
STATUTORY INSTRUMENTS

1996 No. 1510

SOCIAL SECURITY

**The Housing Benefit, Council Tax Benefit and
Supply of Information (Jobseeker's Allowance)
(Consequential Amendments) Regulations 1996**

<i>Made</i>	- - - -	<i>10th June 1996</i>
<i>Laid before Parliament</i>		<i>14th June 1996</i>
<i>Coming into force</i>	- -	<i>7th October 1996</i>

The Secretary of State for Social Security, in exercise of powers conferred on him by sections 35(1), 36 and 40 of the Jobseekers Act 1995(1) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(2), by this instrument which is made before the end of the period of 6 months beginning with the coming into force of the enactments under which these Regulations are made(3), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit, Council Tax Benefit and Supply of Information (Jobseeker's Allowance) (Consequential Amendment) Regulations 1996 and shall come into force on 7th October 1996.

(2) In these Regulations—

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(4);

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(5);

“the Supply of Information Regulations” means the Housing Benefit (Supply of Information) Regulations 1988(6).

(1) [1995 c. 18](#); section 35(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.

(2) *See* the Social Security Administration Act [1992 \(c. 5\)](#), section 176(1).

(3) *See* the Social Security Administration Act 1992, section 173(5)(a).

(4) S.I. [1987/1971](#).

(5) S.I. [1992/1814](#).

(6) S.I. [1988/662](#).

Amendment of regulation 2 of the Housing Benefit Regulations

2.—(1) Regulation 2 of the Housing Benefit Regulations (interpretation) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)—

(a) in the definition of “appropriate DSS office”(7) for the words “unemployment benefit” there shall be substituted the words “a jobseeker’s allowance”;

(b) after the definition of “attendance allowance” there shall be inserted the following definition—

““the benefit Acts” means the Contributions and Benefits Act and the Jobseekers Act 1995(8);”;

(c) after the definition of “housing association” there shall be inserted the following definition—

““an income-based jobseeker’s allowance” has the same meaning in these Regulations as it has in the Jobseekers Act 1995 by virtue of section 1(4) of that Act;”.

(3) After paragraph (3), there shall be inserted the following paragraph—

“(3A) For the purposes of these Regulations, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day—

(a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not paid in accordance with section 19 of the Jobseekers Act 1995 (circumstances in which a jobseeker’s allowance is not payable); or

(b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker’s allowance is payable to him or would be payable to him but for section 19 of that Act.”.

Amendment of regulation 4 of the Housing Benefit Regulations

3. In regulation 4(5) of the Housing Benefit Regulations (remunerative work) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 7A of the Housing Benefit Regulations

4. In regulation 7A(5) of the Housing Benefit Regulations (persons from abroad)(9) after sub-paragraph (d), there shall be added the following sub-paragraph—

“(e) is a person on an income-based jobseeker’s allowance.”.

Amendment of regulation 8 of the Housing Benefit Regulations

5. In paragraphs (2) and (3) of regulation 8 of the Housing Benefit Regulations (eligible housing costs)(10) after the words “income support” in each place where they occur there shall be inserted the words “or an income-based jobseeker’s allowance”.

(7) Relevant amending instrument is S.I. 1988/1843.

(8) 1995 c. 18.

(9) Regulation 7A was inserted by S.I. 1994/470; paragraph (5) was substituted by S.I. 1996/30.

(10) Relevant amending instruments are S.I. 1988/1444 and 1992/3147.

Amendment of regulation 13 of the Housing Benefit Regulations

6. In regulation 13(2) of the Housing Benefit Regulations (persons of prescribed description)(11) after the words “on income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 20 of the Housing Benefit Regulations

7. In regulation 20(1) of the Housing Benefit Regulations (circumstances in which income of non-dependant is to be treated as claimant’s) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 43A of the Housing Benefit Regulations

8.—(1) Regulation 43A of the Housing Benefit Regulations (diminishing notional capital rule)(12) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (3)—

- (a) at the end of sub-paragraph (d) the word “and” shall be omitted; and
- (b) at the end of the paragraph the word “and” shall be inserted and the following new sub-paragraph shall be added—
 - “(f) where the claimant has also claimed a jobseeker’s allowance, the amount of an income-based jobseeker’s allowance to which he would have been entitled in respect of the benefit week to which paragraph (2) refers but for the application of regulation 113 of the Jobseeker’s Allowance Regulations 1996 (notional capital)(13).”.

(3) In paragraph (4)—

- (a) at the end of sub-paragraph (d) the word “and” shall be omitted; and
- (b) at the end of the paragraph the word “and” shall be inserted and the following new sub-paragraph shall be added—
 - “(f) if the claimant would, but for regulation 113 of the Jobseeker’s Allowance Regulations 1996, have been entitled to an income-based jobseeker’s allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker’s allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7.”.

(4) In paragraph (8)(aa)—

- (a) for the words “paragraph (4)(d)” there shall be substituted the words “paragraph (4)(d) and (f)”;
- (b) after the words “income support” there shall be inserted the words “, or, as the case may be, an income-based jobseeker’s allowance,”.

(11) Relevant amending instrument is S.I. [1990/546](#).

(12) Regulation 43A was inserted by S.I. [1990/1775](#); relevant amending instruments are S.I. [1991/235](#) and [1559](#), [1992/2148](#) and [1993/317](#).

(13) S.I. [1996/207](#).

Amendment of regulation 48A of the Housing Benefit Regulations

9. In regulation 48A(2)(a) of the Housing Benefit Regulations(**14**) (full-time students to be treated as not liable to make payments in respect of a dwelling) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 63 of the Housing Benefit Regulations

10. In regulation 63(8) of the Housing Benefit Regulations(**15**) (non-dependant deductions) after the words “income support” there shall be added the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 66 of the Housing Benefit Regulations

11. In regulation 66(4) of the Housing Benefit Regulations (benefit period) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 67 of the Housing Benefit Regulations

12.—(1) Regulation 67 of the Housing Benefit Regulations (date on which benefit period is to end)(**16**) shall be re-numbered paragraph (1) of regulation 67 and shall be further amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)(a)—

- (a) at the beginning there shall be inserted the words “subject to paragraph (2),”; and
- (b) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

(3) In paragraph (1)(b)—

- (a) after the words “income support” in each place where they occur there shall be inserted the words “or an income-based jobseeker’s allowance”; and
- (b) for the words “the Social Security Act” there shall be substituted the words “the benefit Acts”.

(4) At the end of the regulation there shall be added the following paragraph—

“(2) Sub-paragraph (a) of paragraph (1) shall not apply where—

- (a) the claimant ceases to be entitled to income support and immediately after that entitlement ceases an entitlement to an income-based jobseeker’s allowance commences for him; or
- (b) the claimant ceases to be entitled to an income-based jobseeker’s allowance and immediately after that entitlement ceases an entitlement to income support commences for him.”.

Amendment of regulation 72 of the Housing Benefit Regulations

13.—(1) Regulation 72 of the Housing Benefit Regulations (time and manner in which claims are to be made)(**17**) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (4) in sub-paragraphs (a) and (c) after the words “income support” in each place where they occur there shall be inserted the words “or a jobseeker’s allowance”.

(14) Regulation 48A was inserted by S.I. 1990/1549.

(15) Relevant amending instruments are S.I. 1990/546 and 1991/235.

(16) Relevant amending instruments are S.I. 1990/546 and 1995/560.

(17) Relevant amending instruments are S.I. 1988/1843, 1990/671 and 1991/235 and 1599.

(3) In paragraph (5)—

(a) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) in a case where an award of income support or an income-based jobseeker’s allowance has been made to the claimant or his partner and the claim for housing benefit is made within 4 weeks of the date on which the claim for that income support or jobseeker’s allowance was received at the appropriate DSS office, the first day of entitlement to income support or an income-based jobseeker’s allowance arising from that claim; and for the purposes of this sub-paragraph a person who has an award entitling him to an income-based jobseeker’s allowance shall be treated as also entitled to an income-based jobseeker’s allowance for any days which immediately precede the first day in that award and on which in accordance with paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days) he would not be entitled to that allowance;”;

(b) in sub-paragraph (b)—

(i) after the words “claimed income support” there shall be inserted the words “or a jobseeker’s allowance”; and

(ii) after the words “entitlement to income support” there shall be inserted the words “or an income-based jobseeker’s allowance”; and

(c) in sub-paragraph (bb)(18) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

(4) In paragraph (14)(a) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 75 of the Housing Benefit Regulations

14. In regulation 75(2)(e) of the Housing Benefit Regulations (duty to notify changes of circumstances) after the words “income support” in each place where they occur there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 76 of the Housing Benefit Regulations

15. In regulation 76(4)(a) of the Housing Benefit Regulations (who is to make a determination)(19) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 93 of the Housing Benefit Regulations

16. In regulation 93(a) of the Housing Benefit Regulations (circumstances in which payment is to be made to a landlord)(20)—

(a) for the words “the Act” there shall be substituted the words “the Social Security Administration Act 1992(21)”; and

(b) after the words “income support” there shall be inserted the words “or a jobseeker’s allowance”.

(18) Sub-paragraph (bb) was inserted by S.I. 1991/235.

(19) Paragraph (4) was inserted by S.I. 1996/194.

(20) Relevant amending instrument is S.I. 1990/546.

(21) 1992 c. 5.

Amendment of regulation 95 of the Housing Benefit Regulations

17. In regulation 95(4A) of the Housing Benefit Regulations (withholding of benefit)(22) after the words “income support” in the first place where they occur there shall be inserted the words “or an income-based jobseeker’s allowance” and in the second place where they occur there shall be inserted the words “or income-based jobseeker’s allowance.”.

Amendment of regulation 105 of the Housing Benefit Regulations

18. In regulation 105 of the Housing Benefit Regulations (recovery of overpayments from prescribed benefits)(23) in paragraph (1) at the end there shall be added the following sub-paragraph

—
“(e) a jobseeker’s allowance.”.

Amendment of Schedule 3 to the Housing Benefit Regulations

19. In paragraph 10 of Schedule 3 to the Housing Benefit Regulations (sums to be disregarded in the calculation of earnings) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of Schedule 4 to the Housing Benefit Regulations

20.—(1) Schedule 4 to the Housing Benefit Regulations (sums to be disregarded in the calculation of income other than earnings) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 4 after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

(3) In paragraph 6 at the end there shall be added the following sub-paragraph—

“(c) an income-based jobseeker’s allowance.”.

(4) Paragraph 52(24) shall be re-numbered sub-paragraph (1) of paragraph 52, and after sub-paragraph (1) there shall be added the following sub-paragraph—

“(2) For the purposes of sub-paragraph (1), an addition to a contribution-based jobseeker’s allowance under regulation 9(4) of the Jobseeker’s Allowance (Transitional Provisions) Regulations 1995(25) shall be treated as an increase of a benefit under the Contributions and Benefits Act arising under Part IV of that Act.”.

Amendment of Schedule 5 to the Housing Benefit Regulations

21.—(1) Schedule 5 to the Housing Benefit Regulations (capital to be disregarded) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 5 after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

(3) In paragraph 8 after sub-paragraph (b) there shall be inserted the following sub-paragraph—

“(c) an income-based jobseeker’s allowance.”.

(4) At the end of the Schedule there shall be added the following paragraph—

(22) Paragraph (4A) was inserted by S.I. 1995/560.

(23) Relevant amending instruments are S.I. 1988/1971 and 1991/2742.

(24) Paragraph 52 was added by S.I. 1994/578 and amended by S.I. 1995/2303.

(25) S.I. 1995/3276.

“49. Any back to work bonus payable by way of a jobseeker’s allowance or income support in accordance with section 26 of the Jobseekers Act 1995, or a corresponding payment under article 28 of the Jobseekers (Northern Ireland) Order 1995(26), but only for a period of 52 weeks from the date the payment is received.”.

Amendment of Schedule 5A to the Housing Benefit Regulations

22.—(1) Schedule 5A to the Housing Benefit Regulations(27) (extended payments of housing benefit) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 2—

- (a) in sub-paragraph (a) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”;
- (b) in sub-paragraph (c) after the words “entitlement to income support” there shall be inserted the words “or an income-based jobseeker’s allowance”;
- (c) in sub-paragraph (d) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”; and
- (d) for sub-paragraph (e) there shall be substituted the following sub-paragraph—

“(e) that the claimant had been entitled to and in receipt of income support or a jobseeker’s allowance for a continuous period of at least 26 weeks until the relevant day in any of, or any combination of, the circumstances set out at sub-paragraph (c), and for the purpose of this sub-paragraph—

- (i) any period of entitlement to and receipt of unemployment benefit shall be taken to be entitlement to and receipt of income support; and
- (ii) for the avoidance of doubt a claimant satisfies the conditions of this sub-paragraph if he has been entitled to and in receipt of income support for at least 26 weeks, or a jobseeker’s allowance for at least 26 weeks, or a combination of income support and a jobseeker’s allowance for at least 26 weeks.”.

(3) In paragraph 3—

- (a) in sub-paragraph (2)(c) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”; and
- (b) in sub-paragraph (3)(a) at the beginning there shall be inserted the words “where the Secretary of State certifies under paragraph 2(a) that the claimant was entitled to and was in receipt of income support,”.

(4) In paragraph 12 in the definition of “relevant day” after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of Schedule 6 to the Housing Benefit Regulations

23.—(1) In the provisions of Schedule 6 to the Housing Benefit Regulations (matters to be included in the notice of determination)(28) listed in paragraph (2), after the words “income support” in each place where they occur there shall be inserted the words “or an income-based jobseeker’s allowance”.

(2) The provisions referred to in paragraph (1) are—

- (a) paragraph 9;

(26) S.I. 1995/2705 (N.I. 15).

(27) Schedule 5A was inserted by S.I. 1996/194.

(28) Relevant amending instruments are S.I. 1989/416 and 1990/546.

- (b) paragraph 10;
- (c) paragraph 13(a)(ii).

Amendment of regulation 2 of the Council Tax Benefit Regulations

24.—(1) Regulation 2 of the Council Tax Benefit Regulations (interpretation) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)—

- (a) in the definition of “appropriate social security office” for the words “unemployment benefit” there shall be substituted the words “a jobseeker’s allowance”;
- (b) after the definition of “attendance allowance” there shall be inserted the following definition—

““the benefit Acts” means the Contributions and Benefits Act 1992 and the Jobseekers Act 1995(29);”;

- (c) after the definition of “housing benefit” there shall be inserted the following definition—
““an income-based jobseeker’s allowance” has the same meaning in these Regulations as it has in the Jobseekers Act 1995 by virtue of section 1(4) of that Act;”.

(3) After paragraph (3), there shall be inserted the following paragraph—

“(3A) For the purpose of these Regulations, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day—

- (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not paid in accordance with section 19 of the Jobseekers Act 1995 (circumstances in which a jobseeker’s allowance is not payable); or
- (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker’s allowance is payable to him or would be payable to him but for section 19 of that Act.”.

Amendment of regulation 4 of the Council Tax Benefit Regulations

25. In regulation 4(5) of the Council Tax Benefit Regulations (remunerative work) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 4A of the Council Tax Benefit Regulations

26. In regulation 4A(5) of the Council Tax Benefit Regulations (persons from abroad)(30) after sub-paragraph (d) there shall be added the following sub-paragraph—

“(e) is a person on an income-based jobseeker’s allowance.”.

Amendment of regulation 5 of the Council Tax Benefit Regulations

27. In regulation 5(2) of the Council Tax Benefit Regulations (persons of prescribed description for the definition of “family” in section 137(1) of the Contributions and Benefits Act 1992) after

(29) 1995 c. 18.

(30) Regulation 4A was inserted by S.I. 1994/470; paragraph (5) was substituted by S.I. 1996/30.

the words “on income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 12 of the Council Tax Benefit Regulations

28. In regulation 12(1) of the Council Tax Benefit Regulations (circumstances in which income of non-dependant is to be treated as claimant’s) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 16 of the Council Tax Benefit Regulations

29. In regulation 16(2) of the Council Tax Benefit Regulations (average weekly income other than earnings) for the words “the Contributions and Benefits Act 1992” there shall be substituted the words “the benefit Acts”.

Amendment of regulation 24 of the Council Tax Benefit Regulations

30. In regulation 24(3) of the Council Tax Benefit Regulations (calculation of income other than earnings) for the words “the Contributions and Benefits Act 1992” there shall be substituted the words “the benefit Acts”.

Amendment of regulation 26 of the Council Tax Benefit Regulations

31. In regulation 26(4) of the Council Tax Benefit Regulations (notional income) for the words “the Contributions and Benefits Act 1992” there shall be substituted the words “the benefit Acts”.

Amendment of regulation 35 of the Council Tax Benefit Regulations

32.—(1) Regulation 35 of the Council Tax Benefit Regulations (diminishing notional capital rule)(**31**) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (3)—

- (a) at the end of sub-paragraph (d) the word “and” shall be omitted; and
- (b) at the end of the paragraph the word “and” shall be inserted and the following new sub-paragraph shall be added—
 - “(f) where the claimant has also claimed a jobseeker’s allowance, the amount of an income-based jobseeker’s allowance to which he would have been entitled in respect of the whole or part of the benefit week to which paragraph (2) refers but for the application of regulation 113 of the Jobseeker’s Allowance Regulations 1996 (notional capital)(**32**).”.

(3) In paragraph (4)—

- (a) at the end of sub-paragraph (d) the word “and” shall be omitted; and
- (b) at the end of the paragraph the word “and” shall be inserted and the following new sub-paragraph shall be added—
 - “(f) if the claimant would, but for regulation 113 of the Jobseeker’s Allowance Regulations 1996, have been entitled to an income-based jobseeker’s allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes

(31) Relevant amending instrument is S.I. [1993/688](#).

(32) S.I. [1996/207](#).

of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7.”.

- (4) In paragraph (8)(b)—
- (a) for the words “paragraph (4)(d)” there shall be substituted the words “paragraph (4)(d) and (f)”;
 - (b) after the words “income support” there shall be inserted the words “, or, as the case may be, an income-based jobseeker’s allowance,”.

Amendment of regulation 40 of the Council Tax Benefit Regulations

33. In regulation 40(3)(a) of the Council Tax Benefit Regulations (students who are excluded from entitlement to council tax benefit) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 52 of the Council Tax Benefit Regulations

34. In regulation 52(8) of the Council Tax Benefit Regulations (non-dependant deductions) after the words “income support” there shall be added the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 57 of the Council Tax Benefit Regulations

35. In regulation 57(4) of the Council Tax Benefit Regulations (benefit period) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 58 of the Council Tax Benefit Regulations

36.—(1) Regulation 58 of the Council Tax Benefit Regulations (date on which benefit period is to end)(**33**) shall be re-numbered paragraph (1) of regulation 58 and shall be further amended in accordance with the following provisions of this regulation.

- (2) In paragraph (1)(a)—
- (a) at the beginning there shall be inserted the words “subject to paragraph (2),”; and
 - (b) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.
- (3) In paragraph (1)(b)—
- (a) after the words “income support” in each place where they occur there shall be inserted the words “or an income-based jobseeker’s allowance”; and
 - (b) for the words “the Contributions and Benefits Act 1992” there shall be substituted the words “the benefit Acts”.
- (4) At the end of the regulation there shall be added the following paragraph—
- “(2) Sub-paragraph (a) of paragraph (1) shall not apply where—
- (a) the claimant ceases to be entitled to income support and immediately after that entitlement ceases an entitlement to an income-based jobseeker’s allowance commences for him; or

(33) Relevant amending instrument is S.I. [1995/560](#).

- (b) the claimant ceases to be entitled to an income-based jobseeker's allowance and immediately after that entitlement ceases an entitlement to income support commences for him.”.

Amendment of regulation 59 of the Council Tax Benefit Regulations

37. In regulation 59(1) of the Council Tax Benefit Regulations (date on which change of circumstances is to take effect)⁽³⁴⁾ for the words “the Contributions and Benefits Act 1992” there shall be substituted the words “the benefit Acts”.

Amendment of regulation 62 of the Council Tax Benefit Regulations

38.—(1) Regulation 62 of the Council Tax Benefit Regulations (time and manner in which claims are to be made) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (4) in sub-paragraphs (a) and (c) after the words “income support” in each place where they occur there shall be inserted the words “or a jobseeker's allowance”.

(3) In paragraph (5)—

(a) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) in a case where an award of income support or an income-based jobseeker's allowance has been made to the claimant or his partner and the claim for council tax benefit is made within 4 weeks of the date on which the claim for that income support or jobseeker's allowance was received at the appropriate social security office, the first day of entitlement to income support or an income-based jobseeker's allowance arising from that claim; and for the purposes of this sub-paragraph a person who has an award entitling him to an income-based jobseeker's allowance shall be treated as also entitled to an income-based jobseeker's allowance for any days which immediately precede the first day in that award and on which in accordance with paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days) he would not be entitled to that allowance;”;

(b) in sub-paragraph (b)—

(i) after the words “claimed income support” there shall be inserted the words “or a jobseeker's allowance”; and

(ii) after the words “entitlement to income support” there shall be inserted the words “or an income-based jobseeker's allowance”; and

(c) in sub-paragraph (c) after the words “income support” there shall be inserted the words “or an income-based jobseeker's allowance”.

(4) In paragraph (15)(a) after the words “income support” there shall be inserted the words “or an income-based jobseeker's allowance”.

Amendment of regulation 65 of the Council Tax Benefit Regulations

39. In regulation 65(2)(d) and (4) of the Council Tax Benefit Regulations (duty to notify changes of circumstances) after the words “income support” in each place where they occur there shall be inserted the words “or an income-based jobseeker's allowance”.

(34) Relevant amending instrument is S.I. [1994/578](#).

Amendment of regulation 66 of the Council Tax Benefit Regulations

40. In regulation 66(4)(a) of the Council Tax Benefit Regulations (who is to make a determination)(35) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of regulation 80 of the Council Tax Benefit Regulations

41. In regulation 80(2A) of the Council Tax Benefit Regulations (withholding of benefit)(36) after the words “income support” in the first place where they occur there shall be inserted the words “or an income-based jobseeker’s allowance” and in the second place where they occur there shall be inserted the words “or income-based jobseeker’s allowance.”.

Amendment of regulation 91 of the Council Tax Benefit Regulations

42. In regulation 91 of the Council Tax Benefit Regulations (recovery of excess benefit from prescribed benefits) in paragraph (1) at the end there shall be added the following sub-paragraph—
“(c) a jobseeker’s allowance.”.

Amendment of regulation 92 of the Council Tax Benefit Regulations

43. In paragraph (1) of regulation 92 of the Council Tax Benefit Regulations (information to be supplied by the Secretary of State to an appropriate authority)(37)—

- (a) in sub-paragraphs (a) and (h) to (j), after the words “income support” in each place where they occur there shall be inserted the words “or on an income-based jobseeker’s allowance”;
- (b) in sub-paragraphs (e) to (g), (l) and (m), after the words “income support” in each place where they occur there shall be inserted the words “or an income-based jobseeker’s allowance”;
- (c) in sub-paragraphs (b), (c) and (d) after the words “income support” in each place where they occur there shall be inserted the words “or a jobseeker’s allowance” and the words “under Part VII of the Contributions and Benefits Act 1992” shall be omitted;
- (d) after sub-paragraph (s) there shall be added the following sub-paragraphs—
 - “(t) in the case of a person entitled to an income-based jobseeker’s allowance, details of any days falling immediately before that entitlement to which paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days) applies;
 - (u) in the case of a person on whom a sanction is imposed under section 19 of the Jobseekers Act 1995, details of any period covered by the sanction in which an income-based jobseeker’s allowance would be payable to him but for the sanction.”.

Amendment of regulation 93 of the Council Tax Benefit Regulations

44.—(1) Regulation 93(1) of the Council Tax Benefit Regulations (information to be supplied by an appropriate authority to the Secretary of State)(38) shall be amended in accordance with the following provisions of this regulation.

(35) Paragraph (4) was inserted by S.I. 1996/194.

(36) Paragraph (2A) was inserted by S.I. 1995/560.

(37) Relevant amending instruments are S.I. 1993/688, 1994/1925 and 2137, 1995/626 and 1996/194.

(38) Relevant amending instrument is S.I. 1994/1925.

(2) For the words “the Contributions and Benefits Act 1992” in each place where they occur there shall be substituted the words “the benefit Acts”.

(3) In sub-paragraph (c) for the words “that Act” in each place where they occur there shall be substituted the words “those Acts”.

Amendment of Schedule 2 to the Council Tax Benefit Regulations

45. In column (1) of the Table in paragraph 1 of Schedule 2 to the Council Tax Benefit Regulations—

- (a) in sub-paragraph (a), after the words “income support” there shall be inserted the words “or are persons on an income-based jobseeker’s allowance,”; and
- (b) in sub-paragraph (b), after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of Schedule 3 to the Council Tax Benefit Regulations

46. In paragraph 10 of Schedule 3 to the Council Tax Benefit Regulations (sums to be disregarded in the calculation of earnings) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of Schedule 4 to the Council Tax Benefit Regulations

47.—(1) Schedule 4 to the Council Tax Benefit Regulations (sums to be disregarded in the calculation of income other than earnings) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 4 after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

(3) In paragraph 6 at the end there shall be added the following sub-paragraph—
“(d) an income-based jobseeker’s allowance.”.

(4) In paragraph 40 for the words “the Contributions and Benefits Act 1992” there shall be substituted the words “the benefit Acts”.

(5) Paragraph 51~~(39)~~ shall be re-numbered sub-paragraph (1) of paragraph 51, and after sub-paragraph (1) there shall be added the following sub-paragraph—

“(2) For the purposes of sub-paragraph (1), an addition to a contribution-based jobseeker’s allowance under regulation 9(4) of the Jobseeker’s Allowance (Transitional Provisions) Regulations 1995~~(40)~~ shall be treated as an increase of a benefit under the Contributions and Benefits Act 1992 arising under Part IV of that Act.”.

Amendment of Schedule 5 to the Council Tax Benefit Regulations

48.—(1) Schedule 5 to the Council Tax Benefit Regulations (capital to be disregarded) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 5 after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

(3) In paragraph 8 after sub-paragraph (c) there shall be inserted the following sub-paragraph—
“(d) an income-based jobseeker’s allowance,”.

(39) Paragraph 51 was added by S.I. 1994/578 and amended by S.I. 1995/2303.

(40) S.I. 1995/3276.

(4) At the end of the Schedule there shall be added the following paragraph—

“**49.** Any back to work bonus payable by way of a jobseeker’s allowance or income support in accordance with section 26 of the Jobseekers Act 1995, or a corresponding payment under article 28 of the Jobseekers (Northern Ireland) Order 1995(**41**), but only for a period of 52 weeks from the date the payment is received.”.

Amendment of Schedule 5A to the Council Tax Benefit Regulations

49.—(1) Schedule 5A to the Council Tax Benefit Regulations(**42**) (extended payments of council tax benefit) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 2—

- (a) in sub-paragraph (a) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”;
- (b) in sub-paragraph (c) after the words “entitlement to income support” there shall be inserted the words “or an income-based jobseeker’s allowance”;
- (c) in sub-paragraph (d) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”; and
- (d) for sub-paragraph (e) there shall be substituted the following sub-paragraph—

“(e) that the claimant had been entitled to and in receipt of income support or a jobseeker’s allowance for a continuous period of at least 26 weeks until the relevant day in any of, or any combination of, the circumstances set out at sub-paragraph (c), and for the purpose of this sub-paragraph—

- (i) any period of entitlement to and receipt of unemployment benefit shall be taken to be entitlement to and receipt of income support; and
- (ii) for the avoidance of doubt a claimant satisfies the conditions of this sub-paragraph if he has been entitled to and in receipt of income support for at least 26 weeks, or a jobseeker’s allowance for at least 26 weeks, or a combination of income support and a jobseeker’s allowance for at least 26 weeks.”.

(3) In paragraph 3—

- (a) in sub-paragraph (2)(c) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”; and
- (b) in sub-paragraph (3)(a) at the beginning there shall be inserted the words “where the Secretary of State certifies under paragraph 2(a) that the claimant was entitled to and was in receipt of income support,”.

(4) In paragraph 8 in the definition of “relevant day” after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

Amendment of Schedule 6 to the Council Tax Benefit Regulations

50.—(1) In the provisions of Schedule 6 to the Council Tax Benefit Regulations (matters to be included in the notice of determination) listed in paragraph (2), after the words “income support” in each place where they occur there shall be inserted the words “or an income-based jobseeker’s allowance”.

(2) The provisions referred to in paragraph (1) are—

(41) S.I. 1995/2705 (N.I. 15).

(42) Schedule 5A was inserted by S.I. 1996/194.

- (a) paragraph 9;
- (b) paragraph 10;
- (c) paragraph 12(a)(ii);
- (d) paragraph 13(f).

Amendment of regulation 1 of the Supply of Information Regulations

51.—(1) Regulation 1(2) of the Supply of Information Regulations (citation, commencement and interpretation) shall be amended in accordance with the following provisions of this regulation.

(2) In the definition of “appropriate DSS office”(43) for the words “unemployment benefit” there shall be substituted the words “a jobseeker’s allowance”.

(3) After the definition of “benefit” there shall be inserted the following definition—

““the benefit Acts” means the Social Security Contributions and Benefits Act 1992(44) and the Jobseekers Act 1995(45);”.

(4) After the definition of “the Housing Benefit Regulations”, there shall be inserted the following definition—

““an income-based jobseeker’s allowance” has the same meaning in these Regulations as it has in the Jobseekers Act 1995(46) by virtue of section 1(4) of that Act;”.

Amendment of regulation 2 of the Supply of Information Regulations

52.—(1) Regulation 2 of the Supply of Information Regulations (information to be supplied by the Secretary of State to an authority)(47) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)—

(a) in sub-paragraphs (a), (b) and (c) after the words “income support” in each place where they occur there shall be inserted the words “or a jobseeker’s allowance”;

(b) in sub-paragraphs (d) to (f), (l) and (m), after the words “income support” in each place where they occur there shall be inserted the words “or an income-based jobseeker’s allowance”;

(c) in sub-paragraphs (g) to (j), after the words “income support” in each place where they occur there shall be inserted the words “or is a person on an income-based jobseeker’s allowance”;

(d) after sub-paragraph (s) there shall be added the following sub-paragraphs—

“(t) in the case of a claimant entitled to an income-based jobseeker’s allowance, details of any days falling immediately before that entitlement to which paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days) applies;

(u) in the case of a claimant on whom a sanction is imposed under section 19 of the Jobseekers Act 1995, details of any period covered by the sanction in which an income-based jobseeker’s allowance would be payable to him but for the sanction.”.

(3) In paragraph (2) after the words “income support” there shall be inserted the words “or an income-based jobseeker’s allowance”.

(43) Relevant amending instrument is S.I. [1988/1843](#).

(44) [1992 c. 4](#).

(45) [1995 c. 18](#).

(46) [1995 c. 18](#).

(47) Relevant amending instruments are S.I. [1988/1843](#), [1992/432](#), [1994/1925](#) and [2137](#), [1995/626](#) and [1996/194](#).

- (4) After paragraph (2), there shall be inserted the following paragraph—
- “(3) For the purposes of this regulation, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day—
- (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not paid in accordance with section 19 of the Jobseekers Act 1995 (circumstances in which a jobseeker’s allowance is not payable); or
 - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker’s allowance is payable to him or would be payable to him but for section 19 of that Act.”.

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

10th 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 further amend the Housing Benefit (General) Regulations 1987 (S.I. [1987/1971](#)), the Council Tax Benefit (General) Regulations 1992 (S.I. [1992/1814](#)) and the Housing Benefit (Supply of Information) Regulations 1988 (S.I. [1988/662](#)).

The amendments are consequential on the coming into force of the Jobseekers Act 1995, which replaces income support for the unemployed and unemployment benefit with jobseeker's allowance. The regulations replace references to unemployment benefit with references to a jobseeker's allowance, and add references to a jobseeker's allowance where the existing regulations refer to income support. They also provide that, in certain circumstances, days on which entitlement to a jobseeker's allowance does not arise in accordance with paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days) or payment is not made in accordance with section 19 of that Act, are counted as days of payment of a jobseeker's allowance.

These Regulations are made pursuant to section 40 of the Jobseekers Act 1995 and are made before the end of the period of six months beginning with the date that provision came into force. Accordingly they are exempted by section 173(5)(a) of the Social Security Administration Act 1992 from reference to the Social Security Advisory Committee and have not been so referred.

These Regulations do not impose a charge on businesses.