
STATUTORY INSTRUMENTS

2007 No. 719

The Social Security (Miscellaneous Amendments) Regulations 2007

Amendment of the Jobseeker's Allowance Regulations 1996

- 3.—(1) The Jobseeker's Allowance Regulations 1996 are amended as follows.
- (2) In regulation 1(3) (interpretation) at the appropriate place insert the following definition—
- ““long-term patient” means a person who—
- (a) is a patient within the meaning of regulation 85(4); and
- (b) has been such a patient for a continuous period of more than 52 weeks;”.
- (3) In regulation 3E(2)(d) (entitlement of a member of a joint-claim couple to a jobseeker's allowance without a claim being made jointly by the couple)(1), for “85” substitute “85A”.
- (4) For regulation 105(2)(h) (notional income)(2) substitute—
- “(h) any sum to which paragraph 42(2)(a) of Schedule 8 (capital to be disregarded) applies which is administered in the way referred to in paragraph 42(1)(a);
- (ha) any sum to which paragraph 43(a) of Schedule 8 refers; or”.
- (5) In regulation 113 (notional capital)—
- (a) for paragraph (1)(c)(3) substitute—
- “(c) any sum to which paragraph 42(2)(a) of Schedule 8 (capital to be disregarded) applies which is administered in the way referred to in paragraph 42(1)(a); or
- (d) any sum to which paragraph 43(a) of Schedule 8 refers.”;
- (b) for paragraph (2)(e)(4) substitute—
- “(e) any sum to which paragraph 42(2)(a) of Schedule 8 (capital to be disregarded) applies which is administered in the way referred to in paragraph 42(1)(a); or
- (f) any sum to which paragraph 43(a) of Schedule 8 refers.”.
- (6) In regulation 136A (treatment of payments from access funds)(5)—
- (a) in paragraph (3)(6) omit “(which has the same meaning as in paragraph 15(2) of Schedule 7)”;
- (b) after that paragraph insert—
- “(3A) In paragraph (3) “ordinary clothing or footwear” means clothing or footwear for normal daily use, but it does not include—
- (a) school uniforms, or

(1) Regulation 3E(2)(d) inserted by [S.I. 2000/1978](#).

(2) Regulation 105(2)(h) inserted by [S.I. 1997/2197](#).

(3) Paragraph (1)(c) inserted by [S.I. 1997/2197](#).

(4) Paragraph (2)(e) inserted by [S.I. 1997/2197](#).

(5) Regulation 136A inserted by [S.I. 2000/1922](#).

(6) Paragraph (3) inserted by [S.I. 2000/1922](#); relevant amending instruments are [S.I. 2001/3767](#) and [2003/455](#).

- (b) clothing or footwear used solely for sporting activities.”.
- (7) In regulation 138 (income treated as capital)—
- (a) in paragraph (3)(7) omit “(which has the same meaning as in paragraph 15(2) of Schedule 7)”;
- (b) after that paragraph insert—
- “*(4) In paragraph (3) “ordinary clothing or footwear” means clothing or footwear for normal daily use, but it does not include—*
- (a) school uniforms, or
- (b) clothing or footwear used solely for sporting activities.”.
- (8) In Schedule 1 (applicable amounts)—
- (a) in paragraph 1(1)(c), (2)(c) and (3)(d) (personal allowances) for “paragraph 13(a)” substitute “paragraph 13(1)(a)”;
- (b) in paragraph 12 (higher pensioner premium)—
- (i) in sub-paragraph (1) for “The” substitute “Subject to sub-paragraph (5), the”;
- (ii) after sub-paragraph (4) insert—
- “*(5) The condition is not satisfied if—*
- (a) the claimant is a single claimant or a lone parent and (in either case) is a long-term patient;
- (b) the claimant is a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or
- (c) the claimant is a member of a couple or a polygamous marriage and a member of that couple or polygamous marriage is—
- (i) a long-term patient; and
- (ii) the only member of the couple or polygamous marriage to whom sub-paragraph (1)(b) or (c) refers.”;
- (c) in paragraph 13 (disability premium)—
- (i) the existing provisions of paragraph 13 become sub-paragraph (1) of that paragraph;
- (ii) at the beginning of that sub-paragraph, for “The” substitute “Subject to sub-paragraph (2), the”;
- (iii) after that sub-paragraph, insert—
- “*(2) The condition is not satisfied if—*
- (a) the claimant is a single claimant or a lone parent and (in either case) is a long-term patient;
- (b) the claimant is a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or
- (c) the claimant is a member of a couple or polygamous marriage and a member of that couple or polygamous marriage—
- (i) is a long-term patient; and
- (ii) is the only member of the couple or polygamous marriage to whom the condition in sub-paragraph (1)(b) or (c) refers.”;

- (d) in paragraph 15(7) (severe disability premium)(8) for “the date on which an award is made” substitute “the date on which the award is first paid”;
- (e) for paragraph 15A(2) (enhanced disability premium)(9) substitute—
 - “(2) The condition is not satisfied where the person to whom sub-paragraph (1) refers is—
 - (a) a child or young person—
 - (i) whose capital if calculated in accordance with Part 8 of these Regulations in like manner as for the claimant, except as provided in regulation 106(1), would exceed £3,000; or
 - (ii) who is a long-term patient;
 - (b) a single claimant or a lone parent and (in either case) is a long-term patient;
 - (c) a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or
 - (d) a member of a couple or polygamous marriage who is—
 - (i) a long-term patient; and
 - (ii) the only member of the couple or polygamous marriage to whom sub-paragraph (1) refers.”;
- (f) for paragraph 16 (disabled child premium)(10) substitute—

“Disabled Child Premium

- 16.—**(1) Subject to sub-paragraph (2), the condition is that where the child or young person for whom the claimant or a partner of his is responsible and who is a member of the claimant’s household is—
- (a) in receipt of disability living allowance or is no longer in receipt of that allowance because he is a patient provided that the child or young person continues to be a member of the family; or
 - (b) blind or treated as blind within the meaning of paragraph 14(1)(h) and (2).
- (2) The condition is not satisfied in respect of a child or young person—
- (a) whose capital, if calculated in accordance with Part 8 of these Regulations in like manner as for the claimant, except as provided in regulation 106(1), would exceed £3,000; or
 - (b) who is a long-term patient.”;
- (g) in paragraph 20(5) (weekly amounts of premiums specified in Part 3)—
 - (i) in paragraph (a) for “paragraph 13(a)” substitute “paragraph 13(1)(a)”;
 - (ii) in paragraph (b) for “paragraph 13(b)” substitute “paragraph 13(1)(b)”;
 - (h) in paragraph 20F (higher pensioner premium)(11)—
 - (i) in sub-paragraph (1) for “The” substitute “Subject to sub-paragraph (5), the”;
 - (ii) after sub-paragraph (4) insert—

(8) Paragraph 15 amended by [S.I. 2003/511](#).

(9) Paragraph 15A inserted by [S.I. 2000/2629](#); relevant amending instruments are [S.I. 2003/455](#) and [1195](#). Sub-paragraph (2) (a) omitted by [S.I. 2003/455](#) although it remains in force in relation to certain claimants: see regulation 1(6) and (7) of [S.I. 2003/455](#).

(10) Paragraph 16 omitted by [S.I. 2003/455](#) although it remains in force in relation to certain claimants: see regulation 1(6) and (7) of [S.I. 2003/455](#).

(11) Part IVA of Schedule 1 inserted by [S.I. 2000/1978](#).

“(5) The condition is not satisfied if the member of the joint-claim couple to whom sub-paragraph (1) refers is a long-term patient.”;

(i) for paragraph 20G (disability premium) substitute—

“Disability Premium

20G.—(1) Subject to sub-paragraph (2), the condition is that a member of a joint-claim couple has not attained the age of 60 and satisfies any one of the additional conditions specified in paragraph 20H.

(2) The condition is not satisfied if—

(a) paragraph (1) only refers to one member of a joint-claim couple and that member is a long-term patient; or

(b) paragraph (1) refers to both members of a joint-claim couple and both members of the couple are long-term patients.”;

(j) in paragraph 20I(6) (severe disability premium)(**12**) for “the date on which the award is made” substitute “the date on which the award is first paid”;

(k) for paragraph 20IA(2) (enhanced disability premium)(**13**) substitute—

“(2) The condition is not satisfied if—

(a) paragraph (1) only refers to one member of a joint-claim couple and that member is a long-term patient; or

(b) paragraph (1) refers to both members of a joint-claim couple and both members of the couple are long-term patients.”; and

(l) in paragraph 20M(3) (weekly amounts of premiums specified in Part 4A), for “paragraph 20G” substitute “paragraph 20G(1)”.

(9) In Schedule 5 (applicable amounts in special cases)—

(a) in the heading, for “Regulation 85” substitute “Regulations 85 and 85A”.

(b) omit paragraph 1A in Columns (1) and (2)(**14**);

(c) omit paragraph 2 in Columns (1) and (2)(**15**).

(10) In Schedule 5A (applicable amounts of joint-claim couples in special cases)(**16**), omit paragraph 1A in Columns (1) and (2).

(11) In paragraph 32(1) of Schedule 7 (sums to be disregarded in the calculation of income other than earnings)(**17**), for “whether or not the payment is charitable or voluntary” substitute “except a charitable or voluntary payment disregarded under paragraph 15”.

(12) Paragraph 20I(6) amended by [S.I. 2003/511](#).

(13) Paragraph 20IA inserted by [S.I. 2000/2629](#). Sub-paragraph (2) was amended by [S.I. 2003/1195](#).

(14) Paragraph 1A inserted by [S.I. 2005/3360](#).

(15) Paragraph 2 omitted by [S.I. 2003/455](#) although it remains in force in relation to certain claimants: see regulation 1(6) and (7) of [S.I. 2003/455](#).

(16) Schedule 5A inserted by [S.I. 2000/1978](#). Paragraph 1A was inserted by [S.I. 2005/3360](#).

(17) Paragraph 32(1) amended by [S.I. 2005/2687](#) and [S.I. 2006/2378](#).