
STATUTORY INSTRUMENTS

2006 No. 2378

**The Social Security (Miscellaneous
Amendments) (No. 4) Regulations 2006**

Amendment of the Jobseeker's Allowance Regulations 1996

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

(2) In regulation 1(3) (citation, commencement and interpretation)(1), in the definition of “benefit week”, after “regulation 23” in each place that it appears insert “or regulation 23A”.

(3) In—

- (a) regulation 18(3)(f)(v) (steps to be taken by persons actively seeking employment),
- (b) regulation 53(d)(iv) (persons treated as not engaged in remunerative work),
- (c) paragraphs 9(d) and 19(a) of Schedule 6 (sums to be disregarded in the calculation of earnings), and
- (d) paragraph 5(a) of Schedule 6A(2) (sums to be disregarded in the calculation of earnings of members of joint-claim couples)

for “Schedule 3 to the Social Security (Contributions) Regulations 1979” in each place that it appears substitute “Schedule 6 to the Social Security (Contributions) Regulations 2001”.

(4) In regulation 78(3)(a) (circumstances in which a person is to be treated as being or not being a member of the household) for “special hospitals” substitute “high security psychiatric services”.

(5) In regulation 98(1)(h) (earnings of employed earners)(3) for “regulation 18(22) to (25) of the Social Security (Contributions) Regulations 1979” substitute “Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001”.

(6) In regulation 110(4) (income treated as capital) for “or 17” substitute “, 17, 42 or 43”.

(7) In regulation 134 (relationship with amounts to be disregarded under Schedule 7), omit the words “and any other income” to the end of the regulation.

(8) In the definition of “special Class 2 contributions” in regulation 158(3) (modifications of section 2) for “regulation 98(c) of the Social Security (Contributions) Regulations 1979” substitute “regulation 125(c) of the Social Security (Contributions) Regulations 2001”.

(9) In regulation 167 (modification of contribution conditions for volunteer development workers) for “Case G of Part 8 of the Social Security (Contributions) Regulations 1979 (volunteer development workers)” substitute “Case G of Part 9 of the Social Security (Contributions) Regulations 2001”.

(10) In—

- (a) paragraphs 12(3), 20F(3) and 20H(2) of Schedule 1 (applicable amounts)(4), and

(1) Relevant amending instruments are [S.I. 1996/1517](#) and [1996/2538](#).

(2) Schedule 6A was inserted by [S.I. 2000/1978](#).

(3) Regulation 98(1)(h) was inserted by [S.I. 1999/1509](#).

(4) Paragraph 12(3) was inserted by [S.I. 1998/2231](#). Paragraphs 20F and 20H were inserted by [S.I. 2000/1978](#).

- (b) paragraphs 13(4A)(b) and (12) of Schedule 2 (housing costs)⁽⁵⁾ for “52 weeks” in each place that it appears substitute “104 weeks”.
- (11) In Schedule 2 (housing costs)—
- (a) at the end of paragraph 1(3)(c) (housing costs)⁽⁶⁾, insert—
- “; or
- (d) who is disabled or severely disabled for the purposes of section 9(6) (maximum rate) of the Tax Credits Act 2002.”;
- (b) for paragraph 3(7)(c)(ii) (circumstances in which a person is to be treated as occupying a dwelling as his home), substitute—
- “(ii) the move was delayed pending the outcome of an application under Part 8 of the Benefits Act for a social fund payment to meet a need arising out of the move or in connection with setting up the home in the dwelling, and—
- (aa) a member of the claimant’s family is aged five or under,
- (bb) the claimant’s applicable amount includes a premium under paragraph 10, 11, 12, 13, 15 or 16 of Schedule 1 (applicable amounts), or
- (cc) a child tax credit is paid for a member of the claimant’s family who is disabled or severely disabled for the purposes of section 9(6) (maximum rate) of the Tax Credits Act 2002; or”;
- (c) in paragraph 16(1)(a) (other housing costs), omit “and, in Scotland, payments by way of feu duty”.
- (12) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 15⁽⁷⁾—
- (i) for sub-paragraph (1) substitute—
- “(1) Subject to sub-paragraph (3) and paragraph 41, any relevant payment made or due to be made at regular intervals.”;
- (ii) in sub-paragraph (3), for “Sub-paragraphs (1) and (2)” substitute “Sub-paragraph (1)”;
- (iii) omit sub-paragraphs (2), (4) and (5);
- (b) omit paragraph 16⁽⁸⁾;
- (c) in paragraph 27 for the words from “care authority” to the end of the paragraph substitute “local authority under regulation 9 of the Fostering of Children (Scotland) Regulations 1996 (payment of allowances)”;
- (d) in paragraph 32(1)⁽⁹⁾ omit “but not a payment to which paragraph 16 applies”;
- (e) in paragraph 38⁽¹⁰⁾, for “paragraphs 15(1) and 17” substitute “paragraph 17”.
- (13) In Schedule 8 (capital to be disregarded)—
- (a) in paragraph 17, after “claimant” insert “or the claimant’s partner”;
- (b) after paragraph 17 insert—

⁽⁵⁾ Paragraph 13(4A) was inserted by [S.I. 1999/1921](#). Paragraph 13(12) was substituted by [S.I. 1998/2231](#) and amended by [S.I. 2001/488](#).

⁽⁶⁾ Paragraph 1(3) was amended by [S.I. 1996/1516](#).

⁽⁷⁾ Relevant amending instruments are [S.I. 2001/3767](#), [2002/2442](#) and [2004/2308](#).

⁽⁸⁾ Relevant amending instruments are [S.I. 2001/3767](#), [2005/2078](#) and [2005/2687](#).

⁽⁹⁾ Paragraph 32 was amended by [S.I. 2005/2687](#).

⁽¹⁰⁾ Relevant amending instruments are [S.I. 1997/454](#) and [2000/1922](#).

“**17A.**—(1) Any payment made to the claimant or the claimant’s partner in consequence of any personal injury to the claimant or, as the case may be, the claimant’s partner.

(2) But sub-paragraph (1)—

- (a) applies only for the period of 52 weeks beginning with the day on which the claimant first receives any payment in consequence of that personal injury;
- (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
- (c) ceases to apply to the payment or any part of the payment from the day on which the claimant no longer possesses it;
- (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the claimant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which a claimant no longer possesses a payment or a part of it include where the claimant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the claimant are to be construed as including references to his partner (where applicable).”;

(c) for paragraph 42(**11**) substitute—

“**42.**—(1) Any sum of capital to which sub-paragraph (2) applies and—

- (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
- (b) which can only be disposed of by order or direction of any such court; or
- (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

(2) This sub-paragraph applies to a sum of capital which is derived from—

- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.”.