

2013 No. 3196

SOCIAL SECURITY

**The Jobseeker's Allowance (Habitual Residence) Amendment
Regulations 2013**

<i>Made</i> - - - -	<i>18th December 2013</i>
<i>Laid before Parliament</i>	<i>18th December 2013</i>
<i>Coming into force</i> - -	<i>1st January 2014</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 4(5) and (12), 35(1) and 36(2) of the Jobseekers Act 1995(a).

The Secretary of State has not referred proposals in respect of these Regulations to the Social Security Advisory Committee, as it appears to him that by reason of the urgency of the matter it is inexpedient to do so(b).

Citation and commencement

1. These Regulations may be cited as the Jobseeker's Allowance (Habitual Residence) Amendment Regulations 2013 and come into force on 1st January 2014.

Amendment of the Jobseeker's Allowance Regulations 1996

2. In regulation 85A (special cases: supplemental – persons from abroad) of the Jobseeker's Allowance Regulations 1996(c) for paragraph (2) substitute—

“(2) No claimant shall be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless—

- (a) the claimant has been living in any of those places for the past three months; and
- (b) the claimant has a right to reside in any of those places, other than a right to reside which falls within paragraph (3).”.

Saving

3. The amendment in regulation 2 does not apply in relation to a claim for a jobseeker's allowance which is made or treated as made before these Regulations come into force.

(a) 1995 c.18. Section 35(1) is cited for the meaning given to “prescribed” and “regulations”.
(b) See section 173(1)(a) of the Social Security Administration Act 1992 (c.5).
(c) S.I.1996/207. Regulation 85A was inserted by S.I.2006/1026.

Signed by authority of the Secretary of State for Work and Pensions

18th December 2013

Esther McVey
Minister of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 85A of the Jobseeker's Allowance Regulations 1996 in relation to the definition of a "person from abroad".

A claimant for a jobseeker's allowance who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland ("the Common Travel Area") is a person from abroad for whom the applicable amount is nil.

The effect of the amendment is that the habitual residence test cannot be satisfied unless the claimant has been living in the Common Travel Area for the past three months. This is in addition to the existing requirement to have a right to reside in the Common Travel Area.

Regulation 3 provides a saving for claims made or treated as made before 1st January 2014.

An assessment of the impact of these Regulations has been made. A copy of the impact assessment is available alongside the instrument on www.legislation.gov.uk.

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