

1996 No.1516

SOCIAL SECURITY

The Jobseeker's Allowance (Amendment)
Regulations 1996

Made 11th June 1996(a)
Coming into force 7th October 1996

ARRANGEMENT OF REGULATIONS

Whereas a draft of this Instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995(b) and approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State for Education and Employment, in relation to Part II of these Regulations and the Secretary of State and Social Security, in relation to the remainder of the Regulations, in exercise of the powers conferred by section 4(2) and (5), 9(1) and (10), 12(1) and (4), 13(1), 19(7) and (8), 20(4), (5) and (6), 35(1) and 36 of, and paragraphs (1), (3), (8), (10), (12), (16) and (17) of Schedule 1 to, the Jobseekers Act 1995(c), and of all other powers enabling each of them in that behalf, by this instrument, which is made before the end of the period of 6 months beginning with the coming into force of those enactments(d), hereby makes the following Regulations:

Citation, commencement and interpretation

1. - (1) These Regulations may be cited as the Jobseeker's Allowance (Amendment) Regulations 1996 and shall come into force on 7th October 1996, immediately following the coming into force of the Jobseeker's Allowance Regulations 1996(e).

(2) In these Regulations -

“the Act” means the Jobseekers Act 1995;

“the Jobseeker's Allowance Regulations” means the Jobseeker's Allowance Regulations 1996.

[Regulation 2 amends definitions in regulation 1(3) of S.I. 1996/207.]

[Regulation 3 inserts regulation 34(e) in S.I. 1996/207.]

[Regulation 4 amends definition in regulation 57(1) of S.I. 1996/207.]

[Regulation 5 amends regulation 71(1) of S.I. 1996/207.]

[Regulation 6 inserts regulation 73(2)(j) in S.I. 1996/207.]

[Regulation 7 inserts regulation 74A in S.I. 1996/207.]

[Regulation 8 introduces Schedule of minor amendments to S.I. 1996/207]

[Regulation 9(1) introduces amendments to regulation 51 of S.I. 1996/207.]

[Regulation 9(2) adds regulation 51(1)(c) to S.I. 1996/207.]

[Regulation 9(3) amends regulation 51(3)(c) of S.I. 1996/207.]

[Regulation 9(4) adds regulation 51(3)(c)(iv) to S.I. 1996/207.]

(a) [Under s.11(5) of the Asylum and Immigration Act 1996 (c.49), this S.I. has effect as if made on 24.7.96.]

(b) 1995 c.18.

(c) Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

(d) See Section 173(5)(a) of the Social Security Administration Act 1992 (c.5).

(e) S.I. 1996/207.

Regs. 10-20

[Regulation 10(1) amends definitions in regulation 85(4) of S.I. 1996/207.]

[Regulation 10(2) substitutes regulation 147(3) to (5) of S.I.1996/207.]

[Regulation 11 substitutes regulation 107 of S.I.1996/207.]

[Regulation 12 amends regulation 116 of S.I.1996/207.]

[Regulation 13(1) amends regulation 140(1)(h)(ii) of S.I.1996/207/

[Regulation 13(2) amends regulation 140(5)(a) of S.I. 1996/207.]

[Regulation 14 amends regulation 144 of S.I.1996/207.]

[Regulation 15(1) amends regulation 145(1) of S.I. 1996/207.]

[Regulation 15(2) deletes regulation 145(2) of S.I. 1996/207.]

[Regulation 16 amends regulation 151(3) of S.I. 1996/207.]

[Regulation 17 (a) amends regulation 161 of S.I. 1996/207.]

[Regulation 17 (b) adds regulation 161(4) to S.I. 1996/207.]

[Regulation 18 amends paragraph 1 of Schedule 1 to S.I.1996/207.]

[Regulation 19 amends paragraph 11 of Schedule 6 to S.I.1996/207.]

Minor amendments

20. The provisions of the Jobseeker's Allowance Regulations specified in column (1) of Part II of the Schedule to these Regulations shall be amended to the extent specified in column (2) of that Schedule.

Signed in connection with Part II of the Regulations by authority of the Secretary of State for Education and Employment.

11th June 1996

Eric Forth
Minister of State,
Department for Education and Employment

Signed in connection with the remainder of the Regulations by authority of the Secretary of State for Social Security.

11th June 1996

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

SCHEDULE

Regulations 8 and 21

Minor Amendments to the Jobseeker's Allowance Regulations 1996

[Schedule makes minor amendments to S.I. 1996/207.]

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

The Regulations contained in this Instrument are made under provisions in the Jobseekers Act 1995 (c.18). The instrument is made before the end of the period of 6 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 Regulations to the Social Security Advisory Committee and are made without reference to that Committee.

These Regulations contain amendments to the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) ("the Jobseeker's Allowance Regulations").

Part I of these Regulations deals with citation, commencement and interpretation and the meaning of the expression "full-time student".

Part II of these Regulations contains amendments made by the Secretary of State for Education and Employment. They-

- extend the circumstances in which a jobseeker's agreement is treated as having been made (regulation 3);
- amend the definition of "young person" in Part IV of the Jobseeker's Allowance Regulations (regulation 4);
- extend the circumstances in which a person is treated as not having left his employment voluntarily (regulation 5) and is regarded as having good cause for his actions (regulation 6);
- make provision for the payment of an income-based jobseeker's allowance to certain persons in receipt of a training allowance (regulation 7);
- introduces Part I of the Schedule containing minor amendments to the Jobseeker's Allowance Regulations (regulation 8).

Part III of these Regulations (which contains miscellaneous amendments) begins with regulation 9 which adds to the definition of remunerative work in regulation 51 of the Jobseeker's Allowance Regulations, work done by a non-dependent of the claimant or a child or young person. It also provides that the hours spent caring for a person who has been awarded attendance allowance or the care component of disability living allowance at one of the two higher rates, but is not yet receiving it because of a waiting period, shall not be taken into account in determining the number of hours a person is engaged in remunerative work.

Regulation 10 excludes a person from entitlement to an income-based jobseeker's allowance if his right to reside or remain in Great Britain is subject to any limitation or condition. It also restricts the payment of urgent case payments of jobseeker's allowance for people from abroad to asylum seekers who are given permission to work. It also provides a definition of "work permit".

Regulations 11 and 12 amend the capital limits in respect of people in residential care, nursing homes or other types of residential accommodation by increasing the capital limit to £16,000 and by increasing the amount to be disregarded in the calculation of tariff income to £10,000.

Regulation 13 extends the meaning of "person in hardship" to include carers caring for persons whose award of attendance allowance or the care component of disability living allowance at one of the two higher rates takes effect from a future date and to include the disabled child premium in the list of qualifying premiums.

Regulation 14 amends regulation 144 of the Jobseeker's Allowance Regulations so that a claimant to whom a jobseeker's allowance is not payable in accordance with section 19 of the Act is required to provide information about a person alleged to be in hardship.

Regulation 15 relates to the reduction to be made to a claimant's income-based jobseeker's allowance in a case where the claimant or a member of the claimant's family is either pregnant or seriously ill.

Regulation 16 specifies the value 'N' for the purposes of regulation 151 of the Jobseeker's Allowance Regulations 1996.

Regulation 17 makes further provision as to the meaning of "week" and "benefit week" in regulation 161 of the Jobseeker's Allowance Regulations which relates to share fishermen.

Regulation 18 relates to the applicable amount where the claimant or his partner are aged under 18 and are not required to register with the careers service.

Regulation 19 broadens the disregards for couples.

Regulation 20 introduces Part II of the Schedule containing minor amendments to the Jobseeker's Allowance Regulations.

These Regulations do not impose a charge on businesses.