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STATUTORY INSTRUMENTS

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**2008 No. 2767**

**The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008**

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

- 4.—(1) The Jobseeker's Allowance Regulations 1996(1) are amended as follows.
- (2) In regulation 1(3) (citation, commencement and interpretation)—
- (a) at the appropriate places insert the following definitions—
- ““Health Service Act” means the National Health Service Act 2006;
- “Health Service (Wales) Act” means the National Health Service (Wales) Act 2006;”;
- (b) omit the following definitions—
- (i) “the Independent Living (Extension) Fund”;
- (ii) “the Independent Living Fund”;
- (iii) “the Independent Living (1993) Fund”;
- (iv) “the Independent Living Funds”(2);
- (c) for the definition of “sandwich course” substitute—
- ““sandwich course” has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans) (Scotland) Regulations 2007, regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007;”.
- (3) In regulation 50 (persons temporarily absent from Great Britain) for paragraphs (6AA)(b) and (6C)(b)(3) substitute—
- “(b) that period of temporary absence is for the purpose of the claimant receiving treatment at a hospital or other institution outside Great Britain where the treatment is being provided—
- (i) under section 6(2) of the Health Service Act (performance of functions outside England) or section 6(2) of the Health Service (Wales) Act (performance of functions outside Wales);
- (ii) pursuant to arrangements made under section 12(1) of the Health Service Act (Secretary of State's arrangements with other bodies), section 10(1) of the Health Service (Wales) Act (Welsh Minister's arrangements with other bodies), paragraph 18 of Schedule 4 to the Health Service Act (joint exercise of functions) or paragraph 18 of Schedule 3 to the Health Service (Wales) Act (joint exercise of functions); or
- (iii) under any equivalent provision in Scotland or pursuant to arrangements made under such provision.”.

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(1) [S.I. 1996/207](#).

(2) Relevant amending instrument is [S.I. 2007/2538](#).

(3) Paragraphs (6AA) and (6C) were inserted by [S.I. 2004/1869](#).

- (4) In regulation 96(4) (date on which income is treated as paid)—
- (a) in paragraph (1) for “(2) or (3) applies” substitute “(2) to (4) apply”;
  - (b) in paragraph (3)—
    - (i) for “Working tax credit or child tax credit” substitute “Subject to paragraph (4), working tax credit”;
    - (ii) omit sub-paragraph (c) and the preceding “or”;
  - (c) after paragraph (3) add—
 

“(4) Where working tax credit is paid by virtue of regulation 7D (ceasing to undertake work or working less than 16 hours a week) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(5), it shall be treated as paid on the first day of the benefit week in which that award of tax credit begins; but this paragraph shall only apply until the last day of the last benefit week that coincides with or precedes the last day for which tax credit is awarded under that regulation.”
- (5) In regulation 97(1)(6) (calculation of weekly amount of income)—
- (a) after “other than earnings” insert “ and regulation 96(3) (date on which income is treated as paid)”, and after “a payment” insert “of income or tax credit”;
  - (b) for sub-paragraph (b)(iii) substitute—
    - (iii) in a case where that period is a year and the payment is an award of working tax credit, by dividing the payment by the number of days in the year and multiplying the result by 7;
    - (iiia) in a case where that period is a year and the payment is income other than an award of working tax credit, by dividing the amount of the payment by 52;”
- (6) In regulation 105 (notional income)—
- (a) in sub-paragraph (10A)(a)(7) for “Funds” substitute “Fund (2006)”;
  - (b) in paragraph (11)(8) after “partner in that home” insert “or hospital”.
- (7) In—
- (a) regulation 110(10)(c) (income treated as capital),
  - (b) regulation 113(3A)(a)(9) (notional capital),
  - (c) regulation 149(1)(a)(i)(10) (assessment of income and capital in urgent cases),
  - (d) paragraph 17(8)(b) of Schedule 2 (housing costs),
  - (e) paragraphs 22(2) and 41(1) of Schedule 7 (sums to be disregarded in the calculation of income other than earnings),
  - (f) paragraph 27(1)(11) and paragraph 31 of Schedule 8 (capital to be disregarded),
- for “Funds” substitute “Fund (2006)”.
- (8) In regulation 130(12) (interpretation) in paragraph (c) of the definition of “standard maintenance grant” omit “and paid under the Further and Higher Education (Scotland) Act 1992”.

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(4) Paragraph (1) was amended by S.I. 2000/681. Paragraph (3) was inserted by S.I. 2000/681 and amended by S.I. 2003/1731.  
 (5) S.I. 2002/2005. Regulation 7D was inserted by S.I. 2007/968.  
 (6) Relevant amending instrument is S.I. 1997/454.  
 (7) Paragraph (10A) was inserted by S.I. 1998/2117.  
 (8) Relevant amending instruments are S.I. 2003/455, 2005/2687.  
 (9) Paragraph (3A) was inserted by 1998/2117. Relevant amending instruments are: S.I. 2004/2308, 2005/3391.  
 (10) Sub-paragraph (a) was substituted by S.I. 1998/563.  
 (11) Relevant amending instruments S.I. 2004/1141, 2005/3391.  
 (12) Relevant amending instruments are S.I. 2000/1981, 2001/2319.

- (9) In regulation 136(**13**) (treatment of student loans)—
- (a) in paragraph (1) omit “unless it is a hardship loan in which case it shall be disregarded”;
  - (b) omit paragraph (1A).
- (10) In Schedule 2 (housing costs)—
- (a) in paragraph 3(11)(c)(i)(bb)(**14**) (circumstances in which a person is to be treated as occupying a dwelling as his home) for “section 9 of Criminal Justice and Court Services Act 2000” substitute “section 13 of the Offender Management Act 2007”;
  - (b) in paragraphs 4(10)(b)(**15**) (housing costs not met) for “children” substitute “persons” and for “who belong to the same family as a claimant” substitute “but under the age of 20 who live with the claimant and for whom the claimant or the claimant’s partner is responsible”;
  - (c) in paragraph 13(3)(**16**) (linking rule) after “that section” insert “or under the Enterprise and New Towns (Scotland) Act 1990”;
  - (d) in paragraph 15(2)(l) (loans for repairs and improvements to the dwelling occupied as the home) for “children” substitute “persons” and for “who are part of the same family as the claimant” substitute “but under the age of 20 who live with the claimant and for whom the claimant or the claimant’s partner is responsible”;
  - (e) in paragraph 17(7)(b)(**17**) (non-dependant deductions) for “a Youth Training Scheme” substitute “youth training”.
- (11) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings) omit paragraph 44.

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(13) Relevant amending instrument is [S.I. 2000/1922](#).

(14) Substituted by [S.I. 2004/2327](#).

(15) Relevant amending instrument is [S.I. 2000/1978](#).

(16) Substituted by [S.I. 1997/827](#) and amended by [S.I. 2000/1978](#).

(17) Substituted by [S.I. 1996/1517](#). Relevant amending instrument is [1996/2538](#).