

**2000 No. 239**

**SOCIAL SECURITY**

**The Jobseeker’s Allowance (Amendment) Regulations 2000**

*Made - - - - - 7th February 2000*

*Laid before Parliament 10th February 2000*

*Coming into force - - 6th March 2000*

The Secretary of State for Social Security in relation to regulation 2(4) and (5) and the Secretary of State for Education and Employment in relation to the remainder of the Regulations, in exercise of the powers conferred by sections 19(2), 20(4), 35(1), 36(1), (2) and (4) of the Jobseekers Act 1995(a) and after reference to the Social Security Advisory Committee(b), hereby make the following Regulations:

**Citation and commencement**

**1.** These Regulations may be cited as the Jobseeker’s Allowance (Amendment) Regulations 2000 and shall come into force on 6th March 2000.

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

**2.—(1)** The Jobseeker’s Allowance Regulations 1996(c) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 1(3) (interpretation) there shall be inserted after the definition of “net profit” the following definition

““the New Deal options” means the employment programmes specified in regulation 75(1)(a)(ii) and the training scheme specified in regulation 75(1)(b)(ii);”.

(3) For regulation 69 (prescribed period for purposes of Section 19(2)) there shall be substituted the following regulation—

**“Prescribed period for purposes of section 19(2)**

**69.—(1)** The prescribed period for the purposes of section 19(2) shall be—

- (a) 2 weeks, in any case which does not fall within sub-paragraph (b) or (c) below;
- (b) 4 weeks, in any case in which
  - (i) a jobseeker’s allowance is determined not to be payable to the claimant in circumstances falling within section 19(5), and
  - (ii) one of the following circumstances applies—
    - (aa) where the determination in (i) above does not relate to one of the

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(a) 1995 c. 18; section 35 is an interpretation provision and s.35(1) is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

(b) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (c. 5); paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of enactments regulations under which must normally be referred to the Committee.

(c) S.I. 1996/207; relevant amending instruments are S.I. 1997/2863 and S.I. 1999/2677.

New Deal options, on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstances falling within section 19(5), or

- (bb) where the determination in (i) above relates to one of the New Deal options, on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstances falling within section 19(5) that relate to one of those options, and
- (iii) the first date on which the jobseeker's allowance was not payable to him on that previous occasion falls within the period of 12 months preceding the date of the determination mentioned in (b)(i) above;
- (c) 26 weeks in any case in which—
  - (i) a jobseeker's allowance is determined not to be payable to the claimant in circumstances falling within section 19(5) and the determination relates to an act or omission arising after this regulation comes into force in respect of one of the New Deal options; and
  - (ii) on two or more previous occasions a jobseeker's allowance has been determined not to be payable to the claimant in circumstances falling within section 19(5) and each such determination relates to one of the New Deal options; and
  - (iii) no more than 12 months have elapsed between the beginning of the day on which the determination mentioned in (c)(i) above is made and the beginning of the first day on which a jobseeker's allowance was not payable to the claimant as a result of the determination which most recently preceded it whether the preceding determination is either—
    - (aa) a determination falling within sub-paragraph (b)(i) to which the circumstances in sub-paragraph (b)(ii)(bb) apply; or
    - (bb) itself an earlier determination falling within sub-paragraph (c)(i).
- (2) The prescribed period for the purposes of section 19(2) shall begin—
  - (a) where, in accordance with regulation 26A(1) of the Claims and Payments Regulations<sup>(a)</sup>, a jobseeker's allowance is paid otherwise than fortnightly in arrears, on the day following the end of the last benefit week in respect of which that allowance was paid; and
  - (b) in any other case, on the first day of the benefit week following the date on which a jobseeker's allowance is determined not to be payable.
- (3) In a case falling within paragraph (1)(c) of this regulation in which—
  - (a) for the first time a determination is made that for a period of 26 weeks a jobseeker's allowance is not payable to the claimant; and
  - (b) no further such determination is made; and
  - (c) the Secretary of State gives notice in writing to the claimant that he is no longer required to participate in any of the New Deal options,  
an income-based jobseeker's allowance shall be payable to the claimant during the period specified in paragraph (4) even though section 19 would otherwise prevent the payment of such an allowance.
- (4) The period referred to in paragraph (3) shall—
  - (a) begin on either—
    - (i) the day specified in a notice by the Secretary of State as being the day on which the claimant is or was no longer required to participate in any of the New Deal options; or
    - (ii) the day four weeks after the first day on which a jobseeker's allowance was not payable as a result of the first determination mentioned in paragraph (3),  
whichever is the later;
  - (b) end on the last day when a jobseeker's allowance was not payable as a result of the first determination mentioned in paragraph (3); but

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(a) S.I. 1987/1968; regulation 26A was inserted by S.I. 1996/1460.

(c) not include any period during which a jobseeker's allowance is again determined not to be payable to the claimant in circumstances falling within section 19(5) or (6).”.

(4) At the end of regulation 140(1) (meaning of “person in hardship”) there shall be added the following sub-paragraph—

“(k) is a person

- (i) who, pursuant to the Children Act 1989(a), 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 and assistance from a local authority,

but in respect of whom (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 he complies with the requirements of regulation 143; and

- (iv) as at the date on which he complies with the requirements of regulation 143, is under the age of 21”.

(5) In regulation 140A (period when a person is not a person in hardship)—

(a) for paragraph (1) there shall be substituted the following paragraph—

“(1) A claimant who is not a person in hardship by virtue of regulation 140(4A) shall not be a person 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(b) and ending—

- (a) on the last day on which he 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.”

(b) after paragraph (3) there shall be added the following paragraph—

“(4) In this regulation, “New Deal decision” means a decision that section 19(5)(b) or (c) applies by virtue of an act or omission relating to one of the New Deal options.”.

3rd February 2000

*Tessa Jowell*  
Minister of State,  
Department for Education and Employment

7th February 2000

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

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(a) 1989 c. 41.  
(b) S.I. 1999/991.

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

These Regulations amend the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) by increasing to 26 weeks the length of time during which a jobseeker's allowance is not payable following a third, and any subsequent, determination that a claimant has, without good cause, defaulted in one of the ways set out in sections 19(5)(b) and (c) of the Jobseekers Act 1995 but only when each default arises within 12 months of the next and all three of the defaults have arisen after the claimant has been required to participate in one or more of the four options of the New Deal for 18 to 24 year olds known as the employment option, the voluntary sector option, the environment task force option and the full-time education and training option.

The new regulation 69(2) provides that if a claimant who has defaulted in this way on three occasions but subsequently, without defaulting for a fourth time, completes one of the options (or the Secretary of State otherwise becomes satisfied that he should no longer be required to participate) that claimant shall, notwithstanding the imposition of the third sanction, be able to apply for income-based jobseeker's allowance after at least 4 weeks of the third sanction have expired.

Where a person may not be entitled to a jobseeker's allowance as a result of a default arising whilst that person is required to participate in one of the New Deal options, regulation 2(5) amends the Jobseeker's Allowance Regulations so as to extend the period during which such a person is prescribed not to be a person in hardship. The effect of the amendment is that the allowance available to a person in hardship is not available to a person under sanction by reason of such a default for the period during which he is required to participate in a New Deal option or for 14 days whichever is the longer. (A training allowance is available to a participant in a New Deal option.)

Regulation 2(2) inserts a definition of a term employed in these regulations into the interpretation section of the Jobseeker's Allowance Regulations.

Regulation 2(4) provides that persons who have recently left local authority care under the Children Act 1989 (c. 41) may be treated as persons in hardship for the purposes of Part IX of the Jobseeker's Allowance Regulations.

The Report of the Social Security Advisory Committee dated 11th November 1999 on the proposals referred to them in respect of these Regulations, together with a statement showing the extent to which these Regulations give effect to the recommendations of the committee, and in so far as they do not give effect to them, the reasons why not, are contained in Command Paper 4549, published by The Stationery Office Limited.

These regulations do not impose any charge on business.

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