

---

## STATUTORY INSTRUMENTS

---

# 1996 No. 207

## The Jobseeker's Allowance Regulations 1996

### PART VII

#### AMOUNTS

##### Weekly amounts of contribution-based jobseeker's allowance

**79.**—(1) In the case of a contribution-based jobseeker's allowance, the age-related amount applicable to a claimant for the purposes of section 4(1)(a) shall be—

- (a) in the case of a person who has not attained the age of 18, [<sup>F1</sup>£31.95 ]per week;
- (b) in the case of a person who has attained the age of 18 but not the age of 25, [<sup>F2</sup>£42.00 ]per week;
- (c) in the case of a person who has attained the age of 25, [<sup>F3</sup>£53.05 ]per week.

(2) Where the amount of any contribution-based jobseeker's allowance would, but for this paragraph, include a fraction of one penny, that fraction shall be treated as one penny.

##### Textual Amendments

- F1** Sum in Reg. 79(1)(a) substituted (with effect in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating \(No. 2\) Order 2000 2001 \(S.I. 2001/207\)](#), arts. 1(2)(i), **21(a)**
- F2** Sum in Reg. 79(1)(b) substituted (with effect in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating \(No. 2\) Order 2000 2001 \(S.I. 2001/207\)](#), arts. 1(2)(i), **21(b)**
- F3** Sum in Reg. 79(1)(c) substituted (with effect in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating \(No. 2\) Order 2000 2001 \(S.I. 2001/207\)](#), arts. 1(2)(i), **21(c)**

##### Deductions in respect of earnings

**80.**—(1) The deduction in respect of earnings which falls to be made in accordance with section 4(1)(b) from the amount which, apart from this regulation, would be payable by way of a contribution-based jobseeker's allowance for any [<sup>F4</sup>benefit week] is an amount equal to the weekly amount of the claimant's earnings calculated in accordance with Part VIII (income and capital).

(2) For the avoidance of doubt, in calculating the amount of earnings for the purposes of this regulation, only the claimant's earnings shall be taken into account.

##### Textual Amendments

- F4** Words in reg. 80(1) substituted (7.4.1997) by [The Social Security \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/454\)](#), regs. 1(c), **2(8)**

*Status: Point in time view as at 09/04/2001.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

## Payments by way of Pensions

**81.—(1)** The deduction in respect of pension payments from the amount which apart from this regulation would be payable to a claimant by way of a contribution-based jobseeker's allowance for any week shall be a sum equal to the amount by which that payment exceeds or, as the case may be, the aggregate of those payments exceed £50 per [<sup>F5</sup>benefit week].

[<sup>F6</sup>(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 deduction referred to in paragraph (1) shall have effect from the first day of that benefit week.]

(2) In determining the amount of any pension payments for the purposes of paragraph (1), there shall be disregarded—

<sup>F7</sup>(a) .....

<sup>F7</sup>(b) .....

[<sup>F8</sup>(c) any payments from a personal pension scheme, an occupational pension scheme or a public service pension scheme which are payable to him and which arose in accordance with the terms of such a scheme on the death of a person who was a member of the scheme in question.]

(3) Subject to the provisions of paragraph (2), where a pension payment, or an aggregate of such payments, as the case may be, is paid to a person for a period other than a week, such payments shall be treated as being made to that person by way of weekly pension payments and the weekly amount shall be determined—

- (a) where payment is made for a year, by dividing the total by 52;
- (b) where payment is made for three months, by dividing the total by 13;
- (c) where payment is made for a month, by multiplying the total by 12 and dividing the result by 52;
- (d) where payment is made for two or more months, otherwise than for a year or for three months, by dividing the total by the number of months, multiplying the result by 12 and dividing the result of that multiplication by 52; or
- (e) in any other case, by dividing the amount of the payment by the number of days in the period for which it is made and multiplying the result by 7.

### Textual Amendments

- F5** Words in reg. 81(1) substituted (7.10.1996) by [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), regs. 1, **19(2)**
- F6** Reg. 81(1A)(1B) inserted (7.10.1996) by [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), regs. 1, **19(3)**
- F7** Reg. 81(2)(a)(b) omitted (7.10.1996) by virtue of [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), regs. 1, **19(4)**
- F8** Reg. 81(2)(c) substituted (7.4.1997) by [The Social Security \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/454\)](#), regs. 1(c), **2(9)**

## [F9] Income-based jobseeker's allowance

**82.**—(1) Regulations 83 to 86 and 87 apply in the case of an income-based jobseeker's allowance but not a joint-claim jobseeker's allowance.

(2) Regulations 86A to 86D only apply in the case of a joint-claim jobseeker's allowance.]

### Textual Amendments

**F9** Reg. 82 substituted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), [Sch. 2 para. 34](#)

## Applicable amounts

**83.** Except in the case of a claimant to whom regulation 84 , 85 or 86 or Part X (applicable amounts in other cases and urgent cases) applies, a claimant's weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case—

- (a) an amount in respect of himself or if he is a member of a couple, an amount in respect of both of them, determined in accordance with sub-paragraph (1), (2) or (3), as the case may be, of paragraph 1 of Schedule 1;
- (b) an amount determined in accordance with paragraph 2 of Schedule 1 in respect of any child or young person who is a member of his family, excluding a child or young person whose capital, if calculated in accordance with Part VIII in like manner as for the claimant would exceed £3,000, but including a child whose capital falls to be treated as income in accordance with regulation 106 (1) (modification in respect of children and young persons);
- (c) an amount in respect of himself, or where the claimant is a member of a family, an amount in respect of any member of the family aged 16 or over determined in accordance with paragraph 3 of Schedule 1 (residential allowance);
- (d) where he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part II of Schedule 1 (family premium);
- (e) the amount of any premiums which may be applicable to him, determined in accordance with Parts III and IV of Schedule 1 (premiums); and
- (f) any amounts determined in accordance with Schedule 2 (housing costs) which may be applicable to him in respect of mortgage interest payments or such other housing costs as are prescribed in that Schedule.

### Modifications etc. (not altering text)

**C1** Regs. 83-86 applied (temp. from 28.11.2000 until 27.11.2001) by [The Social Security \(New Deal Pilot\) Regulations 2000 \(S.I. 2000/3134\)](#), regs. 1(1)(b), **10(1)** (with reg. 19)

**C2** Reg. 83(b) sum confirmed (with effect in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating \(No. 2\) Order 2000 2001 \(S.I. 2001/207\)](#), arts. 1(2)(i), **22(2)**

## Polygamous Marriages

**84.**—(1) Except in the case of a claimant to whom regulation 83, 85 or 86 (applicable amounts in special cases and for those in residential care and nursing homes) or Part X or paragraph (2) applies, where a claimant is a member of a polygamous marriage his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case—

**Status:** Point in time view as at 09/04/2001.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (a) the highest amount applicable to him and one of his partners determined in accordance with sub-paragraph (3) of paragraph 1 of Schedule 1 as if he and that partner were a couple;
  - (b) an amount equal to the difference between the amounts specified in [<sup>F10</sup>sub-paragraphs (3) (e)] and (1)(e) of paragraph 1 of Schedule 1 in respect of each of his other partners;
  - (c) an amount determined in accordance with paragraph 2 of Schedule 1 (applicable amounts) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household except a child or young person whose capital, if calculated in accordance with Part VIII in like manner as for the claimant, would exceed £3,000, but including a child whose capital falls to be treated as income in accordance with regulation 106 (1) (modification in respect of children and young persons);
  - (d) an amount, whether in respect of the claimant or any member of his household aged 16 or over, determined in accordance with paragraph 3 of Schedule 1 (residential allowance);
  - (e) if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part II of Schedule 1 (family premium);
  - (f) the amount of any premiums which may be applicable to him determined in accordance with Parts III and IV of Schedule 1 (premiums); and
  - (g) any amounts determined in accordance with Schedule 2 (housing costs) which may be applicable to him in respect of mortgage interest payments or such other housing costs as are prescribed in that Schedule.
- (2) In the case of a partner who is aged less than 18 the amount which applies in respect of that partner shall be Nil unless that partner—
- (a) is treated as responsible for a child; or
  - (b) is a person who, had he not been a member of a polygamous marriage, would have qualified for a jobseeker's allowance by virtue of section 3(1)(f)(ii) or section 3(1)(f)(iii) and the regulations made thereunder (jobseeker's allowance for persons aged 16 or 17).

#### Textual Amendments

**F10** Words in reg. 84(1)(b) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**

#### Modifications etc. (not altering text)

**C1** Regs. 83-86 applied (temp. from 28.11.2000 until 27.11.2001) by [The Social Security \(New Deal Pilot\) Regulations 2000 \(S.I. 2000/3134\)](#), regs. 1(1)(b), **10(1)** (with reg. 19)

**C3** Reg. 84(1)(c) sum confirmed (with effect in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating \(No. 2\) Order 2000 2001 \(S.I. 2001/207\)](#), arts. 1(2)(i), **22(2)**

#### Special cases

**85.**—(1) In the case of a person to whom any paragraph in column (1) of Schedule 5 applies (applicable amounts in special cases) the amount included in the claimant's weekly applicable amount in respect of him shall be the amount prescribed in the corresponding paragraph in column (2) of that Schedule but excluding an amount for a child or young person whose [<sup>F11</sup>capital, if calculated] in accordance with Part VIII in like manner as for the claimant, would exceed £3,000, but including an amount for a child or young person whose capital falls to be treated as income in accordance with regulation 106 (1) (modification in respect of children and young persons).

(2) Except where the amount prescribed in Schedule 5 in respect of a person to whom paragraph (1) applies includes an amount applicable under regulation 83(e) or 84(1)(f) a person to whom paragraph (1) applies shall be treated as not falling within the conditions specified in paragraph 15 of Schedule 1 (severe disability premium).

(3) In Schedule 5, for the purposes of paragraphs 1, 2 and 17 (persons in residential care or nursing homes who become patients), where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

(4) [<sup>F12</sup>Subject to paragraph (4A),] In this regulation and Schedule 5—

[<sup>F13c</sup>partner of a person subject to immigration control" means a person—

- (i) who is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act; or
- (ii) to whom section 115 of that Act does not apply by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000; and
- (iii) who is a member of a couple and his partner is subject to immigration control within the meaning of section 115(9) of that Act and section 115 of that Act applies to her for the purposes of exclusion from entitlement to jobseeker's allowance;.]

[<sup>F14</sup> ...]

"person from abroad" [<sup>F15</sup> ... means a claimant who is not habitually resident in the [<sup>F16</sup>the Channel Islands, the Isle of Man or the Republic of Ireland,] but for this purpose, no claimant shall be treated as not habitually resident in the United Kingdom who is—

- (a) a worker for the purposes of Council Regulation (EEC) No. 1612/68 or (EEC) No. 1251/70 or a person with a right to reside in the United Kingdom pursuant to Council Directive No. 68/360/EEC or No. 73/148/EEC; or
- (b) a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967; or
- (c) a person who has been granted exceptional leave [<sup>F17</sup>to enter the United Kingdom by an immigration officer within the meaning of the Immigration Act 1971, or] to remain in the United Kingdom by the Secretary of State [<sup>F18</sup>; or
- (d) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;]

"patient" means a person (other than a prisoner) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations 1975;

"prisoner" means a person who—

- (a) is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
- (b) is on temporary release in accordance with the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989,

other than a person [<sup>F19</sup>who is detained in hospital under the provisions of the Mental Health Act 1983 , or, in Scotland, under the provisions of the Mental Health (Scotland) Act 1984 or the Criminal Procedure (Scotland) Act 1995,]

*Status: Point in time view as at 09/04/2001.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

“residential accommodation” means, subject to the following provisions of this regulation, accommodation provided by a local authority in a home owned or managed by that or another local authority—

- (a) under sections 21 to 24 of the National Assistance Act 1948 (provision of accommodation); or
- (b) in Scotland, under section 13B or 59 of the Social Work (Scotland) Act 1968 (provision of residential and other establishments); or
- (c) under section 7 of the Mental Health (Scotland) Act 1984 (functions of local authorities),

where the accommodation is provided for a person whose stay in that accommodation has become other than temporary.

[<sup>F20</sup>(4A) In paragraph (4) “person from abroad” does not include any person in Great Britain who left the territory of Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption.]

[<sup>F21</sup>(5) A person shall continue to be treated as being in residential accommodation within the meaning of paragraph (4) if—

- (a) he is in, or only temporarily absent from, such residential accommodation, and the same accommodation subsequently becomes a residential care home for so long as he remains in that accommodation; or
- (b) on 31st March 1993 he was in, or only temporarily absent from, accommodation of a kind mentioned in regulation 21(3B) to (3E) of the Income Support Regulations.]

(6) A person who would, but for this paragraph, be in residential accommodation within the meaning of paragraph (4) shall be treated as not being in residential accommodation where—

- (a) he is under the age of 18 and in the care of a local authority under Part II or III of the Social Work (Scotland) Act 1968 (promotion of social welfare of children in need of care); or
- (b) except where he is a person to whom paragraph (5)(b) applies, he is in accommodation where—
  - (i) no cooked or prepared food is made available to him in consequence solely of his paying the charge for the accommodation or any other charge which he is required to pay as a condition of occupying the accommodation, or both of those charges, or
  - (ii) such food is actually made available for his consumption on payment of a further charge or charges.

#### Textual Amendments

- F11** Words in reg. 85(1) substituted (7.4.1997) by [The Social Security \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/454\)](#), regs. 1(c), **2(10)**
- F12** Words in reg. 85(4) inserted (28.10.1996) by [The Social Security and Child Support \(Jobseeker's Allowance\) \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2538\)](#), regs. 1, **2(7)(a)**
- F13** Words in reg. 85(4) inserted (3.4.2000) by [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), regs. 1(2), **4(3)(c)**
- F14** Words in reg. 85(4) omitted (3.4.2000) by virtue of [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), regs. 1(2), **4(3)(a)**
- F15** Word in reg. 85(4) omitted (3.4.2000) by virtue of [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), regs. 1(2), **4(3)(b)**
- F16** Words in reg. 85(4) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), regs. 1(1), **10(1)(c)**

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- F17** Words in reg. 85(4) inserted (coming into force in accordance with reg. 1(2)(3)(4)(5)(6) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/563\)](#), regs. 1, **18(3)(4)(d)**
- F18** Words in reg. 85(4) added (2.5.2000) by [The Income-related Benefits and Jobseeker's Allowance \(Amendment\) Regulations 2000 \(S.I. 2000/979\)](#), regs. 1, **3**
- F19** Words in reg. 85(4) substituted (coming into force in accordance with reg. 1(2)(3)(4)(5)(6) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/563\)](#), regs. 1, **8(1)(2)(d)**
- F20** Reg. 85(4A) inserted (28.10.1996) by [The Social Security and Child Support \(Jobseeker's Allowance\) \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2538\)](#), regs. 1, **2(7)(b)**
- F21** Reg. 85(5) substituted (28.10.1996) by [The Social Security and Child Support \(Jobseeker's Allowance\) \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2538\)](#), regs. 1, **2(7)(c)**

#### **Modifications etc. (not altering text)**

- C1** Regs. 83-86 applied (temp. from 28.11.2000 until 27.11.2001) by [The Social Security \(New Deal Pilot\) Regulations 2000 \(S.I. 2000/3134\)](#), regs. 1(1)(b), **10(1)** (with reg. 19)
- C4** Reg. 85(1) sum confirmed (with effect in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating \(No. 2\) Order 2000 2001 \(S.I. 2001/207\)](#), arts. 1(2)(i), **22(2)**

### **Applicable amounts for persons in residential care and nursing homes**

**86.**—(1) Where a person has a preserved right and either—

- (a) lives in a residential care or nursing home; or
- (b) is a member of a family and he and the members of his family live in such a home,

his weekly applicable amount shall, except in a case to which regulation 85 (special cases) applies, be calculated in accordance with Schedule 4.

(2) A person has a preserved right for the purposes of this regulation if he satisfies the requirements for a preserved right under regulation 19 of and Schedule 4 to the Income Support Regulations.

(3) In Schedule 4, "temporary absence" means—

- (a) in the case of a person who has a preserved right and to whom regulation 19(2) of the Income Support Regulations applies, 52 weeks; and
- (b) in any other case, 13 weeks.

(4) In Schedule 4 the expressions "mental disorder", "mental handicap", "drug or alcohol dependence" and "disablement" have the same meanings as those expressions have for the purposes of the Registered Homes Act 1984 and Regulations made thereunder.

(5) Notwithstanding the foregoing paragraphs of this regulation, where—

- (a) a person has been registered under the Registered Homes Act 1984 <sup>F22</sup> in respect of premises which have been carried on as a residential care home or, as the case may be, a nursing home, and that person has ceased to carry on such a home; and
- (b) an application for registration under that Act has been made by another person and that application has not been determined or abandoned, the applicable amount of a person resident in those premises shall be determined under Schedule 4 as if the most recent registration under the Registered Homes Act 1984 in respect of those premises continued until the day on which the application is determined or abandoned.

**Status:** Point in time view as at 09/04/2001.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

#### Textual Amendments

**F22** 1984 c.23.

#### Modifications etc. (not altering text)

**C1** Regs. 83-86 applied (temp. from 28.11.2000 until 27.11.2001) by [The Social Security \(New Deal Pilot\) Regulations 2000 \(S.I. 2000/3134\)](#), regs. 1(1)(b), **10(1)** (with reg. 19)

### [<sup>F23</sup>Applicable amounts for joint-claim couples

**86A.** Except in the case of a joint-claim couple where regulation 86B (polygamous marriages), 86C (special cases) or 86D (members of joint-claim couples in residential care and nursing homes) or Part X (urgent cases) applies, the applicable amount of a joint-claim couple who are jointly claiming a jobseeker's allowance shall be the aggregate of such of the following amounts as may apply in their case—

- (a) an amount in respect of the joint-claim couple determined in accordance with sub-paragraph (3) of paragraph 1 of Schedule 1;
- (b) an amount in respect of either or both members of the joint-claim couple determined in accordance with paragraph 3 of Schedule 1 (residential allowance);
- (c) the amount of any premiums which may be applicable to either or both members of the joint-claim couple, determined in accordance with Parts IVA and IVB of Schedule 1 (premiums); and
- (d) any amounts determined in accordance with Schedule 2 (housing costs) which may be applicable to the joint-claim couple in respect of mortgage interest payments or such other housing costs as are prescribed in that Schedule.

#### Textual Amendments

**F23** Regs. 86A-86D inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 35**

#### Modifications etc. (not altering text)

**C5** Regs. 86A-86D applied (temp. from 28.11.2000 until 27.11.2001) by [The Social Security \(New Deal Pilot\) Regulations 2000 \(S.I. 2000/3134\)](#), regs. 1(1)(b), **10(2)** (with reg. 19)

### Applicable amounts for joint-claim couples: polygamous marriages

**86B.** Except in the case of a joint-claim couple where regulation 86A, 86C (special cases) or 86D (members of joint claim couples in residential care and nursing homes) or Part X (urgent cases) applies, the applicable amount of a joint-claim couple who are jointly claiming a jobseeker's allowance where either or both members of that couple are members of a polygamous marriage, shall be the aggregate of such of the following amounts as may apply in their case—

- (a) the highest amount applicable to a member of the joint-claim couple and one other member of that marriage determined in accordance with sub-paragraph (3) of paragraph 1 of Schedule 1 as if those members were a couple;
- (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3)(e) and (1)(e) of paragraph 1 of Schedule 1 in respect of each of the other members of the polygamous marriage who are members of that household;



*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) an amount, whether in respect of a member of the joint-claim couple or any member of his household aged 16 or over, determined in accordance with paragraph 3 of Schedule 1 (residential allowance);
- (d) the amount of any premiums which may be applicable to a member of the joint-claim couple determined in accordance with Parts IVA and IVB of Schedule 1 (premiums); and
- (e) any amounts determined in accordance with Schedule 2 (housing costs) which may be applicable to the joint-claim couple in respect of mortgage interest payments or such other housing costs as are prescribed in that Schedule.

#### Textual Amendments

**F23** Regs. 86A-86D inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 35**

#### Modifications etc. (not altering text)

**C5** Regs. 86A-86D applied (temp. from 28.11.2000 until 27.11.2001) by [The Social Security \(New Deal Pilot\) Regulations 2000 \(S.I. 2000/3134\)](#), regs. 1(1)(b), **10(2)** (with reg. 19)

### Joint-claim couples: special cases

**86C.**—(1) Where a member of a joint-claim couple is a person to whom any paragraph in column (1) of Schedule 5A applies (applicable amounts in special cases for joint-claim couples), the amount included in the joint-claim couple's weekly applicable amount shall be the amount prescribed in the corresponding paragraph in column (2) of that Schedule.

(2) Except where the amount prescribed in Schedule 5A in respect of a joint-claim couple includes an amount applicable under regulation 86A(c) or 86B(d), a person to whom paragraph (1) applies shall be treated as not falling within the conditions specified in paragraph 20I of Schedule 1 (severe disability premium).

(3) In Schedule 5A, for the purposes of paragraphs 1 and 11 (persons in residential care or nursing home who become patients), where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

(4) Expressions used in this regulation and in Schedule 5A shall have the same meaning as those expressions have for the purposes of regulation 85 and Schedule 5 save that for the purposes of this regulation and of Schedule 5A, the definition of "person from abroad" in regulation 85(4) shall have effect as if after the words "a claimant" there were inserted the words "other than a member of a joint-claim couple who is not the nominated member for the purposes of section 3B,".

#### Textual Amendments

**F23** Regs. 86A-86D inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 35**

#### Modifications etc. (not altering text)

**C5** Regs. 86A-86D applied (temp. from 28.11.2000 until 27.11.2001) by [The Social Security \(New Deal Pilot\) Regulations 2000 \(S.I. 2000/3134\)](#), regs. 1(1)(b), **10(2)** (with reg. 19)

**Status:** Point in time view as at 09/04/2001.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

### Applicable amount for a joint-claim couple where a number is in residential care or a nursing home

**86D.**—(1) Where either or both members of a joint-claim couple have a preserved right and that member or those members live in a residential care or nursing home, the weekly applicable amount of the joint-claim couple shall, except in a case to which regulation 86C (joint-claim couples: special cases) applies, be calculated in accordance with Schedule 4A.

(2) A member of a joint-claim couple has a preserved right for the purposes of this regulation if he satisfies the requirements for a preserved right under regulation 19 of, and Schedule 4 to, the Income Support Regulations.

(3) Expressions used in Schedule 4A shall have the same meaning as those expressions have for the purposes of Schedule 4.

(4) Regulation 86(5) shall have effect for the purposes of this regulation as if for the words “a person resident in those premises shall be determined under Schedule 4” there were substituted the words “a joint-claim couple where either or both members of the couple are resident in those premises shall be determined under Schedule 4A.”]

#### Textual Amendments

**F23** Regs. 86A-86D inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 35**

#### Modifications etc. (not altering text)

**C5** Regs. 86A-86D applied (temp. from 28.11.2000 until 27.11.2001) by [The Social Security \(New Deal Pilot\) Regulations 2000 \(S.I. 2000/3134\)](#), regs. 1(1)(b), **10(2)** (with reg. 19)

### Transitional supplement to income-based jobseeker's allowance

**87.**—(1) In the case of a person who, before 7th October 1996 was entitled to a special transitional addition or transitional addition in accordance with the Income Support (Transitional) Regulations 1987<sup>F24</sup>, the amount of any income-based jobseeker's allowance payable to him shall be increased by an amount equal to those additions, but the increase shall continue to be payable only for so long as the claimant continues to satisfy the requirements imposed in those Regulations for payment of the addition.

(2) A claimant's weekly applicable amount shall include an amount (the “protected sum”) equal to any protected sum which would have been applicable in his case under regulation 17(1)(g) or 18(1)(h) of, and Schedules 3A and 3B to, the Income Support Regulations<sup>F25</sup> had he been entitled to income support and not a jobseeker's allowance.

(3) In the case of any person who had he been entitled to income support and not a jobseeker's allowance, would in any week have had a higher applicable amount, in accordance with regulation 17(2) to (6A) of the Income Support Regulations<sup>F26</sup>, than the amount applicable to him in accordance with regulation 82 or, as the case may be, 83 then that amount shall be substituted for the applicable amount determined under that regulation.

(4) Paragraph (5) applies to a person who, had he been entitled to income support and not a jobseeker's allowance, would have been a person to whom any of the following transitional or savings provisions would have applied—

- (a) the Income Support (General) Amendment No.3 Regulations 1993<sup>F27</sup> (“the 1993 Regulations”), regulation 4;

- (b) the Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1995 ("the 1995 Regulations")<sup>F28</sup>, regulation 28.

(5) Where this paragraph applies, the amount of housing costs applicable in the particular case shall be determined as if, in Schedule 2—

- (a) in a case to which regulation 4(1) of the 1993 Regulations would have applied, paragraph 10(4) to (9) was omitted;
- (b) in a case to which regulation 4(4) of the 1993 Regulations would have applied, in [<sup>F29</sup>paragraph 10(4)] for the reference to £100,000 there was substituted a reference to £150,000; and
- (c) in a case to which the 1995 Regulations apply, in [<sup>F30</sup>paragraph 10(4)] for the reference to £100,000 there was substituted a reference to £125,000.

(6) In determining for the purposes of this regulation whether, if the claimant were entitled to income support—

- (a) an amount would be applicable;
- (b) an amount would be payable; or
- (c) if an amount was payable, the rate at which it would be payable,

any requirement that the person be entitled to income support, or to income support for any period of time, shall be treated as if the reference to income support included also a reference to an income-based jobseeker's allowance.

(7) [<sup>F31</sup>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—]

- (a) as if in paragraph (1)(a), after the words "permitted period", there was included the words "subject to paragraph 2A"; and
- (b) with the addition after paragraph (1) of the following paragraphs—

"(2A) Subject to paragraph (2B) where the claimant or his partner has ceased to be engaged in remunerative work, the permitted period shall be 8 weeks if—

- (a) a jobseeker's allowance [<sup>F32</sup>is not payable] to the claimant in the circumstances mentioned in section 19(6)(a) or (b) of the Jobseekers Act 1995 (employment left voluntarily or lost through misconduct); or
- (b) the claimant or his partner has ceased to be engaged in that work within 4 weeks of beginning it; or
- (c) at any time during the period of 13 weeks immediately preceding the beginning of that work, the person who has ceased to be engaged in it—
  - (i) was engaged in remunerative work; or
  - (ii) was in relevant education; or
  - (iii) was a student.

(2B) [<sup>F33</sup>Paragraph (2A)(b) or (2A)(c)] shall not apply in the case of a person who, by virtue of regulation 74 of the Jobseeker's Allowance Regulations 1996, is a person to whom section 19(6)(b) of the Jobseekers Act 1995 does not apply.

(2C) In this regulation, "remunerative work" means remunerative work for the purposes of the Jobseekers Act 1995."

[<sup>F34</sup>87A. Where the amount of a jobseeker's allowance is less than 10 pence a week that allowance shall not be payable.]

**Status:** Point in time view as at 09/04/2001.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

### Textual Amendments

- F24** [S.I. 1987/1969](#); the relevant amending instruments are [S.I. 1988/521](#) and 1989/1626.
- F25** The relevant amending instruments are [S.I. 1988/1445](#) and 1989/534.
- F26** The relevant amending instrument is [S.I. 1988/910](#).
- F27** [S.I. 1993/1679](#).
- F28** [S.I. 1995/516](#).
- F29** Words in reg. 87(5)(b) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**
- F30** Words in reg. 87(5)(c) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**
- F31** Words in reg. 87(7) substituted (7.10.1996) by [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), regs. 1, **20(a)**
- F32** Words in reg. 87(2A)(a) substituted (7.10.1996) by [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), regs. 1, **20(b)**
- F33** Words in reg. 87(7) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**
- F34** Reg. 87A inserted (7.10.1996) by [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), regs. 1, **21**

**Status:**

Point in time view as at 09/04/2001.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Jobseeker's Allowance Regulations 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations.