

**EXPLANATORY MEMORANDUM TO**  
**THE JOBSEEKER'S ALLOWANCE (JOINT CLAIMS)**  
**AMENDMENT REGULATIONS 2008**

**2008 No. 13**

**1.** This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty

**2. Description**

2.1 This instrument amends the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) with the result that childless couples must usually claim jointly in order to receive income-based jobseeker's allowance where at least one member of the couple is aged 18 or over and born after 28th October 1947. Currently, this requirement applies to those where at least one member of the couple was born after 28<sup>th</sup> October 1957.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4. Legislative Background**

4.1 The objective of this proposal is to increase the number of couples that must make a joint claim for income-based jobseeker's allowance by amending the requirement to include older couples. As the population ages more couples would be included automatically, this change will speed that process. This is with a view to reducing the number of benefit-dependant households where no-one works by requiring more people to look for work as a condition of receiving benefit. It will also help those claiming benefit and working part-time to improve their chances of working full-time without benefit dependency.

4.2 This change supports the Government's key objective of "work for those who can and support for those who cannot" and the departmental 5 Year Strategy of achieving "Opportunity and Security Throughout Life". The change is also a simplification measure, as it will ensure all age groups must meet the joint claims conditionality when claiming income-based jobseeker's allowance.

**5. Territorial Extent and Application**

5.1 This instrument applies to Great Britain.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 These Regulations will mean that couples with at least one partner who is 18 or over but under State Pension Age and born after 28 October 1947 will usually each need to satisfy the conditions for entitlement to income-based jobseekers allowance, providing neither member is treated as responsible for a child.

7.2 This means that each member of the couple will usually need to actively participate in the claim by signing a Jobseeker's Agreement setting out their pattern of availability for work, the type of work they are seeking and the steps they will take to secure paid employment. They will also need to attend the jobcentre as required and provide evidence that they are making themselves available for paid employment and that they have taken the agreed steps each week to secure such employment.

7.3 However, these Regulations allow one member of a couple to continue claiming an income-based jobseeker's allowance without having to make a joint claim with their partner where that member, but not the other one, was entitled to an income-based jobseeker's allowance on 24th February 2008. This continued claim ends when the member of the couple who was not entitled to jobseeker's allowance on 24th February 2008 is required to see an employment adviser.

7.4 There are also currently a number of exception categories that exempt one member from meeting the normal entitlement conditions. This means that income-based jobseeker's allowance is paid to some couples, who would normally be required to claim jointly, without both members meeting the availability and actively seeking work conditions, for example if the customer or partner is a person from abroad who cannot claim benefits or work in this country because he/she cannot obtain a work permit. These Regulations do not affect these exemptions, which will continue to apply to any couples affected by the amended legislation.

### **Consultation**

7.5 The Department has formally consulted the Social Security Advisory Committee regarding these Regulations. The Committee has given its approval to proceed without public consultation.

## **Guidance**

7.6 Guidance on the changes will be provided to operational staff and Decision Makers.

## **Consolidation**

7.7 The Department has no plans to consolidate the jobseeker's allowance Regulations. A consolidated text will be available online via the DWP website.

## **8. Impact**

8.1 An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

8.2 The impact on the public sector is negligible.

## **9. Contact**

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