

1999 No. 2226

SOCIAL SECURITY

The Social Security (Incapacity Benefit and Jobseeker's Allowance) Amendment Regulations 1999

Made - - - - *5th August 1999*
Laid before Parliament *12th August 1999*
Coming into force *6th September 1999*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 30C (3), 122(1) and 175(1) to (4) of the Social Security Contributions and Benefits Act 1992(a), section 35(1) and 36(1) and (2) of the Jobseekers Act 1995(b) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(c), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Incapacity Benefit and Jobseeker's Allowance) Amendment Regulations 1999 and shall come into force on 6th September 1999.

Amendment of the Social Security (Incapacity Benefit) Regulations 1994

2. In regulation 4 of the Social Security (Incapacity Benefit) Regulations 1994(d) (days not to be treated as days of incapacity for work), after sub-paragraph (a)(iii) of paragraph (1) there shall be inserted—

“(iv) subject to regulation 2A(e), is not entitled to incapacity benefit because section 1(1A) of the Administration Act(f) (requirement to state national insurance number) applies.”.

Amendment of the Jobseeker's Allowance Regulations 1996

3. After sub-paragraph (e) of paragraph (3) of regulation 47 of the Jobseeker's Allowance Regulations 1996(g) (jobseeking period) there shall be inserted—

“(f) subject to regulation 2A(h), any period in respect of which the claimant is not entitled to a jobseeker's allowance because section 1(1A) of the Administration Act(i) (requirement to state national insurance number) applies.”.

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- (a) 1992 c. 4. Section 30C was inserted by section 3(1) of the Social Security (Incapacity for Work) Act 1994 (c. 18). Section 122(1) is cited because of the meaning assigned to the word “prescribe”.
- (b) 1995 c. 18. Section 35(1) is cited because of the meaning assigned to the words “jobseeking period”, “prescribed” and “regulations”.
- (c) See the Social Security Administration Act 1992 (c. 5) (“the Administration Act”), section 173(1)(b) and the Jobseekers Act 1995 (c. 18), Schedule 2, paragraph 67 which inserted the provisions of that Act into section 170 of the Administration Act as “relevant enactments” which may be referred to the Committee.
- (d) S.I. 1994/2946.
- (e) Regulation 2A was inserted by S.I. 1997/2676.
- (f) 1992 c. 5. Section 1(1A) was inserted by the Social Security Administration (Fraud) Act 1997 (c. 47), section 19.
- (g) S.I. 1996/207. Regulation 47 was amended by S.I. 1996/1517 and 2538 and 1999/714.
- (h) Regulation 2A was inserted by S.I. 1997/2676.
- (i) 1992 c. 5. Section 1(1A) was inserted by the Social Security Administration (Fraud) Act 1997 (c. 47), section 19.

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

5th August 1999

Hugh Bayley
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend–

(1) the Social Security (Incapacity Benefit) Regulations 1994 (S.I. 1994/2946) so that a day in respect of which a person makes a claim for incapacity benefit is not to be treated as a day of incapacity unless the claim is accompanied by the claimant's, or his dependant's, national insurance number (regulation 2); and

(2) the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) so that days in respect of which a claimant is not entitled to a jobseeker's allowance because he has not provided his or his dependant's national insurance number, shall not be, or be part of, a jobseeking period (regulation 3).

These Regulations do not impose a charge on business.

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**The Social Security (Incapacity Benefit and Jobseeker's
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