

STATUTORY INSTRUMENTS

1996 No. 207

The Jobseeker's Allowance Regulations 1996

PART VII

AMOUNTS

Weekly amounts of contribution-based jobseeker's allowance

79.—(1) In the case of a contribution-based jobseeker's allowance, the age-related amount applicable to a claimant for the purposes of section 4(1)(a) shall be—

[^{F1}(a) in the case of a person who has not attained the age of 25, [^{F2}£57.35] per week;]

(c) in the case of a person who has attained the age of 25, [^{F3}£72.40] per week.

(2) Where the amount of any contribution-based jobseeker's allowance would, but for this paragraph, include a fraction of one penny, that fraction shall be treated as one penny.

Textual Amendments

- F1** Reg. 79(1)(a) substituted for reg. 79(1)(a)(b) (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), **6(7)**
- F2** Sum in Reg. 79(1)(a) substituted (with effect in accordance with art. 1(2)(f) of the amending S.I.) by [The Welfare Benefits Up-rating Order 2014 \(S.I. 2014/147\)](#), arts. 1(2)(f), **8(a)**
- F3** Sum in Reg. 79(1)(c) substituted (with effect in accordance with art. 1(2)(f) of the amending S.I.) by [The Welfare Benefits Up-rating Order 2014 \(S.I. 2014/147\)](#), arts. 1(2)(f), **8(b)**

Deductions in respect of earnings

80.—(1) The deduction in respect of earnings which falls to be made in accordance with section 4(1)(b) from the amount which, apart from this regulation, would be payable by way of a contribution-based jobseeker's allowance for any [^{F4}benefit week] is an amount equal to the weekly amount of the claimant's earnings calculated in accordance with Part VIII (income and capital).

(2) For the avoidance of doubt, in calculating the amount of earnings for the purposes of this regulation, only the claimant's earnings shall be taken into account.

Textual Amendments

- F4** Words in reg. 80(1) substituted (7.4.1997) by [The Social Security \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/454\)](#), regs. 1(c), **2(8)**

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Payments by way of Pensions

81.—(1) The deduction in respect of pension payments^[F5], PPF payments or FAS payments] from the amount which apart from this regulation would be payable to a claimant by way of a contribution-based jobseeker's allowance for any week shall be a sum equal to the amount by which that payment exceeds or, as the case may be, the aggregate of those payments exceed £50 per ^[F6]benefit week].

^[F7](1A) Where pension payments^[F5], PPF payments or FAS payments] first begin to be made to a person for a period starting other than on the first day of a benefit week, the deduction referred to in paragraph (1) shall have effect from the beginning of that benefit week.

(1B) Where pension payments^[F5], PPF payments or FAS payments] are already in payment to a person and a change in the rate or payment takes effect in a week other than at the beginning of the benefit week, the deduction referred to in paragraph (1) shall have effect from the first day of that benefit week.]

(2) In determining the amount of any pension payments^[F5], PPF payments or FAS payments] for the purposes of paragraph (1), there shall be disregarded—

^{F8}(a)

^{F8}(b)

^[F9](c) any payments from a personal pension scheme, an occupational pension scheme or a public service pension scheme which are payable to him and which arose in accordance with the terms of such a scheme on the death of a person who was a member of the scheme in question]^[F10]; and

(d) any PPF payments or FAS payments which are payable to him and which arose on the death of a person who had an entitlement to such payments.]

(3) Subject to the provisions of paragraph (2), where a pension payment^[F11], PPF payment or FAS payment], or an aggregate of such payments, as the case may be, is paid to a person for a period other than a week, such payments shall be treated as being made to that person by way of weekly pension payments^[F12], weekly PPF payments or weekly FAS payments] and the weekly amount shall be determined—

(a) where payment is made for a year, by dividing the total by 52;

(b) where payment is made for three months, by dividing the total by 13;

(c) where payment is made for a month, by multiplying the total by 12 and dividing the result by 52;

(d) where payment is made for two or more months, otherwise than for a year or for three months, by dividing the total by the number of months, multiplying the result by 12 and dividing the result of that multiplication by 52; or

(e) in any other case, by dividing the amount of the payment by the number of days in the period for which it is made and multiplying the result by 7.

Textual Amendments

F5 Words in reg. 81(1)(1A)(1B)(2) inserted (5.5.2006) by The Social Security (PPF Payments and FAS Payments) (Consequential Amendments) Regulations 2006 (S.I. 2006/1069), regs. 1(1), **5(a)**

F6 Words in reg. 81(1) substituted (7.10.1996) by The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **19(2)**

F7 Reg. 81(1A)(1B) inserted (7.10.1996) by The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **19(3)**

- F8** Reg. 81(2)(a)(b) omitted (7.10.1996) by virtue of The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **19(4)**
- F9** Reg. 81(2)(c) substituted (7.4.1997) by The Social Security (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/454), regs. 1(c), **2(9)**
- F10** Reg. 81(2)(d) and word inserted (5.5.2006) by The Social Security (PPF Payments and FAS Payments) (Consequential Amendments) Regulations 2006 (S.I. 2006/1069), regs. 1(1), **5(b)**
- F11** Words in reg. 81(3) inserted (5.5.2006) by The Social Security (PPF Payments and FAS Payments) (Consequential Amendments) Regulations 2006 (S.I. 2006/1069), regs. 1(1), **5(c)(i)**
- F12** Words in reg. 81(3) inserted (5.5.2006) by The Social Security (PPF Payments and FAS Payments) (Consequential Amendments) Regulations 2006 (S.I. 2006/1069), regs. 1(1), **5(c)(ii)**

[^{F13}Income-based jobseeker's allowance

82.—(1) Regulations 83 to [^{F14}85] and 87 apply in the case of an income-based jobseeker's allowance but not a joint-claim jobseeker's allowance.

(2) Regulations 86A to [^{F15}86C] only apply in the case of a joint-claim jobseeker's allowance.]

Textual Amendments

- F13** Reg. 82 substituted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 34**
- F14** Word in reg. 82(1) substituted (8.4.2002) by The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), **Sch. Pt. 2 para. 3(a)**
- F15** Word in reg. 82(2) substituted (8.4.2002) by The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), **Sch. Pt. 2 para. 3(b)**

Applicable amounts

83. ^{F16}^{F17}Except in the case of a claimant to whom regulation 84, 85 (applicable amounts in other cases ...) applies, a claimant's weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case—

- (a) an amount in respect of himself or if he is a member of a couple, an amount in respect of both of them, determined in accordance with sub-paragraph (1), (2) or (3), as the case may be, of paragraph 1 of Schedule 1;
- (b) [^{F18}an amount determined in accordance with paragraph 2 of Schedule 1 in respect of any child or young person who is a member of his family, excluding a child or young person whose capital, if calculated in accordance with Part VIII in like manner as for the claimant would exceed £3,000, but including a child whose capital falls to be treated as income in accordance with regulation 106 (1) (modification in respect of children and young persons);]
- ^{F19}(c)
- (d) [^{F20}where he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part II of Schedule 1 (family premium);]
- (e) the amount of any premiums which may be applicable to him, determined in accordance with Parts III and IV of Schedule 1 (premiums); and
- (f) any amounts determined in accordance with Schedule 2 (housing costs) which may be applicable to him in respect of mortgage interest payments or such other housing costs as are prescribed in that Schedule.

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Textual Amendments

- F16** Words in reg. 83 omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), reg. 1, **Sch. Pt. II para. 4**
- F17** Words in reg. 83 omitted (25.1.2010) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2009 \(S.I. 2009/3228\)](#), regs. 1(2), **3(3)(a)**
- F18** Reg. 83(b) omitted (for specified purposes and with effect in accordance with reg. 1(6)(7)(8) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 2 para. 2(a)**
- F19** Reg. 83(c) omitted (6.10.2003) by virtue of [The Social Security \(Removal of Residential Allowance and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1121\)](#), reg. 1, **Sch. 2 para. 2**
- F20** Reg. 83(d) omitted (for specified purposes and with effect in accordance with reg. 1(6)(7)(8) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 2 para. 2(a)**

Modifications etc. (not altering text)

- C1** [Reg. 83\(b\)](#): sum confirmed (coming into force in accordance with art. 1(2)(h) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2015 \(S.I. 2015/457\)](#), arts. 1(2)(h), **19(1)(2)(a)**

Polygamous Marriages

84.—(1) Except in the case of a claimant to whom regulation 83, [^{F21}or 85]^{F22}... (applicable amounts in special cases ^{F22}... ^{F23}... or paragraph (2) applies, where a claimant is a member of a polygamous marriage his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case—

- (a) the highest amount applicable to him and one of his partners determined in accordance with sub-paragraph (3) of paragraph 1 of Schedule 1 as if he and that partner were a couple;
- (b) an amount equal to the difference between the amounts specified in [^{F24}sub-paragraphs (3) (e)] and (1)(e) of paragraph 1 of Schedule 1 in respect of each of his other partners;
- (c) [^{F25}an amount determined in accordance with paragraph 2 of Schedule 1 (applicable amounts) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household except a child or young person whose capital, if calculated in accordance with Part VIII in like manner as for the claimant, would exceed £3,000, but including a child whose capital falls to be treated as income in accordance with regulation 106 (1) (modification in respect of children and young persons);]

^{F26}(d)

- (e) [^{F27}if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part II of Schedule 1 (family premium);]
- (f) the amount of any premiums which may be applicable to him determined in accordance with Parts III and IV of Schedule 1 (premiums); and
- (g) any amounts determined in accordance with Schedule 2 (housing costs) which may be applicable to him in respect of mortgage interest payments or such other housing costs as are prescribed in that Schedule.

(2) In the case of a partner who is aged less than 18 the amount which applies in respect of that partner shall be Nil unless that partner—

- (a) is treated as responsible for a child; or

- (b) is a person who, had he not been a member of a polygamous marriage, would have qualified for a jobseeker's allowance by virtue of section 3(1)(f)(ii) or section 3(1)(f)(iii) and the regulations made thereunder (jobseeker's allowance for persons aged 16 or 17).

Textual Amendments

- F21** Words in reg. 84(1) substituted (8.4.2002) by [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), reg. 1, **Sch. Pt. II para. 5**
- F22** Words in reg. 84(1) omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), reg. 1, **Sch. Pt. II para. 5**
- F23** Words in reg. 84(1) omitted (25.1.2010) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2009 \(S.I. 2009/3228\)](#), regs. 1(2), **3(3)(b)**
- F24** Words in reg. 84(1)(b) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**
- F25** Reg. 84(1)(c) omitted (for specified purposes and with effect in accordance with reg. 1(6)(7)(8) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 2 para. 3(a)**
- F26** Reg. 84(1)(d) omitted (6.10.2003) by virtue of [The Social Security \(Removal of Residential Allowance and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1121\)](#), reg. 1, **Sch. 2 para. 3**
- F27** Reg. 84(1)(e) omitted (for specified purposes and with effect in accordance with reg. 1(6)(7)(8) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 2 para. 3(a)**

Modifications etc. (not altering text)

- C2** Reg. 84(1)(c): sum confirmed (coming into force in accordance with art. 1(2)(h) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2015 \(S.I. 2015/457\)](#), arts. 1(2)(h), **19(1)(2)(a)**

Special cases

85.—(1) [^{F28}In] the case of a person to whom any paragraph in column (1) of Schedule 5 applies (applicable amounts in special cases) the amount included in the claimant's weekly applicable amount in respect of him shall be the amount prescribed in the corresponding paragraph in column (2) of that Schedule [^{F29}but excluding an amount for a child or young person whose [^{F30}capital, if calculated] in accordance with Part VIII in like manner as for the claimant, would exceed £3,000, but including an amount for a child or young person whose capital falls to be treated as income in accordance with regulation 106 (1) (modification in respect of children and young persons)].

^{F31}(2)

^{F32}(2A)

^{F33}(3)

(4) [^{F34}In this regulation] and Schedule 5—

[^{F35c}partner of a person subject to immigration control" means a person—

- (i) who is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act; or
- (ii) to whom section 115 of that Act does not apply by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000; and
- (iii) who is a member of a couple and [^{F36}the member's] partner is subject to immigration control within the meaning of section 115(9) of that Act and section 115 of that Act

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applies to [^{F37}the partner] for the purposes of exclusion from entitlement to jobseeker's allowance;.]

[^{F38}“person from abroad” has the meaning given in regulation 85A;]

“patient” means a person (other than a prisoner) who is regarded as receiving free in-patient treatment within the meaning of [^{F39}regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005];

“prisoner” means a person who—

- (a) is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
- (b) is on temporary release in accordance with the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989,

other than a person [^{F40}who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the [^{F41}[^{F42}Mental Health (Scotland) Act 1984][^{F42}Mental Health (Care and Treatment) (Scotland) Act 2003]][^{F41}Mental Health (Care and Treatment) (Scotland) Act 2003] or the Criminal Procedure (Scotland) Act 1995,]

^{F43}
...

- ^{F44}(4A)
- ^{F44}(4B)
- ^{F45}(5)
- ^{F45}(6)

Textual Amendments

- F28** Words in [reg. 85\(1\)](#) substituted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), [regs. 1\(1\)](#), **8(6)**
- F29** Words in [reg. 85\(1\)](#) omitted (for specified purposes and with effect in accordance with [reg. 1\(6\)\(7\) \(8\)](#) of the amending S.I.) by virtue of [The Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) Regulations 2003 \(S.I. 2003/455\)](#), **Sch. 2 para. 4(a)**
- F30** Words in [reg. 85\(1\)](#) substituted (7.4.1997) by [The Social Security \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/454\)](#), [regs. 1\(c\)](#), **2(10)**
- F31** [Reg. 85\(2\)](#) omitted (6.4.2009) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), [regs. 1\(2\)](#), **4(5)**
- F32** [Reg. 85\(2A\)](#) omitted (6.10.2003) by virtue of [The Social Security \(Removal of Residential Allowance and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1121\)](#), [reg. 1](#), **Sch. 2 para. 4**
- F33** [Reg. 85\(3\)](#) omitted (for specified purposes and with effect in accordance with [reg. 1\(d\)](#) of the amending S.I.) by virtue of [The Social Security \(Hospital In-Patients\) Regulations 2005 \(S.I. 2005/3360\)](#), **reg. 6(2)(a)**
- F34** Words in [reg. 85\(4\)](#) substituted (30.4.2006) by [The Social Security \(Persons from Abroad\) Amendment Regulations 2006 \(S.I. 2006/1026\)](#), [regs. 1](#), **7(2)(a)(i)** (with [reg. 11\(2\)](#))
- F35** Words in [reg. 85\(4\)](#) inserted (3.4.2000) by [The Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000 \(S.I. 2000/636\)](#), [regs. 1\(2\)](#), **4(3)(c)**
- F36** Words in [reg. 85\(4\)](#) substituted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), [art. 1](#), **Sch. 3 para. 26(5)(a)** (with [art. 3](#))
- F37** Words in [reg. 85\(4\)](#) substituted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), [art. 1](#), **Sch. 3 para. 26(5)(b)** (with [art. 3](#))

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- F38** Words in reg. 85(4) substituted (30.4.2006) by The Social Security (Persons from Abroad) Amendment Regulations 2006 (S.I. 2006/1026), regs. 1, **7(2)(a)(ii)** (with reg. 11(2))
- F39** Words in reg. 85(4) substituted (for specified purposes and with effect in accordance with reg. 1(d) of the amending S.I.) by The Social Security (Hospital In-Patients) Regulations 2005 (S.I. 2005/3360), **reg. 6(2)(b)**
- F40** Words in reg. 85(4) substituted (coming into force in accordance with reg. 1(2)(3)(4)(5)(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 1998 (S.I. 1998/563), regs. 1, **8(1)(2)(d)**
- F41** Words in reg. 85(4) substituted (S.) (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Subordinate Legislation) Order 2005 (S.S.I. 2005/445), arts. 1, 2, **sch. para. 23(2)(a)**
- F42** Words in reg. 85(4) substituted (E.W.N.I.) (5.10.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(1), **Sch. 2 para. 17(3)(a)**
- F43** Words in reg. 85(4) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 2 para. 4(b)**
- F44** Reg. 85(4A)(4B) omitted (30.4.2006) by virtue of The Social Security (Persons from Abroad) Amendment Regulations 2006 (S.I. 2006/1026), regs. 1, **7(2)(b)** (with reg. 11(2))
- F45** Reg. 85(5)(6) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 2 para. 4(c)**

Modifications etc. (not altering text)

- C3** Reg. 85(1): sum confirmed (coming into force in accordance with art. 1(2)(h) of the amending S.I.) by The Social Security Benefits Up-rating Order 2015 (S.I. 2015/457), arts. 1(2)(h), **19(1)(2)(a)**

[^{F46}Special cases: supplemental – persons from abroad

85A.—(1) “Person from abroad” means, subject to the following provisions of this regulation, a claimant who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

[^{F47}(2) No claimant shall be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless—

- (a) [^{F48}subject to the exceptions in paragraph (2A),] the claimant has been living in any of those places for the past three months; and
- (b) the claimant has a right to reside in any of those places, other than a right to reside which falls within paragraph (3).]

[^{F49}(2A) The exceptions are where the claimant has at any time during the period referred to in paragraph (2)(a)—

- (a) paid either Class 1 or Class 2 contributions by virtue of regulation 114, 118, 146 or 147 of the Social Security (Contributions) Regulations 2001 or by virtue of an Order in Council having effect under section 179 of the Social Security Administration Act 1992; or
- (b) been a Crown servant posted to perform overseas the duties of a Crown servant; or
- (c) been a member of Her Majesty’s forces posted to perform overseas the duties of a member of Her Majesty’s forces.]

(3) A right to reside falls within this paragraph if it is one which exists by virtue of, or in accordance with, one or more of the following—

- (a) regulation 13 of the Immigration (European Economic Area) Regulations 2006; ^{F50}...

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- [regulation 15A(1) of those Regulations, but only in a case where the right exists under ^{F51}(aa) that regulation because the claimant satisfies the criteria in regulation 15A(4A) of those Regulations;]
- (b) Article 6 of Council Directive No.2004/38/EC^{F52}; or
- (c) Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen).]
- (4) A claimant is not a person from abroad if he is—
- [^{F53}(za) a qualified person for the purposes of regulation 6 of the Immigration (European Economic Area) Regulations 2006 as a worker or a self-employed person;
- (zb) a family member of a person referred to in sub-paragraph (za) within the meaning of regulation 7(1)(a), (b) or (c) of those Regulations;
- (zc) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of those Regulations;]
- (g) a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- [^{F54}(h) a person who has been granted leave or who is deemed to have been granted leave outside the rules made under section 3(2) of the Immigration Act 1971 where that leave is—
- (i) discretionary leave to enter or remain in the United Kingdom;
- (ii) leave to remain under the Destitution Domestic Violence concession; or
- (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005;]
- [^{F55}(hh) a person who has humanitarian protection granted under those rules;][^{F56}or]
- (i) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom; ^{F57}...
- ^{F58}(j)
- ^{F58}(k)

Textual Amendments	
F46	Reg. 85A inserted (30.4.2006) by The Social Security (Persons from Abroad) Amendment Regulations 2006 (S.I. 2006/1026) , regs. 1, 7(3) (with reg. 11(2))
F47	Reg. 85A(2) substituted (1.1.2014) by The Jobseeker's Allowance (Habitual Residence) Amendment Regulations 2013 (S.I. 2013/3196) , regs. 1, 2 (with reg. 3)
F48	Words in reg. 85A(2)(a) inserted (9.11.2014) by The Jobseeker's Allowance (Habitual Residence) Amendment Regulations 2014 (S.I. 2014/2735) , regs. 1, 3(2) (with reg. 4)
F49	Reg. 85A(2A) inserted (9.11.2014) by The Jobseeker's Allowance (Habitual Residence) Amendment Regulations 2014 (S.I. 2014/2735) , regs. 1, 3(3) (with reg. 4)
F50	Word in reg. 85A(3)(a) omitted (8.11.2012) by virtue of The Social Security (Habitual Residence) (Amendment) Regulations 2012 (S.I. 2012/2587) , regs. 1, 3(2)
F51	Reg. 85A(3)(aa) inserted (8.11.2012) by The Social Security (Habitual Residence) (Amendment) Regulations 2012 (S.I. 2012/2587) , regs. 1, 3(3)
F52	Reg. 85A(3)(c) and word added (8.11.2012) by The Social Security (Habitual Residence) (Amendment) Regulations 2012 (S.I. 2012/2587) , regs. 1, 3(4)

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- F53** Reg. 85A(4)(za)-(zc) substituted for (31.5.2014) by The Social Security (Habitual Residence) (Amendment) Regulations 2014 (S.I. 2014/902), regs. 1, **3**
- F54** Reg. 85A(4)(h) substituted (29.10.2013) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **6(8)(a)**
- F55** Reg. 85A(4)(h)(hh) substituted for reg. 85A(4)(h) (9.10.2006) by The Social Security (Persons from Abroad) Amendment (No. 2) Regulations 2006 (S.I. 2006/2528), regs. 1, **3(2)**
- F56** Word in reg. 85A(4)(hh) added (29.10.2013) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **6(8)(b)**
- F57** Word in reg. 85A(4)(i) omitted (18.3.2009) by virtue of The Social Security (Habitual Residence) (Amendment) Regulations 2009 (S.I. 2009/362), regs. 1(2), **3(2)**
- F58** Reg. 85A(4)(j)(k) omitted (29.10.2013) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **6(8)(c)**

Modifications etc. (not altering text)

- C4** Reg. 85A(4)(a)-(e) applied (with modifications) (30.4.2006) by The Social Security (Persons from Abroad) Amendment Regulations 2006 (S.I. 2006/1026), regs. 1, **10(f)** (with reg. 11(2))

Applicable amounts for persons in residential care and nursing homes

^{F59}**86.**

Textual Amendments

- F59** Reg. 86 omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), reg. 1, **Sch. Pt. II para. 7**

[^{F60}Applicable amounts for joint-claim couples

86A. Except in the case of a joint-claim couple where regulation 86B (polygamous marriages) [^{F61}or 86C] (special cases) ^{F62}... ^{F63}... applies, the applicable amount of a joint-claim couple who are jointly claiming a jobseeker's allowance shall be the aggregate of such of the following amounts as may apply in their case—

- (a) an amount in respect of the joint-claim couple determined in accordance with subparagraph (3) of paragraph 1 of Schedule 1;
- ^{F64}(b)
- (c) the amount of any premiums which may be applicable to either or both members of the joint-claim couple, determined in accordance with Parts IVA and IVB of Schedule 1 (premiums); and
- (d) any amounts determined in accordance with Schedule 2 (housing costs) which may be applicable to the joint-claim couple in respect of mortgage interest payments or such other housing costs as are prescribed in that Schedule.

Textual Amendments

- F60** Regs. 86A-86D inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 35**
- F61** Words in reg. 86B substituted (8.4.2002) by The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), reg. 1, **Sch. Pt. II para. 8**

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- F62** Words in reg. 86B omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), reg. 1, **Sch. Pt. II para. 8**
- F63** Words in reg. 86A omitted (25.1.2010) by virtue of The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2009 (S.I. 2009/3228), regs. 1(2), **3(3)(c)**
- F64** Reg. 86A(b) omitted (6.10.2003) by virtue of The Social Security (Removal of Residential Allowance and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1121), reg. 1, **Sch. 2 para. 5**

Modifications etc. (not altering text)

- C5** Regs. 86A-86D applied (temp. from 28.11.2000 until 27.11.2001) by The Social Security (New Deal Pilot) Regulations 2000 (S.I. 2000/3134), regs. 1(1)(b), **10(2)** (with reg. 19)

Applicable amounts for joint-claim couples: polygamous marriages

86B. Except in the case of a joint-claim couple where regulation 86A [^{F61}or 86C] (special cases) ^{F62}... ^{F65}... applies, the applicable amount of a joint-claim couple who are jointly claiming a jobseeker's allowance where either or both members of that couple are members of a polygamous marriage, shall be the aggregate of such of the following amounts as may apply in their case—

- (a) the highest amount applicable to a member of the joint-claim couple and one other member of that marriage determined in accordance with sub-paragraph (3) of paragraph 1 of Schedule 1 as if those members were a couple;
- (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3)(e) and (1)(e) of paragraph 1 of Schedule 1 in respect of each of the other members of the polygamous marriage who are members of that household;
- ^{F66}(c)
- (d) the amount of any premiums which may be applicable to a member of the joint-claim couple determined in accordance with Parts IVA and IVB of Schedule 1 (premiums); and
- (e) any amounts determined in accordance with Schedule 2 (housing costs) which may be applicable to the joint-claim couple in respect of mortgage interest payments or such other housing costs as are prescribed in that Schedule.

Textual Amendments

- F60** Regs. 86A-86D inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 35**
- F61** Words in reg. 86B substituted (8.4.2002) by The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), reg. 1, **Sch. Pt. II para. 8**
- F62** Words in reg. 86B omitted (8.4.2002) by virtue of The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2001 (S.I. 2001/3767), reg. 1, **Sch. Pt. II para. 8**
- F65** Words in reg. 86B omitted (25.1.2010) by virtue of The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2009 (S.I. 2009/3228), regs. 1(2), **3(3)(d)**
- F66** Reg. 86B(c) omitted (6.10.2003) by virtue of The Social Security (Removal of Residential Allowance and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1121), reg. 1, **Sch. 2 para. 6**

Modifications etc. (not altering text)

- C5** Regs. 86A-86D applied (temp. from 28.11.2000 until 27.11.2001) by The Social Security (New Deal Pilot) Regulations 2000 (S.I. 2000/3134), regs. 1(1)(b), **10(2)** (with reg. 19)

Joint-claim couples: special cases

86C.—(1) [^{F67}Where] a member of a joint-claim couple is a person to whom any paragraph in column (1) of Schedule 5A applies (applicable amounts in special cases for joint-claim couples), the amount included in the joint-claim couple’s weekly applicable amount shall be the amount prescribed in the corresponding paragraph in column (2) of that Schedule.

(2) Except where the amount prescribed in Schedule 5A in respect of a joint-claim couple includes an amount applicable under regulation 86A(c) or 86B(d), a person to whom paragraph (1) applies shall be treated as not falling within the conditions specified in paragraph 20I of Schedule 1 (severe disability premium).

^{F68}(2A)

^{F69}(3)

(4) Expressions used in this regulation and in Schedule 5A shall have the same meaning as those expressions have for the purposes of regulation 85 and Schedule 5 save that for the purposes of this regulation and of Schedule 5A, the definition of “person from abroad” in regulation 85(4) shall have effect as if after the words “a claimant” there were inserted the words “,other than a member of a joint-claim couple who is not the nominated member for the purposes of section 3B,.”]

Textual Amendments
F60 Regs. 86A-86D inserted (19.3.2001) by [The Jobseeker’s Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 35**
F67 Word in reg. 86C(1) substituted (1.4.2004) by [The Social Security \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/565\)](#), regs. 1(2)(a), **6(2)(a)**
F68 Reg. 86C(2A) omitted (1.4.2004) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/565\)](#), regs. 1(2)(a), **6(2)(b)**
F69 Reg. 86C(3) omitted (for specified purposes and with effect in accordance with reg. 1(d) of the amending S.I.) by virtue of [The Social Security \(Hospital In-Patients\) Regulations 2005 \(S.I. 2005/3360\)](#), **reg. 6(3)**

Applicable amount for a joint-claim couple where a number is in residential care or a nursing home

^{F70}**86D.**

Textual Amendments
F70 Reg. 86D omitted (8.4.2002) by virtue of [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2001 \(S.I. 2001/3767\)](#), reg. 1, **Sch. Pt. II para. 10**

Transitional supplement to income-based jobseeker’s allowance

87.—(1) In the case of a person who, before 7th October 1996 was entitled to a special transitional addition or transitional addition in accordance with the Income Support (Transitional) Regulations 1987^{F71}, the amount of any income-based jobseeker’s allowance payable to him shall be increased by an amount equal to those additions, but the increase shall continue to be payable only for so long as the claimant continues to satisfy the requirements imposed in those Regulations for payment of the addition.

(2) A claimant’s weekly applicable amount shall include an amount (the “protected sum”) equal to any protected sum which would have been applicable in his case under regulation 17(1)(g) or

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18(1)(h) of, and Schedules 3A and 3B to, the Income Support Regulations ^{F72} had he been entitled to income support and not a jobseeker's allowance.

(3) In the case of any person who had he been entitled to income support and not a jobseeker's allowance, would in any week have had a higher applicable amount, in accordance with regulation 17(2) to (6A) of the Income Support Regulations ^{F73}, than the amount applicable to him in accordance with regulation 82 or, as the case may be, 83 then that amount shall be substituted for the applicable amount determined under that regulation.

(4) Paragraph (5) applies to a person who, had he been entitled to income support and not a jobseeker's allowance, would have been a person to whom any of the following transitional or savings provisions would have applied—

- (a) the Income Support (General) Amendment No.3 Regulations 1993 ^{F74} ("the 1993 Regulations"), regulation 4;
- (b) the Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1995 ("the 1995 Regulations") ^{F75}, regulation 28.

(5) Where this paragraph applies, the amount of housing costs applicable in the particular case shall be determined as if, in Schedule 2—

- (a) in a case to which regulation 4(1) of the 1993 Regulations would have applied, paragraph 10(4) to (9) was omitted;
- (b) in a case to which regulation 4(4) of the 1993 Regulations would have applied, in [^{F76}paragraph 10(4)] for the reference to £100,000 there was substituted a reference to £150,000; and
- (c) in a case to which the 1995 Regulations apply, in [^{F77}paragraph 10(4)] for the reference to £100,000 there was substituted a reference to £125,000.

(6) In determining for the purposes of this regulation whether, if the claimant were entitled to income support—

- (a) an amount would be applicable;
- (b) an amount would be payable; or
- (c) if an amount was payable, the rate at which it would be payable,

any requirement that the person be entitled to income support, or to income support for any period of time, shall be treated as if the reference to income support included also a reference to an income-based jobseeker's allowance.

(7) [^{F78}For the purposes of applying paragraph (1), regulation 2A of the Income Support (Transitional) Regulations, and for the purposes of paragraph (6), regulation 3A of the Income Support Regulations shall have effect in accordance with the following sub-paragraphs—]

- (a) as if in paragraph (1)(a), after the words "permitted period", there was included the words "subject to paragraph 2A"; and
- (b) with the addition after paragraph (1) of the following paragraphs—
 - “(2A) Subject to paragraph (2B) where the claimant or his partner has ceased to be engaged in remunerative work, the permitted period shall be 8 weeks if—
 - (a) a jobseeker's allowance [^{F79}is not payable] to the claimant in the circumstances mentioned in [^{F80}section 19(2)(a) or (b)] of the Jobseekers Act 1995 (employment left voluntarily or lost through misconduct); or
 - (b) the claimant or his partner has ceased to be engaged in that work within 4 weeks of beginning it; or

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- (c) at any time during the period of 13 weeks immediately preceding the beginning of that work, the person who has ceased to be engaged in it—
- (i) was engaged in remunerative work; or
 - (ii) was in relevant education; or
 - (iii) was a student.

(2B) [^{F81}Paragraph (2A)(b) or (2A)(c)] shall not apply in the case of a person who, by virtue of regulation 74 of the Jobseeker's Allowance Regulations 1996, is a person to whom [^{F82}section 19(2)(b)] of the Jobseekers Act 1995 does not apply.

(2C) In this regulation, "remunerative work" means remunerative work for the purposes of the Jobseekers Act 1995."

[^{F83}87A. Where the amount of a jobseeker's allowance is less than 10 pence a week that allowance shall not be payable.]

Textual Amendments

- F71** S.I. 1987/1969; the relevant amending instruments are S.I. 1988/521 and 1989/1626.
- F72** The relevant amending instruments are S.I. 1988/1445 and 1989/534.
- F73** The relevant amending instrument is S.I. 1988/910.
- F74** S.I. 1993/1679.
- F75** S.I. 1995/516.
- F76** Words in reg. 87(5)(b) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**
- F77** Words in reg. 87(5)(c) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**
- F78** Words in reg. 87(7) substituted (7.10.1996) by [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), regs. 1, **20(a)**
- F79** Words in reg. 87(2A)(a) substituted (7.10.1996) by [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), regs. 1, **20(b)**
- F80** Words in reg. 87(7)(b) substituted (22.10.2012) by [The Jobseeker's Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **5(19)(a)**
- F81** Words in reg. 87(7) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**
- F82** Words in reg. 87(7)(b) substituted (22.10.2012) by [The Jobseeker's Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2568\)](#), regs. 1(1), **5(19)(b)**
- F83** Reg. 87A inserted (7.10.1996) by [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), regs. 1, **21**

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