
STATUTORY INSTRUMENTS

2011 No. 2862

SOCIAL SECURITY

**The Social Security (Contribution Conditions
for Jobseeker's Allowance and Employment
and Support Allowance) Regulations 2011**

Made - - - - *29th November 2011*
Laid before Parliament *30th November 2011*
Coming into force - - *1st January 2012*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 2(3B)(a) and 35(1) of the Jobseekers Act 1995(1) and section 24(1) of, and paragraph 1(4) (a) of Schedule 1 to, the Welfare Reform Act 2007(2).

This instrument contains only regulations made by virtue of sections 12(5) and 13(5) of the Welfare Reform Act 2009 and is made before the end of the period of 6 months beginning with the coming into force of those sections(3).

Citation and commencement

1.—(1) These Regulations may be cited as the Social Security (Contribution Conditions for Jobseeker's Allowance and Employment and Support Allowance) Regulations 2011.

(2) These Regulations come into force on 1st January 2012.

Amendment of the Jobseeker's Allowance Regulations 1996

2. After regulation 45A of the Jobseeker's Allowance Regulations 1996(4) (the contribution-based conditions and relevant earnings) insert—

(1) 1995 c. 18. Section 2(3B) was inserted by section 12(5) of the Welfare Reform Act 2009 (c. 24) ("the 2009 Act"). Section 35(1) is an interpretation provision and is cited because of the meaning given to the words "prescribed" and "regulations".

(2) 2007 c. 5. Section 24(1) is an interpretation provision and is cited because of the meaning given to the words "prescribed" and "regulations". Paragraph 1(4) of Schedule 1 was amended by section 13(5) of the 2009 Act and sub-paragraph (4)(a)(ii) was inserted by subsection (5)(b) of that section.

(3) See section 173(5) of the Social Security Administration Act 1992 (c. 5).

(4) S.I. 1996/207. Regulation 45A was inserted by regulation 2 of S.I. 2010/2446.

“Relaxation of the first set of conditions

45B.—(1) A claimant who also satisfies the condition in paragraph (2) is to be taken to satisfy the first set of conditions⁽⁵⁾ if the claimant has—

- (a) paid Class 1 contributions before the relevant benefit week in respect of any one tax year; and
- (b) earnings at the lower earnings limit in that tax year on which primary Class 1 contributions have been paid or treated as paid which in total, and disregarding any earnings which exceed the lower earnings limit for that year, are not less than that limit multiplied by 26.

(2) The condition referred to in paragraph (1) is that the claimant, in respect of any week during the last complete tax year preceding the relevant benefit year, is entitled to be credited with earnings in accordance with regulation 9E of the Social Security (Credits) Regulations 1975⁽⁶⁾ (credits for certain spouses and civil partners of members of Her Majesty’s forces).”.

Amendment of the Employment and Support Allowance Regulations 2008

3. In regulation 8(2) of the Employment and Support Allowance Regulations 2008⁽⁷⁾ (relaxation of the first contribution condition) at the end of sub-paragraph (c) omit “or” and insert—

- “(ca) in respect of any week in the last complete tax year preceding the relevant benefit year, is entitled to be credited with earnings in accordance with regulation 9E of the Social Security (Credits) Regulations 1975 (credits for certain spouses and civil partners of members of Her Majesty’s forces); or”.

Signed by authority of the Secretary of State for Work and Pensions.

Freud
Parliamentary Under-Secretary of State,
Department for Work and Pensions

29th November 2011

(5) “The first set of conditions” is defined for the purpose of section 2(3B) of the Jobseekers Act 1995 (the enabling power) in section 2(3C) of that Act, which was also inserted by section 12(5) of the 2009 Act.
(6) [S.I. 1975/556](#). Regulation 9E was inserted by regulation 2(3) of [S.I. 2010/385](#).
(7) [S.I. 2008/794](#). Regulation 8(1)(b) was substituted by regulation 3(3) of [S.I. 2010/2446](#) and by regulation 23(3) of [S.I. 2011/2425](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations 1996 ("the JSA Regulations") (S.I. 1996/207) and the Employment and Support Allowance Regulations 2008 ("the ESA Regulations") (S.I. 2008/794) to make provision enabling certain spouses or civil partners of a member of Her Majesty's forces to satisfy the first contribution condition in relation to claims for jobseeker's allowance and employment and support allowance.

Regulation 2 amends the JSA Regulations by inserting a new regulation 45B.

Paragraph (1) of regulation 45B provides that a person who satisfies the condition in paragraph (2) will be taken to satisfy the first set of contribution conditions in section 2 of the Jobseekers Act 1995 if they have paid sufficient Class 1 contributions before the relevant benefit week in respect of any one tax year. The first set of contribution conditions is defined in paragraph (3). It is (i) that the claimant has actually paid Class 1 national insurance contributions in respect of one of the last two complete years before the beginning of the relevant year (section 2(1)(a) of the Jobseekers Act 1995) and (ii) the additional conditions set out in section 2(2) of that Act.

Paragraph (2) of regulation 45B provides that the conditions referred to in paragraph (1) are that a person must, in respect of any week during the last complete tax year preceding the relevant benefit year, be entitled to be credited with earnings in accordance with regulation 9E of the Social Security (Credits) Regulations 1975 (S.I. 1975/556). Under regulation 9E, a person will be entitled to such credits in respect of any week in which they were the spouse or civil partner of a member of Her Majesty's forces (or treated as such by the Secretary of State for the purposes of occupying accommodation) and were accompanying their spouse or civil partner on an assignment outside the UK (or treated as such by the Secretary of State).

Regulation 3 amends the ESA Regulations by inserting a new paragraph (2)(ca) into regulation 8 of those Regulations. New sub-paragraph (ca) makes provision in relation to employment and support allowance for an equivalent easement to that contained in new regulation 45B of the JSA Regulations.

A full impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.