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## EXPLANATORY NOTE

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

These Regulations amend the Income Support (General) Regulations 1987 (“the Income Support Regulations”) and the Jobseeker’s Allowance Regulations 1996 (“the Jobseeker’s Allowance Regulations”).

A person may claim income support only if he or she is within a category of persons prescribed in Schedule 1B to the Income Support Regulations. Regulation 4ZA(3)(c) provides that a full-time student can fall within certain prescribed categories (for example carers or those who are incapable of work) only during the summer vacation and only then if he or she: (a) has a partner who is also a full-time student, and (b) is a person (or whose partner is a person) with responsibility for a child or young person. While retaining the requirement that, if a person has a partner, that partner must also be a full-time student so as to fall within those prescribed categories during the summer vacation, these Regulations extend the provision so that a full-time student who does not have a partner can also fall within the prescribed categories.

A person claiming a jobseeker’s allowance has to be available for employment (see section 1(2) (a) of the Jobseekers Act 1995). Regulation 15 of the Jobseeker’s Allowance Regulations specifies that a full-time student is not to be regarded as available for employment except – for the period only of the summer vacation – where the claimant: (a) has a partner who is also a full-time student, and (b) is a person (or whose partner is a person) with responsibility for a child or young person. While retaining the requirement that, if a person has a partner, that partner must also be a full-time student for the exception to apply, these Regulations extend the provision so that a full-time student who does not have a partner can also fall within the exception – and recast regulation 15 so as to incorporate that extension.

A full impact assessment has not been published for this instrument as it has no impact on the private or voluntary sectors.