
 S T A T U T O R Y I N S T R U M E N T S

2001 No. 488**SOCIAL SECURITY**
**The Social Security (Miscellaneous Amendments)
Regulations 2001**

<i>Made</i> - - - - -	<i>20th February 2001</i>
<i>Laid before Parliament</i>	<i>28th February 2001</i>
<i>Coming into force</i> - -	<i>9th April 2001</i>

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 1(1), 15A(2)(a), 189(4) and (5) and 191 of the Social Security Administration Act 1992 (a), sections 123(1)(a), 124(1)(e), 135(1), 136(5)(b), 137(1) and (2)(d) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(b) and sections 4(5), 21, 26, 35(1) and (2) and 36(1), (2) and (4) of, and paragraph 1(2)(a) of Schedule 1 to, the Jobseekers Act 1995(c), and of all other powers enabling him in that behalf and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations need not be referred to it(d), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations 2001 and shall come into force on 9th April 2001.

(2) In these Regulations “the Income Support Regulations” means the Income Support (General) Regulations 1987(e).

Amendment of regulation 2 of the Income Support Regulations

2. In regulation 2(1) of the Income Support Regulations (interpretation) after the definition of “net-profit” there shall be inserted the following definition—

““the New Deal options” means the employment programmes specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations 1996(f) and the training scheme specified in regulation 75(1)(b)(ii) of those Regulations;”.

Amendment of regulation 5 of the Income Support Regulations

3. In regulation 5 of the Income Support Regulations (persons treated as engaged in remunerative work), paragraphs (8) to (10) shall be omitted.

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- (a) 1992 c. 5; section 15A was inserted by the Schedule to the Social Security (Mortgage Interest Payments) Act 1992 (c.33); section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.
- (b) 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”. Section 137(2)(d) was substituted by the Jobseekers Act 1995 (c. 18), Schedule 2, paragraph 35(3).
- (c) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meanings ascribed to the words “prescribed” and “regulations”.
- (d) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.
- (e) S.I. 1987/1967.
- (f) S.I. 1996/207; the relevant amending instruments are S.I. 1997/2863 and 1998/1174 and 1274.

Amendment of regulation 6 of the Income Support Regulations

4. In regulation 6 of the Income Support Regulations (persons not treated as engaged in remunerative work), after paragraph (4)(a) there shall be added the following paragraphs—

“(5) A person shall not be treated as engaged in remunerative work for the period specified in paragraph (6) in so far as—

- (a) he or his partner is engaged in work which—
 - (i) is remunerative work; and
 - (ii) he, or his partner, is expected to be engaged in for a period of no less than five weeks;
- (b) he or his partner had, for a continuous period of 26 weeks ending on the day before the day on which he commenced the work referred to in sub-paragraph (a), been entitled to and in receipt of income support or an income-based jobseeker’s allowance;
- (c) he or his partner had, as at the day before the day on which he commenced the work referred to in sub-paragraph (a), an applicable amount which included—
 - (i) an amount determined in accordance with Schedule 3 (housing costs) as applicable to him in respect of a loan which qualifies under paragraph 15 or 16 of that Schedule; or
 - (ii) an amount determined in accordance with Schedule 2 to the Jobseeker’s Allowance Regulations 1996 (housing costs) as applicable to him in respect of a loan which qualifies under paragraph 14 or 15 of that Schedule; and
- (d) he or his partner remain liable to make payments on such a loan.

(6) A person referred to in paragraph (5) shall not be treated as engaged in remunerative work for—

- (a) the period of four weeks commencing with the day on which he was first engaged in the work referred to in sub-paragraph (a) of that paragraph; or
- (b) in the case of a person to whom paragraph (2) applies, a period of two weeks commencing with the day after the end of the 14 day period specified in paragraph (3).

(7) In calculating the period of benefit entitlement referred to in paragraph (2)(b) or (5)(b), no account shall be taken of entitlement arising by virtue of paragraph (3) or (6).

(8) In paragraph (5), a reference to the claimant or his partner being entitled to and in receipt of an income-based jobseeker’s allowance or to an amount being applicable to either of them under the Jobseeker’s Allowance Regulations 1996 shall include a reference to the claimant and his partner being entitled to, and in receipt of, a joint-claim jobseeker’s allowance and to an amount being applicable to that couple under those Regulations.”.

Amendment of Schedule 1B to the Income Support Regulations

5. After paragraph 9 of Schedule 1B to the Income Support Regulations (prescribed categories of person)(b) there shall be inserted the following paragraph—

“Persons who have commenced remunerative work

9A. A person to whom regulation 6(5) (persons not treated as engaged in remunerative work) applies.”.

Amendment of Schedule 3 to the Income Support Regulations

6. In paragraph 14 of Schedule 3 to the Income Support Regulations (housing costs: linking rules)(c)—

- (a) in sub-paragraph (1)—
 - (i) in head (a)(ii), after the words “12 weeks or less” there shall be inserted the words “or, as the case may be, 52 weeks or less,”;

(a) Paragraph (4) was inserted into regulation 6 by S.I. 2000/681.

(b) Schedule 1B was inserted by S.I. 1996/206.

(c) Schedule 3 was substituted by S.I. 1995/1613. Paragraph 14 was amended by S.I. 1996/1944, 1997/2863 and 1998/2231.

- (ii) in head (c)(iv), after the words “twelve weeks” there shall be inserted the words “or, as the case may be, 52 weeks,”;
- (iii) in head (d), after the words “twelve weeks” there shall be inserted the words “or, as the case may be, 52 weeks,”;
- (iv) in head (f)(iii), after the words “12 weeks” there shall be inserted the words “or, as the case may be, 52 weeks,”;
- (b) in sub-paragraph (10), after “(1)(a)(ii),” there shall be inserted “(1)(c)(iv),”;
- (c) after sub-paragraph (10) there shall be added the following sub-paragraphs—
 - “(11) For the purposes of sub-paragraph (1)(a)(ii), (1)(c)(iv), (1)(d) and (1)(f)(iii), the relevant period shall be—
 - (a) 52 weeks in the case of a person to whom sub-paragraph (12) applies;
 - (b) subject to sub-paragraph (10), 12 weeks in any other case.
 - (12) This sub-paragraph applies, subject to sub-paragraph (13), in the case of a person who, on or after 9th April 2001, has ceased to be entitled to income support because he or his partner—
 - (a) has commenced employment as an employed earner or as a self-employed earner or has increased the hours in which he is engaged in such employment;
 - (b) is taking active steps to establish himself in employment as an employed earner or as a self-employed earner under any scheme for assisting persons to become so employed which is mentioned in regulation 19(1)(r)(i) to (iii) of the Jobseeker’s Allowance Regulations 1996; or
 - (c) is participating in—
 - (i) a New Deal option;
 - (ii) an employment zone programme; or
 - (iii) the self-employment route,

and, as a consequence, he or his partner was engaged in remunerative work or had income in excess of the applicable amount as prescribed in Part IV.

(13) Sub-paragraph (12) shall only apply to the extent that immediately before the day on which the person ceased to be entitled to income support, his housing costs were being met in accordance with paragraph 6(1)(a) or 8(1)(a) or would have been so met but for any non-dependant deduction under paragraph 18.”.

Amendment of Schedule 7 to the Income Support Regulations

7. In Schedule 7 to the Income Support Regulations (applicable amounts in special cases), after paragraph 19—

- (a) in column (1) there shall be inserted—

“Persons who have commenced remunerative work

19A. A person to whom regulation 6(5) (persons not treated as in remunerative work) applies.”; and

- (b) in column (2) there shall be inserted—

“19A.—(1) Subject to sub-paragraph (2), the lowest of either—

- (a) the amount determined in accordance with—
 - (i) Schedule 3 (housing costs); or
 - (ii) as the case may be, Schedule 2 to the Jobseeker’s Allowance Regulations 1996 (housing costs),

which was applicable to the claimant or his partner immediately before he or his partner commenced the remunerative work referred to in regulation 6(5)(a); or

- (b) the amount of income support or, as the case may be, income-based jobseeker’s allowance which the claimant or his partner was entitled to in the benefit week immediately before the benefit week in which he or his partner commenced the remunerative work referred to in regulation 6(5)(a) or, where he or his partner was in receipt of a training allowance in that benefit week, the amount of income support or income-based jobseeker’s allowance which he would have been entitled to in that week had he not been in receipt of a training allowance.

(2) Nothing in sub-paragraph (1) shall prevent any adjustment being made to the amount referred to in (a) or, as the case may be, (b) of that sub-paragraph during the period referred to in regulation 6(6), in order to reflect changes during that period to the amounts prescribed in Schedule 2 or 4 or in this Schedule or to reflect changes in circumstances during that period relating to the matters specified to in sub-paragraph (3).

(3) The changes in circumstances referred to in sub-paragraph (2) are changes to the amount of housing costs to be met in accordance with Schedule 3 in the claimant's case occasioned by—

- (a) the claimant becoming entitled to income support for a continuous period of 26 weeks or more;
- (b) a change to the standard interest rate; or
- (c) any non-dependant deduction becoming applicable, or ceasing to be applicable.

(4) In sub-paragraph (1), a reference to the claimant or his partner being entitled to and in receipt of an income-based jobseeker's allowance or to an amount being applicable to either of them under the Jobseeker's Allowance Regulations 1996 shall include a reference to the claimant and his partner being entitled to, and in receipt of, a joint-claim jobseeker's allowance and to an amount being applicable to that couple under those Regulations.”.

Amendment of Schedule 8 to the Income Support Regulations

8. After paragraph 15B of Schedule 8 to the Income Support Regulations (sums to be disregarded in the calculation of earnings) there shall be inserted the following paragraph—

“**15C.** In the case of a person to whom paragraph (5) of regulation 6 (persons not treated as in remunerative work) applies, any earnings.”.

Amendment of Schedule 9 to the Income Support Regulations

9. At the end of Schedule 9 to the Income Support Regulations (sums to be disregarded in the calculation of income other than earnings) there shall be added the following paragraph—

“**74.** In the case of a person to whom paragraph (5) of regulation 6 (persons not treated as in remunerative work) applies, the whole of his income.”.

Amendment of Schedule 10 to the Income Support Regulations

10. At the end of Schedule 10 to the Income Support Regulations (capital to be disregarded) there shall be added the following paragraph—

“**62.** In the case of a person to whom paragraph (5) of regulation 6 (persons not treated as in remunerative work) applies, the whole of his capital.”.

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

11.—(1) The Social Security (Claims and Payments) Regulations 1987(a) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (h) of regulation 3(b) (claims not required for entitlement to benefit in certain cases)—

- (a) in sub-paragraph (i) after the words “regulation 6(2)” there shall be inserted the words “or 6(5)”;
- (b) in sub-paragraph (ii), for the words “that paragraph” there shall be substituted the words “those paragraphs”;
- (c) in sub-paragraph (iii) after the words “regulation 6(3)” there shall be inserted the words “or, as the case may be, regulation 6(6)”.

(3) At the end of paragraph 3 of Schedule 9A(c) (deductions of mortgage interest from benefit and payment to qualifying lenders), there shall be added the following sub-paragraph—

(a) S.I. 1987/1968.

(b) Regulation 3(h) was added by S.I. 1999/2556.

(c) Schedule 9A was inserted by S.I. 1992/1026. Paragraph 3 was amended by S.I. 1995/1613, 1996/1460, 1997/827 and 1999/2860 and 3178.

“(9) In the case of a person to whom regulation 6(5) of the Income Support Regulations applies, no part of any relevant benefit shall be paid directly by the Secretary of State to a qualifying lender.”.

Amendment of the Jobseeker’s Allowance Regulations 1996

12. In the Jobseeker’s Allowance Regulations 1996(a)—

(a) in regulation 52 (persons treated as engaged in remunerative work)(b), paragraphs (4) to (6) shall be omitted;

(b) in paragraph 13 of Schedule 2(c) (housing costs: linking rules)—

(i) in sub-paragraph (1)—

(aa) in head (a)(ii), after the words “12 weeks or less” there shall be inserted the words “or, as the case may be, 52 weeks or less,”;

(bb) in head (c)(iv), after the words “twelve weeks” there shall be inserted the words “or, as the case may be, 52 weeks,”;

(cc) in head (d), after the words “twelve weeks” there shall be inserted the words “or, as the case may be, 52 weeks,”;

(dd) in head (f)(iii), after the words “12 weeks” there shall be inserted the words “or, as the case may be, 52 weeks,”;

(ii) in sub-paragraph (12), after “(1)(a)(ii),” there shall be inserted “(1)(c)(iv),”;

(iii) after sub-paragraph (12) there shall be added the following sub-paragraphs—

“(13) For the purposes of sub-paragraph (1)(a)(ii), (1)(c)(iv), (1)(d) and (1)(f)(iii), the relevant period shall be—

(a) 52 weeks in the case of a person to whom sub-paragraph (14) applies;

(b) subject to sub-paragraph (12), 12 weeks in any other case.

(14) This sub-paragraph applies, subject to sub-paragraph (15), in the case of a person who, on or after 9th April 2001, has ceased to be entitled to a jobseeker’s allowance because he or his partner or, where that person is a member of a joint-claim couple, the other member of that couple—

(a) has commenced employment as an employed earner or as a self-employed earner or has increased the hours in which he is engaged in such employment;

(b) is taking active steps to establish himself in employment as an employed earner or as a self-employed earner under any scheme for assisting persons to become so employed which is mentioned in regulation 19(1)(r)(i) to (iii); or

(c) is participating in—

(i) a New Deal option;

(ii) an employment zone programme;

(iii) the self-employment route,

and, as a consequence, he or his partner was engaged in remunerative work or failed to satisfy the conditions specified in section 2(1)(c) or 3(1)(a) or the joint-claim couple of which he was a member failed to satisfy the condition in section 3A(1)(a).

(15) Sub-paragraph (14) shall only apply to the extent that immediately before the day on which the person ceased to be entitled to an income-based jobseeker’s allowance or the joint-claim couple of which he was a member ceased to be entitled to a joint-claim jobseeker’s allowance, his housing costs were being met in accordance with paragraph 6(1)(a) or 7(1)(a) or would have been so met but for any non-dependant deduction under paragraph 17.”.

Amendment of the Social Security (Back to Work Bonus) (No. 2) Regulations 1996

13. In the Social Security (Back to Work Bonus) (No. 2) Regulations 1996(d)—

(a) in regulation 7 (requirements for a bonus), at the end there shall be added the following paragraph—

(a) S.I. 1996/207.

(b) Regulation 52(4) to (6) was inserted by S.I. 1999/2556.

(c) Paragraph 13 of Schedule 2 was amended by S.I. 1996/1517, 1997/2863 and 1998/2231.

(d) S.I. 1996/2570.

“(9) For the purposes of this regulation, references to a qualifying benefit do not include any income support paid under regulation 6(6) (persons not treated as engaged in remunerative work) of the Income Support Regulations.”; and

(b) in regulation 22 (claiming a bonus) at the end there shall be added the following paragraph—

“(8) For the purposes of this regulation, references to a qualifying benefit do not include any income support paid under regulation 6(6) (persons not treated as engaged in remunerative work) of the Income Support Regulations.”.

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

20th February 2001

Patricia Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) and the Social Security (Back to Work Bonus) (No. 2) Regulations 1996 (S.I. 1996/2570).

In particular, regulation 4 of these Regulations provides that for the purposes of entitlement to income support, a person may be treated as not engaged in remunerative work for the first two weeks, or as the case may be, four weeks, after commencing such work following a period of entitlement to income support or income-based jobseeker's allowance of at least 26 weeks. Such persons are made a prescribed category of person for the purposes of income support entitlement by regulation 5 and the applicable amount of such persons is limited to their housing costs and is prescribed in regulation 7.

These Regulations also provide that in relation to such persons—

- that such persons shall not be required to make a claim for income support in order to be entitled to it (regulation 11(1));
- that any relevant benefit payable to such persons shall not be paid to a qualifying lender (regulation 11(2));
- during the two week or four week period, any earnings from the employment which caused the person to be treated as not engaged in remunerative work shall be disregarded (regulation 8) as is the whole of their income (regulation 9) and their capital (regulation 10);
- income support paid to such persons does not qualify for the purpose of entitlement to, or claiming, a back to work bonus (regulation 13).

These Regulations also omit provisions whereby, in income support and jobseeker's allowance, a lone parent who was previously treated as not engaged in remunerative work, was so treated for a specified period if he ceases to be so engaged in such work within five weeks of commencing it (regulations 3 and 12(a)).

In addition, regulations 6 and 12(b) of these Regulations extend to 52 weeks, certain maximum periods which link, for the purpose of the applicability of housing costs, separate periods of benefit entitlement where a claimant has ceased to be entitled to income support or jobseeker's allowance because he or his partner has commenced work or certain training for work. Regulation 2 inserts a new definition for these purposes into the Income Support (General) Regulations 1987.

These Regulations do not impose a charge on business.

STATUTORY INSTRUMENTS

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Regulations 2001**

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