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STATUTORY INSTRUMENTS

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**2011 No. 2425**

**The Social Security (Miscellaneous  
Amendments) (No. 3) Regulations 2011**

**PART 3**

**AMENDMENTS TO SECONDARY LEGISLATION**

**Amendments to the Jobseeker's Allowance Regulations 1996**

- 10.**—(1) The Jobseeker's Allowance Regulations 1996<sup>(1)</sup> are amended as follows.
- (2) In regulation 1(3) (citation, commencement and interpretation)—
- (a) after the definition of “care home<sup>(2)</sup>” insert—
- ““the Caxton Foundation” means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;”;
- (b) in the definition of “qualifying person” after “the Skipton Fund<sup>(3)</sup>” insert “, the Caxton Foundation”.
- (3) In regulation 51 (remunerative work) omit paragraphs (4) and (5).
- (4) In regulation 57(1)<sup>(4)</sup> (interpretation of Part IV) omit the definitions of “the Careers Service” and “the Connexions Service”.
- (5) In regulation 61<sup>(5)</sup> (other young persons in prescribed circumstances)—
- (a) in paragraph (1), for sub-paragraphs (d) and (e) substitute—
- “(d) to whom section 3(1)(f)(ii) or section 3A(1)(e)(i) does not apply, who is a person falling within paragraph (2) of regulation 57, sub-paragraph (a) or (b) of paragraph (1) of regulation 60, or sub-paragraph (b) or (c) of this paragraph, and who registers with Jobcentre Plus in accordance with regulation 62(2)(a); and
- (e) to whom section 3(1)(f)(ii) or section 3A(1)(e)(i) does not apply, who is a person falling within paragraph (2) of regulation 57, sub-paragraph (a) or (b) of paragraph (1) of regulation 60, or sub-paragraph (b) or (c) of this paragraph, and who registers with Jobcentre Plus in accordance with regulation 62(2)(b).”;
- (b) in sub-paragraphs (c) and (d) of paragraph (2), for “the Employment Service” substitute “Jobcentre Plus”; and

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<sup>(1)</sup> [S.I. 1996/207](#).

<sup>(2)</sup> The definition of “care home” was inserted by regulation 3 and paragraph 2 of Schedule 2 to [S.I. 2005/2687](#).

<sup>(3)</sup> The definition of “the Skipton Fund” was inserted by regulation 2 of [S.I. 2004/1141](#).

<sup>(4)</sup> Regulation 57(1) was amended by regulation 5(a) of [S.I. 2001/652](#) and by regulation 2 of [S.I. 2010/1939](#) and in other ways not material to these regulations.

<sup>(5)</sup> Regulation 61(1) was amended by regulation 2(1), and (5) and paragraph 19(a) of Schedule 2 to [S.I. 2000/1978](#) and regulation 5(b) of [S.I. 2001/652](#) and in other ways not material to these regulations.

- (c) in sub-paragraph (d) of paragraph (2), for “the Careers Service” substitute “a person other than Jobcentre Plus specified by the Secretary of State for the purposes of regulation 62(1)”.
- (6) In regulation 62(6) (registration)—
  - (a) in paragraph (1), for “the Careers Service or the Connexions Service” substitute “such person as the Secretary of State may specify”; and
  - (b) for paragraphs (2) and (3), substitute—
    - “(2) A young person must register with Jobcentre Plus for both employment and training where the Secretary of State has specified a person other than Jobcentre Plus for the purposes of paragraph (1) and—
    - (a) the young person is unable to register with that person because of an emergency affecting that person such as a strike or fire, or
    - (b) the young person would suffer hardship because of the extra time it would take to register with that person.”.
- (7) In regulation 85A(7) (special cases: supplemental – persons from abroad) omit paragraph (4)(f)(i).
- (8) In regulation 105(8) (notional income) for paragraph (1) substitute—
  - “(1) A claimant is to be treated as possessing income of which the claimant has deprived themselves for the purpose of securing entitlement to a jobseeker’s allowance or increasing the amount of that allowance, or for the purpose of securing entitlement to, or increasing the amount of income support or an employment and support allowance.”.
- (9) In regulations 105(10A)(a)(9) (notional income) and 110(10)(c) (income treated as capital), paragraph 17(8)(b) of Schedule 2 (housing costs), paragraphs 22(2) and 41(1) of Schedule 7 (sums to be disregarded in the calculation of income other than earnings) and paragraph 31 of Schedule 8 (capital to be disregarded), after “MFET Limited” insert “, the Skipton Fund, the Caxton Foundation”.
- (10) In regulation 113(3A)(a)(10) (notional capital), paragraph 41(7) of Schedule 7 and paragraph 27(1)(11) of Schedule 8, after “the Skipton Fund” insert “, the Caxton Foundation”.
- (11) After paragraph 6A(12) (member has limited capability for work) of Schedule A1(13) insert—
  - “**6B.**—(1) Subject to sub-paragraph (2), a person who provides—
  - (a) a statement which complies with the rules in Part 1 of Schedule 1 to the Social Security (Medical Evidence) Regulations 1976(14),
  - (b) a self-certificate for a period of limited capability for work which lasts less than 8 days or in respect of any of the first 7 days of limited capability for work, or

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(6) Regulation 62 was amended by regulation 2(1) and (5) of, and paragraph 20 of Schedule 2 to, [S.I. 2000/1978](#) and regulation 5(b) of [S.I. 2001/652](#).

(7) Regulation 85A was inserted by regulation 7(3) of [S.I. 1026/2006](#) and paragraph (4)(f) was substituted by regulation 3 of [S.I. 2006/3341](#).

(8) Regulation 105 has been amended but not in a way material to these Regulations.

(9) Paragraph (10A) was inserted by regulation 2(1) of [S.I. 1998/2117](#).

(10) Paragraph (3A) was inserted by regulation 3(1) of [S.I. 1998/2117](#).

(11) Paragraph 27(1) was amended by regulation 3 of [S.I. 2004/1141](#) and has been amended by other instruments not material to these Regulations.

(12) Paragraph 6A was inserted by regulation 3 of [S.I. 2008/1554](#).

(13) Schedule A1 was inserted by regulation 2 of [S.I. 2000/1978](#).

(14) [S.I. 1976/615](#).

- (c) where it would be unreasonable to require a person to provide a statement in accordance with paragraph (a), such other evidence as the Secretary of State considers to be sufficient to show that the person has limited capability for work.
- (2) Sub-paragraph (1) applies to a person for the period covered by evidence falling within that sub-paragraph.
- (3) For the purposes of this paragraph—
  - (a) “limited capability for work” has the meaning given by section 1(4) of the Welfare Reform Act 2007; and
  - (b) “self-certificate” means a declaration made by the person in writing on a form approved for the purpose by the Secretary of State that the person has been unfit for work on a date or for a period specified in the declaration and may include a statement that the person expects to continue to be unfit for work on days subsequent to the date on which it is made.”.
- (12) In paragraph 15A(1A) of Schedule 1(**15**) (applicable amounts: enhanced disability premium) after “claimant” insert “or partner”.
- (13) In Schedule 2 (housing costs)—
  - (a) in paragraph 4(4A)(b)(**16**) (housing costs not met) for “failed to satisfy the condition specified either in section 2(1)(c), 3(1)(a) or 3A(1)(a)” substitute “had income equal to or in excess of the amount of earnings calculated under regulation 56 or the applicable amount determined in accordance with regulations 83 to 86C, whichever applies”; and
  - (b) in paragraph 13(14)(**17**) (linking rule) for “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)” substitute “that person, their partner or, where that person is a member of a joint-claim couple, the other member of that couple, was engaged in remunerative work or had income equal to or in excess of the amount of earnings calculated under regulation 56 or the applicable amount determined in accordance with regulations 83 to 86C, whichever applies”.
- (14) In paragraph 12 of Schedule 7 (sums to be disregarded in the calculation of income other than earnings) and paragraph 52 of Schedule 8 (capital to be disregarded)—
  - (a) in sub-paragraph (1), after paragraph (a)(iii) omit “or”;
  - (b) in sub-paragraph (1), after paragraph (b) add—
    - “; or
  - (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.”; and
- (c) in sub-paragraph (2), after “education maintenance allowance” insert “or other payment”.

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(15) Paragraph 15A was inserted by regulation 5(c)(ii) of [S.I. 2000/2629](#). Sub-paragraph (1A) was inserted by regulation 7(6)(a) of [S.I. 2011/674](#).

(16) Sub-paragraph (4A) was inserted by regulation 13(2) of [S.I. 1997/2863](#) and has been amended by other instruments not material to these Regulations.

(17) Sub-paragraph (14) was inserted, with sub-paragraphs (13) and (15), by regulation 12(b)(iii) of [S.I. 2001/488](#). It has been amended by other instruments not material to these Regulations.