
STATUTORY INSTRUMENTS

2008 No. 3157

**The Social Security (Miscellaneous
Amendments) (No. 7) Regulations 2008**

Amendment of the Jobseeker's Allowance Regulations 1996

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

(2) In regulation 1(3) (interpretation)—

- (a) in the definition of “concessionary payment”, for “under the Act or the Benefits Act” substitute “or tax credits under the benefit Acts or the Tax Credits Act 2002(1)”;
- (b) in the definition of “full-time course of advanced education”, for “National Assembly for Wales” (where three times occurring) substitute “Welsh Ministers”;
- (c) in the definition of “full-time student”, for “National Assembly for Wales” (where three times occurring) substitute “Welsh Ministers”;
- (d) in the definition of “mobility supplement”, for “article 26A of the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 1983” substitute “article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(2)”;
- (e) in the definition of “training allowance”, in sub-paragraphs (a) and (c), for “National Assembly for Wales” substitute “Welsh Ministers”;
- (f) omit the definitions of “war disablement pension”, “war widow's pension” and “war widower's pension”;
- (g) insert the following definitions at the appropriate places in alphabetical order—

““the benefit Acts” means the Act, the Benefits Act and Part 1 of the Welfare Reform Act 2007(3);

“war disablement pension” means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003(4);

“war pension” means a war disablement pension, a war widow's pension or a war widower's pension;

“war widow's pension” means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

“war widower's pension” means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;”.

(1) 2002 c. 21.

(2) S.I. 2006/606.

(3) c. 5.

(4) 2003 c. 1. Subsection (2) was inserted into section 639 by section 19(4) of the Finance Act 2005 (c. 7).

(3) In regulation 11(3) (part-time students), for “National Assembly for Wales” substitute “Welsh Ministers”.

(4) In regulation 57(1) (interpretation of Part IV), in the definition of “training”, for “National Assembly for Wales” substitute “Welsh Ministers”.

(5) In regulation 75(1)(b)(i) (interpretation), for “National Assembly for Wales” substitute “Welsh Ministers”.

(6) In regulation 105(10)(a)(i) (notional income) and 113(3)(a)(i) (notional capital), for “Act or under the Benefits Act, a payment from the Armed Forces and Reserve Forces Compensation Scheme, a war disablement pension or war widow’s pension or war widower’s pension” substitute “benefit Acts, a payment from the Armed Forces and Reserve Forces Compensation Scheme, a war disablement pension, war widow’s pension or war widower’s pension or a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown”.

(7) In regulation 130 (interpretation), in the definition of “access funds”, in sub-paragraph (e), for “National Assembly for Wales” substitute “Welsh Ministers”.

(8) In regulation 170(2) (persons in receipt of a training allowance), for “National Assembly for Wales” substitute “Welsh Ministers”.

(9) In Schedule A1 (categories of members of a joint-claim couple who are not required to satisfy the conditions in section 1(2B)(b)), in paragraph 16 (young persons in training), for “National Assembly for Wales” substitute “Welsh Ministers”.

(10) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings)—

(a) for paragraph 7 substitute—

“7. The mobility component of disability living allowance.”;

(b) for paragraph 8(b) substitute—

“(b) income support;

(c) an income-based jobseeker’s allowance; or

(d) an income-related employment and support allowance.”;

(c) in paragraph 12—

(i) for sub-paragraph (1)(a)(iii) substitute—

“(iii) directions made under section 73ZA of the Education (Scotland) Act 1980⁽⁵⁾ and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992⁽⁶⁾; or”;

(ii) for sub-paragraph (2)(c) substitute—

“(c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992.”;

(d) for paragraph 17 substitute—

“17. Subject to paragraphs 38 and 39, £10 of any of the following, namely—

(a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);

(b) a war widow’s pension or war widower’s pension;

(5) Section 73ZA was inserted by the Further and Higher Education (Scotland) Act 2005 (asp 6), section 19(1).

(6) 1992 c. 37.

- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a payment under the Armed Forces Pension Scheme 1975 or the Armed Forces Pension Scheme 2005, so much of the pension payable under either of those schemes as would not, in aggregate with the amount of the guaranteed income payment disregarded, exceed £10;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
 - (h) any widowed mother's allowance paid pursuant to section 37 of the Benefits Act;
 - (i) any widowed parent's allowance paid pursuant to section 39A of the Benefits Act.
- (e) in paragraph 26—
- (i) in sub-paragraph (1)(a), for “Secretary of State under section 51” substitute “Scottish Ministers under section 51A”;
 - (ii) omit sub-paragraph (1)(b);
- (f) in paragraph 28—
- (i) in sub-paragraph (d) omit “or”;
 - (ii) in sub-paragraph (e), for “1977.” substitute “1977 or established by an order made under section 18(2)(c) of the Health Service Act; or”;
 - (iii) after sub-paragraph (e) insert—
 - “(f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the Health Service (Wales) Act.”;
- (g) omit paragraph 40;
- (h) in paragraph 43, for “Act or under the Benefits Act” substitute “benefit Acts”;
- (i) omit paragraph 46;
- (j) for paragraphs 47 and 48 substitute—
- “47.—(1) Any payment or repayment made—
- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(7) (travelling expenses and health service supplies);

- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007⁽⁸⁾ (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003⁽⁹⁾ (travelling expenses and health service supplies).

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1).

48. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988⁽¹⁰⁾ in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).”;

- (k) in paragraph 49, for “Secretary of State for Scotland” substitute “Scottish Ministers”;
- (l) for paragraphs 52 and 53 substitute—

“**52.**—(1)) If the claimant is in receipt of any benefit under Part 2, 3 or 5 of the Benefits Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that Act, where the dependant in respect of whom the increase is paid is not a member of the claimant’s family.

(2) If the claimant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the claimant’s family.

53. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.”;

- (m) for paragraph 55(1)(b) substitute—

“(b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.”;

- (n) in paragraph 72(1), for “National Assembly for Wales” substitute “Welsh Ministers”.

- (11) In Schedule 8 (capital to be disregarded)—

- (a) in paragraph 12(1)(b), for “a jobseeker’s” substitute “an income-based jobseeker’s”;
- (b) in paragraph 34, for “Act or under the Benefits Act” substitute “benefit Acts”;
- (c) for paragraphs 36 and 37 substitute—

“**36.**—(1) Any payment or repayment made—

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);

⁽⁸⁾ S.I. 2007/1104.
⁽⁹⁾ S.S.I. 2003/460.
⁽¹⁰⁾ 1988 c. 7.

- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

37. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988⁽¹¹⁾ in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.”;

- (d) in paragraph 38, for “Secretary of State for Scotland” substitute “Scottish Ministers”;
- (e) for paragraph 39 substitute—

“**39.** Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 7 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.”;

- (f) in paragraph 52—

- (i) for sub-paragraph (1)(a)(iii) substitute—

“(iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992; or”;

- (ii) for sub-paragraph (2)(c) substitute—

“(c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992.”;

- (g) in paragraph 58 omit “within the meaning in section 25 of the Social Security Act 1989”;
- (h) in paragraph 59(1), for “National Assembly for Wales” substitute “Welsh Ministers”.