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STATUTORY INSTRUMENTS

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**2012 No. 1656**

**SOCIAL SECURITY**

**The Social Security (Benefit) (Members of the Forces) (Amendment) Regulations 2012**

<i>Made</i>	- - - -	<i>25th June 2012</i>
<i>Laid before Parliament</i>		<i>27th June 2012</i>
<i>Coming into force</i>	- -	<i>30th July 2012</i>

The Treasury makes the following Regulations, with the concurrence of the Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 116(2) and 175(3) and (4) of the Social Security Contributions and Benefits Act 1992(1) and sections 116(2) and 171(3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(2).

The Secretary of State for Work and Pensions also makes the following Regulations in exercise of the powers conferred by sections 35(1), 36(2) and 40 of the Jobseekers Act 1995(3).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(4), the Secretary of State has obtained the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it.

**Citation, commencement and extent**

- 1.—(1) These Regulations may be cited as the Social Security (Benefit) (Members of the Forces) (Amendment) Regulations 2012.
- (2) They come into force on 30th July 2012.
- (3) Regulation 2(3)(a) does not extend to Northern Ireland.

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(1) 1992 c. 4. Section 116(2) was amended by paragraph 22 of Schedule 3 and paragraph 5 of Schedule 7 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) (“the 1999 Act”), paragraph 28 of Schedule 2 to the Jobseekers Act 1995 (c. 18) and paragraph 67 of Schedule 7 to the Social Security Act 1998 (c. 12). Section 175(4) was amended by paragraph 29 of Schedule 3 to the 1999 Act.

(2) 1992 c. 7. Section 116(2) was amended by S.I. 1995/2705 (N.I. 15), S.R. 1996/401, S.I. 1998/1506 (N.I. 10), S.R. 1999/149, S.R. 1999/310, S.R. 1999/428, S.R. 1999/472 and S.I. 1999/671.

(3) 1995 c. 18. Section 35(1) is an interpretation provision and is cited for the meaning it gives to the word “regulations”.

(4) 1992 c. 5.

## **Amendment of the Social Security (Benefit) (Members of the Forces) Regulations 1975**

2.—(1) The Social Security (Benefit) (Members of the Forces) Regulations 1975<sup>(5)</sup> are amended as follows.

(2) In regulation 1(2) (interpretation), in the definition of “serving member of the forces” for “regulation 1(2) of the Social Security (Contributions) Regulations 1975” substitute “regulation 1(2) of the Social Security (Contributions) Regulations 2001<sup>(6)</sup>”.

(3) In regulation 2 (unemployment, sickness and invalidity benefit and severe disablement allowance)—

- (a) omit “a jobseeker’s allowance,”;
- (b) omit “either—”;
- (c) in paragraph (a), for “Part 1 of Schedule 5 to the Social Security (Contributions) Regulations 1975” substitute “Part 1 of Schedule 6 to the Social Security (Contributions) Regulations 2001”; and
- (d) omit both “; or” at the end of paragraph (a) and paragraph (b).

21st June 2012

25th June 2012

*James Duddridge*  
*Brooks Newmark*  
Two of the Lord Commissioners of Her  
Majesty’s Treasury  
*Chris Grayling*

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

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(5) [S.I. 1975/493](#).

(6) [S.I. 2001/1004](#). S.I. was amended by [S.I. 1996/1345](#). There are other amending instruments but none is relevant.

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## EXPLANATORY NOTE

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

These Regulations amend the Social Security (Benefit) (Members of the Forces) Regulations 1975. Regulation 2(3)(a) (which does not extend to Northern Ireland) removes a provision which disentitles a person from receiving a jobseeker's allowance in respect of any day on which that person is a serving member of the armed forces.

Regulation 2(2) and (3)(c) (which extends to the whole of the United Kingdom) replaces references to provisions in the Social Security (Contributions) Regulations 1975 (which have been revoked) with references to provisions in the Social Security (Contributions) Regulations 2001.

Regulation 2(3)(b) and (d) revoke a provision referring to the Ulster Defence Regiment, which no longer exists, and make amendments which are consequential upon that change.

A full impact assessment has not been published for this instrument as it has no impact on the costs of business or the voluntary sector.