

2001 No. 518

SOCIAL SECURITY

The Social Security Amendment (Joint Claims) Regulations 2001

Made - - - - - 22nd February 2001

Laid before Parliament 26th February 2001

Coming into force - - 19th March 2001

The Secretary of State for Education and Employment, in relation to regulation 2(2) to (4) and (6) and the Secretary of State for Social Security in relation to the remainder of these Regulations, in exercise of the powers conferred by sections 1(2C) and (4), 4(5), 5(3), 21, 35(1) and 36(1), (2) and (4) of, and paragraph 8A(1) of Schedule 1 to, the Jobseekers Act 1995(a), sections 22(5), 122(1), 136(5)(b), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(b), sections 8(1)(c), 10, 12(1)(b), 39(2) and 79(1) and (4) of, and paragraph 9 of Schedule 3 to, the Social Security Act 1998(c) and sections 5(1)(i), 189(1) and (4) and 191 of the Social Security Administration Act 1992(d) and of all other powers enabling each of them in that behalf, after consultation, in relation to regulation 6, with organisations appearing to him to be representative of the authorities concerned(e), by this Instrument which contains only regulations made by virtue of, or consequential upon, section 59 of, and Schedule 7 to, the Welfare Reform and Pensions Act 1999 and which is made before the end of the period of six months beginning with the coming into force of those provisions(f), hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations shall be cited as the Social Security Amendment (Joint Claims) Regulations 2001 and shall, subject to paragraph (2) below, come into force on 19th March 2001.

(2) Regulation 2(1) to (4), (6) and (7) of these Regulations shall come into force immediately after the Jobseeker's Allowance (Joint Claims) Regulations 2000(g).

[Regulation 2 amends regulations 3A(1), 3D(1)(c), 3E(2), and 47(4)(b)(ii) of, and Schedule A1 and paragraph 20M(4)(i) of Schedule 1 to S.I. 1996/207.]

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- (a) 1995 c. 18; section 1(4) was amended, and section 1(2C) and paragraph 8A of Schedule 1 inserted, by section 59 of, and Schedule 7 to, the Welfare Reform and Pensions Act 1999 (c. 30), paragraphs 2(3) and (4) and 16(2). Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".
- (b) 1992 c. 4; section 22(5) was amended by paragraph 22 of Schedule 2 to the Jobseekers Act 1995; sections 122(1) and 137(1) are cited because of the meaning ascribed to the words "prescribe" and "prescribed" respectively.
- (c) 1998 c. 14; section 39(2) applies section 191 of the Social Security Administration Act 1992 (c. 5) to the powers in Chapter II and is cited because of the meaning ascribed in section 191 to the word "prescribe".
- (d) Section 191 is an interpretation provision and is cited because of the meaning ascribed to the word "prescribe".
- (e) See section 176(1)(b) of the Social Security Administration Act 1992.
- (f) See section 173(5)(b) of the Social Security Administration Act 1992 and section 91(3) of the Welfare Reform and Pensions Act 1999.
- (g) S.I. 2000/1978.

[Regulation 3 amends regulation 8A(5) of S.I. 1975/556.]

[Regulation 4 amends regulations 1(3) and 26 of, and paragraph 8 of Schedule 3A to S.I. 1999/991.]

[Regulation 5 inserts regulation 30A in S.I. 1987/1968.]

[Regulation 6 inserts paragraph 4A in Schedule 4 and paragraph 5A in Schedule 5 to S.I. 1987/1971 and S.I. 1992/1814.]

Signed in relation to regulation 2(2) to (4) and (6) by authority of the Secretary of State for Education and Employment.

20th February 2001

Michael Wills
Parliamentary Under-Secretary of State,
Department for Education and Employment

Signed in relation to the remainder of these Regulations by authority of the Secretary of State for Social Security.

22nd February 2001

P. Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by virtue of, or in consequence of, provisions in section 59 of, and Schedule 7 to, the Welfare Reform and Pensions Act 1999 (c. 30). The Instrument is made before the end of the period of six months beginning with the coming into force of those provisions; the regulations in it are therefore exempted from the requirement in section 172(1) of the Social Security Administration Act 1992 (c. 5) to refer proposals to make these Regulations to the Social Security Advisory Committee and are made without reference to that Committee.

Regulation 2 amends the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) by—

- (a) clarifying the definition of a joint-claim couple so that it includes a couple where at least one member must be aged 18 or over (regulation 2(2));
- (b) clarifying the position as to when a joint-claim couple may be entitled to a joint-claim jobseeker's allowance whilst one member is not required to satisfy the conditions in section 1(2B)(b) of the Jobseekers Act 1995 and making a consequential amendment (c. 18) (regulation 2(3) and (6)(a));
- (c) ensuring that joint claims do not have to be made in certain circumstances where one member of the couple is working 16 hours per week (regulation 2(4));

- (d) providing that days where a member of a joint-claim couple satisfies the conditions for entitlement to a contribution-based jobseeker's allowance and a joint-claim jobseeker's allowance is not payable or is reduced because he is subject to sanctions for the purposes of section 20A of the Jobseekers Act 1995, shall be treated as a day of entitlement to a contribution-based jobseeker's allowance (regulation 2(5));
- (e) making an amendment which clarifies the rule as to when those receiving full-time education or those who are full-time students may be exempt from having to comply with the jobseeking conditions (regulation 2(6)(b));
- (f) correcting a reference in paragraph 20M of Schedule 1 (regulation 2(7)).

Regulation 3 amends regulation 8A of the Social Security (Credits) Regulations 1975 (S.I. 1975/556) by preventing credits from being awarded where a joint-claim jobseeker's allowance is not payable or is reduced because a person is subject to sanctions pursuant to section 20A of the Jobseekers Act 1995 or where such a couple is only receiving a joint-claim jobseeker's allowance because they are a couple in hardship.

Regulation 4 amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991) by inserting definitions into regulation 1(3), providing a new right of appeal in regulation 26 against a decision that a couple are required to make a joint claim and the reason for that decision is that one member of the couple who is working is not engaged in remunerative work and providing in paragraph 8 of Schedule 3A of the Regulations an effective date where a joint-claim couple separate.

Regulation 5 amends the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) by providing that where a member of a joint-claim couple to whom a joint-claim jobseeker's allowance is payable disappears, that allowance shall be payable to the other member of that couple.

Regulation 6 amends the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) by ensuring that where a claimant for those benefits is a member of a joint-claim couple and his partner is getting income-based jobseeker's allowance, the whole of his income and capital will nevertheless be disregarded.

These Regulations do not impose any charge on business.

