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STATUTORY INSTRUMENTS

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**2008 No. 698**

**The Social Security (Miscellaneous Amendments) Regulations 2008**

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

- 4.—(1) The Jobseeker's Allowance Regulations 1996 are amended as follows.
- (2) In regulation 1(3) (interpretation)(1)—
- (a) in the definition of “employment zone contractor” omit “for Education and Employment”;
  - (b) omit the definition of “Intensive Activity Period for 50 plus”;
  - (c) in the definition of “training allowance” omit “for Education and Employment” in both places where it occurs.
- (3) In regulation 4 (interpretation of Parts 2, 4 and 5) in the definition of “appropriate office” for “Education and Employment” insert “Work and Pensions”.
- (4) In regulation 14(1)(k) (circumstances in which a person is to be treated as available) for “the Secretary of State for the Home Department with the Trust” substitute “the Scottish Ministers”.
- (5) In regulation 15(bc) (circumstances in which a person is not to be regarded as available)(2)—
- (a) after “ordinary” insert “or additional”;
  - (b) after “75A” insert “or 75B”.
- (6) In regulation 19(1)(k) (circumstances in which a person is to be treated as actively seeking employment) for “the Secretary of State for the Home Department with the Trust” substitute “the Scottish Ministers”.
- (7) In regulation 48(2)(f)(ii) (linking periods)(3) for “, in the Intensive Activity Period specified in regulation 75(1)(a)(iv) or in the Intensive Activity Period for 50 plus” substitute “or in the Intensive Activity Period specified in regulation 75(1)(a)(iv)”.
- (8) In regulation 52(3) (persons treated as engaged in remunerative work)(4) for “98(1)(b) and (c)” substitute “98(1)(c)”.
- (9) In regulation 75(4) (interpretation)(5) omit “or the Intensive Activity period for 50 plus”.
- (10) For regulation 94(2)(a) (calculation of earnings derived from employed earner's employment and income other than earnings) substitute—
- “(a) where the payment is monthly, a period equal to the number of weeks from the date on which the payment is treated as paid to the date immediately before the date on which the next monthly payment would have been so treated as paid whether or not the next monthly payment is actually paid;

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(1) Definition of “Intensive Activity Period for 50 plus” was inserted by [S.I. 2001/1029](#). Definition of “employment zone contractor” was inserted by [S.I. 2000/724](#).

(2) Paragraph (bc) was inserted by [S.I. 2002/3072](#).

(3) Sub-paragraph (2)(f) was inserted by [S.I. 1997/2863](#). Relevant amending instrument is [S.I. 2001/1029](#).

(4) Relevant amending instruments are [S.I. 1996/1516](#), [2007/2618](#).

(5) Relevant amending instrument is [S.I. 2001/1029](#).

- (aa) where the payment is in respect of a period which is not monthly, a period equal to the length of the period for which payment is made;”.
- (11) In regulation 95 (calculation of earnings of self-employed earners)(6)—
- (a) in paragraph (2) for “royalties or sums paid periodically for or in respect of any copyright” substitute “any items to which paragraph (2A) applies”;
- (b) after that paragraph insert—
- “(2A) This paragraph applies to—
- (a) royalties;
- (b) sums paid periodically for or in respect of any copyright;
- (c) payments in respect of any book registered under the Public Lending Right Scheme 1982.”.
- (12) In—
- (a) regulation 105(10A)(c)(ia) and (13A)(b)(i) (notional income)(7); and
- (b) regulation 113(3A)(b)(ia) (notional capital)(8),
- omit “in the Intensive Activity Period for 50 plus or”.
- (13) In regulation 149(2) (assessment of income and capital in urgent cases)(9) omit “or Part II of the Social Security and Housing Benefits Act 1982”.
- (14) In Schedule 1 (applicable amounts)—
- (a) in paragraph 1(3)(e), for the entry in column (1) substitute—
- “(e) where—
- (i) both members are aged not less than 18; or
- (ii) one member is aged not less than 18 and the other member is a person who is—
- (aa) under 18, and
- (bb) treated as responsible for a child;”;
- (b) in paragraph 1(3)(f), after “where” insert “paragraph (e) does not apply and”;
- (c) in paragraph 8(1)(b)(10) omit “for Education and Employment”.
- (15) In paragraphs 4(4A)(a), 13(1)(ee)(i), (3A)(a) and (14)(c)(iv) of Schedule 2 (housing costs)(11), omit “or in the Intensive Activity Period for 50 plus”.
- (16) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings)—
- (a) for paragraph 29(12) substitute—
- “29.—(1) Any payment made by a local authority in accordance with—
- (a) section 17, 23B, 23C or 24A of the Children Act 1989(13),

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

(7) Sub-paragraph (10A)(c)(ia) was inserted by [S.I. 2001/1029](#). Sub-paragraph (13A) was inserted by [S.I. 2000/678](#) and relevant amending instrument is [S.I. 2001/1029](#).

(8) Relevant amending instrument is [S.I. 2001/1029](#).

(9) Relevant amending instruments are [S.I. 1996/1516](#), [1998/563](#).

(10) Paragraph 8(1)(b) was substituted by [S.I. 1996/2538](#).

(11) Paragraphs 4(4A)(a), 13(1)(ee)(i) and (3A)(a) were inserted by [S.I. 1997/2863](#). Relevant amending instruments are [S.I. 2000/1978](#) and [2001/1029](#).

(12) Relevant amending instruments are [S.I. 2001/3070](#), [2004/1141](#).

(13) [1989 c.41](#). Section 23B and 23C were inserted by section 2(1) and (4) of the Children (Leaving Care) Act 2000 ([c.35](#)). Section 24A was substituted by section 4(1) of the Children (Leaving Care) Act 2000.

- (b) section 12 of the Social Work (Scotland) Act 1968<sup>(14)</sup>, or
- (c) section 29 or 30 of the Children (Scotland) Act 1995<sup>(15)</sup>.

(2) Any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the claimant.

(3) Sub-paragraphs (1) and (2) are subject to the following provisions.

(4) Neither of those sub-paragraphs applies where the claimant is a person who is, or would be, prevented from being entitled to a jobseeker's allowance by section 14 (trade disputes).

(5) Sub-paragraph (2) applies only where A—

- (a) was formerly in the claimant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the claimant.”;

(b) for paragraph 45 substitute—

“**45.** Any payment in consequence of a reduction of council tax under section 13 or 80 of the Local Government Finance Act 1992<sup>(16)</sup> (reduction in liability for council tax).”.

(17) In Schedule 8 (capital to be disregarded)—

- (a) in paragraph 12(1)(b)<sup>(17)</sup> omit “working families' tax credit under section 128 of that Act, disabled person's tax credit under section 129 of that Act,”;
- (b) for paragraph 22<sup>(18)</sup> substitute—

“**22.**—(1) Any payment made by a local authority in accordance with—

- (a) section 17, 23B, 23C or 24A of the Children Act 1989,
- (b) section 12 of the Social Work (Scotland) Act 1968, or
- (c) section 29 or 30 of the Children (Scotland) Act 1995.

(2) Any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the claimant.

(3) Sub-paragraphs (1) and (2) are subject to the following provisions.

(4) Neither of those sub-paragraphs applies where the claimant is a person who is, or would be, prevented from being entitled to a jobseeker's allowance by section 14 (trade disputes).

(5) Sub-paragraph (2) applies only where A—

- (a) was formerly in the claimant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the claimant.”;

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<sup>(14)</sup> 1968 c.49.

<sup>(15)</sup> 1995 c.36.

<sup>(16)</sup> 1992 c.14.

<sup>(17)</sup> Relevant amending instrument for paragraph 12 is S.I. 2003/455.

<sup>(18)</sup> Relevant amending instruments are S.I. 2001/3070, 2004/1141.

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- (c) in paragraph 35 omit “a personal community charge pursuant to regulations under section 13A of the Local Government Finance Act 1988 or section 9A of the Abolition of Domestic Rates Etc (Scotland) Act 1987 (reduction of liability for personal community charge) or reduction of”.