
STATUTORY INSTRUMENTS

2009 No. 3228

**The Social Security (Miscellaneous
Amendments) (No. 5) Regulations 2009**

Revocation (subject to savings) of provisions specifying that certain persons are to be treated as not engaged in remunerative work

4.—(1) Subject to paragraphs (3) to (7), the following provisions are revoked—

(a) in the Income Support Regulations—

(i) regulation 6(4)(a) and (d) (persons not treated as engaged in remunerative work)(1),
and

(ii) paragraphs 8 and 9 of Schedule 1B (prescribed categories of persons)(2);

(b) in the Jobseeker's Allowance Regulations—

(i) regulation 53(c) and (h) (persons treated as not engaged in remunerative work)(3),
and

(ii) paragraphs 7 and 8 of Schedule A1(4) (categories of members of a joint-claim couple who are not required to satisfy the conditions in section 1(2B)(b));

(c) regulation 43(2)(a) and (d) of the Employment and Support Allowance Regulations (circumstances under which partners of claimants entitled to an income-related allowance are not to be treated as engaged in remunerative work).

(2) Regulations 22 to 24 (saving provision, circumstances in which regulation 22 ceases to apply and permitted period) of the Income Support (General) Amendment No. 4 Regulations 1991(5) are also revoked.

(3) Paragraphs (4) to (6) apply to a person ("P") who in respect of a period which includes the day before the date on which these Regulations come into force—

(a) is entitled to a specified benefit (irrespective of whether P claims the benefit before, on or after that day), and

(b) falls within one of the provisions referred to in paragraph (1).

(4) Where the specified benefit is income support, regulation 6(4)(a) and (d) of, and paragraphs 8 and 9 of Schedule 1B to, the Income Support Regulations continue to have effect in relation to P's entitlement to that benefit.

(5) Where the specified benefit is a jobseeker's allowance, regulation 53(c) and (h) of, and paragraphs 7 and 8 of Schedule A1 to, the Jobseeker's Allowance Regulations continue to have effect in relation to P's entitlement to that benefit.

(1) Paragraph (4) was added by regulation 2(b)(iii) of S.I. 2000/681 and amended by paragraph 2 of Schedule 1 to S.I. 2005/2687.

(2) Schedule 1B was inserted by Schedule 1 to S.I. 1996/206. Paragraphs 8 and 9 were amended by regulation 2(d) of S.I. 2000/681.

(3) Paragraph (c) was substituted by paragraph 2 of Schedule 2 to S.I. 2005/2687 and paragraph (h) was amended by Part II of the Schedule to S.I. 1996/1516.

(4) Schedule A1 was inserted by regulation 2(4) of S.I. 2000/1978.

(5) S.I. 1991/1559.

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

(6) Where the specified benefit is an employment and support allowance, regulation 43(2)(a) and (d) of the Employment and Support Allowance Regulations continue to have effect in relation to P's entitlement to that benefit.

(7) The provisions saved by paragraphs (4), (5) and (6) continue to have effect in relation to P's entitlement to the specified benefit until the day on which—

(a) P first ceases to fall within a provision referred to in paragraph (1), or,

(b) P first ceases to be entitled to that benefit,

whichever shall first occur.

(8) In this regulation "specified benefit" means income support, a jobseeker's allowance or an employment and support allowance.