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STATUTORY INSTRUMENTS

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**1996 No. 1515**

**SOCIAL SECURITY**

**The Jobseeker's Allowance (Transitional Provisions) (Amendment) Regulations 1996**

<i>Made</i>	- - - -	<i>10th June 1996</i>
<i>Laid before Parliament</i>		<i>18th 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 by sections 35(1), 36(2) to (5) and 40 of the Jobseekers Act 1995<sup>(1)</sup>, and of all other powers enabling him 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 the enactments under which it is made<sup>(2)</sup>, hereby makes the following Regulations:

**Citation, commencement and interpretation**

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

(2) In these Regulations—

“the Act” means the Jobseekers Act 1995;

“the Transitional Provisions Regulations” means the Jobseeker's Allowance (Transitional Provisions) Regulations 1995<sup>(3)</sup>;

“the Jobseeker's Allowance Regulations” means the Jobseeker's Allowance Regulations 1996<sup>(4)</sup>;

“the Unemployment Benefit Regulations” means the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations 1983<sup>(5)</sup>.

(3) For the avoidance of doubt, a person complies with any requirement or provision of these Regulations or the Transitional Provisions Regulations if he is treated as complying with that requirement or provision.

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

(2) *See* section 173(5)(a) of the Social Security Administration Act [1992 \(c. 5\)](#).

(3) S.I. [1995/3276](#).

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

(5) S.I. [1983/1598](#); the relevant amending instrument is S.I. [1989/2122](#).

### **Definition of benefit week**

2.—(1) Paragraph (2) of regulation 1 of the Transitional Provisions Regulations (interpretation) shall be amended in accordance with the following provisions of this regulation.

(2) In the definition of “benefit week” for sub-paragraph (c) there shall be substituted the following sub-paragraph—

“(c) where the benefit is a jobseeker’s allowance, has the same meaning it has in the Jobseeker’s Allowance Regulations by virtue of regulation 1(3) of those Regulations<sup>(6)</sup>.”

(3) After the definition of “the Income Support Regulations” the following definition shall be inserted—

““the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996<sup>(7)</sup>.”

### **Linking periods**

3.—(1) Regulation 3 of the Transitional Provisions Regulations (linking periods) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) in sub-paragraph (d) at the end there shall be inserted the words “and is required to attend court.”

(3) In paragraph (2) at the end there shall be added the following sub-paragraph—

“(e) any period of interruption of employment where a jobseeking period begins within 8 weeks of that period ending.”

(4) After paragraph (2) the following paragraph shall be inserted—

“(2A) For the purpose of sub-paragraph (2)(e) a day of unemployment shall form part of a period of interruption of employment if a jobseeking period begins within 6 days of that day.”

(5) Any period of interruption of employment which ends within 8 weeks of the commencement of a jobseeking period as described in regulation 2(1) shall be treated, for the purposes of this regulation, as a jobseeking period.

### **Termination and cancellation of awards of income support**

4. In regulation 4 of the Transitional Provisions Regulations (termination and cancellation of awards of income support) in paragraph (2) after the words “seeking employment)” there shall be added the words “as in force on the relevant day.”

### **Transition from unemployment benefit to a Jobseeker’s Allowance**

5. In regulation 5 of the Transitional Provisions Regulations (transition from unemployment benefit to a jobseeker’s allowance) for paragraphs (1) and (2) there shall be substituted the following paragraphs—

“(1) In a case where, except where paragraph (1A) applies, in accordance with a notice issued to him under regulation 19 of, and paragraph 1 of Schedule 5 to, the Claims and Payments Regulations, a person claims unemployment benefit on or after 7th October 1996 but before 20th October 1996, any claim made for unemployment benefit which the claimant is required to make in accordance with that notice—

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(6) Regulation 1(3) was amended by S.I. 1996/1517.

(7) S.I. 1996/207.

- (a) on a day falling on or after 7th October 1996 but before 13th October 1996 shall be treated also as a claim for a jobseeker’s allowance for a period commencing on the day after the date of claim and, where an award of unemployment benefit is made and benefit is payable in respect of the relevant day, that award shall be treated also as an award of a jobseeker’s allowance for a period commencing on the day after the date of claim and continuing until such date as the claimant fails to satisfy, or in respect of which he ceases to be treated as satisfying, any condition of entitlement to a jobseeker’s allowance which applies in his case; or
- (b) on a day falling on or after 14th October 1996 but before 20th October 1996 shall be treated as a claim for unemployment benefit for the first benefit week falling within the period of that claim and as a claim for a jobseeker’s allowance for the subsequent week and for any week thereafter and, where an award of unemployment benefit is made and benefit is payable in respect of the relevant day in the first benefit week shall be treated also as an award of a jobseeker’s allowance for the subsequent week and continuing until such date as the claimant fails to satisfy, or in respect of which he ceases to be treated as satisfying, any condition of entitlement to a jobseeker’s allowance which applies in his case.

(1A) In a case where, in accordance with a notice issued to him under regulation 19 of, and paragraph 1 of Schedule 5 to, the Claims and Payments Regulations, a person claims unemployment benefit on a day in the benefit week which includes 7th October 1996, any claim for unemployment benefit which the claimant is required to make in accordance with that notice shall be treated as a claim for unemployment benefit and not for a jobseeker’s allowance for the remaining days of that benefit week.

(2) An award of unemployment benefit—

- (a) made in accordance with regulation 17(2)(b) of the Claims and Payments Regulations; or
- (b) which is made on or after 7th October 1996 for a period commencing before 7th October 1996,

and which extends beyond the benefit week which includes the relevant day shall terminate at the end of that benefit week.”.

### **Jobseeker’s Allowance to replace income support and unemployment benefit**

6.—(1) Regulation 6 of the Transitional Provisions Regulations (jobseeker’s allowance to replace income support and unemployment benefit) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)—

- (a) for the words “a person whose award” there shall be substituted the words “a person who is paid benefit in respect of the relevant day in accordance with an award”, and after the words “unemployment benefit” in the second place where they occur there shall be inserted the words “and the award”;
- (b) after the words “jobseeker’s allowance” where they occur for the second time, there shall be inserted the words “, except, in relation to a contribution-based jobseeker’s allowance, those specified in sections 1(2)(e) and 2(1)(c) of the Act,”.

(3) In paragraph (3) at the end there shall be added—

“nor as having an award of a jobseeker’s allowance in accordance with regulation 5(1).”.

### **Claims for entitlement to a Jobseeker's Allowance**

7.—(1) Regulation 7 of the Transitional Provisions Regulations (claims for entitlement to a Jobseeker's Allowance) shall be amended in accordance with the following provisions of this regulation.

(2) In sub-paragraph (1)(a) for the words “regulation 6; or” there shall be substituted the words “regulation 5 or 6.”.

(3) Sub-paragraph (1)(b) shall be omitted.

(4) In paragraph (3) after the words “6th or 7th April 1996” there shall be added the words “and where the period of interruption of employment that was current on that date was also current on the relevant day” —.

(5) After paragraph (3) the following paragraph shall be inserted—

“(3A) In the case of a person to whom unemployment benefit was not payable in respect of either 6th or 7th April 1996—

(a) section 5(1) shall have effect as if the reference to 182 days was a reference to 156 days; and

(b) in any benefit week commencing on or after 7th October 1996, Sunday or such other day of the week which before that date was, in the claimant's case, substituted for Sunday in accordance with regulation 4 of the Unemployment Benefit Regulations as in force on 6th October 1996 shall be disregarded solely for the purpose of determining whether in the aggregate a person has been entitled to a contribution-based jobseeker's allowance for 156 days.”.

(6) In paragraph (5)—

(a) in sub-paragraph (a), for the words “and had been entitled to unemployment benefit” to “juror began” there shall be substituted the words “and unemployment benefit was payable to him in respect of the day immediately preceding the day on which he was required to serve as a juror”;

(b) in sub-paragraph (b), for the words “and who had been” to “income support” there shall be substituted the words “and unemployment benefit or income support was, or both were, payable to him in respect of the day immediately preceding the day in respect of which that training began”.

(7) In paragraph (6) for the words “Where” to “taking part in training” there shall be substituted the words “In the case of a person to whom the requirements of one or more of sub-paragraphs (a), (b) or (c) of paragraph (5) apply on either 6th or 7th April 1996”.

(8) In paragraph (7)—

(a) in sub-paragraph (a) after the words “jury service” there shall be inserted the words “and was required to serve as a juror”; and

(b) after sub-paragraph (c) the following words shall be inserted—

“and where income support was payable to him in respect of the day immediately preceding the day on which he was required to serve as a juror.”.

### **Further provisions applying to a continuing entitlement to a Jobseeker's Allowance**

8. In regulation 8 of the Transitional Provisions Regulations (further provisions applying to a continuing entitlement to a Jobseeker's Allowance), in sub-paragraph (2)(b) after the words “jobseeker's allowance” there shall be inserted the words “, other than those specified in sections 1(2)(e) and 2(1)(c) of the Act.”.

### **Transitionally protected period**

**9.**—(1) Regulation 9 of the Transitional Provisions Regulations (transitionally protected period) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (5) for the words “occupational pension” there shall be substituted the words “pension payments”.

(3) In paragraph 6, for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs—

“(a) had attained pensionable age; and

(b) to whom unemployment benefit was payable in accordance with an award made by virtue of section 25(2)(b) or (c) of the Benefits Act;”.

(4) In paragraph (9)—

(a) after the words “adult dependant” there shall be inserted the words “for the relevant day”; and

(b) after the word “him” where it occurs for the second time, there shall be inserted the words “, or any dependency increase payable to him in accordance with section 80(2)(a) of the Benefits Act in respect of the relevant day in respect of a child who does not reside with him,”.

(5) After paragraph (9) the following paragraphs shall be added—

“(10) In a case where unemployment benefit was payable in respect of the relevant day, and the benefit included an increase for an adult dependant, continuing entitlement to the benefit and the increase shall be determined as if the provisions of regulation 14(1) (b) of the Social Security (Overlapping Benefits) Regulations 1979<sup>(8)</sup> continued to apply, notwithstanding that those provisions have ceased to have effect.

(11) In the transitionally protected period, the provisions of regulation 14(2) the Social Security (Overlapping Benefits) Regulations 1979 shall continue to apply in order to adjust the amount of unemployment benefit payable to a claimant for part of a week, notwithstanding that those provisions have ceased to have effect.”.

### **Saving provisions**

**10.** After regulation 9 of the Transitional Provisions Regulations (transitionally protected period) the following regulation shall be inserted—

“**9A.** During the transitionally protected period—

(a) regulation 3(3), (4A), (4B), (5) and (6) of the Social Security (Computation of Earnings) Regulations 1978<sup>(9)</sup> as in force on 6th October 1996 shall continue to apply for the purposes of calculating or estimating a person’s earnings in determining his entitlement to a contributionbased jobseeker’s allowance; and

(b) regulation 4 of the Unemployment Benefit Regulations as in force on 6th October 1996 shall continue to apply for the purpose of determining whether a day of the week substituted for Sunday shall be disregarded in calculating a person’s aggregate entitlement to a contributionbased jobseeker’s allowance.”.

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<sup>(8)</sup> S.I. 1979/597.

<sup>(9)</sup> S.I. 1978/1698.

### **Earnings during the transitionally protected period: further provisions**

**11.** In regulation 11 of the Transitional Provisions Regulations (earnings during the transitionally protected period), in paragraph (3) for the words “section 1(2)(a) to (d)(i) and (e) to (i)” there shall be substituted the words “sections 1(2)(a) to (c) and (f) to (i) and 2(1)(a), (b) and (d)”.

### **Part-time students**

**12.** In regulation 13 of the Transitional Provisions Regulations (part-time students) in sub-paragraph (b) of paragraph (4) for the words “regulation 7” there shall be substituted the words “regulation 5”.

### **Claimants subject to disqualification or reduction in benefit**

**13.—(1)** Regulation 14 of the Transitional Provisions Regulations (claimants subject to disqualification or reduction in benefit) shall be amended in accordance with the following provisions of this regulation.

(2) After paragraph (2) there shall be inserted the following paragraph—

“(2A) In the case of a person who on the relevant day had an award of income support and whose weekly applicable amount was reduced after the relevant day in accordance with regulation 21A of the Income Support Regulations—

- (a) any award of an income-based jobseeker’s allowance shall be reduced by a sum equal to an amount by which the weekly applicable amount would have been reduced; and
- (b) any denial of a jobseeker’s allowance in accordance with section 19 of the Act in respect of the period during which the weekly applicable amount would have been reduced shall be disregarded.”.

(3) In paragraph (3) after the words “paragraph (2)” there shall be inserted the words “or (2A)”.

(4) In sub-paragraph (3)(b) at the end there shall be added the words “in the claimant’s favour”.

(5) After paragraph (3) the following paragraph shall be inserted—

“(3A) In the case of a person to whom a jobseeker’s allowance is not payable in accordance with section 19 or paragraph (1) for a period ending before or during the benefit week which includes 6th April 1997—

- (a) where the period during which a jobseeker’s allowance was not payable ends during a benefit week, any award of an income-based jobseeker’s allowance under section 20(4) or paragraph (2) shall end on the last day of the previous benefit week;
- (b) where the period during which a jobseeker’s allowance was not payable ends on the last day of a benefit week, any award of an income-based jobseeker’s allowance under section 20(4) or paragraph (2) shall end on that day.”.

### **Attendance, evidence and information**

**14.** After regulation 17 of the Transitional Provisions Regulations (claims for a jobseeker’s allowance) the following regulations shall be inserted—

#### **“Attendance**

**18.** For the purposes of these Regulations, a direction to attend an unemployment benefit office or to attend an office for the purposes of furnishing information or evidence under regulation 8(1) or (2) of the Claims and Payments Regulations in respect of a claim for

income support or unemployment benefit and a written notice to attend an interview as referred to in regulation 7(1)(i) of the Unemployment Benefit Regulations shall continue to apply and both the direction and the written notice shall be treated as a notice under regulation 23 of the Jobseeker's Allowance Regulations.

### **Evidence and information**

**19.**—(1) In the period commencing on 7th October 1996 and ending on 20th October 1996, the requirement to provide information or evidence on or by a particular date under regulation 7(1) or 32(1) of the Claims and Payments Regulations shall continue to apply and shall be treated as a requirement to provide a signed declaration under regulation 24(6) of the Jobseeker's Allowance Regulations on the day specified by the Secretary of State in accordance with regulation 24(10) of those Regulations.

(2) Where a claimant has complied with regulation 7(1) or 32(1) of the Claims and Payments Regulations during the period commencing on 30th September 1996 and ending on 13th October 1996 for the purpose of claiming income support or unemployment benefit, information provided under those provisions shall be treated as satisfying the requirements of regulation 24(6) of the Jobseekers Allowance Regulations.

(3) During the period commencing on 30th September 1996 and ending on 27th October 1996 for the purposes of regulation 26 of the Jobseeker's Allowance Regulations, the reference to a claimant providing information or evidence which shows that he continues to be entitled to a jobseeker's allowance shall include a reference to the requirement to comply with regulation 7(1) or 32(1) of the Claims and Payments Regulations for the purpose of claiming income support or unemployment benefit, and the reference to the day after he last attended in compliance with a notice under regulation 23 of the Jobseeker's Allowance Regulations shall include a reference to the first day of his award of a jobseeker's allowance.”.

### **Treatment of contribution-based Jobseeker's Allowance as earnings**

**15.** In regulation 15 of the Transitional Provisions Regulations (treatment of contributionbased jobseeker's allowance as earnings), in paragraph (1) for the word “earnings” there shall be substituted the word “income”.

### **Questions not immediately ascertainable**

**16.**—(1) Regulation 16 of the Transitional Provisions Regulations (questions not immediately ascertainable) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) after sub-paragraph (a) the following sub-paragraph shall be inserted—

“(aa) a question as to whether the conditions specified in section 1(2) other than sub-paragraph (d)(i), or a question as to whether the conditions specified in section 2, other than those specified in section 2(1)(c) or (d), are satisfied, and the adjudication officer is satisfied that the answer to one of those questions cannot be immediately ascertained, he shall proceed to determine the claim on the assumption that the answers to either question are those which are immediately ascertainable;”.

(3) In paragraph (2)—

(a) sub-paragraphs (a), (b) and (d) shall be omitted; and

(b) after sub-paragraph (d) the following sub-paragraph shall be added—

“(e) whether in relation to any claimant the applicable amount includes an amount by way of a severe disablement premium by virtue of regulation 17(1)(d) or

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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18(1)(e) of, and paragraph 13 of Schedule 2 to, the Income Support Regulations (applicable amounts).”.

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



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## EXPLANATORY NOTE

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

These Regulations, which are made pursuant to section 40 of the Jobseekers Act 1995 (c. 18) amend the Jobseeker's Allowance (Transitional Provisions) Regulations 1995 (S.I.1995/3276). They also insert new provisions, in particular relating to the provision of information. They are made before the end of the period of 6 months beginning with the coming into force of the enactments under which they are made. Accordingly they are exempted by section 173(3)(a) of the Social Security Administration Act 1992 (c. 5) from reference to the Social Security Advisory Committee and have not been so referred.

These Regulations do not impose a charge on business.