
STATUTORY INSTRUMENTS

1996 No. 1517

**The Jobseeker's Allowance and Income Support
(General) (Amendment) Regulations 1996**

PART III

MISCELLANEOUS

Jobseeking period

14.—(1) Regulation 47 of the Jobseeker's Allowance Regulations (jobseeking period) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (4), after sub-paragraph (a) at the end there shall be added the words “and either”.

(3) In paragraph (4) for sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs—

- “(b) (i) on which the claimant satisfies the conditions specified in section 2 (the contribution-based conditions) other than the conditions specified in subsection (1) (c) and (d) of that section; and
- (ii) on which a contribution-based jobseeker's allowance is not payable to the claimant by virtue of section 19; or (c) which falls within a period which is treated as a period in which the claimant satisfies the conditions specified in paragraphs (a) to (c) of subsection (2) of section 1, in accordance with paragraph (2).”.

Linking periods

15. In regulation 48 of the Jobseeker's Allowance Regulations (linking periods) for sub-paragraph (1)(d) there shall be substituted the following sub-paragraph—

- “(d) a period in respect of which the claimant is summoned for jury service and is required to attend court.”.

Persons approaching retirement

16.—(1) Regulation 49 of the Jobseeker's Allowance Regulations shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (2) there shall be substituted the following paragraph—

“(2) For the purposes of paragraph (1) of regulation 47 (jobseeking period) but subject to paragraphs (3) and (4), any days to which paragraph (1) applies and in respect of which the person does not satisfy or is not treated in accordance with regulation 14, 16, 17, 19, 20, 21 or 34 as satisfying the conditions specified in paragraphs (a) to (c) of subsection (2) of section 1 (conditions of entitlement to a jobseeker's allowance), shall be days on which the person is treated as satisfying the condition in paragraphs (a) to (c) and (e) to (i) of subsection (2) of section (1).”.

(3) In paragraph (3), sub-paragraph (a) shall be omitted.

Short periods of sickness

17.—(1) Regulation 55 of the Jobseeker’s Allowance Regulations (short periods of sickness) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)(a) for the words from “satisfies” to “section 1(2)(a) or (c)” there shall be substituted the words “has been awarded a jobseeker’s allowance”.

(3) In paragraph (1)(c) for the word “satisfies” there shall be substituted the words “would satisfy”.

Circumstances in which a person is to be treated as being or not being a member of the household

18. In regulation 78 of the Jobseeker’s Allowance Regulations (circumstances in which a person is to be treated as being or not being a member of the household), for sub-paragraph (b) of paragraph (3) there shall be substituted the following sub-paragraph—

“(b) one, both or all of them are—

- (i) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
- (ii) on temporary release in accordance with the provisions of the Prison Act 1952(1) or rules made under section 39(6) of the Prisons (Scotland) Act 1989(2);”.

Payments by way of pensions

19.—(1) Regulation 81 of the Jobseeker’s Allowance Regulations (payments by way of pensions) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) for the word “week” there shall be substituted the words “benefit week”.

(3) After paragraph (1) the following paragraphs shall be inserted—

“(1A) Where pension payments first begin to be made to a person for a period starting other than on the first day of a benefit week, the deduction referred to in paragraph (1) shall have effect from the beginning of that benefit week.

(1B) Where pension payments are already in payment to a person and a change in the rate or payment takes effect in a week other than at the beginning of the benefit week, the deduction referred to in paragraph (1) shall have effect from the first day of that benefit week.”.

(4) In paragraph (2), sub-paragraphs (a) and (b) shall be omitted.

Permitted periods

20. In regulation 87 of the Jobseeker’s Allowance Regulations (transitional supplement to income-based jobseeker’s allowance) in paragraph 7—

(a) for the words “For the purposes” to “shall have effect—” there shall be substituted the words—

“For the purposes of applying paragraph (1), regulation 2A of the Income Support (Transitional) Regulations, and for the purposes of paragraph (6), regulation 3A of the Income Support Regulations shall have effect in accordance with the following sub-paragraphs—”;

(1) 1952 c. 52.
(2) 1989 c45.

- (b) in paragraph (2A)(a) as inserted by paragraph (7)(b) for the words “was not payable” there shall be substituted the words “is not payable”.

Minimum amount of a jobseeker’s allowance

21. In Part VII of the Jobseeker’s Allowance Regulations after regulation 87 there shall be inserted the following regulation—

“**87A.** Where the amount of a jobseeker’s allowance is less than 10 pence a week that allowance shall not be payable.”.

Earnings of employed earners

22.—(1) In regulation 98 of the Jobseeker’s Allowance Regulations (earnings of employed earners), in paragraph (1) for sub-paragraph (f) there shall be substituted the following sub-paragraphs—

“(f) any payment or award of compensation made under section 68(2), 69, 71(2)(a), 77 or 79 of the Employment Protection (Consolidation) Act 1978⁽³⁾ (remedies for unfair dismissal and compensation);

(ff) any payment or remuneration made under section 12, 19 or 47 of the Employment Protection (Consolidation) Act 1978 (guaranteed payments, remuneration whilst suspended from work on medical or maternity grounds);”.

- (2) In paragraph (3)(c) after “(f)” there shall be inserted “,(ff),”.

Calculation of income other than earnings

23. In regulation 103 of the Jobseeker’s Allowance Regulations (calculation of income other than earnings) in paragraph (6) after “98(2)” there shall be inserted “(a) to (e)”.

Calculation of grant income

24. In regulation 131 of the Jobseeker’s Allowance Regulations (calculation of grant income) in paragraph (2)(f) for the words “£278” there shall be substituted the words “£280”.

Meaning of “person in hardship”

25. In regulation 140 of the Jobseeker’s Allowance Regulations in paragraph (3) after the words “income support or” there shall be inserted the words “a claimant or a partner of a claimant”.

Circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship

26.—(1) Regulation 141 of the Jobseeker’s Allowance Regulations (circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (2) for the words “shall be treated as entitled to an income-based jobseeker’s allowance for the period beginning with the date of claim or,” there shall be substituted the words “, other than a person to whom regulation 46(1) (waiting days) applies, shall be treated as entitled to

(3) 1978 c. 44. Section 47 was substituted by the Trade Union Reform and Employment Rights Act 1993 (c. 19) (“the 1993 Act”), Schedule 3; section 68(2) was amended by the Employment Act 1982 (c. 46) (“the 1982 Act”), Schedule 3, Part II, paragraph 21; section 71(2)(a) was amended by the 1982 Act, Schedule 3, Part II, paragraph 22; sections 77 and 79 were inserted by paragraph 5 of Schedule 10 to the 1993 Act.

an income-based jobseeker's allowance for the period beginning with the 4th day of the jobseeking period or”.

(3) In paragraph (3) the words “of claim” shall be omitted and after the word “paragraph” where it occurs for the second time the words “which is applicable in his case” shall be inserted.

Further circumstances in which an income-based jobseeker's allowance is payable to a person in hardship

27. In regulation 142 of the Jobseeker's Allowance Regulations (further circumstances in which an income-based jobseeker's allowance is payable to a person in hardship) for sub-paragraphs (a) and (b) of paragraph (2) there shall be substituted the following sub-paragraphs—

- “(a) in a case where regulation 46(1) applies, the 15th day of the jobseeking period; or
- (b) in a case where paragraph 4 of Schedule 1 to the Act applies, the 18th day of the jobseeking period; or”.

Applicable amount in hardship cases

28. In regulation 145 of the Jobseeker's Allowance Regulations (applicable amount in hardship cases) in paragraph (1)(c) for the words “does not apply” there shall be substituted the word “applies”.

Housing costs

29.—(1) Schedule 2 to the Jobseeker's Allowance Regulations (housing costs) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 4(6)—

- (a) in head (a) after the words “paragraph 14” there shall be inserted the words “during the relevant period”;
- (b) for head (b) there shall be substituted the following sub-paragraph—

“(b) to finance the purchase of a property where an earlier loan, which qualified under paragraphs 14 and 15 during the relevant period in respect of another property, is paid off (in whole or in part) with monies received from the sale of that property;”

(3) In paragraph 11, in sub-paragraph (1) for head (a) there shall be substituted the following head—

- “(a) except where sub-paragraph (2) applies shall be the rate specified in paragraph 12(1) (a) of Schedule 3 to the Income Support Regulations(4); or”.

(4) In paragraph 13—

- (a) in head (a)(ii) of sub-paragraph (1) the words “he was or was treated as being in receipt thereof or to which (i) above applies” shall be omitted and after the word “which” where it occurs for the third time there shall be inserted—

- “(aa) he was, or was treated as being, in receipt of a jobseeker's allowance,
- (bb) he was treated as entitled to a jobseeker's allowance for the purposes of sub-paragraphs (5), (6) and (7), or
- (cc) (i) above applies;”.

(4) Schedule 3 was substituted by [S.I. 1995/1613](#); relevant amendments were made by [S.I. 1995/2287](#).

(5) In paragraph 17, in sub-paragraph (7) for head (b) there shall be substituted the following head—

“(b) if he is in receipt of an allowance payable in respect of training he is undertaking, and for this purpose “training” has the meaning it has in regulation 1 l(3); or”.

(6) In paragraph 18(1)(c), after the words “linking rule”, the words “or for determining whether any qualifying or other period is satisfied” shall be inserted.

Applicable amounts in special cases

30. In Schedule 5 to the Jobseeker’s Allowance Regulations (applicable amounts in special cases), in column (1) in sub-paragraph (b) of paragraph 17 for heads (i) and (ii) there shall be substituted the following heads—

“(i) the claimant is not a patient and the other member of the couple or one or more members of the marriage has been a patient for a period of more than 6 weeks; or

(ii) the claimant is a patient but has not been a patient for more than 2 weeks and the other member of the couple or one or more members of the marriage has been a patient for more than 6 weeks;”.

Sums to be disregarded in the calculation of earnings

31.—(1) Schedule 6 to the Jobseeker’s Allowance Regulations (sums to be disregarded in the calculation of earnings) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 1(a)(ii) after “(f)” there shall be inserted “, (ff)”.

(3) In paragraph 2 after “(f)” there shall be inserted “,(ff)”.

Occupational pensions

32. In Schedule 7 to the Jobseeker’s Allowance Regulations (sums to be disregarded in the calculation of income other than earnings) after paragraph 16 the following paragraph shall be inserted—

“**16A.—**(1) Subject to sub-paragraphs (2) and (3), where a claimant—

(a) is a person to whom Schedule 4 (applicable amounts of persons in residential care and nursing homes) or paragraph 16 or 17 of Schedule 5 (applicable amounts in special cases) applies;

(b) is not residing with his spouse; and

(c) has at least 50 per cent. of any occupational pension of his being paid to, or in respect of, his spouse for that spouse’s maintenance, an amount equal to 50 per cent. of the pension or pensions concerned.

(2) Where a claimant is entitled to more than one occupational pension, those pensions shall be aggregated for the purposes of sub-paragraph (1).

(3) This paragraph shall not have effect in respect of that part of any occupational pension to which a spouse is legally entitled whether under a court order or not.”.