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STATUTORY INSTRUMENTS

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**2013 No. 2536**

**The Social Security (Miscellaneous  
Amendments) (No. 3) Regulations 2013**

**Amendments to the Jobseeker's Allowance Regulations 1996**

- 6.—(1) The Jobseeker's Allowance Regulations 1996(1) are amended as follows.
- (2) In regulation 1(3) (interpretation)—
- (a) in the definition of “attendance allowance” omit paragraphs (c) and (d); and
  - (b) in the definition of “enactment” after “Parliament” insert “or the National Assembly for Wales”.
- (3) For the definition of “part-time member of a fire brigade” in regulation 4 (interpretation) substitute—
- ““part-time member of a fire brigade” means a person who is a part-time fire-fighter employed by a fire and rescue authority under the Fire and Rescue Services Act 2004 or by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005;”.
- (4) In regulation 45B(1) (relaxation of the first set of conditions) omit “also”.
- (5) In regulation 53(d) (persons treated as not engaged in remunerative work)—
- (a) omit sub-paragraph (i);
  - (b) omit sub-paragraph (ia);
  - (c) omit sub-paragraph (ib); and
  - (d) before sub-paragraph (ii) insert—
- (i) a part-time fire-fighter employed by a fire and rescue authority under the Fire and Rescue Services Act 2004 or by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005;”.
- (6) For regulation 55(4) (short periods of sickness) substitute—
- “(4) The preceding provisions of this regulation do not apply to any person where the first day in respect of which they are unable to work falls within eight weeks beginning with the day the person ceased to be entitled to statutory sick pay.”.
- (7) For regulation 79(1)(a) and (b) (weekly amounts of contribution-based jobseeker's allowance) substitute—
- (a) in the case of a person who has not attained the age of 25, £56.80 per week;”.
- (8) In regulation 85A(4) (special cases: supplemental – persons from abroad)—
- (a) for sub-paragraph (h) substitute—

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(1) S.I. 1996/207; relevant amending instruments are S.I. 1996/1517 and 2367, 2000/1978, 2004/3168, 2005/2060 and 2929, 2006/1026 and 2528, 2007/2618, 2008/1554, 2009/362, 583 and 2655, 2010/1907, 2011/674 and 2862 and 2013/1574. The definition of “part-time member of a fire brigade” in regulation 4 and regulation 53 of, and paragraph 9 of Schedule 6 to, the Regulations is also modified by S.I. 2013/602.

- “(h) a person who has been granted leave or who is deemed to have been granted leave outside the rules made under section 3(2) of the Immigration Act 1971 where that leave is—
- (i) discretionary leave to enter or remain in the United Kingdom;
  - (ii) leave to remain under the Destitution Domestic Violence concession<sup>(2)</sup>; or
  - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005<sup>(3)</sup>”;
- (b) at the end of sub-paragraph (hh) add “or”; and
- (c) omit sub-paragraph (j) and (k).
- (9) In regulation 94 (calculation of earnings derived from employed earner’s employment and income other than earnings)—
- (a) for paragraph (2)(b) substitute—
    - “(b) in any other case, a period equal to such number of weeks as is equal to the number obtained by applying the formula—
$$\frac{E}{J+D}$$

where—

E is the amount of net earnings, or in the case of income which does not consist of earnings, the amount of that income less any amount paid by way of tax on that income which is disregarded under paragraph 1 of Schedule 7 (sums to be disregarded in the calculation of income other than earnings);

J is the amount of jobseeker’s allowance which would be payable had the payment not been made;

D is an amount equal to the total of the sums which would fall to be disregarded from that payment under Schedule 6 and Schedule 6A (sums to be disregarded in the calculation of earnings) or, as the case may be, any paragraph of Schedule 7 other than paragraph 1 of that Schedule, as is appropriate in the claimant’s case”;
- (b) after paragraph (10) insert—
  - “(11) For the purposes of the number obtained as referred to in paragraph (2)(b), any fraction is to be treated as a corresponding fraction of a week.”
- (10) In regulation 98(1)(f) (earnings of employed earners) for “131 and 132” substitute “131 or 132” .
- (11) In regulation 101(1)(b)(i), (4)(b)(ii) and (10)(a)(ii) (calculation of net profit of self-employed earners) for the words “social security contributions” substitute “national insurance contributions”.
- (12) For regulation 102 (deduction of tax and contributions for self-employed earners) substitute—

**“Deduction of tax and contributions for self-employed earners**

**102.**—(1) Subject to paragraph (2), the amount to be deducted in respect of income tax under regulation 101(1)(b)(i), (4)(b)(i) or (10)(a)(i) (calculation of net profit of self-employed earners) is to be calculated—

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(2) The Destitution Domestic Violence concession is published by the Home Office at: <http://www.ukba.homeoffice.gov.uk/>.

(3) S.I. 2005/1379, amended by S.I. 2013/630; there are other amending instruments but none is relevant.

- (a) on the basis of the amount of chargeable income; and
  - (b) as if that income were assessable to income tax at the basic rate of tax less only the personal allowance to which the claimant is entitled under sections 35 and 38 to 40 of the Income Tax Act 2007 (personal reliefs) as is appropriate to their circumstances.
- (2) If the period determined under regulation 95 is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal allowance deductible under paragraph (1) is to be calculated on a pro rata basis.
- (3) Subject to paragraph (4), the amount to be deducted in respect of national insurance contributions under regulation 101(1)(b)(i), (4)(b)(ii) or (10)(a)(ii) is to be the total of—
- (a) the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Benefits Act at the rate applicable at the date of claim except where the claimant’s chargeable income is less than the amount specified in section 11(4) of that Act (small earnings exception) for the tax year in which the date of claim falls; and
  - (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of that Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable at the date of claim on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year in which the date of claim falls.
- (4) If the period determined under regulation 95 is less than a year—
- (a) the amount specified for the tax year referred to in paragraph (3)(a) is to be reduced pro rata; and
  - (b) the limits referred to in paragraph (3)(b) are to be reduced pro rata.
- (5) In this regulation “chargeable income” means—
- (a) except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under regulation 101(4)(a) or, as the case may be, (5); and
  - (b) in the case of employment as a child minder, one-third of the earnings of that employment.”.
- (13) For regulation 163(4) (calculation of earnings) substitute—
- “(4) In regulation 102 (deduction of tax and contributions for self-employed earners)—
- (a) in paragraphs (1) and (3), for “regulation 101(1)(b)(i)” substitute “regulation 101(3)(a)”;
  - (b) omit paragraphs (2) and (4);
  - (c) in paragraph (5)(a) for “regulation 101(4)(a) or, as the case may be, (5)” substitute “regulation 101(7)”;
  - (d) at the end of the regulation add—
- “(6) For the purposes of paragraphs (1) and (3) the earnings to which the basic rate of tax is to be applied and the amount of personal relief deductible, the amount specified in section 11(4) of the Benefits Act, and the upper limit of profits and gains referred to in paragraph (3)(b), are to be apportioned pro rata according to the period over which the earnings are assessed in accordance with regulation 101.”.
- (14) In paragraph 9(1) of Schedule 6 (sums to be disregarded in the calculation of earnings)—
- (a) omit paragraph (a);
  - (b) omit paragraph (aa);

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (c) omit paragraph (ab); and
- (d) before paragraph (b) insert—
  - “(a) a part-time fire-fighter employed by a fire and rescue authority under the Fire and Rescue Services Act 2004 or by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005;”.