
STATUTORY INSTRUMENTS

2000 No. 1978

The Jobseeker's Allowance (Joint Claims) Regulations 2000

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) After Part I there shall be inserted the following Part—

“PART IA

JOINT-CLAIM COUPLES

Prescribed description of a joint-claim couple for the purposes of section 1(4)

3A.—(1) For the purposes of section 1(4), a joint-claim couple shall include any joint-claim couple within the meaning given in section 1(4) of the Act where at least one member was born after 19th March 1976, unless a member of the couple is treated as responsible for a child or young person under regulation 77(3), or the couple has care of a child or young person in one or more of the circumstances mentioned in regulation 78(4), or a child or young person is living with either member of the couple in the circumstances mentioned in regulation 78(8).

(2) In a case where a person would (but for these Regulations) be a member of more than one joint-claim couple, a joint-claim couple means the couple of which he is a member which that person nominates (or in default of such nomination, which the Secretary of State nominates), to the exclusion of any other couple of which he is a member.

Entitlement of a former joint-claim couple to a jobseeker's allowance

3B.—(1) Where a joint-claim couple cease to be a joint-claim couple because they become, or are treated as, responsible for one or more children—

- (a) any claim made by both members of that couple for a jobseeker's allowance may be treated as a claim for a jobseeker's allowance made by either member of that couple;
- (b) any award of a joint-claim jobseeker's allowance in respect of that couple may be terminated and may be replaced by a replacement award,

where the conditions specified in paragraph (2) have been complied with.

(2) The conditions specified in this paragraph are that a member of the couple—

- (a) provides such evidence as the Secretary of State may require confirming that the couple are responsible for one or more children; and
- (b) advises the Secretary of State as to which member of the couple is to be the claimant.

(3) The claim by a member of the couple for a jobseeker's allowance referred to in paragraph (1)(a) shall be treated as made on the date on which he and his partner were treated as having claimed a jobseeker's allowance as a joint-claim couple as determined in accordance with regulation 6 of the Claims and Payments Regulations.

(4) In this regulation, “replacement award” shall have the meaning ascribed to it by paragraph 9A of Schedule 1 to the Act.

Entitlement of a new joint-claim couple to a jobseeker’s allowance

3C.—(1) Paragraph (2) shall apply where a couple become a joint-claim couple because the child, or all the children, for which they were responsible have—

- (a) died;
- (b) ceased to be a child or children for whom they are responsible; or
- (c) reached the age of 16 and are no longer receiving full-time education for the purposes of section 142 of the Benefits Act.

(2) In a case to which this paragraph applies—

- (a) any claim made by either member of that couple for a jobseeker’s allowance may be treated as a claim made by both members of the couple;
- (b) any award of an income-based jobseeker’s allowance, or a replacement award, in respect of either member of that couple may be terminated and may be replaced by a new award in respect of the couple,

where the conditions specified in paragraph (3) have been complied with.

(3) The conditions specified in this paragraph are that the Secretary of State—

- (a) has sufficient evidence to decide whether a new award should be made; and
- (b) is informed as to which member of the couple is to be the nominated member for the purposes of section 3B.

(4) The claim by both members of the joint-claim couple for a jobseeker’s allowance referred to in paragraph (2)(a) shall be treated as made on the date on which the claim by a member of that couple was treated as made in accordance with regulation 6 of the Claims and Payments Regulations.

(5) For the purposes of paragraphs 6 and 7 of Schedule 2 (housing costs), any award of an income-based jobseeker’s allowance which related to the day before the day on which the relevant event specified in paragraph (1) occurred and any new award referred to in paragraph (2)(b) shall be treated as a continuous award of an income-based jobseeker’s allowance.

(6) In this regulation, “new award” shall have the meaning ascribed to it by paragraph 9C of Schedule 1 to the Act.

Further circumstances in which a joint-claim couple may be entitled to a joint-claim jobseeker’s allowance

3D.—(1) Subject to paragraph (2), a joint-claim couple are entitled to a joint-claim jobseeker’s allowance where—

- (a) the members of that couple claim a jobseeker’s allowance jointly;
- (b) one member satisfies the conditions set out in section 1(2)(a) to (c) and (e) to (i); and
- (c) the other member—
 - (i) does not satisfy the conditions set out in section 1(2)(a) to (c);
 - (ii) satisfies the conditions set out in section 1(2)(e) and (h); and
 - (iii) subject to paragraph (3), is a person to whom any paragraph of Schedule A1 applies; and

(d) the conditions set out in section 3A are satisfied in relation to the couple.

(2) A member of a joint-claim couple who falls within any paragraph in Schedule A1 for the purposes of this regulation for any day in a benefit week shall fall within that category for the whole of that week.

(3) Subject to paragraph (4), paragraph 2 of Schedule A1 (students) may only apply to a member of a joint-claim couple in respect of one claim for a jobseeker's allowance made jointly by that couple in respect of a jobseeking period applying to the other member of that couple.

(4) Notwithstanding paragraph (3), paragraph 2 of Schedule A1 may apply to a member of a joint-claim couple in respect of a further claim for a jobseeker's allowance made jointly by the couple where the couple's previous entitlement to a joint-claim jobseeker's allowance ceased because one member of the couple—

- (a) was engaged in remunerative work;
- (b) had been summoned to jury service; or
- (c) was within a linked period as prescribed in regulation 48(2).

Entitlement of a member of a joint-claim couple to a jobseeker's allowance without a claim being made jointly by the couple

3E.—(1) A member of a joint-claim couple is entitled to a jobseeker's allowance if, without making a claim jointly for that allowance with the other member of the couple—

- (a) he satisfies the conditions set out in section 1(2) (a) to (c) and (e) to (i);
- (b) he satisfies the conditions set out in section 3; and
- (c) the other member of that couple fails to meet the conditions of entitlement set out in section 1(2B)(b) and is a person to whom paragraph (2) applies.

(2) This paragraph applies to a member of a joint-claim couple—

- (a) who has failed to attend at the time and place specified by the employment officer for the purposes of regulation 6 of the Claims and Payments Regulations;
- (b) in respect of whom it has been determined by the Secretary of State that the conditions in section 1(2)(a) to (c) have not been satisfied but only for so long as it has been so determined in respect of that member;
- (c) who is temporarily absent from Great Britain;
- (d) who is a person from abroad as defined for the purposes of regulation 85 and Schedule 5;
- (e) who is subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act;
- (f) who is over pensionable age;
- (g) who is engaged, or has agreed to be engaged, in remunerative work for more than 16 hours per week but less than 24 hours per week;
- (h) who has claimed a maternity allowance payable in accordance with section 35 of the Benefits Act or who has claimed statutory maternity pay payable in accordance with Part XII of that Act;
- (i) who is or has been pregnant and to whom sub-paragraph (h) does not apply but only for the period commencing 11 weeks before the expected week of confinement and ending seven weeks after the date on which the pregnancy ends;
- (j) in respect of whom there is an Order in Council under section 179 of the Administration Act giving effect to a reciprocal agreement which, for the purposes

of jobseeker's allowance, has effect as if a payment made by another country is to be treated as a payment of a jobseeker's allowance; or

- (k) who is in receipt of statutory sick pay and who, immediately before he became incapable of work, was engaged in remunerative work for more than 16 hours per week.

Transitional case couples: prescribed circumstances and period for the purposes of paragraph 8A(2) of Schedule 1

3F. A transitional case couple shall be entitled to a joint-claim jobseeker's allowance without having made a claim for it jointly for the period beginning on the day on which section 59 of, and Schedule 7 to, the Welfare Reform and Pensions Act 1999 comes into force⁽¹⁾ and ending on the day on which the member of the transitional case couple who was not entitled to an income-based jobseeker's allowance on the coming into force of that Schedule is required to attend at a place specified by an employment officer in a notification given or sent to that member.

Supply of information

3G. Where a claim for a jobseeker's allowance has been made jointly by a joint-claim couple, information relating to that claim may be supplied by the Secretary of State to either or both members of that couple for any purpose connected with that claim.”.

- (3) After Part IX there shall be inserted the following Part—

“PART IXA

HARDSHIP FOR JOINT-CLAIM COUPLES

Meaning of “couple in hardship”

146A.—(1) In this Part of these Regulations, a “couple in hardship” means for the purposes of regulation 146C, a joint-claim couple who are claiming a jobseeker's allowance jointly, other than a couple which includes a member to whom paragraph (3) or (4) applies, where—

- (a) the woman member of the joint-claim couple is pregnant and the Secretary of State is satisfied that, unless a joint-claim jobseeker's allowance is paid, she will suffer hardship; or
- (b) one or both members of the couple are members of a polygamous marriage, one member of the marriage is pregnant and the Secretary of State is satisfied that, unless a joint-claim jobseeker's allowance is paid, she will suffer hardship; or
- (c) the award of a joint-claim jobseeker's allowance includes, or would, if a claim for a jobseeker's allowance from the couple were to succeed, have included in their applicable amount a disability premium and—
- (i) where the couple have an award, a joint-claim jobseeker's allowance is not payable either because it is suspended or because section 20A (denial or reduction of joint-claim jobseeker's allowance) applies in the couple's case; and

(1) Section 59 of, and Schedule 7 to, the Welfare Reform and Pensions Act 1999 (c. 30) comes into force on 19th March 2001.

- (ii) the Secretary of State is satisfied that, unless a joint-claim jobseeker's allowance is paid, the member of the couple who would have caused the disability premium to be applicable to the couple would suffer hardship; or
- (d) either member of the couple suffers from a chronic medical condition which results in functional capacity being limited or restricted by physical impairment and the Secretary of State is satisfied that—
 - (i) the suffering has already lasted or is likely to last, for not less than 26 weeks; and
 - (ii) unless a joint-claim jobseeker's allowance is paid, the probability is that the health of the person suffering would, within two weeks of the Secretary of State making his decision, decline further than that of a normally healthy adult and the member of the couple who suffers from that condition would suffer hardship; or
- (e) either member of the couple, or where a member of that couple is married to more than one person under a law which permits polygamy, one member of that marriage, devotes a considerable portion of each week to caring for another person who—
 - (i) is in receipt of an attendance allowance or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act; or
 - (ii) has claimed either attendance allowance or disability living allowance, but only for so long as the claim has not been determined, or for 26 weeks from the date of claiming, whichever is the earlier; or
 - (iii) has claimed either attendance allowance or disability living allowance and has an award of either attendance allowance or the care component of disability living allowance at one of the two higher rates prescribed under section 72(4) of the Benefits Act for a period commencing after the date on which that claim was made,and the Secretary of State is satisfied, after taking account of the factors set out in paragraph (6) in so far as they are appropriate to the particular circumstances of the case, that the person providing the care will not be able to continue doing so unless a joint-claim jobseeker's allowance is paid; or
- (f) section 16 applies to either member of the couple by virtue of a direction issued by the Secretary of State, except where the member of the joint-claim couple to whom the direction applies does not satisfy the requirements of section 1(2)(a) to (c); or
- (g) section 3A(1)(e)(ii) (member of joint-claim couple under the age of 18) applies to either member of the couple and the Secretary of State is satisfied that unless a joint-claim jobseeker's allowance is paid, the couple will suffer hardship;
- (h) one or both members of the couple is a person—
 - (i) who, pursuant to the Children Act 1989(2), was being looked after by a local authority;
 - (ii) with whom the local authority had a duty, pursuant to that Act, to take reasonable steps to keep in touch; or
 - (iii) who, pursuant to that Act, qualified for advice or assistance from a local authority,

but in respect of whom head (i), (ii) or, as the case may be, (iii) above had not applied for a period of three years or less as at the date on which the requirements of regulation 146F are complied with; and

(iv) as at the date on which the requirements of regulation 146F are complied with, that member is, or both of those members are, under the age of 21.

(2) Except in a case to which paragraph (3), (4) or (5) applies, a “couple in hardship” means for the purposes of regulation 146D, a joint-claim couple where the Secretary of State is satisfied, after taking account of the factors set out in paragraph (6) in so far as they are appropriate to the particular circumstances of the case, that the couple will suffer hardship unless a joint-claim jobseeker’s allowance is paid.

(3) In paragraph (1) and (2), a “couple in hardship” does not include a couple one of whose members is entitled to income support or who falls within a category of persons prescribed for the purposes of section 124(1)(e) of the Benefits Act.

(4) Paragraph (1)(e) shall not apply in a case where the person being cared for resides in a residential care or nursing home.

(5) In paragraph (2), a “couple in hardship” does not include a joint-claim couple where section 20A(2)(b) or (c) applies to either or both members by virtue of any act or omission relating to a New Deal option.

(6) Factors which, for the purposes of paragraphs (1) and (2), the Secretary of State is to take into account in determining whether a joint-claim couple will suffer hardship are—

- (a) the presence in the joint-claim couple of a person who satisfies the requirements for a disability premium specified in paragraphs 20H and 20I of Schedule 1;
- (b) the resources which, without a joint-claim jobseeker’s allowance, are likely to be available to the joint-claim couple, the amount by which these resources fall short of the amount applicable in their case in accordance with regulation 146G (applicable amount in hardship cases for joint-claim couples), the amount of any resources which may be available to the joint-claim couple for any person in the couple’s household who is not a member of the family and the length of time for which those factors are likely to persist;
- (c) whether there is a substantial risk that essential items, including food, clothing, heating and accommodation, will cease to be available to the joint-claim couple, or will be available at considerably reduced levels, the hardship that will result and the length of time those factors are likely to persist.

Period when a joint-claim couple is not in hardship

146B.—(1) A joint-claim couple which is not a couple in hardship by virtue of regulation 146A(5) shall not be a couple in hardship throughout the period beginning on the day on which a New Deal decision has effect by virtue of regulation 69 or, as the case may be, by virtue of regulation 7(8) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999(3) in relation to either or both members of that couple and ending—

- (a) on the last day on which a member is required to participate in a New Deal option; or
- (b) on the day which is 14 days after the day on which the New Deal decision had effect,

whichever is the later.

(2) Where a joint-claim couple who are not a couple in hardship by virtue of regulation 146A(5) was a couple in hardship for the purposes of regulation 146D immediately

before the commencement of the period referred to in paragraph (1), that couple shall, subject to paragraph (3), again become a couple in hardship for the purposes of regulation 146D on the day following the expiration of that period.

(3) A joint-claim couple to whom paragraph (2) applies shall not again become a couple in hardship for the purposes of regulation 146D if—

- (a) the day following the day the period referred to in paragraph (1) expires is a day within a period in respect of which a subsequent New Deal decision applies by virtue of paragraph (1); or
- (b) on the day following the expiration of the period referred to in paragraph (1), they are not a couple in hardship for the purposes of regulation 146D.

(4) In this regulation, “New Deal decision” means a decision that section 20A(2)(b) or (c) applies to a member of a joint-claim couple by virtue of an act or omission relating to one of the New Deal options.

Circumstances in which a joint-claim jobseeker’s allowance is payable where a joint-claim couple is a couple in hardship

146C.—(1) This regulation applies where a joint-claim couple is a couple in hardship within the meaning of regulation 146A(1) and is subject to the provisions of regulations 146E and 146F.

(2) Subject to paragraph (3), a couple in hardship referred to in paragraph (1), other than a couple in hardship where either or both members are persons to whom regulation 46(1) (waiting days) applies, shall be treated as entitled to a joint-claim jobseeker’s allowance for the period—

- (a) beginning with the fourth day of the jobseeking period or, if later, from the day the couple first becomes a couple in hardship; and
- (b) ending on the day before the claim is determined,

where the sole reason for the claim being determined on that day and not earlier is that a question arises as to whether either or both members satisfy the conditions of entitlement in section 1(2)(a) to (c) provided the joint-claim couple satisfy the conditions set out in section 1(2B)(c).

(3) A couple in hardship to whom paragraph (2) applies may be treated as entitled to a joint-claim jobseeker’s allowance for a period after the date referred to in that paragraph which is applicable in their case but before the date of the statement referred to in regulation 146E(1) is furnished where the Secretary of State is satisfied that that couple suffered hardship because of a lack of resources during that period.

(4) A couple in hardship, except where either or both members have been treated as not available for employment in accordance with regulations under section 6(4) shall, subject to the conditions specified in regulation 146E (conditions for hardship payments), be entitled to a joint-claim jobseeker’s allowance without both members satisfying the requirements of section 1(2)(a) to (c) provided the joint-claim couple satisfy the other conditions of entitlement to that benefit.

(5) A joint-claim jobseeker’s allowance shall be payable to a joint-claim couple who are a couple in hardship even though payment to the couple of a joint-claim jobseeker’s allowance has been suspended in accordance with regulations made under section 21 of the Social Security Act 1998(4) on the ground that a doubt has arisen as to whether either joint-claimant

satisfies the requirements of section 1(2)(a) to (c), but the allowance shall be payable only if and for so long as—

- (a) the joint-claim couple satisfy the other conditions of entitlement to a joint-claim jobseeker's allowance; or
- (b) one member satisfies those conditions and the other member comes within any paragraph in Schedule A1 (categories of members not required to satisfy conditions in section 1(2B)(b)).

(6) A joint-claim jobseeker's allowance shall be payable to a couple in hardship even though section 20A(5)(a) (denial of joint-claim jobseeker's allowance) prevents payment of a joint-claim jobseeker's allowance to the couple or section 20A(5)(b) (reduction of joint-claim jobseeker's allowance) reduces the amount of a joint-claim jobseeker's allowance payable to the couple but the allowance shall be payable only if and for so long as—

- (a) the joint-claim couple satisfy the other conditions of entitlement to a joint-claim jobseeker's allowance; or
- (b) one member satisfies those conditions and the other member comes within any paragraph in Schedule A1 (categories of members not required to satisfy conditions in section 1(2B)(b)).

Further circumstances in which a joint-claim jobseeker's allowance is payable to a couple in hardship

146D.—(1) This regulation applies to a couple in hardship falling within paragraph (2) but not paragraph (1) of regulation 146A and is subject to the provisions of regulations 146E and 146F.

(2) A couple in hardship shall be treated as entitled to a joint-claim jobseeker's allowance for a period commencing on whichever is the later of—

- (a) the 15th day following the date of claim disregarding any waiting days; or
- (b) the day on which regulation 146E is complied with,

and ending on the day before the claim is determined where the sole reason for the claim being determined on that day and not earlier is that a question arises as to whether either or both members of that couple satisfy the conditions of entitlement in section 1(2)(a) to (c) provided the joint-claim couple satisfy the conditions set out in section 1(2B)(c).

(3) A joint-claim jobseeker's allowance shall be payable, subject to paragraph (4), to a couple in hardship even though payment to them of a joint-claim jobseeker's allowance has been suspended in accordance with regulations made under section 21 of the Social Security Act 1998 (suspension of benefit) on the ground that a doubt has arisen as to whether either or both members of that couple satisfy the requirements of section 1(2)(a) to (c) of the Act but the allowance shall be payable only if and for so long as—

- (a) the joint-claim couple satisfy the other conditions of entitlement to a joint-claim jobseeker's allowance; or
- (b) one member satisfies those conditions and the other member comes within any paragraph in Schedule A1 (categories of members not required to satisfy conditions in section 1(2B)(b)).

(4) A joint-claim jobseeker's allowance shall not be payable in respect of the first 14 days of the period of suspension.

(5) A joint-claim jobseeker's allowance shall be payable to a couple in hardship even though section 20A(5)(a) (denial of joint-claim jobseeker's allowance) prevents payment of a joint-claim jobseeker's allowance to them or section 20A(5)(b) (reduction of joint-claim jobseeker's

allowance) reduces the amount of a joint-claim jobseeker's allowance payable to them but the allowance—

- (a) shall not be payable under this paragraph in respect of the first 14 days of the period to which section 20A applies; and
- (b) shall be payable thereafter only where the conditions of entitlement to a joint-claim jobseeker's allowance are satisfied or where one member satisfies those conditions and the other member comes within any paragraph in Schedule A1 (categories of members not required to satisfy conditions in section 1(2B)(b)).

Conditions for hardship payments to a joint-claim couple

146E.—(1) A joint-claim jobseeker's allowance shall not be payable in accordance with regulation 146C or, as the case may be, 146D, except where either member of the joint-claim couple has—

- (a) furnished on a form approved for the purpose by the Secretary of State or in such other form as he may in any particular case approve, a statement of the circumstances he relies upon to establish entitlement under regulation 146C or, as the case may be, regulation 146D; and
- (b) signed the statement.

(2) The completed and signed form shall be delivered by either member to such office as the Secretary of State may specify.

Provision of information

146F. For the purposes of section 20B(5) and paragraph 10(3) of Schedule 1 to the Act, a member of a joint-claim couple shall provide to the Secretary of State information as to the circumstances of the alleged hardship of that couple.

Applicable amount in hardship cases for joint-claim couples

146G.—(1) The weekly applicable amount of the joint-claim couple to whom a joint-claim jobseeker's allowance is payable in accordance with this Part of these Regulations shall be reduced by a sum equivalent to 40% or, in a case where a member of a joint-claim couple is either pregnant or seriously ill or where a member of the joint-claim couple is a member of a polygamous marriage and one of the members of that marriage is pregnant or seriously ill, 20% of the following amount—

- (a) where one member of the joint-claim couple or the polygamous marriage is aged not less than 18 but less than 25 and the other member or, in the case of a polygamous marriage, each other member, is a person under 18 to whom section 3A(1)(e)(ii) applies or is not subject to a direction under section 16, the amount specified in paragraph 1(1)(d) of Schedule 1;
- (b) where one member of the joint-claim couple or of the polygamous marriage (other than a member of a couple or polygamous marriage to whom sub-paragraph (a) applies) at least one of whom is aged not less than 18, the amount specified in paragraph 1(1)(e) of Schedule 1.

(2) A reduction under paragraph (1) shall, if it is not a multiple of 5p, be rounded to the nearest such multiple or, if it is a multiple of 2.5p but not of 5p, to the next lower multiple of 5p.

Payments made on account of suspended benefit

146H.—(1) This regulation applies to a joint-claim couple to whom—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) payments of a joint-claim jobseeker’s allowance have been suspended in accordance with regulations made under section 21 of the Social Security Act 1998(5);
 - (b) a joint-claim jobseeker’s allowance is paid under regulation 146C or 146D.
- (2) In the case of a joint-claim couple to whom—
- (a) this regulation applies; and
 - (b) payments in respect of the benefit suspended fall to be made,
- any benefit paid or payable by virtue of regulation 146C(5) or 146D(3) shall be treated as having been paid on account of the suspended benefit and only the balance of the suspended benefit, if any, shall be payable.”.
- (4) Before Schedule 1, there shall be inserted the Schedule at Schedule 1 to these Regulations.
- (5) The principal Regulations shall be further amended in accordance with Schedule 2 to these Regulations.