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## EXPLANATORY NOTE

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

The Regulations contained in this Instrument are made by virtue of, or in consequence of, provisions in section 59 of, and Schedule 7 to, the Welfare Reform and Pensions Act 1999 (c. 30). The Instrument is made before the end of the period of six months beginning with the coming into force of those provisions; the regulations in it are therefore exempted from the requirement in section 172(1) of the Social Security Administration Act 1992 (c. 5) to refer proposals to make these Regulations to the Social Security Advisory Committee and are made without reference to that Committee.

In particular, these Regulations amend the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) ("the principal Regulations") to provide the mechanism whereby certain couples of a description prescribed in new regulation 3A of the principal Regulations (regulation 2(2)) ("joint-claim couples") shall only be entitled to a jobseeker's allowance if they make a claim for it jointly and both members comply with the conditions for entitlement to that benefit. Regulation 2(2) also provides for continuity of claims and awards when a joint-claim couple cease to be, or become, such a couple (new regulations 3B and 3C) and where a joint-claim couple may still be entitled to a jobseeker's allowance, even though they have not made a joint claim (new regulation 3E). New regulation 3F makes provision for transitional case couples and new regulation 3G provides that information about the joint claim may be supplied to both members of the joint-claim couple.

New regulation 3D of, and Schedule A1 to, the principal Regulations (inserted by regulation 2(2) and (4) and Schedule 1) provide that an award of joint-claim jobseeker's allowance can be made, even though one member of the couple does not fulfil certain conditions of entitlement and comes within a category prescribed in Schedule A1.

Regulation 2(3) inserts a new Part IXA into the principal Regulations which prescribes circumstances when a joint-claim couple claiming a jobseeker's allowance jointly are to be considered to be a couple in hardship for the purpose of the principal Regulations and therefore, a reduced rate of jobseeker's allowance is payable to the couple in circumstances where it would not otherwise be payable.

Regulation 2(5) and Schedule 2 make other amendments to the principal Regulations. In particular, they—

- modify the definition of "partner" for the purposes of the principal Regulations to exclude most members of joint-claim couples (paragraph 1);
- prescribe a reduced amount of jobseeker's allowance where one member of a joint-claim couple is subject to sanctions (paragraph 31);
- provide methods for determining the applicable amounts of joint-claim couples (paragraphs 34, 47, 53 to 55 and 57);
- prescribe a special applicable amount for a claimant who is a member of a joint-claim couple who does not make a joint claim in certain circumstances (paragraph 56(b));
- prescribe methods for calculating the income and capital of joint-claim couples (paragraphs 35 to 44 and 58);
- adapt the requirements for attendance of joint-claim couples (paragraphs 2 to 8);
- prescribe special arrangements and applicable amounts where one member of a joint-claim couple is temporarily absent from Great Britain on the date of claim (paragraphs 9, 13 and 56(a));

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- revise the rules on waiting days (paragraph 10), jobseeking periods (paragraph 11), being in Great Britain (paragraph 13), remunerative work (paragraphs 14 to 16), young persons (paragraphs 18 to 24) and on sanctions (paragraphs 25 to 30).

The remaining paragraphs of Schedule 2 make minor consequential amendments.

These Regulations do not impose any charge on business.