

1996 No. 206

SOCIAL SECURITY

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

Made - - - - - *1st February 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(a) and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Security, in exercise of the powers conferred on him by section 40 of the Jobseekers Act 1995 and section 124(1)(e), 137(1) and 175 (1) to (4) of the Social Security Contributions and Benefits Act 1992(b) and of all other powers enabling him in that behalf, by this instrument which is made before the end of the period of 6 months beginning with the coming into force of the enactments under which it is made(c), hereby makes the following Regulations:

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(d).

[Regulation 2 amends regulation 2 of S.I. 1987/1967.]

[Regulation 3 amends regulation 3A of S.I. 1987/1967.]

[Regulation 4 inserts regulation 4ZA in S.I. 1987/1967.]

[Regulation 5 amends regulation 4(2) of S.I. 1987/1967.]

[Regulation 6 amends regulation 6 of S.I. 1987/1967.]

[Regulation 7 amends regulation 13(2) of S.I. 1987/1967.]

[Regulation 8 amends regulation 16 of S.I. 1987/1967.]

[Regulation 9 amends regulation 17(1) of S.I. 1987/1967.]

[Regulation 10 amends regulation 18 of S.I. 1987/1967.]

(a) 1995 c.18.

(b) 1992 c.4; subsection (1)(e) was added by the Jobseekers Act 1995, section 41(4) and Schedule 2, paragraph 30(5); section 137(1) is an interpretation provision and is cited because of the meaning assigned to the word "prescribed".

(c) See section 173(5)(a) of the Social Security Administration Act 1992 (c.5)

(d) S.I. 1987/1967.

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[Regulation 11 amends regulation 19(1) of S.I. 1987/1967.]

[Regulation 12 amends regulation 21(1) of S.I. 1987/1967.]

[Regulation 13 adds regulation 22A to S.I. 1987/1967.]

[Regulation 14 amends regulation 23(4) of S.I. 1987/1967.]

[Regulation 15 amends regulation 23(4) of S.I. 1987/1967.]

[Regulation 16 amends regulation 32(4) of S.I. 1987/1967.]

[Regulation 17 amends regulation 42(2) of S.I. 1987/1967.]

[Regulation 18 amends regulation 71 of S.I. 1987/1967.]

[Regulation 19 amends regulation 73(3) of S.I. 1987/1967.]

[Regulation 20 amends regulation 75 of S.I. 1987/1967.]

[Regulation 21 amends regulation 76(a) of S.I. 1987/1967.]

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)(a) shall be amended in accordance with the provisions of Schedule 2 to these Regulations.

[Regulation 24 amends paragraphs 8(2) and 14 of Schedule 3 to S.I. 1987/1967.]

[Regulation 25 amends paragraph 1(1) of Schedules 3A and 3B to S.I. 1987/1967.]

[Regulation 26 amends paragraph 7 of Schedule 10 to S.I. 1987/1967.]

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 (General) Amendment Regulation 1995(b) 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 892A) or 11(2A) of the principal Regulations as in force on 2nd October 1995 referred (persons not required to be available

(a) Relevant amending instrument is S.I. 1995/2303

(b) S.I. 1995/482; relevant amending instrument is S.I. 1995/2303.

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.

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.

[Regulation 29(1) introduces amendments to S.I. 1987/1969.]

[Regulation 29(2) amends regulation 2 of S.I. 1987/1969.]

[Regulation 29(3) amends regulation 2A of S.I. 1987/1969.]

[Regulation 30 amends regulation 24 of S.I. 1991/1559.]

[Regulation 31 amends regulation 6 of S.I. 1991/2334.]

Continuity with jobseeker's allowance

32. In determining whether a person is entitled to ► 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. ◀

Words substituted in reg.32 by reg. 12 of S.I. 1996/1944 as from 7.10.96.

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

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

1st February 1996

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[Schedule 1 inserts Schedule 1B into S.I. 1987/1967.]

[Schedule 2 amends Schedule 2 to S.I. 1987/1967.]

[Schedule 3 revokes provisions of various S.I. s.]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Income Support (General) Regulations 1987 (S.I.1987/1967) ("the income support regulations"). The amendments are consequential on the coming into force of the Jobseekers Act 1995, which replaces income support for the unemployed and unemployment benefit with jobseeker's allowance.

Jobseeker's allowance is the new social security benefit for people who are required to be available for and actively seek employment. It is no longer a condition of entitlement to income support that a claimant is available for and actively seeking employment; instead there is a list of the categories of person who are eligible to claim income support (regulations 4 and 22 and Schedule 1, which insert the new regulation 4ZA and Schedule 1B into the income support regulations).

All the regulations relating to availability for and actively seeking employment are revoked (regulation 28 and Schedule 3), including regulation 22 of the income support regulations which reduces applicable amounts for claimants who have been disqualified for unemployment benefit or who are appealing against decisions that they are not incapable of work. The latter reduction is however continued in a new regulation (regulation 13, which adds regulation 22A to the income support regulations).

The special entitlement and registration rules for claimants aged 16 or 17 are also revoked; however special applicable amounts for this age group continue (regulation 23 and Schedule 2).

There is special provision for claimants who may be entitled alternately to income support or jobseeker's allowance, so that entitlement to an income-based jobseeker's allowance may count towards satisfaction of any condition where a claimant is required to have been entitled to income support for a certain period of time (regulation 32).

The remainder of these regulations contain various minor consequential amendments and transitional provisions.

These Regulations are made pursuant to section 40 of the Jobseekers Act 1995 and section 124(1)(e) of the Social Security Contributions and Benefits Act 1992 and are made before the end of the period of six months beginning with the date those provisions came into force. Accordingly they are exempted by section 173(5)(a) of the Social Security Administration Act 1992 from reference to the Social Security Advisory Committee and have not been so referred.

These Regulations do not impose a charge on business.