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

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**2017 No. 760**

**SOCIAL SECURITY**

**The Jobseeker's Allowance (Hardship) (Amendment)  
Regulations 2017**

*Made* - - - - - *12th July 2017*

*Laid before Parliament* *18th July 2017*

*Coming into force* - - *23rd October 2017*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 19C(1) and (2)(a) and (e) and 36(2) and (4) of, and paragraph 10(1) and (2) of Schedule 1 to, the Jobseekers Act 1995(a).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(b), the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

**Citation and commencement**

**1.** These Regulations may be cited as the Jobseeker's Allowance (Hardship) (Amendment) Regulations 2017 and come into force on 23rd October 2017.

**Amendment of the Jobseeker's Allowance Regulations 1996**

**2.—(1)** The Jobseeker's Allowance Regulations 1996(c) are amended as follows.

- (2) In regulation 140(1) (meaning of “person in hardship”—
- (a) in sub-paragraph (g), after “physical” insert “or mental”;
  - (b) in sub-paragraph (j), for “hardship.” substitute “hardship; or”;
  - (c) at the end of sub-paragraph (k) insert “; or”;
  - (d) after sub-paragraph (k) insert—

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- (a) 1995 c.18. Section 19C is inserted by section 46(1) of the Welfare Reform Act 2012 (c.5). Section 20(4) is amended by paragraph 29(5) of Schedule 8 to the Welfare Reform and Pensions Act 1999 (c.30) (“the 1999 Act”). Paragraph 10(1) is substituted by paragraph 16(5) of Schedule 7 to the 1999 Act. Paragraph 10(2) is amended by paragraph 16(6) of Schedule 7 to the 1999 Act and by paragraph 29(7) of Schedule 8 to that Act. Section 36(4) is amended by paragraph 63 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2). See section 35(1) for the meanings of “prescribed” and “regulations”.
  - (b) 1992 c.5.
  - (c) S.I. 1996/207.

“(l) is a person who is homeless within the meaning of Part 7 of the Housing Act 1996(a), Part 2 of the Housing (Wales) Act 2014(b) or Part 2 of the Housing (Scotland) Act 1987(c), as the case may be.”.

(3) In regulation 141(2)(d) (circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship), for “paragraph (d)(ii) of subsection (2)” substitute “paragraph (b) of subsection (2A)”.

(4) In regulation 146A(1)(e) (meaning of “couple in hardship”—

- (a) in sub-paragraph (d), after “physical” insert “or mental”;
- (b) at the end of sub-paragraph (g) insert “or”;
- (c) at the end of sub-paragraph (h) insert “; or”;
- (d) after sub-paragraph (h) insert—

“(i) either member of the couple is a person who is homeless within the meaning of Part 7 of the Housing Act 1996, Part 2 of the Housing (Wales) Act 2014 or Part 2 of the Housing (Scotland) Act 1987, as the case may be.”.

Signed by authority of the Secretary of State for Work and Pensions

12th July 2017

Damian Hinds  
Minister of State  
Department for Work and Pensions

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 of these Regulations amends the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207).

The amendments in paragraph (2)(a) and (d) provide that a person with a long-term mental impairment, or who is homeless within the meaning of legislation applying respectively in England, Wales and Scotland, is a person in hardship for the purposes of those Regulations. This means that the person may receive immediate hardship payments of jobseeker’s allowance in cases where that allowance would otherwise not be paid or the amount paid is being reduced.

The amendments in paragraph (4)(a) and (d) make identical provision in relation to a couple claiming jobseeker’s allowance where either member of the couple has a mental impairment or is homeless.

Paragraphs (2)(c) and (4)(c) make consequential amendments and paragraphs (2)(b), (3) and (4)(b) make previously missed consequential amendments.

An impact assessment has not been produced for this instrument as it has no impact on business or civil society organisations.

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(a) 1996 c.52.  
(b) 2014 anaw 7.  
(c) 1987 c.26.  
(d) Regulation 141(2) is amended by S.I. 1996/1517 and 2538 and S.I. 2014/2309  
(e) Regulation 146A is inserted by S.I. 2000/1978. There are amendments to that regulation which are not relevant to these Regulations.

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