
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.