

1999 No. 714

SOCIAL SECURITY

**The Social Security Benefits (Miscellaneous Amendments)
Regulations 1999**

<i>Made - - - -</i>	<i>9th March 1999</i>
<i>Laid before Parliament</i>	<i>15th March 1999</i>
<i>Coming into force –</i>	
<i>in the case of regulations 1, 2 and 3</i>	<i>5th April 1999</i>
<i>in the case of regulations 4 and 5</i>	<i>6th April 1999</i>

The Secretary of State for Social Security, in exercise of powers conferred on him by sections 4(5), 35(1) and 36(1) and (2) of the Jobseekers Act 1995(a), and sections 123(1)(a) to (c), 135(1), 136(3) and (5)(b), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(b) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(c) hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefits (Miscellaneous Amendments) Regulations 1999.

(2) These Regulations shall come into force—

- (a) in the case of regulations 1, 2 and 3, on 5th April 1999;
- (b) in the case of regulations 4 and 5, on 6th April 1999 save that in the case of a claimant for family credit or disability working allowance who has an award of either of those benefits which is current on 5th April 1999, regulations 4 and 5 shall have effect in his case as from the day following the expiration of that award.

(3) In these Regulations “the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(d).

Amendment of the Jobseeker’s Allowance Regulations

2.—(1) In sub-paragraph (b) of paragraph (3) of regulation 47 of the Jobseeker’s Allowance Regulations (jobseeking period) the words “or, where good cause” to the end of the sub-paragraph shall be omitted.

(2) In head (b) of sub-paragraph (6) of paragraph 13 of Schedule 2 to the Jobseeker’s Allowance Regulations for the words “regulation 9 of the Social Security (Credit) Regulations 1975” there shall be substituted the words “regulation 8A or 8B of the Social Security (Credits) Regulations 1975(e)”.

(a) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed” and for the enabling power contained in the definition of “jobseeking period”.
(b) 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
(c) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).
(d) S.I. 1996/207.
(e) S.I. 1975/556; regulations 8A and 8B were inserted by regulation 2 of S.I. 1996/2367.

Amendment of the Income Support (General) Regulations

3. In head (b) of sub-paragraph (5) of paragraph 14 of Schedule 3 to the Income Support (General) Regulations 1987^(a) for the words “regulation 9” there shall be substituted the words “regulation 8A or 8B”.

Amendment of the Family Credit (General) Regulations

4. In regulation 13A of the Family Credit (General) Regulations 1987 (treatment of child care charges)^(b)–

(a) in paragraph (1) after the words “is incurring” there shall be inserted the words “or in the case of a claimant to whom paragraph (6A) applies, will incur”;

(b) in paragraph (2) at the end of the definition of “relevant child care charges” there shall be added the words–

“or, in the case of a claimant to whom paragraph (6A) applies, with paragraphs (6B) and (6C).”;

(c) in paragraph (2A), after sub-paragraph (b) there shall be added the following sub-paragraph–

“(c) in the definition of “relevant child care charges” the words “charges paid” shall be taken to include charges which will be incurred and to which paragraph (6A) applies.”;

(d) after paragraph (6) there shall be inserted the following paragraphs–

“(6A) Where a claimant–

(a) has entered into an agreement for the provision of child care; and

(b) will incur under that agreement relevant child care charges in respect of child care during the period of the family credit award,

the weekly charge for child care shall be calculated in accordance with paragraphs (6B) and (6C), based upon a written estimate of the relevant future charges provided by the claimant and child minder or other child care provider.

(6B) Subject to paragraph (6C), relevant child care charges which fall under paragraph (6A) shall be calculated in accordance with the formula–

$$\frac{X + Y}{52}$$

where–

X is the weekly estimate provided by the child minder or other child care provider for child care in those weeks which will fall in school term-time in respect of the child or children concerned, multiplied by 39; and

Y is the weekly estimate provided by the child minder or other child care provider for child care in those weeks which will fall out of school term-time in respect of the child or children concerned, multiplied by 13.

(6C) Where relevant child care charges fall under paragraph (6A) and they are in respect of a child who does not attend school, the relevant child care charges shall mean the weekly estimate provided by the child minder or other child care provider multiplied by the number of weeks during the period of the family credit award in which relevant child care charges will be paid, divided by 26.”.

Amendment of the Disability Working Allowance Regulations

5. In regulation 15A of the Disability Working Allowance (General) Regulations 1991 (treatment of child care charges)^(c)–

(a) in paragraph (1) after the words “is incurring” there shall be inserted the words “or in the case of a claimant to whom paragraph (6A) applies, will incur”;

(a) S.I. 1987/1967; relevant amending instruments are S.I. 1995/1613, S.I. 1995/2927 and S.I. 1996/206.

(b) S.I. 1987/1973.

(c) S.I. 1991/2887.

(b) in paragraph (2) at the end of the definition of “relevant child care charges” there shall be added the words—

“or, in the case of a claimant to whom paragraph (6A) applies, with paragraphs (6B) and (6C).”;

(c) in paragraph (2A) after sub-paragraph (b) there shall be added the following sub-paragraph—

“(c) in the definition of “relevant child care charges” the words “charges paid” shall be taken to include charges which will be incurred and to which paragraph (6A) applies.”;

(d) after paragraph (6) there shall be inserted the following paragraphs—

“(6A) Where a claimant—

(a) has entered into an agreement for the provision of child care; and

(b) will under that agreement incur relevant child care charges in respect of child care during the period of the disability working allowance award,

the weekly charge for child care shall be calculated in accordance with paragraphs (6B) and (6C), based upon a written estimate of the relevant future charges provided by the claimant and child minder or other child care provider.

(6B) Subject to paragraph (6C), relevant child care charges which fall under paragraph (6A) shall be calculated in accordance with the formula—

$$\frac{X + Y}{52}$$

where—

X is the weekly estimate provided by the child minder or other child care provider for child care in those weeks which will fall in school term-time in respect of the child or children concerned, multiplied by 39; and

Y is the weekly estimate provided by the child minder or other child care provider for child care in those weeks which will fall out of school term-time in respect of the child or children concerned, multiplied by 13.

(6C) Where relevant child care charges fall under paragraph (6A) and they are in respect of a child who does not attend school, the relevant child care charges shall mean the weekly estimate provided by the child minder or other child care provider multiplied by the number of weeks during the period of the disability working allowance award in which relevant child care charges will be paid, divided by 26.”.

Signed by authority of the Secretary of State for Social Security.

9th March 1999

Angela Eagle
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 amends the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207). Paragraph (1) amends existing provisions which cover claims in respect of a past period, to provide that no period before the claim is made forms part of the jobseeking period. Paragraph (2) is a technical amendment to ensure that references to the Social Security (Credits) Regulations 1975 (S.I. 1975/556) are correct.

Regulation 3 amends the Income Support (General) Regulations 1987 (S.I. 1987/1967) and is a technical amendment, to ensure that references to the Social Security (Credits) Regulations 1975 (S.I. 1975/556) are correct.

Regulations 4 and 5 amend the Family Credit (General) Regulations 1987 (S.I. 1987/1973) and Disability Working Allowance (General) Regulations 1991 (S.I. 1991/2887) to enable child care charges to be calculated in circumstances where an agreement for child care has been made, but charges for that care have not been incurred.

These Regulations do not impose a charge on businesses.

£1.50

© Crown copyright 1999

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

WO 4263 3/99 ON (MFK)