

---

STATUTORY INSTRUMENTS

---

**1996 No. 2519**

**SOCIAL SECURITY**

**The Social Security (Jobseeker's Allowance and Payments on Account) (Miscellaneous Amendments) Regulations 1996**

<i>Made</i>	- - - -	<i>2nd October 1996</i>
<i>Laid before Parliament</i>		<i>4th October 1996</i>
<i>Coming into force</i>	- -	<i>7th October 1996</i>

The Secretary of State for Social Security, in exercise of powers conferred by sections 35(1), 36(2) to (5) and 40 of the Jobseekers Act 1995<sup>(1)</sup>, and sections 71, 74, 189(1), (3) and (4) and 191 of the Social Security Administration Act 1992<sup>(2)</sup>, and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it<sup>(3)</sup> hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Jobseeker's Allowance and Payments on Account) (Miscellaneous Amendments) Regulations 1996 and shall come into force on 7th October 1996, immediately following the coming into force of the Jobseeker's Allowance (Transitional Provisions) (Amendment) Regulations 1996<sup>(4)</sup> and the Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996<sup>(5)</sup>.

**Amendment of the Jobseeker's Allowance (Transitional Provisions) Regulations 1995**

2.—(1) The Jobseeker's Allowance (Transitional Provisions) Regulations 1995<sup>(6)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (jobseeking period) after paragraph (2) the following paragraph shall be inserted—

“(2A) Any period in which a claimant is entitled to a jobseeker's allowance in accordance with regulation 11(3) shall, for the purposes of paragraph (1), be treated as a period in which

---

(1) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.  
(2) 1992 c. 5; section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.  
(3) See the Social Security Administration Act 1992, section 173(1)(b).  
(4) S.I. 1996/1515.  
(5) S.I. 1996/1345.  
(6) S.I. 1995/3276.

he satisfies the conditions specified in paragraphs (a) to (c) and (e) to (i) of subsection (2) of section 1.”

(3) In regulation 3 (linking periods), in paragraph (2) after sub-paragraph (e)(7) the following sub-paragraph shall be added—

“(f) a period which includes 6th October 1996 during which the claimant attends court in response to a summons for jury service and which was immediately preceded by a period of entitlement to unemployment benefit.”

(4) After regulation 5 (transition from unemployment benefit to a jobseeker’s allowance) the following regulation shall be inserted—

**“Transition from unemployment benefit to a jobseeker’s allowance: further provisions**

**5A.—**(1) A person who has an award of unemployment benefit, or unemployment benefit and income support, for the benefit week that includes 7th October 1996, but to whom unemployment benefit is not payable in respect of the relevant day shall—

- (a) be treated as having an award of a jobseeker’s allowance from the first day of the benefit week after the benefit week that includes the relevant day until such date as he fails to satisfy, or ceases to be treated as satisfying, any condition of entitlement to a jobseeker’s allowance that applies in his case; and
- (b) be treated as satisfying the requirements of section 1(2)(b) (jobseeker’s agreement) until the day he actually enters into a jobseeker’s agreement in accordance with section 9(1) or until, in a case where a proposed jobseeker’s agreement is referred to an adjudication officer for him to determine, the day the adjudication officer gives a direction in accordance with section 9(7).

(2) Paragraph (1) shall not apply to a person if the sole reason unemployment benefit is not payable to him in respect of the relevant day is that he was disqualified for receiving unemployment benefit in accordance with section 28 of the Benefits Act.

(3) A person who, in respect of his claim for unemployment benefit, or unemployment benefit and income support, has restricted the hours he is available for work to 40 hours or more a week, shall be treated as having recorded his pattern of availability in the jobseeker’s agreement he is treated as having entered into under paragraph (1)(b).”

(5) In regulation 7 (claims for entitlement to a jobseeker’s allowance)—

(a) after paragraph (2) the following paragraph shall be inserted—

“(2A) A person who, in respect of his claim for income support or unemployment benefit, or income support and unemployment benefit, has restricted the hours he is available for work to 40 hours or more a week shall be treated as having recorded his pattern of availability in the jobseeker’s agreement he is treated as having entered into under paragraph (2).”; and

(b) after paragraph (5) the following paragraph shall be inserted—

“(5A) Where a person to whom paragraph (5) applies had been entitled to an increase in his unemployment benefit in respect of an adult dependant and that increase was payable to him immediately preceding the day on which he was required to serve as a juror or the day training began, he shall be treated for the purposes of these Regulations as if that increase was payable to him in respect of the relevant day.”

(6) In regulation 8 (further provisions applying to a continuing entitlement to a jobseeker’s allowance), after paragraph (5) the following paragraph shall be added—

---

(7) Relevant amending instrument is S.I. [1996/1515](#).

- “(6) Paragraphs (4) and (5) shall apply to a claimant to whom a jobseeker’s allowance is awarded other than in accordance with regulation 5 or 6 where—
- (a) the first day of that award forms part of a jobseeking period which is separated by not more than 12 weeks from a period of interruption of employment; or
  - (b) the tax years which in accordance with section 2 are to be satisfied for entitlement to a contribution-based jobseeker’s allowance to arise are the same tax years as those by reference to which entitlement to unemployment benefit arose on a claim made by the claimant in respect of a day before 7th October 1996.”.
- (7) In regulation 9 (transitionally protected period)—
- (a) in paragraph (4)—
    - (i) after sub-paragraph (b) the following sub-paragraph shall be added—
      - “; and
      - (c) unemployment benefit was payable in respect of the relevant day and the benefit included an increase for an adult dependant,”;
    - (ii) for the words “an amount equal to any dependency increase payable with his unemployment benefit in respect of the benefit week which includes the relevant day” there shall be substituted the words “that dependency increase” and at the end there shall be added the words “and the provisions of Part III of the Social Security Benefit (Dependency) Regulations 1977(8) and Part III of the Social Security (Hospital In-Patients) Regulations 1975(9) as they apply to unemployment benefit as in force on 6th October 1996 shall apply to it.”;
  - (b) in paragraph (7), after the words “relevant day” there shall be inserted the words “or which would have been payable in that week but for any adjustments made in that week,”.
- (8) In regulation 11 (earnings during the transitionally protected period), after paragraph (4) the following paragraph shall be added—
- “(5) Where a person has one or more days in a week on which he fails to satisfy the conditions specified in paragraph (2) and in consequence of which a jobseeker’s allowance is not payable, those days shall not be treated as days of entitlement to a contribution-based jobseeker’s allowance for the purposes of section 5(1).”.
- (9) In regulation 16 (questions not immediately ascertainable), in paragraph (1) at the beginning there shall be inserted the words “During the transitionally protected period”.

### **Amendment of the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988**

- 3.—**(1) The Social Security (Payments on account, Overpayments and Recovery) Regulations 1988(10) shall be amended in accordance with the following provisions of this regulation.
- (2) In regulation 14 (quarterly diminution of capital), in paragraph (3) in the definition of “overpayment period” after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance.”.
- (3) In regulation 15 (recovery by deduction from prescribed benefits), in paragraph (2) in sub-paragraph (d) for the words “or income-based jobseeker’s allowance” there shall be substituted the words “or a jobseeker’s allowance”.
- (4) In regulation 16 (limitations on deductions from prescribed benefits)—

---

(8) S.I. 1977/343; relevant amending instrument is S.I. 1996/1345.

(9) S.I. 1975/555.

(10) S.I. 1988/644; relevant amending instruments are S.I. 1991/2742 and 1996/1345.

- (a) in paragraph (4), for the words “income support or income-based jobseeker’s allowance” there shall be substituted the word “benefit”;
- (b) after paragraph (4) the following paragraph shall be inserted—
  - “(4A) Paragraph (4) shall apply to the following benefits—
    - (a) income support;
    - (b) an income-based jobseeker’s allowance;
    - (c) where, if there was no entitlement to a contribution-based jobseeker’s allowance, there would be entitlement to an income-based jobseeker’s allowance at the same rate, a contribution-based jobseeker’s allowance.”;
- (c) after paragraph (5) the following paragraphs shall be inserted—
  - “(5A) Regulation 15 shall apply to an amount of a contribution-based jobseeker’s allowance, other than a contribution-based jobseeker’s allowance to which paragraph (4) applies in accordance with paragraph (4A)(c), to which a person is presently entitled only to the extent that there may, subject to paragraphs 8 and 9 of Schedule 9 to the Claims and Payments Regulations be recovered in respect of any one benefit week a sum equal to one third of the age-related amount applicable to the claimant under section 4(1)(a) of the Jobseekers Act 1995(11).
  - “(5B) For the purposes at paragraph (5A) where the sum that would otherwise fall to be deducted includes a fraction of a penny, the sum to be deducted shall be rounded down to the nearest whole penny.”;
- (d) in paragraph (8) in the definition of “specified benefit”—
  - (i) in head (a) where it appears for the second time the word “benefit” shall be omitted, and after the words “instrument of payment,” where they appear for the first time there shall be inserted the words “a jobseeker’s allowance, or”;
  - (ii) in head (b)—
    - (aa) after the words “benefit payment,” there shall be inserted the words “a jobseeker’s allowance”;
    - (bb) where it appears for the third time the word “benefit” shall be omitted; and
    - (cc) at the end the words “or income-based jobseeker’s allowance” shall be omitted.

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

Department of Social Security  
2nd October 1996

*Roger Evans*  
Parliamentary Under-Secretary of State,

---

## EXPLANATORY NOTE

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

These Regulations amend the Jobseeker's Allowance (Transitional Provisions) Regulations 1995 (S.I.1995/3276) and the Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988 (S.I. 1988/664).

Regulation 2 makes a number of amendments to the Jobseeker's Allowance (Transitional Provisions) Regulations:

- where a person has an award of unemployment benefit for the week that includes the 7th October 1996, but unemployment benefit is not in payment on the “relevant day”, he shall be treated as having claimed a jobseeker's allowance and as having an award of a jobseeker's allowance, as long as the reason that benefit was not in payment was because of a disqualification,
- a restriction in the number of hours a person was available for work in respect of his claim for income support or unemployment benefit will be included in his jobseeker's agreement,
- people who claim a jobseeker's allowance, rather than being transferred to it from unemployment benefit, are brought within the provisions on calculating the number of days of entitlement to a contribution-based jobseeker's allowance but days where a person's jobseeker's allowance is not payable because of part-time earnings will not count towards that total,
- the rate of any adult dependency increase payable with a person's unemployment benefit is protected when they transfer to a jobseeker's allowance,
- regulation 16 of the Jobseeker's Allowance (Transitional Provisions) Regulations, on questions that are not immediately ascertainable, is only to apply during the transitionally protected period.

Regulation 3 makes a number of amendments to the Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988:

- income-based jobseeker's allowance, and in some cases, contribution-based jobseeker's allowance, are brought within the regulations and are dealt with in the same way that income support is,
- the maximum amount that can be recovered by way of deductions from contribution-based jobseeker's allowance is one third of the claimant's age-related amount,
- deductions made from a jobseeker's allowance to recover overpayments are limited to ensure that a minimum amount of jobseeker's allowance remains payable each week.

These Regulations do not impose a charge on businesses.