
STATUTORY INSTRUMENTS

2008 No. 3051

**The Social Security (Lone Parents and
Miscellaneous Amendments) Regulations 2008**

Amendment of the Jobseeker's Allowance Regulations 1996

- 11.**—(1) The Jobseeker's Allowance Regulations 1996(1) are amended as follows.
- (2) In regulation 5 (exceptions to requirement to be available immediately: carers etc.)(2)—
- (a) in paragraph (1) at the beginning, insert “Subject to paragraph (1A),”;
 - (b) after paragraph (1), insert—
 - “(1A) In order to be regarded as available for employment, a person who has caring responsibilities in relation to a child is not required to take up employment or attend for interview within the periods referred to in paragraph (1) if those responsibilities make it unreasonable for him to do so, providing he is willing and able—
 - (a) to take up employment on being given 28 days notice; and
 - (b) to attend for interview in connection with the opportunity of any such employment on being given 7 days notice. - (1B) For the purposes of paragraph (1A), it is for the claimant to show that it is unreasonable for him to take up employment or attend for interview within the periods referred to in paragraph (1).”.
 - (c) in paragraph (5)(3)—
 - (i) for “(1) or (2)” substitute “(1), (1A) or (2)”; and
 - (ii) omit “one week, 48 hour and 24 hour”.
- (3) In regulation 6 (employment of at least 40 hours per week), for “(3) or (4)” in both places substitute “(3), (3A) or (4)”.
- (4) In regulation 8 (other restrictions on availability), for “13(2), (3), (4)” substitute “13(2), (3), (3A) or (4)”.
- (5) In regulation 11(1) (part-time students)(4)—
- (a) in sub-paragraph (b) for “13(3) or (4)” substitute “13(3), (3A) or (4)”;
 - (b) for “(1), (2) or (3)” substitute “(1), (1A), (2) or (3)”.
- (6) In regulation 12(1)(a) (volunteers)(5) for “13(3) or (4)”, substitute “13(3), (3A) or (4)”.
- (7) In regulation 13 (additional restrictions on availability for certain groups)—
- (a) in paragraph (2), for “(3) or (4)” substitute “(3), (3A) or (4)”;
 - (b) after paragraph (3) insert—

(1) [S.I. 1996/207](#).

(2) Regulation 5(1) was substituted by [S.I. 2002/3072](#) and amended by [S.I. 2006/1402](#).

(3) Regulation 5(5) was amended by [S.I. 2002/3072](#).

(4) Regulation 11(1) was amended by [S.I. 1996/1517](#).

(5) Regulation 12 was substituted by [S.I. 2002/3072](#).

“(3A) A person who has caring responsibilities in relation to a child and who—

- (a) is the subject of a parenting order concerning that child under section 8 of the Crime and Disorder Act 1998⁽⁶⁾, section 20 of the Anti-social Behaviour Act 2003⁽⁷⁾ (“the 2003 Act”), or in relation to Scotland, under section 102 of the Antisocial Behaviour etc. (Scotland) Act 2004⁽⁸⁾, or
- (b) has entered into a parenting contract concerning that child under section 19 of the 2003 Act,

may restrict his availability in any way providing the restrictions are reasonable in the light of the terms of the order or contract.”;

(c) after paragraph (5), insert—

“(6) This paragraph applies to a person who has caring responsibilities in relation to a child if an employment officer determines that, due to the type and number of employment vacancies within daily travelling distance of the person’s home, he would not satisfy the condition in paragraph (4)(b).

(7) Paragraph (4) has effect in relation to a person to whom paragraph (6) applies as if sub-paragraph (b) were omitted.”.

(8) In regulation 14 (circumstances in which a person is to be treated as available)—

(a) after sub-paragraph (1)(s)⁽⁹⁾, add—

“(t) he is looking after a child for whom he has caring responsibilities during the child’s school holidays or another similar vacation period and it would be unreasonable for him to make other arrangements for the care of that child;

(u) he is looking after a child for whom he has caring responsibilities at a time when the child—

(i) is excluded from school or another educational establishment, and

(ii) is not receiving education pursuant to arrangements made by a local education authority or (in Scotland) an education authority, and

there are no other arrangements for the care of that child it would be reasonable for him to make”;

(b) in paragraph (2) at the beginning, insert “Subject to paragraph (2ZB),”;

(c) after paragraph (2), insert—

“(2ZA) A person who has caring responsibilities in relation to a child may be treated as available for employment for more than one week, but for no more than 8 weeks, on the occurrence of any of the circumstances set out in paragraph (2)(a) or (b), or any combination of those circumstances, but on no more than one occasion in any period of 12 months.

(2ZB) Where a claimant has been treated as available for employment under paragraph (2ZA) in any period of 12 months, the first week in which he is so treated shall count towards the 4 periods allowable under paragraph (2).”;

(d) in paragraph (2A), in both places for “13(3) or (4)” substitute “13(3), (3A) or (4)”.

(9) In regulation 17(1) (laid-off and short-time workers) for “(1) or (2)” substitute “(1), (1A) or (2)”.

⁽⁶⁾ 1998 c. 37.

⁽⁷⁾ 2003 c. 38.

⁽⁸⁾ 2004 asp 8.

⁽⁹⁾ Regulation 14(1)(s) was inserted by S.I. 2006/1402.

(10) In regulation 19(1)(o) (circumstances in which a person is to be treated as actively seeking employment), for “14(2)” substitute “14(2) or (2ZA)”.

(11) In regulation 30 (circumstances in which a claimant is to be regarded as having good cause for failing to comply with a notification under regulation 23)(10)—

(a) after paragraph (a) insert—

“(aa) where, if regulation 5(1A) applies in his case, he was required to attend on a date less than 7 days from receipt by him of the notification;”;

(b) in paragraph (c), for “(r) or (s) or 14(2)” substitute “(r) to (u) or 14(2) or (2ZA)”.

(12) In regulation 72 (good cause for the purposes of section 19(5)(a) and 6(c) and (d))(11)—

(a) after paragraph (2)(f) add—

“(g) any child care expenses which were, or would be, necessarily incurred by the person as a result of his being in the employment or of carrying out the jobseeker’s direction if those expenses did, or would, represent an unreasonably high proportion of—

(i) in the case of employment, the remuneration which it is reasonable to expect that he would derive from that employment; or

(ii) in any other case, the income which he received, or would receive, while carrying out the jobseeker’s direction.”.

(b) after paragraph (2) insert—

“(2A) For the purposes of paragraph (2)(d), where the person has caring responsibilities in relation to a child, in considering whether those responsibilities would, or did, make it unreasonable for him to undertake a particular employment or carry out the jobseeker’s direction, regard shall be had, in particular, to the following matters—

(a) child care would not be, or was not, reasonably available to him, or

(b) if it would be, or it was, available, it would be, or was, unsuitable due to his particular needs or those of the child.”;

(c) in paragraph (3), after “(2)(f)” insert “and (g)”;

(d) in paragraph (6)(a)(12), after “(2)(f)” insert “or (g)”.

(13) After regulation 73 (good cause for the purposes of section 19(5)(b)) insert—

“Just cause for the purpose of sections 19(6)(b) and 20A(2)(e)

73A.—(1) This regulation applies for the purposes of section 19 (circumstances in which a jobseeker’s allowance is not payable) and section 20A (denial or reduction of joint-claim jobseeker’s allowance).

(2) In determining whether a person has just cause for any act or omission for the purposes of section 19(6)(b) and section 20A(2)(e), the matters which are to be taken into account shall include the following—

(a) any caring responsibilities for a child which made it unreasonable for the person to remain in his employment;

(b) any child care expenses which were necessarily incurred by the person as a result of his being in the employment if those expenses represented an unreasonably high proportion of the remuneration which he derived from the employment.

(10) Regulation 30 was amended by S.I s. [2000/2194](#), [2000/1978](#), [2002/3072](#) and [2006/1402](#).

(11) Regulation 72(2) was amended by S.I s. [1998/1274](#) and [2000/1978](#).

(12) Regulation 72(6) was amended by S.I s. [2000/1978](#) and [2004/1008](#).

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

(3) For the purposes of paragraph (2)(a), in considering whether the caring responsibilities made it unreasonable for the person to remain in his employment, regard shall be had, in particular, to the following matters—

- (a) child care would not be, or was not, reasonably available to him, or
- (b) if it would be, or it was, available, it would be, or was, unsuitable due to his particular needs or those of the child.

(4) For the purposes of paragraph (2)(b), in considering whether child care expenses represented an unreasonably high proportion of remuneration, the principle shall apply that the greater the level of remuneration the higher the proportion which it is reasonable should be represented by such expenses.”

(14) In regulation 140(1)(b) (meaning of “person in hardship”)(**13**), for “young person” in both places substitute “child or young person”.

(13) Regulation 140(1) was amended by S.I s.1996/1516, 1999/2860, 2000/239, 2000/1978 and 2005/2877.