
STATUTORY INSTRUMENTS

1996 No. 1460

SOCIAL SECURITY

The Social Security (Claims and Payments) (Jobseeker's Allowance Consequential Amendments) Regulations 1996

<i>Made</i>	- - - -	<i>4th June 1996</i>
<i>Laid before Parliament</i>		<i>11th June 1996</i>
<i>Coming into force</i>	- -	<i>7th October 1996</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 1(1), 5(1), 7(1), 15A(2) and (4), 189 and 191 of the Social Security Administration Act 1992⁽¹⁾ and sections 26, 35(1) and 36 of the Jobseekers Act 1995⁽²⁾, and of all other powers enabling him in that behalf, by this instrument, which contains only regulations consequential upon the Jobseekers Act 1995 and which is made before the end of the period of 6 months beginning with the coming into force of that Act⁽³⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Claims and Payments) (Jobseeker's Allowance Consequential Amendments) Regulations 1996 and shall come into force on 7th October 1996.

Amendment of the Social Security (Claims and Payments) Regulations 1987

2.—(1) The Social Security (Claims and Payments) Regulations 1987⁽⁴⁾ are amended in accordance with the following provisions of this regulation.

(2) In regulation 2—

(a) in paragraph (1)—

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- (1) 1992 c. 5. Section 15A was inserted by the Social Security (Mortgage Interest Payments) Act 1992 (c. 33). Section 191 is an interpretation provision and is cited for the definition of “prescribe”. Sections 1, 5, and 15A were amended by the Jobseekers Act 1995 (c. 18), Schedule 2, paragraphs 38 to 40.
- (2) 1995 c. 18. Section 35(1) is an interpretation provision and is cited for the definitions of “prescribed” and “regulations”.
- (3) See section 173(5)(b) of the Social Security Administration Act 1992.
- (4) S.I. 1987/1968. The relevant amending instruments are S.I. 1988/522, 1725 and 1843; 1989/136, 1642 and 1686; 1990/2208; 1991/2284 and 2741; 1992/247, 1026, 2595 and 3147; 1993/495 and 2113; 1994/2319, 2943 and 3196; 1995/1613, 2303 and 2927, and 1996/672.

- (i) in the definition of “appropriate office”, for the words “the Department of Employment” there are substituted the words “the Department for Education and Employment”; and
- (ii) there are inserted at the appropriate places the following definitions—
 - ““the Jobseekers Act” means the Jobseekers Act 1995;”;
 - ““jobseeker’s allowance” means an allowance payable under Part I of the Jobseekers Act;”;
 - ““the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(5);”;
- (b) in paragraph (2), in sub-paragraph (b), at the end there are added the words “and a jobseeker’s allowance under Part I of the Jobseekers Act”; and
- (c) after paragraph (2) there is inserted the following paragraph—

“(2A) References in regulations 20, 21 (except paragraphs (3) and (3A)), 29, 30, 32 to 34, 37 (except paragraph (1A)), 37A, 37AA (except paragraph (3)), 37AB, 37B, 38 and 47 to “benefit”, “income support” or “a jobseeker’s allowance”, include a reference to a back to work bonus which, by virtue of regulation 25 of the Social Security (Back to Work Bonus) Regulations 1996(6), is to be treated as payable as income support or, as the case may be, as a jobseeker’s allowance.”.
- (3) In regulation 3, after paragraph (e)(7) there is added the following paragraph—
 - “(g) in the case of a jobseeker’s allowance where—
 - (i) that allowance has previously been claimed and an award made;
 - (ii) the Secretary of State has directed under regulation 37(1A) that payment under that award be suspended for a definite or indefinite period on the ground that a question arises whether the conditions for entitlement to that allowance are or were fulfilled or the award ought to be revised;
 - (iii) subsequently that suspension expires or is cancelled in respect of a part only of the period for which it has been in force;
 - (iv) it is then determined that the award should be revised to the effect that there was no entitlement to the allowance in respect of all or any part of the period between the start of the period over which the award has been suspended and the date when the suspension expires or is cancelled; and
 - (v) there are no other circumstances which cast doubt on the claimant’s entitlement.”.
- (4) In regulation 4—
 - (a) after paragraph (3A)(8) there is inserted the following paragraph—

“(3B) For the purposes of income-based jobseeker’s allowance—

 - (a) in the case of a married or unmarried couple, a claim shall be made by whichever partner they agree should so claim or, in default of agreement, by such one of them as the Secretary of State shall in his discretion determine;
 - (b) where there is no entitlement to contribution-based jobseeker’s allowance on a claim made by one partner and the other partner wishes to claim income-based jobseeker’s allowance, the claim made by that other partner shall be treated as having been made on the date on which the first partner made his claim; and

(5) S.I. 1996/207.

(6) S.I. 1996/193.

(7) The relevant amending instruments are S.I. 1989/136 and 1994/2943.

(8) Paragraph (3A) was inserted by S.I. 1991/2741.

- (c) where entitlement to income-based jobseeker's allowance arises on the expiry of entitlement to contribution-based jobseeker's allowance consequent on a claim made by one partner and the other partner then makes a claim—
 - (i) the claim of the first partner shall be terminated; and
 - (ii) the claim of the second partner shall be treated as having been made on the day after the entitlement to contribution-based jobseeker's allowance expired.”; and
 - (b) for paragraph (6) there is substituted the following paragraph—

“(6) A person wishing to make a claim for benefit shall—

 - (a) if it is a claim for a jobseeker's allowance, unless the Secretary of State otherwise directs, attend in person at an appropriate office or such other place, and at such time, as the Secretary of State may specify in his case in a notice under regulation 23 of the Jobseeker's Allowance Regulations;
 - (b) if it is a claim for any other benefit, deliver or send the claim to an appropriate office.”
- (5) In regulation 6—
 - (a) in paragraph (3), after the words “disability working allowance” there are inserted the words “, jobseeker's allowance”;
 - (b) in paragraph (4), for the words “or disability working allowance” there are substituted the words “, disability working allowance or jobseeker's allowance”; and
 - (c) after paragraph (4) there are inserted the following paragraphs—

“(4A) Where a person notifies the Secretary of State (by whatever means) that he wishes to claim a jobseeker's allowance—

 - (a) if he subsequently attends for the purpose of making a claim for that benefit at the time and place specified by the Secretary of State, the claim shall be treated as made on whichever is the later of—
 - (i) the date on which that notification was given; and
 - (ii) the first day in respect of which the claim is made;
 - (b) if, without good cause, he fails to attend at either the time or the place so specified the claim shall be treated as made on the first day on which he does attend at that place.

“(4B) Where a person's entitlement to a jobseeker's allowance has ceased in any of the circumstances specified in regulation 25(1)(a), (b) or (c) of the Jobseeker's Allowance Regulations (entitlement ceasing on a failure to comply) and—

 - (a) where he had normally been required to attend in person, he shows that the failure to comply which caused the cessation of his previous entitlement was due to any of the circumstances mentioned in regulation 30(c) or (d) of those Regulations, and no later than the day immediately following the date when those circumstances cease to apply he makes a further claim for jobseeker's allowance; or
 - (b) where he had not normally been required to attend in person, he shows that he did not receive the notice to attend and he immediately makes a further claim for jobseeker's allowance,

that further claim shall be treated as having been made on the day following that cessation of entitlement.

(4C) Where a person's entitlement to a jobseeker's allowance ceases in the circumstances specified in regulation 25(1)(b) of the Jobseeker's Allowance Regulations (failure to attend at time specified) and that person makes a further claim for that allowance on the day on which he failed to attend at the time specified, that claim shall be treated as having been made on the following day."

(6) In regulation 7—

- (a) at the beginning of paragraphs (1) and (2) there are inserted the words "Subject to paragraph (7),";
- (b) in paragraph (4)(9), for the words "or income support" there are substituted the words "income support or jobseeker's allowance"; and
- (c) after paragraph (6) there is inserted the following paragraph—
 "(7) Paragraphs (1) and (2) do not apply in the case of jobseeker's allowance."(10).

(7) In regulation 8—

- (a) paragraph (1) is omitted; and
- (b) in paragraph (2), after the word "benefit" there are inserted the words "(other than a jobseeker's allowance)".

(8) In regulation 15, in paragraph (5), the words "or unemployment benefit" are omitted.

(9) In regulation 16, in paragraph (4), for the words "unemployment benefit" there are substituted the words "jobseeker's allowance".

(10) In regulation 17—

- (a) for paragraph (1A)(11), there is substituted the following paragraph—
 "(1A) Where an award of income support or an income-based jobseeker's allowance is made in respect of a married or unmarried couple and one member of the couple is, at the date of claim, a person to whom section 126 of the Contributions and Benefits Act or, as the case may be, section 14 of the Jobseekers Act applies, the award of benefit shall cease when the person to whom section 126 or, as the case may be, section 14 applies returns to work with the same employer.";
- (b) paragraph (2) is omitted;
- (c) in paragraph (3), the words "in any case outside paragraph (2)," are omitted;
- (d) in paragraph (5), for the words "unemployment benefit" there are substituted the words "a jobseeker's allowance".

(11) Regulation 18 is omitted.

(12) In regulation 19—

- (a) in paragraph (2A)(12), for the words "or disability working allowance" there are substituted the words "disability working allowance or jobseeker's allowance"; and
- (b) in paragraph (4), after the words "disability working allowance" there are inserted the words "jobseeker's allowance".

(13) In regulation 24, in the heading and in paragraph (1), the words "unemployment benefit," are omitted.

(14) After regulation 26 there is inserted the following regulation—

(9) Paragraphs (4) to (6) were added by S.I. [1995/2303](#), regulation 10(3).

(10) Provisions relating to the furnishing of evidence and information in connection with jobseeker's allowance are contained in the Jobseeker's Allowance Regulations 1996 (S.I. [1996/207](#)).

(11) Paragraph (1A) was inserted by S.I. [1988/522](#).

(12) Paragraph (2A) was inserted by S.I. [1992/247](#); relevant amending instrument is S.I. [1992/2595](#).

“Jobseeker’s allowance

26A.—(1) Subject to the following provisions of this regulation, jobseeker’s allowance shall be paid fortnightly in arrears unless in any particular case or class of case the Secretary of State arranges otherwise.

(2) The provisions of paragraph 2A of Schedule 7 (payment of income support at times of office closure) shall apply for the purposes of payment of a jobseeker’s allowance as they apply for the purposes of payment of income support, except that in sub-paragraph (1)(b) of that paragraph the reference to an office of the Department of Social Security or associated office shall be read as a reference to an office of the Department for Education and Employment.

(3) Where the amount of a jobseeker’s allowance is less than £1.00 a week the Secretary of State may direct that it shall be paid at such intervals, not exceeding 13 weeks, as may be specified in the direction.

(4) Subject to paragraphs (5) to (8), where an award of jobseeker’s allowance is revised on the ground that there has been, or there is expected to be, a relevant change of circumstances, the revised award shall have effect from the first day of the benefit week (as defined in regulation 1(3) of the Jobseeker’s Allowance Regulations) in which that relevant change of circumstances occurred or is expected to occur.

(5) Where the relevant change of circumstances giving rise to the revised award is that—

- (a) entitlement to jobseeker’s allowance ends, or is expected to end, for a reason other than that the claimant no longer satisfies the provisions of section 3(1)(a) of the Jobseekers Act; or
- (b) a child or young person who is normally in the care of a local authority or who is detained in custody lives, or is expected to live, with the claimant for a part only of a benefit week; or
- (c) the claimant or his partner enters, or is expected to enter, a nursing home or residential care home for a period of no more than 8 weeks; or
- (d) the partner of the claimant or a member of his family ceases, or is expected to cease, to be a hospital in-patient for a period of less than a week,

the revised award shall have effect on the date that the relevant change of circumstances occurs or is expected to occur.

(6) Where the relevant change of circumstances giving rise to a revised award is any of those specified in paragraph (5), and, in consequence of those circumstances ceasing to apply, the award is again revised, the award, as again revised, shall have effect on the date that those circumstances ceased to apply.

(7) Where, under the provisions of regulation 96 of the Jobseeker’s Allowance Regulations, income is treated as paid on a certain date and that payment gives rise, or is expected to give rise, to a relevant change of circumstances resulting in a revised award, that revised award shall have effect on that date.

(8) Where a relevant change of circumstances occurs which results, or is expected to result, in a reduced award of jobseeker’s allowance then, if the Secretary of State is of the opinion that it will be impracticable to give effect to that revised award in accordance with the other provisions of this regulation, the revised award shall have effect on the first day of the benefit week following that in which the relevant change of circumstances occurs.”.

(15) In regulation 30, in paragraph (5), after the words “other than” there are inserted the words “jobseeker’s allowance,”.

(16) In regulation 32—

- (a) at the beginning of paragraph (1) there are inserted the words

- “Except in the case of a jobseeker’s allowance,”; and
- (b) in paragraph (3)(13), after the words “income support” there are inserted the words “or a jobseeker’s allowance”.
- (17) In regulation 37—
- (a) at the beginning of paragraph (1) there are inserted the words
“Subject to paragraph (1A),”; and
- (b) after paragraph (1) there is inserted the following paragraph—
“(1A) Where, in the case of a person who is in receipt of a jobseeker’s allowance, it appears to the Secretary of State that a question arises whether that person is or was available for employment or whether he is or was actively seeking employment, payment of benefit shall be suspended until such time as that question has been determined.”.
- (18) In regulation 37AA(14), for paragraph (3) there are substituted the following paragraphs—
- “(3) Where a person who is in receipt of a jobseeker’s allowance—
- (a) has previously attended in compliance with a notice under regulation 23 of the Jobseeker’s Allowance Regulations (attendance) but subsequently fails to attend in compliance with such a notice, benefit may be withheld from a date not earlier than the day following the last day on which he did attend in compliance with such a notice;
- (b) is a person who has not previously been required to attend in compliance with such a notice, is served with such a notice but fails to attend in compliance with it, benefit may be withheld from the day following the last day in respect of which the last payment of benefit was made to him;
- (c) is a person who has made a claim but who has not yet received any payment in respect of that claim and who fails to attend in compliance with such a notice, benefit may be withheld from the date of that claim.
- (3A) Where a person who is in receipt of a jobseeker’s allowance—
- (a) has previously provided a signed declaration as referred to in regulation 24(6) of the Jobseeker’s Allowance Regulations but subsequently fails to provide such a declaration in accordance with regulation 24(10) of those Regulations, benefit may be withheld from a date not earlier than the day following the last day on which he provided such a declaration;
- (b) is a person who has not previously been required to provide such a declaration, is required to do so in accordance with regulation 24(10) of those Regulations, but fails to do so, benefit may be withheld from the day following the last day in respect of which the last payment of benefit was made to him;
- (c) is a person who has made a claim but who has not yet received any payment in respect of that claim and who fails to provide such a declaration when required to do so under regulation 24(10) of those Regulations, benefit may be withheld from the date of that claim.”.
- (19) In Schedule 1—
- (a) in column (1), the words “unemployment benefit” and the entry opposite those words in column (2) are omitted; and
- (b) in column (1), the words “an increase of unemployment benefit” and the entry opposite those words in column (2) are omitted.

(13) Paragraph (3) was added by S.I. 1995/2303, regulation 10(4).

(14) Regulation 37AA was inserted by S.I. 1994/2319.

(20) In Schedule 2—

- (a) in the heading, for the words “UNEMPLOYMENT BENEFIT” there are substituted the words “JOBSEEKER'S ALLOWANCE”;
- (b) in paragraph 1—
 - (i) in sub-paragraph (1)(b), for the words “unemployment benefit office” there are substituted the words “office of the Department for Education and Employment”; and
 - (ii) in sub-paragraph (2), for the words “unemployment benefit”, in both places where they occur, there are substituted the words “a jobseeker's allowance”.

(21) Schedule 3 is omitted.

(22) In Schedule 4, in paragraph 1 of column (1), for the words “Unemployment benefit” there are substituted the words “Jobseeker's allowance”, and in column (2) for the words opposite those words there are substituted the words “The first day of the period in respect of which the claim is made”.

(23) In Schedule 5, paragraph 1 is omitted.

(24) In Schedule 7—

- (a) in sub-paragraph (b) of paragraph 2, the words “unemployment benefit,” are omitted;
- (b) in paragraph 4, in the definition of “relevant social security benefit” the words “unemployment benefit,” are omitted; and
- (c) in paragraph 6, for sub-paragraphs (5) and (5A)(15) there is substituted the following sub-paragraph

“(5) If a claim is made by a claimant within 3 days of the date on which he became resident in a resettlement place provided pursuant to section 30 of the Jobseekers Act or at a centre providing facilities for the rehabilitation of alcoholics or drug addicts, and the claimant is so resident for the purposes of that rehabilitation, then the claim shall be treated as having been made on the day the claimant became so resident.”.

(25) In Schedule 8, in sub-paragraph (b) of paragraph 2, after the words “income support,” there are inserted the words “an income-based jobseeker's allowance,”.

(26) In Schedule 9—

- (a) paragraph 1 is renumbered as sub-paragraph (1) of paragraph 1, and in that sub-paragraph—
 - (i) for the definition of “housing costs”(16) there is substituted the following definition—

““housing costs” means any housing costs met under—

 - (a) Schedule 3 to the Income Support Regulations but—
 - (i) excludes costs under paragraph 17(1)(f) of that Schedule (tents and tent sites); and
 - (ii) includes costs under paragraphs 17(1)(a) (ground rent and feu duty) and 17(1)(c) (rentcharges) of that Schedule but only when they are paid with costs under paragraph 17(1)(b) of that Schedule (service charges); or
 - (b) Schedule 2 to the Jobseeker's Allowance Regulations but—
 - (i) excludes costs under paragraph 16(1)(f) of that Schedule (tents and tent sites); and

(15) Paragraph (5A) was inserted by S.I. 1988/522.

(16) The definitions of “housing costs” and “mortgage payment” were substituted by S.I. 1995/1613.

- (ii) includes costs under paragraphs 16(1)(a) (ground rent and feu duty) and 16(1)(c) (rentcharges) of that Schedule but only when they are paid with costs under paragraph 16(1)(b) of that Schedule (service charges);”;
- (ii) for the definition of “mortgage payment” there shall be substituted the following definition—
 - ““mortgage payment” means the aggregate of any payments which fall to be met under—
 - (a) Schedule 3 to the Income Support Regulations in accordance with paragraphs 6 to 10 of that Schedule (housing costs to be met in income support) on a loan which qualifies under paragraph 15 or 16 of that Schedule, but less any amount deducted under paragraph 18 of that Schedule (non-dependant deductions); or
 - (b) Schedule 2 to the Jobseeker’s Allowance Regulations in accordance with paragraphs 6 to 9 of that Schedule (housing costs to be met in jobseeker’s allowance) on a loan which qualifies under paragraph 14 or 15 of that Schedule, but less any amount deducted under paragraph 17 of that Schedule (non-dependant deductions),
 as the case may be.”;
- (iii) in the definition of “specified benefit”(17), the words “unemployment benefit,” in each place where they occur are omitted and at the end of the definition there are added the words—
 - “and
 - (c) subject to sub-paragraph (2), jobseeker’s allowance;”;
- (iv) in the definition of “personal allowance for a single claimant aged not less than 25 years”, after the words “column 2 of Schedule 2 to the Income Support Regulations” there are inserted the words “or, as the case may be, paragraph 1(1)(e) of Schedule 1 to the Jobseeker’s Allowance Regulations”;
- (b) after that sub-paragraph there is inserted the following sub-paragraph—
 - “(2) For the purposes of the definition of “specified benefit” in sub-paragraph (1), “jobseeker’s allowance” means—
 - (a) income-based jobseeker’s allowance; and
 - (b) in a case where, if there was no entitlement to contribution-based jobseeker’s allowance, there would be entitlement to income-based jobseeker’s allowance at the same rate, contribution-based jobseeker’s allowance.”;
- (c) in paragraph 3, in sub-paragraph (2A)(18)—
 - (i) in head (b), after the words “Schedule 3 to the Income Support Regulations” there are inserted the words “or, as the case may be, paragraph 4(8) or (11) or paragraph 17 of Schedule 2 to the Jobseeker’s Allowance Regulations”; and
 - (ii) in the definition of “C”, after the words “Schedule 3 to the Income Support Regulations” there are inserted the words “or, as the case may be, paragraph 4(8) or (11) or paragraph 17 of Schedule 2 to the Jobseeker’s Allowance Regulations”;
- (d) in paragraph 4—

(17) The definition of “specified benefit” in Schedule 9 was substituted by S.I. 1996/672.

(18) Sub-paragraph (2A) was inserted by S.I. 1992/1026; relevant amending instruments are S.I. 1995/1613 and 2927.

- (i) in sub-paragraph (1), after the words “award of income support” there are inserted the words “or jobseeker’s allowance”;
- (ii) in head (a) of that sub-paragraph, after the words “regulation 19(3) of the Income Support Regulations” there are inserted the words “or, as the case may be, regulation 1(3) of the Jobseeker’s Allowance Regulations”;
- (iii) in head (b) of that sub-paragraph, after the words “Income Support Regulations” there are inserted the words “or, as the case may be, Schedule 4 (applicable amounts of persons in residential care and nursing homes) or paragraph 15 of Schedule 5 (persons in residential accommodation) to the Jobseeker’s Allowance Regulations”;
- (iv) in sub-paragraph (2), after the words “income support” where they first appear there are inserted the words “or jobseeker’s allowance”;
- (v) in head (a) of that sub-paragraph, after the words “that Schedule” there are inserted the words “or, as the case may be, the amount of the award under paragraph 1(1) (a) of Schedule 4 to the Jobseeker’s Allowance Regulations excluding any increase under paragraph 2(2) of that Schedule”;
- (vi) in head (ab) of that sub-paragraph~~(19)~~—
 - (a) after the words “award of income support” there are inserted the words “or jobseeker’s allowance”;
 - (b) after the words “regulation 28 of the Income Support Regulations” there are inserted the words “or, as the case may be, regulation 93 of the Jobseeker’s Allowance Regulations”;
 - (c) in sub-head (i), after the words “Income Support Regulations” there are inserted the words “or, as the case may be, paragraph 11 of Schedule 4 to the Jobseeker’s Allowance Regulations”; and
 - (d) in sub-head (ii), for the words “that Schedule” there are substituted the words “whichever of those Schedules is applicable”;
- (vii) in head (c) of that sub-paragraph, for the words “those Regulations” there are substituted the words “the Income Support Regulations or, as the case may be, under paragraph 15(1)(a), (b), (c) or (e) of Schedule 5 to the Jobseeker’s Allowance Regulations”;
- (viii) for sub-paragraph (3) of that paragraph there is substituted the following sub-paragraph—
 - “(3) In relation to miscellaneous accommodation costs—
 - (a) where an award of income support is calculated in accordance with Part VII of the Income Support Regulations (calculation of income support for part-weeks) the amount of any payment of income support to a third party determined under sub-paragraph (1) shall be—
 - (i) where the amount is calculated under regulation 73(1) of the Income Support Regulations, an amount calculated in accordance with sub-paragraph (2)(a) or, as the case may be, (c) above, divided by 7 and multiplied by the number of days in the part-week; or
 - (ii) where the amount is calculated under regulation 73(2) of those Regulations, an amount calculated in accordance with regulation 73(4)(a)(i) or (b)(i) as the case may be; or

- (b) where an award of jobseeker's allowance is calculated in accordance with Part XI of the Jobseeker's Allowance Regulations (part-weeks) the amount of any payment of jobseeker's allowance to a third party determined under sub-paragraph (1) shall be—
 - (i) where the amount is calculated under regulation 150(1) of the Jobseeker's Allowance Regulations, an amount calculated in accordance with sub-paragraph (2)(a) or, as the case may be, (c) above, divided by 7 and multiplied by the number of days in the part-week; or
 - (ii) where the amount is calculated under regulation 151(1) of those Regulations, an amount calculated in accordance with regulation 151(2)(a)(i) or (b)(i) as the case may be,
 and no payment shall be made to a third party under this sub-paragraph where the Secretary of State certifies it would be impracticable to do so in that particular case.”;
- (e) in paragraph 4A(20), for sub-paragraph (6) there is substituted the following sub-paragraph—

“(6) Where—

 - (a) an award of income support is calculated in accordance with regulation 73(1) of the Income Support Regulations (calculation of income support for part-weeks); or
 - (b) an award of jobseeker's allowance is calculated in accordance with regulation 150(1) of the Jobseeker's Allowance Regulations (amount of a jobseeker's allowance payable),
 the amount of any payment of income support or, as the case may be, jobseeker's allowance payable to a third party determined under sub-paragraph (2) above shall be an amount calculated in accordance with sub-paragraph (3)(a) or (b) above divided by 7 and multiplied by the number of days in the part-week, and no payment shall be made to a third party under this sub-paragraph where the Secretary of State certifies that it would be impracticable to do so in that particular case.”;
- (f) in paragraph 5, for sub-paragraph (5) there is substituted the following sub-paragraph—

“(5) A determination under this paragraph shall not be made without the consent of the beneficiary if the aggregate amount calculated in accordance with sub-paragraphs (3) and (6) exceeds a sum equal to 25 per cent. of the applicable amount for the family as is awarded under—

 - (a) in the case of income support, sub-paragraphs (a) to (d) of regulation 17(1) (applicable amounts) or sub-paragraphs (a) to (e) of regulation 18(1) (polygamous marriages) of the Income Support Regulations; or
 - (b) in the case of jobseeker's allowance, paragraphs (a) to (e) of regulation 83 (applicable amounts) or sub-paragraphs (a) to (f) of regulation 84(1) (polygamous marriages) of the Jobseeker's Allowance Regulations.”;
- (g) in paragraph 6, for sub-paragraph (6) there is substituted the following sub-paragraph—

“(6) Subject to paragraph 8, a determination under this paragraph shall not be made without the consent of the beneficiary if the aggregate amount calculated in accordance with sub-paragraph (2) exceeds a sum equal to 25 per cent. of the applicable amount for the family as is awarded under—

- (a) in the case of income support, sub-paragraphs (a) to (d) of regulation 17(1) (applicable amounts) or sub-paragraphs (a) to (e) of regulation 18(1) (polygamous marriages) of the Income Support Regulations; or
 - (b) in the case of a jobseeker's allowance, paragraphs (a) to (e) of regulation 83 (applicable amounts) or sub-paragraphs (a) to (f) of regulation 84(1) (polygamous marriages) of the Jobseeker's Allowance Regulations.”;
 - (h) in paragraph 7, for sub-paragraph (8) there is substituted the following sub-paragraph—
 - “(8) Subject to paragraph 8 (maximum amount of payments to third parties), a determination under this paragraph shall not be made without the consent of the beneficiary if the aggregate amount calculated in accordance with sub-paragraphs (3), (4), (5) and (6) exceeds a sum equal to 25 per cent. of the applicable amount for the family as is awarded under—
 - (a) in the case of income support, sub-paragraphs (a) to (d) of regulation 17(1) (applicable amounts) or sub-paragraphs (a) to (e) of regulation 18(1) (polygamous marriages) of the Income Support Regulations; or
 - (b) in the case of jobseeker's allowance, paragraphs (a) to (e) of regulation 83 (applicable amounts) or sub-paragraphs (a) to (f) of regulation 84(1) (polygamous marriages) of the Jobseeker's Allowance Regulations.”;
 - (j) in paragraph 8(2), for the words after “awarded under” there are substituted the words—
 - “(a) in the case of income support, sub-paragraphs (a) to (d) of regulation 17(1) (applicable amounts) or sub-paragraphs (a) to (e) of regulation 18(1) (polygamous marriages) of the Income Support Regulations; or
 - (b) in the case of a jobseeker's allowance, paragraphs (a) to (e) of regulation 83 (applicable amounts) or sub-paragraphs (a) to (f) of regulation 84(1) (polygamous marriages) of the Jobseeker's Allowance Regulations.”.
- (27) In Schedule 9A(21)—
- (a) in paragraph 1—
 - (i) in the definition of “personal allowance for a single claimant aged not less than 25 years”, after the words “column 2 of Schedule 2 to the Income Support Regulations” there are inserted the words “or paragraph 1(1)(e) of Schedule 1 to the Jobseeker's Allowance Regulations”; and
 - (ii) in the definition of “relevant benefits”(22) the words “unemployment benefit,” in each place where they occur are omitted and at the end of the definition the following words are added—
 - “and
 - (c) income-based jobseeker's allowance;”;
 - (b) in paragraph 2(23), for sub-paragraph (a) there is substituted the following sub-paragraph—
 - “(a) the amount to be met under Schedule 3 to the Income Support Regulations or, as the case may be, Schedule 2 to the Jobseeker's Allowance Regulations is determined by reference to the standard rate (whether at the full rate or a lesser rate) and, in the case of income support, to any amount payable in accordance with paragraph 7 of Schedule 3 to the Income Support Regulations;”;

(21) Schedule 9A was inserted by S.I. [1992/1026](#).

(22) The definition of “relevant benefits” was substituted by S.I. [1996/672](#).

(23) Paragraph 2 of Schedule 9A was substituted, and paragraphs 3 and 4 were amended, by S.I. [1995/1613](#), Schedule 2, paragraphs 6 and 7.

(c) in paragraph 3—

(i) in sub-paragraph (1), after the words “specified part”) is” there are inserted the words “, in the case of income support,” and at the end there are added the words “or, in the case of jobseeker’s allowance, equal to the amount of mortgage interest to be met in accordance with paragraphs 6 to 9 of Schedule 2 to the Jobseeker’s Allowance Regulations”;

(ii) in sub-paragraph (3)—

(a) after the words “income support” in the first place where they occur there are inserted the words “or income-based jobseeker’s allowance”;

(b) in head (b), after the words “Income Support Regulations” there are inserted the words “or, as the case may be, paragraph 4(8) or (11) or paragraph 17 of Schedule 2 to the Jobseeker’s Allowance Regulations”, and for the words “that Schedule” there are substituted the words “either of those Schedules”;

(c) in the definition of “A”, at the end there are added the words “or, as the case may be, paragraph 1 of Schedule 2 to the Jobseeker’s Allowance Regulations”;

(d) in the definition of “B”, at the end there are added the words “or, as the case may be, paragraphs 6 to 9 of Schedule 2 to the Jobseeker’s Allowance Regulations”;

(e) in the definition of “C”, at the end there are added the words “or, as the case may be, paragraph 4(8) or (11) or paragraph 17 of Schedule 2 to the Jobseeker’s Allowance Regulations”;

(d) in paragraph 4, in head (a) of sub-paragraph (2), after the words “Income Support Regulations” there are inserted the words “or, as the case may be, paragraph 11 of Schedule 2 to the Jobseeker’s Allowance Regulations”;

(e) in paragraph 10—

(i) in sub-paragraph (2), after the words “income support” there are inserted the words “or income-based jobseeker’s allowance”; and

(ii) in head (a) of sub-paragraph (3), after the words “income support” there are inserted the words “or income-based jobseeker’s allowance”;

(f) in paragraph 11(2)—

after the words “Income Support Regulations” there are inserted the words “or, as the case may be, paragraph 11 of Schedule 2 to the Jobseeker’s Allowance Regulations”.

Signed by authority of the Secretary of State for Social Security.

4th June 1996

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Social Security (Claims and Payments) Regulations 1987 which are consequential on the coming into force of the Jobseekers Act 1995 which, *inter alia*, replaces unemployment benefit and income support for those available for and actively seeking employment with a new benefit called jobseeker's allowance. They are made within the period of 6 months of the date of coming into force of provisions in that Act and accordingly, by virtue of section 173(5) of the Social Security Administration Act 1992, they are exempt from the requirement of section 172 of that Act to refer proposals to make the Regulations to the Social Security Advisory Committee, and no such reference has been made.

These Regulations do not impose any costs on business.