
STATUTORY INSTRUMENTS

2013 No. 443

**The Social Security (Miscellaneous
Amendments) Regulations 2013**

Amendments to the Jobseeker's Allowance Regulations 1996

- 4.—(1) The Jobseeker's Allowance Regulations 1996(1) are amended as follows.
- (2) After the definition of “liable relative” in regulation 1(3) (interpretation) insert—
- ““local welfare provision” means occasional financial or other assistance given by a local authority, the Scottish Ministers or the Welsh Ministers, or a person authorised to exercise any function of, or provide a service to, them, to or in respect of individuals for the purpose of—
- (a) meeting, or helping to meet, an immediate short term need—
 - (i) arising out of an exceptional event, or exceptional circumstances; and
 - (ii) that requires to be met in order to avoid a risk to the well-being of an individual; or
 - (b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—
 - (i) in prison, hospital, a residential care establishment or other institution; or
 - (ii) homeless or otherwise living an unsettled way of life;”.
- (3) In regulation 25 (entitlement ceasing on a failure to comply)(2)—
- (a) in paragraph (1)(a), for “attend”, substitute “participate in an interview”;
 - (b) in paragraph (1)(b)(i), for the words from “that claimant” to “required to attend” substitute—

“that claimant makes contact with an employment officer on the day specified in the relevant notification but fails to participate in an interview at the time specified in that notification, and the Secretary of State has informed that claimant in writing that a failure to participate in an interview, on the next occasion on which he is required to participate in an interview”; and
 - (c) in paragraph (1)(b)(ii) and (iii), for “attend” substitute “participate”.
- (4) In regulation 26 (time at which entitlement is to cease)(3)—
- (a) in paragraph (b), for “attend”, substitute “participate in an interview”; and
 - (b) in the full-out words, for “attended”, substitute “participated in an interview”.
- (5) In regulation 67(2) (sanctions)(4)—
- (a) for “section 19A(2)(c) or (d)” in the first two instances where this reference appears, substitute “section 19(2)(c) or (d)”;

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

(2) Relevant amending instruments are [S.I. 1999/530](#), [2000/1978](#), [2194](#) and [2010/509](#).

(3) Relevant amending instruments are [S.I. 1996/1516](#), [2000/1978](#) and [2194](#).

(4) Relevant amending instruments are [S.I. 2000/1978](#) and [2012/2568](#).

- (b) for “section 19A(2)(c) or (d) section 19(2)(a) or (b) read with Part V” at the end of the paragraph, substitute “section 19(2)(a), (b), (c) or (d) read with Part V”.
- (6) In regulation 69B (the period of reduction under section 19B: claimants ceasing to be available for employment etc.)(5)—
- (a) in paragraph (3)(b), after “section 1(2)(a)”, insert “or (c)”;
 - (b) in paragraph (7), after “claim”, insert “or where regulation 3(g) of the Claims and Payments Regulations applies, the day before the suspension ends”;
 - (c) in paragraph (8), after “claim”, insert “or where regulation 3(g) of the Claims and Payments Regulations applies, the date on which the suspension ends”.
- (7) In regulation 70A (cases in which no reduction is to be made under section 19 or 19A)(6)—
- (a) in paragraph (3)(a), (b) and (c), for “attend” substitute “participate”; and
 - (b) in paragraph (4)—
 - (i) for sub-paragraph (a), substitute—
 - “(a) the claimant fails to participate in an interview at the time specified in a relevant notification, but makes contact with an employment officer in the manner set out in the notification on the day specified in the notification;”;
 - (ii) in sub-paragraph (b), for the words from “the Secretary of State” to “required to attend”, substitute—

“the Secretary of State has informed the claimant in writing that a failure to participate in an interview at the time specified in a relevant notification, on the next occasion on which a claimant is required to participate in an interview”; and
 - (iii) in sub-paragraphs (c), (d) and (e), for “attend”, substitute “participate in an interview at the time specified”.
- (8) In regulation 75 (interpretation)(7)—
- (a) for paragraph (4), substitute—

“(4) In section 19 and in this Part, “employment” means employed earner’s employment other than such employment in which a person is employed whilst participating in an employment programme falling within paragraph (1)(a) and “employed earner” shall be construed accordingly; and for the purposes of paragraph (4) of regulation 70C includes self-employment where the claimant’s income as calculated under Part VIII exceeds his applicable amount as calculated under sections 4(1), 12 and 13 of the Act.”; and
 - (b) in paragraph (5), delete the definition of “employment”.
- (9) In regulation 117 (interpretation) in paragraph (e)(ii) of the definition of “payment”(8)—
- (a) omit “the payment is”; and
 - (b) for “rent, housing costs,” substitute “rent for which housing benefit is payable, housing costs to the extent that they are met under regulations 83(f) or 84(1)(g) (housing costs)”.
- (10) After regulation 140(5) (meaning of “person in hardship”)(9) insert—

(5) Regulation 69B was inserted by [S.I. 2012/2568](#).

(6) Regulation 70A was inserted by [S.I. 2012/2568](#).

(7) Paragraph (4) of Regulation 75 has been amended by [S.I. 2001/1029](#), [2008/698](#) and [2012/2568](#).

(8) Relevant amending instrument is [S.I. 2008/2111](#).

(9) Regulation 140 has been amended in ways not material to these Regulations.

“(6) In paragraph (5)(b), “resources” does not include any sum, where applicable, specified in paragraph 6B(1) and (2) of Schedule 7 (sums to be disregarded in the calculation of income other than earnings - child tax credit and child benefit).”.

(11) In Schedule 2 (housing costs)(**10**)—

- (a) in paragraph 3(7)(c)(ii) (circumstances in which a person is to be treated as occupying a dwelling as his home), after “pending”, insert “local welfare provision or”; and
- (b) in paragraph 17(7)(i) (non-dependant deductions), before “employment and support allowance”, insert “income-related”.

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

(a) after paragraph 33, insert—

“**33A.** Any local welfare provision.”; and

(b) in paragraph 45(**11**), after “section 13”, insert “, 13A”.

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

(a) after paragraph 23, insert—

“**23A.** Any local welfare provision.”; and

(b) in paragraph 35(**12**), after “section 13”, insert “, 13A”.

(10) Paragraph 3(7)(c)(ii) was substituted by [S.I. 2006/2378](#) and paragraph 17(7)(i) was inserted by [S.I. 2008/1554](#), as amended by [S.I. 2008/2428](#). Paragraphs 3 and 17 have been amended in other ways not material to these Regulations.

(11) Paragraph 45 was substituted by [S.I. 2008/698](#).

(12) Paragraph 35 was amended by [S.I. 2008/698](#).