

2008 No. 1826

SOCIAL SECURITY

The Social Security (Students Responsible for Children or Young Persons) Amendment Regulations 2008

Made - - - - 8th July 2008
Coming into force - 9th July 2008

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by—

— sections 123(1)(a), 124(1)(d) and (e), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(a), and

— sections 6(4), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(b).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(c).

A draft of this instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995 and approved by resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Social Security (Students Responsible for Children or Young Persons) Amendment Regulations 2008 and shall come into force on the day after the day on which they are made.

[Regulation 2 amends regulation 4ZA of S.I. 1987/1967.]

[Regulation 3 amends regulation 15 of S.I. 1996/207.]

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

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

8th July 2008

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- (a) 1992 c. 4. Section 124(1)(d) and (e) were added by paragraph 30 of Schedule 2 to the Jobseekers Act 1995 (c. 18). Section 137(1) is an interpretation provision and is cited because of the meaning there given to the word "prescribed". Section 175(1) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).
- (b) 1995 c. 18. Section 35(1) is cited because of the meaning it gives to the words "prescribed" and "regulations". Both of those meanings were amended by paragraph 62 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999.
- (c) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 ("the Income Support Regulations") and the Jobseeker's Allowance Regulations 1996 ("the Jobseeker's Allowance Regulations").

A person may claim income support only if he or she is within a category of persons prescribed in Schedule 1B to the Income Support Regulations. Regulation 4ZA(3)(c) provides that a full-time student can fall within certain prescribed categories (for example carers or those who are incapable of work) only during the summer vacation and only then if he or she: (a) has a partner who is also a full-time student, and (b) is a person (or whose partner is a person) with responsibility for a child or young person. While retaining the requirement that, if a person has a partner, that partner must also be a full-time student so as to fall within those prescribed categories during the summer vacation, these Regulations extend the provision so that a full-time student who does not have a partner can also fall within the prescribed categories.

A person claiming a jobseeker's allowance has to be available for employment (see section 1(2)(a) of the Jobseekers Act 1995). Regulation 15 of the Jobseeker's Allowance Regulations specifies that a full-time student is not to be regarded as available for employment except - for the period only of the summer vacation - where the claimant: (a) has a partner who is also a full-time student, and (b) is a person (or whose partner is a person) with responsibility for a child or young person. While retaining the requirement that, if a person has a partner, that partner must also be a full-time student for the exception to apply, these Regulations extend the provision so that a full-time student who does not have a partner can also fall within the exception - and recast regulation 15 so as to incorporate that extension.

A full impact assessment has not been published for this instrument as it has no impact on the private or voluntary sectors.