
STATUTORY INSTRUMENTS

2007 No. 2618

The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007

Amendment of the Jobseeker's Allowance Regulations 1996

8.—(1) The Jobseeker's Allowance Regulations 1996 are amended as follows.

(2) In regulation 1(3) (interpretation)—

(a) in the definition of “maternity leave” for “Part III of the Employment Protection (Consolidation) Act 1978” substitute “Part VIII of the Employment Rights Act 1996⁽¹⁾”;

(b) at the appropriate place insert the following definition—

““starting rate”, where it relates to the rate of tax, has the same meaning as in the Income Tax Act 2007 (see section 989 of that Act);”.

(3) In regulation 5(3) (exceptions to requirement to be available immediately: carers, voluntary workers, persons providing a service and persons under an obligation to provide notice) for “section 49 of the Employment Protection (Consolidation) Act 1978” substitute “section 86 of the Employment Rights Act 1996”.

(4) In regulation 52 (persons treated as engaged in remunerative work)⁽²⁾—

(a) in paragraph (3) for “A person” substitute “Subject to paragraph (3A), a person”;

(b) after that paragraph insert—

“(3A) Paragraph (3) shall not apply to earnings disregarded under paragraph 1 of Schedule 6 to these regulations.”.

(5) In regulation 71 (voluntary redundancy)—

(a) in paragraph (1)(c)⁽³⁾ for “subsection (1) of section 88 of the Employment Protection (Consolidation) Act 1978” substitute “section 148 of the Employment Rights Act 1996”;

(b) in paragraph (2) for “81(2) of the Employment Protection (Consolidation) Act 1978” substitute “139(1) of the Employment Rights Act 1996”.

(6) In regulation 85(1) (special cases)⁽⁴⁾ for “Subject to paragraph (2A), in” substitute “In”.

(7) In regulation 94(8)(c)(ii) (calculation of earnings derived from employed earner's employment and income other than earnings) for “paragraph 8(1)(c) of Schedule 14 to the Employment Protection (Consolidation) Act 1978” substitute “section 227(1) of the Employment Rights Act 1996”.

(8) In regulation 98 (earnings of employed earners)⁽⁵⁾—

(a) in paragraph (1)—

(1) 1996 c.18.

(2) Relevant amending instrument is [S.I. 1996/1516](#).

(3) Relevant amending instrument is [S.I. 1996/1516](#).

(4) Relevant amending instrument is [S.I. 2001/3767](#).

(5) Relevant amending instrument is [S.I. 1996/1517](#).

- (i) in sub-paragraph (f) for “68(2), 69, 71(2)(a), 77 or 79 of the Employment Protection (Consolidation) Act 1978 (remedies for unfair dismissal and compensation)” substitute “112(4), 113, 117(3)(a), 128, 131 and 132 of the Employment Rights Act 1996 (the remedies: orders and compensation, the orders, enforcement of order and compensation, interim relief)”;
- (ii) in sub-paragraph (ff) for “12, 19 or 47 of the Employment Protection (Consolidation) Act 1978 (guaranteed payments, remuneration whilst suspended from work on medical or maternity grounds)” substitute “28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals)”;
- (iii) in sub-paragraph (g) omit “157,”;
- (b) in paragraph (2)(f) for “section 81(1) of the Employment Protection (Consolidation) Act 1978” substitute “section 135(1) of the Employment Rights Act 1996”.
- (9) In regulation 102(1) (deduction of tax and contributions for self-employed earners)(6) for “lower rate”, wherever it occurs, substitute “starting rate”.
- (10) In regulation 102D (deduction in respect of tax for participants in the self-employment route)(7) in paragraphs (1)(c) and (2) for “lower rate”, wherever it occurs, substitute “starting rate”.
- (11) In regulation 105 (notional income)—
 - (a) at the end of paragraph (13A)(b)(ii)(8) add—
 - “; or
 - (c) to a claimant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.”;
 - (b) in paragraph (15)(a)(9) for “lower rate”, wherever it occurs, substitute “starting rate”;
 - (c) in paragraph (16) at the appropriate place insert the following definition—
 - ““work placement” means practical work experience which is not undertaken in expectation of payment.”.
- (12) For regulation 111 (calculation of capital in the United Kingdom)(10) substitute—

“Calculation of capital in the United Kingdom

111. Capital which a claimant possesses in the United Kingdom shall be calculated at its current market or surrender value less—

- (a) where there would be expenses attributable to the sale, 10 per cent; and
- (b) the amount of any incumbrance secured on it.”.

(13) In regulation 163(4)(c) (calculation of earnings derived from work as a share fisherman), in added paragraph (4) for “lower rate” substitute “starting rate”.

- (14) In Schedule 6 (sums to be disregarded in the calculation of earnings)—
 - (a) for paragraphs 1 and 2(11) substitute—

(6) Relevant amending instrument is [S.I. 2007/1749](#).

(7) Regulation 102D was inserted by [S.I. 1998/1174](#) and amended by [S.I. 2007/1749](#).

(8) Paragraph 13A was inserted by [S.I. 2000/678](#).

(9) Relevant amending instrument is [S.I. 2007/1749](#).

(10) Relevant amending instrument is [S.I. 1999/2860](#).

(11) Relevant amending instruments are [S.I. 1996/1516](#), [1996/1517](#).

“1.—(1) In the case of a claimant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—

- (a) any earnings, other than items to which sub-paragraph (2) applies, paid or due to be paid from that employment which terminated before the first day of entitlement to a jobseeker’s allowance;
- (b) any earnings, other than a payment of the nature described in regulation 98(1)(d), paid or due to be paid from that employment which has not been terminated where the claimant is not—
 - (i) engaged in remunerative work, or
 - (ii) suspended from his employment.

(2) This sub-paragraph applies to—

- (a) any payment of the nature described in regulation 98(1)(d); and
- (b) any award, sum or payment of the nature described in—
 - (i) regulation 98(1)(f) or (g), or
 - (ii) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals)(12), including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings.

1A. If the claimant’s partner has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged, any earnings paid or due to be paid on termination of that employment by way of retirement but only if—

- (a) on retirement the partner is entitled to a retirement pension under the Benefits Act, or
- (b) the only reason the partner is not entitled to a retirement pension under the Benefits Act is because the contribution conditions are not satisfied.

2.—(1) In the case of a claimant to whom this paragraph applies, any earnings (other than items to which paragraph 1(2) applies) which relate to employment which ceased before the first day of entitlement to a jobseeker’s allowance whether or not that employment has terminated.

(2) This paragraph applies to a claimant who has been engaged in part-time employment as an employed earner or, had the employment been in Great Britain, would have been so engaged; but it does not apply to a claimant who has been suspended from his employment.”;

- (b) in paragraph 3(b) for “72(1)(b) of the Employment Protection (Consolidation) Act 1978” substitute “118(1)(b) of the Employment Rights Act 1996”.

(15) In paragraph 20 of Schedule 7 (sums to be disregarded in the calculation of income other than earnings) for sub-paragraphs (a) and (b) substitute—

- “(a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
- (b) where the aggregate of any such payments is £20 or more per week, £20.”.

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