations

M21 [S.I. 1987/1969](#).

M22 [S.I. 1996/207](#)

M23 [Regulation 2A](#) was inserted by [S.I. 1989/1626](#).

Amendment of the Income Support (General) Amendment No. 4 Regulations 1991

30. In regulation 24 of the Income Support (General) Amendment No. 4 Regulations 1991^{M24} (permitted period)—

- (a) in paragraph (1)(a) the words “subject to paragraph (2) of this regulation,” shall be omitted; and
(b) paragraphs (2) and (3) shall be omitted.

Marginal Citations

M24 [S.I. 1991/1559](#).

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Amendment of the Income Support (General) Amendment No. 6 Regulations 1991

31. In regulation 6 of the Income Support (General) Amendment No. 6 Regulations 1991 ^{M25} (definition of "permitted period")—

- (a) in paragraph (1) the words "subject to paragraph (2) below," shall be omitted; and
- (b) paragraphs (2) and (3) shall be omitted.

Marginal Citations

M25 [S.I. 1991/2334](#).

Continuity with jobseeker's allowance

32. In determining whether a person is entitled to ^{F1}or is to be treated as being in receipt of income support or whether any amount is applicable or payable—

- (a) entitlement to an income-based jobseeker's allowance shall be treated as entitlement to income support for the purposes of any requirement that a person is or has been entitled to income support for any period of time; and
- (b) a person who is treated as being in receipt of income-based jobseeker's allowance shall be treated as being in receipt of income support for the purposes of any requirement that he is or has been treated as being in receipt of income support for any period of time.]

Textual Amendments

F1 Words in [reg. 32](#) substituted (7.10.1996) by [The Income-related Benefits Schemes and Social Fund \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1944\)](#), regs. 1(a), **12** (with [reg. 13](#))

Signed by authority of the Secretary of State for Social Security.

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

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Changes and effects yet to be applied to :

- reg. 32 amended by [S.I. 1996/1944 reg.12](#)