

SCHEDULE 2

Regulation 3

AMENDMENTS TO JOBSEEKER'S ALLOWANCE REGULATIONS

1. In regulation 2A(1) (disapplication of section 1(1A) of the Administration Act) paragraph (a) shall be omitted.
2. In regulation 83(2) (applicable amounts) –
 - (a) paragraphs (b) (amount in respect of children and young persons) and (d) (family premium) shall be omitted, and
 - (b) in paragraph (c) for “, or where the claimant is a member of a family, an amount in respect of any member of the family aged 16 or over” there shall be substituted “or, if he is a member of a couple, an amount in respect of both of them”.
3. In regulation 84(3) (polygamous marriages) –
 - (a) paragraph (1)(c) (amount in respect of children and young persons) and (e) (family premium) shall be omitted, and
 - (b) in paragraph (1)(d) for “any member of his household aged 16 or over” there shall be substituted “any partner of the polygamous marriage”.
4. In regulation 85 (special cases) –
 - (a) in paragraph (1)(4) (applicable amounts in special cases) the words from “but excluding” to the end of that paragraph shall be omitted, and
 - (b) in paragraph (3) omit “, 2”.
5. In regulation 86B(c)(5) (applicable amounts for joint-claim couples: polygamous marriages) for “any member of his household aged 16 or over” there shall be substituted “any partner of the polygamous marriage”.
6. In regulation 88 (calculation of income and capital of members of claimant’s family and of a polygamous marriage) –
 - (a) in paragraph (1)(6) –
 - (i) for “paragraphs (2) and” there shall be substituted “paragraph” and for “regulations” there shall be substituted “regulation”;
 - (ii) the words “and 106 (modifications in respect of children and young persons)” and “and the income of a child or young person” and the words after “to his partner” to the end of that paragraph shall be omitted;
 - (b) for paragraph (2) there shall be substituted the following paragraph –

“(2) Subject to the following provisions of this Part, the income paid to, or in respect of, and capital of, a child or young person who is a member of the claimant’s family shall not be treated as the income or capital of the claimant.”;
 - (c) in paragraph (4)(a) the words after “each such member” to the end of that sub-paragraph shall be omitted, and

(1) Regulation 2A was inserted by regulation 14 of [S.R. 1997 No. 483](#)

(2) Regulation 83 was amended by Article 21(2) of [S.R. 2002 No. 99](#) and paragraph 4 of Part II of the Schedule to [S.R. 2002 No. 132](#)

(3) Regulation 84 was amended by Article 21(2) of [S.R. 2002 No. 99](#) and paragraph 5 of Part II of the Schedule to [S.R. 2002 No. 132](#)

(4) Paragraph (1) was amended by regulation 5(8) of [S.R. 1997 No. 130](#), Article 21(2) of [S.R. 2002 No. 99](#) and paragraph 6 of Part II of the Schedule to [S.R. 2002 No. 132](#)

(5) Regulation 86B was inserted by paragraph 35 of Schedule 2 to [S.R. 2000 No. 350](#)

(6) Paragraph (1) was amended by paragraph 36 of Schedule 2 to [S.R. 2000 No. 350](#)

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- (d) in paragraph (4)(b) “or, as the case may be, the income of that child or young person” and the words after “for the claimant” to the end of that paragraph shall be omitted.
7. In regulation 89 (liable relative payments) for “106” there shall be substituted “105”.
8. In regulation 103 (calculation of income other than earnings) –
- (a) in paragraph (1)(7) for the words after “income under” to the end of that paragraph there shall be substituted “regulation 104 (capital treated as income)”, and
- (b) in paragraph (6)(b)(8) for “dependants” there shall be substituted “partner”.
9. Regulation 104(3)(9) (capital treated as income) shall be omitted.
10. In regulation 105 (notional income) –
- (a) paragraph (2)(c)(10) and (2A)(11) shall be omitted;
- (b) in paragraph (2)(d)(12) for “working families’ tax credit or disabled person’s tax credit” there shall be substituted “working tax credit or child tax credit”;
- (c) in paragraph (10)(a)(13) –
- (i) for “in respect of a member of the family” there shall be substituted “his partner”;
- (ii) in head (i)(14) for “by that member of the family, if it would normally be paid to that member” there shall be substituted “by his partner, if it would normally be paid to his partner”;
- (iii) in head (ia)(15) for “that member” there shall be substituted “the claimant’s partner”, and
- (iv) in head (ii)(16) for “or by that member of the family” there shall be substituted “or his partner” and for “of any member of the family” there shall be substituted “of his partner”;
- (d) for paragraph (10)(b) there shall be substituted the following –
- “(b) to a single claimant or his partner in respect of a third party (but not in respect of another member of his family) shall be treated as possessed by that single claimant or, as the case may be, his partner, to the extent that it is kept or used by him or used by or on behalf of his partner;”;
- (e) in paragraph (10A)(d)(iii)(17) for “any member of his family” there shall be substituted “his partner (if any)”, and
- (f) in paragraph (11) for the words after “the cost of maintaining the claimant” to the end of that paragraph there shall be substituted “or his partner in that home shall be treated as possessed by the claimant or his partner”.
11. Regulation 106(18) (modifications in respect of children and young persons) and regulation 109 (disregard of capital of child or young person) shall be omitted.

(7) Paragraph (1) was amended by regulation 9(2)(a) of S.R. 1998 No. 81

(8) Paragraph (6) was amended by regulation 10(4) of S.R. 2000 No. 71

(9) Paragraph (3) was amended by regulation 8(5) of S.R. 1998 No. 2

(10) Paragraph (2)(c) was substituted by regulation 9(2)(a) of S.R. 1996 No. 288

(11) Paragraph (2A) was inserted by regulation 9(2)(b) of S.R. 1996 No. 288

(12) Paragraph (2)(d) was amended by regulation 2(1) and (2) of S.R. 1999 No. 385

(13) Paragraph (10) was amended by regulation 2(1)(a) of S.R. 1998 No. 326

(14) Head (i) was amended by regulation 4(3) of S.R. 2002 No. 128

(15) Head (ia) was inserted by regulation 2(1)(b) of S.R. 1999 No. 391

(16) Head (ii) was amended by paragraph 42 of Schedule 2 to S.R. 2000 No. 350

(17) Paragraph (10A) was inserted by regulation 2(1)(b) of S.R. 1998 No. 326 and sub-paragraph (d) was added by regulation 2(3)(c) of S.R. 1999 No. 391

(18) Regulation 106 was amended by Article 9(8)(c) of S.R. 1999 No. 428 (C.32) and regulation 4(a) of S.R. 2000 No. 367

12. In regulation 110 (income treated as capital) paragraphs (8)(**19**) and (10)(b) shall be omitted.
13. In regulation 113 (notional capital) –
- (a) in paragraph (3)(a)(**20**) –
- (i) for “in respect of a member of the family” there shall be substituted “his partner”;
- (ii) in head (i)(**21**) for “by that member of the family, if it would normally be paid to that member” there shall be substituted “by his partner, if it would normally be paid to his partner”;
- (iii) in head (ia)(**22**) for “that member” there shall be substituted “the claimant’s partner”;
- (iv) in head (ii)(**23**) for “or that member of the family” there shall be substituted “or his partner” and for “of any member of the family” there shall be substituted “of his partner”;
- (b) for paragraph (3)(b) there shall be substituted the following –
- “(b) to a single claimant or his partner in respect of a third party (but not in respect of another member of his family) shall be treated as possessed by that single claimant, or, as the case may be, his partner, to the extent that it is kept or used by him or used by or on behalf of his partner.”, and
- (c) in paragraph (3A)(c)(iii)(**24**) for “any member of his family” there shall be substituted “his partner (if any)”.
14. In regulation 117 (liable relatives: interpretation) in the definition of “payment” paragraph (d) shall be omitted.
15. In regulation 121 (period over which payments other than periodical payments are to be taken into account) –
- (a) in paragraph (1) for
- “by –
- (a) where the payment is in respect of the claimant or the claimant and any child or young person who is a member of the claimant’s family, the aggregate”
- there shall be substituted “by the aggregate”;
- (b) in paragraph (2) for
- “is less than –
- (a) in a case where the periodical payment is in respect of the claimant or the claimant and any child or young person who is a member of the claimant’s family, the aggregate”
- there shall be substituted “is less than the aggregate” and for “referred to in sub-paragraph (a) or (b), as the case may be,” there shall be substituted “as calculated under this paragraph”;
- (c) paragraph (1)(b)(**25**) and (2)(b)(**26**) and “or” after paragraph (2)(a) shall be omitted, and

(19) Paragraph 8 was substituted by regulation 4(2)(b) of S.R. 1997 No. 331

(20) Paragraph (3) was amended by regulation 3(1)(a) of S.R. 1998 No. 326

(21) Head (i) was amended by regulation 4(4) of S.R. 2002 No. 128

(22) Head (ia) was inserted by regulation 2(1)(b) of S.R. 1999 No. 391

(23) Head (ii) was amended by paragraph 44 of Schedule 2 to S.R. 2000 No. 350 and paragraph 11 of Part II of the Schedule to S.R. 2002 No. 132

(24) Paragraph (3A) was inserted by regulation 3(1)(b) of S.R. 1998 No. 326 and sub-paragraph (c) was added by regulation 2(3)(c) of S.R. 1999 No. 391

(25) Paragraph (1)(b) was amended by regulation 4(b) of S.R. 2000 No. 367 and paragraph 1(n) of the Schedule to S.R. 2002 No. 323

(26) Paragraph (2)(b) was amended by regulation 9(3) of S.R. 1996 No. 288

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- (d) in paragraph (3) –
- (i) in sub-paragraph (a) for “paragraph (1)(a) or (b), as the case may be” there shall be substituted “paragraph (1)”, and
 - (ii) in sub-paragraph (b) for “paragraph (2)(a) or (b), as the case may be,” there shall be substituted “paragraph (2)”.
16. In regulation 131 (calculation of grant income) –
- (a) after paragraph (2)(g) there shall be added the following sub-paragraph –
 - “(h) intended for the maintenance or child care costs of a child dependant.”;
 - (b) for paragraph (3A)(27) there shall be substituted the following paragraph –
 - “(3A) There shall also be excluded from a student’s grant income any grant of £510 in respect of expenditure on travel, books and equipment which is payable under regulation 16(8) of the Education (Student Support) Regulations (Northern Ireland) 2002.”;
 - (c) in paragraph (4)(28) for “dependents” there shall be substituted “adult dependants” and “or intended for an older student under Part IV of that Schedule,” shall be omitted;
 - (d) in paragraph (5)(29) for “dependants” in both places where it occurs there shall be substituted “an adult dependant”, and
 - (e) in paragraph (5A)(30) for “dependents” there shall be substituted “an adult dependant”.
17. In regulation 136A(3)(31) (treatment of payments from access funds) and regulation 138(3)(32) (income treated as capital) for “any other member of his family” there shall be substituted “his partner”.
18. In regulation 140(5)(a)(33) (meaning of “person in hardship”) for the words after “Schedule 1 or” to the end of that sub-paragraph there shall be substituted “an element of child tax credit in respect of a child or young person who is disabled or severely disabled within the meaning of regulation 8 of the Child Tax Credit Regulations 2002”.
19. In regulation 148(1)(34) (applicable amount in urgent cases) –
- (a) sub-paragraphs (a)(ii), (c)(ii) and (d)(i) shall be omitted; and
 - (b) in sub-paragraphs (a)(iii) and (d)(ii) “II or” shall be omitted.
20. In Schedule 1 (applicable amounts) –
- (a) paragraphs 2(35) (amounts for child or young person), 4(36) (family premium), 7(1) (c)(37) (premiums) and 16(38) (disabled child premium) shall be omitted;

(27) Paragraph (3A) was inserted by regulation 3(4)(c) of S.R. 2001 No. 278

(28) Paragraph (4) was amended by regulation 3(5)(d) of S.R. 2000 No. 242

(29) Paragraph (5) was amended by regulation 6(c) of S.R. 2001 No. 278 and regulation 7(1) and (2)(c) of S.R. 2002 No. 222

(30) Paragraph (5A) was inserted by regulation 3(5)(e) of S.R. 2000 No. 242 and amended by regulations 4(5) and (6)(c) and 7(1) and (2)(c) of S.R. 2002 No. 222

(31) Regulation 136A was inserted by regulation 3(7) of S.R. 2000 No. 242

(32) Regulation 138(3) was added by regulation 3(8) of S.R. 2000 No. 242

(33) Paragraph 140(5)(a) was amended by regulation 11(b) of S.R. 1996 No. 356

(34) Regulation 148(1) was amended by regulation 10(6) of S.R. 2000 No. 71, paragraph 46 of Schedule 2 to S.R. 2000 No. 350, Article 21(2) of S.R. 2002 No. 99 and paragraph 14 of Part II of the Schedule to S.R. 2002 No. 132

(35) Paragraph 2 was amended by regulation 2 of S.R. 1996 No. 476, regulation 2 of S.R. 1999 No. 382 and regulation 2 of S.R. 2002 No. 267

(36) Paragraph 4 was amended by regulation 9(4)(a) of S.R. 1996 No. 288, regulation 10 of S.R. 1998 No. 112 and Article 21(4) of S.R. 2002 No. 99

(37) Paragraph 7 was substituted by regulation 4(c)(i) of S.R. 2000 No. 367

(38) Paragraph 16 was amended by Article 21(2) of S.R. 2002 No. 99

- (b) in paragraph 14(1)(a)(39) (additional conditions for higher pensioner and disability premium) for “either disabled person’s tax credit” there shall be substituted “the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002”;
 - (c) in paragraph 15A(40) (enhanced disability premium) –
 - (i) in sub-paragraph (1)(b) for “a member of the claimant’s family,” there shall be substituted “the claimant’s partner (if any),” and
 - (ii) sub-paragraph (2)(a) shall be omitted;
 - (d) in paragraph 20 (weekly amounts of premiums specified in Part III) sub-paragraph (7)(41) (disabled child premium) in Columns (1) and (2) and sub-paragraph (9)(a)(42) (enhanced disability premium) in Column (2) shall be omitted, and
 - (e) in paragraph 20H(1)(a)(43) (additional conditions for higher pensioner and disability premium, joint claim) for “either disabled person’s tax credit” there shall be substituted “the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002”.
21. In Schedule 4 (applicable amounts in special cases) –
- (a) paragraph 2(44) in Columns (1) and (2) and paragraph 9(a)(45) in Column (2) shall be omitted;
 - (b) in paragraph 9(b)(46) in Column (2) for “83(d) or (f)” there shall be substituted “83(f)”;
 - (c) for paragraph 13A(a)(47) and (b) in Column (2) there shall be substituted –
 - “13A.
 - (a) The amount applicable in respect of the claimant only under regulation 83(a), plus any amount which may be applicable to him under regulation 83(e) or (f) plus the amount applicable to him under regulation 87(2) or (3) or, as the case may be, regulation 85;
 - (b) The amount determined in accordance with that regulation or regulation 85 in respect of the claimant and any partners of his who are not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and to whom section 115 of that Act does not apply for the purposes of exclusion from entitlement to jobseeker’s allowance.”; and
 - (d) paragraph 15(1)(d) in Columns (1) and (2) shall be omitted.
22. In Schedule 5 (sums to be disregarded in the calculation of earnings) –
- (a) in paragraph 17 “except earnings to which paragraph 18 applies” shall be omitted, and
 - (b) paragraph 18(48) shall be omitted.
23. In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) –

(39) Paragraph 14(1)(a) was amended by regulation 2(2) of, and Part II of Schedule 2 to, [S.R. 1999 No. 385](#)

(40) Paragraph 15A was inserted by regulation 4(c)(ii) of [S.R. 2000 No. 367](#) and amended by Article 21(2) of [S.R. 2002 No. 99](#)

(41) Sub-paragraph (7) was amended by Schedule 9 to [S.R. 2002 No. 99](#)

(42) Sub-paragraph (9) was added by regulation 4(c)(iii) of [S.R. 2000 No. 367](#) and amended by Schedule 9 to [S.R. 2002 No. 99](#)

(43) Paragraph 20H was inserted by paragraph 53(4) of Schedule 2 to [S.R. 2000 No. 350](#)

(44) Paragraph 2 was amended by Schedule 11 to [S.R. 2002 No. 99](#)

(45) Paragraph 9 was amended by Schedule 11 to [S.R. 2002 No. 99](#)

(46) Paragraph 9(b) was amended by regulation 9(5) of [S.R. 1996 No. 288](#)

(47) Paragraph 13A was inserted by regulation 10(7)(a) of [S.R. 2000 No. 71](#) and amended by paragraph 19(d)(i) and (ii) of Part II of the Schedule to [S.R. 2002 No. 132](#)

(48) Paragraph 18 was amended by regulation 3 of [S.R. 2000 No. 366](#) and paragraph 21(b) of [S.R. 2002 No. 132](#)

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- (a) after paragraph 6 there shall be inserted the following paragraph⁽⁴⁹⁾ –
 - “6A. Any guardian’s allowance.”;
 - (b) after paragraph 6A there shall be inserted the following paragraph –
 - “6B.—(1) Any child tax credit.
 - (2) Any child benefit.”;
 - (c) in paragraph 26(1)⁽⁵⁰⁾ “to the extent specified in sub-paragraph (2)” shall be omitted and sub-paragraph (2) shall be omitted, and
 - (d) after paragraph 26, there shall be inserted the following paragraph –
 - “26A. In the case of a claimant who has a child or young person –
 - (a) who is a member of his family, and
 - (b) who is residing at an educational establishment at which he is receiving relevant education,

any payment made to that educational establishment, in respect of that child or young person’s maintenance by or on behalf of a person who is not a member of the family or by a member of the family out of funds contributed for that purpose by a person who is not a member of the family.”.
24. In Schedule 7 (capital to be disregarded) –
- (a) in paragraph 12(1)(b)⁽⁵¹⁾ at the end there shall be inserted “, working families' tax credit under section 128 of that Act, disabled person’s tax credit under section 129 of that Act, child tax credit or working tax credit”, and
 - (b) in paragraph 25 “, 106(1)” and “, modifications in respect of children and young persons” shall be omitted.

⁽⁴⁹⁾ Paragraph 6A was inserted by paragraph 5 of Schedule 3 to [S.R. 2003 No. 1](#) and omitted by paragraph 6 of Schedule 4 to these Regulations

⁽⁵⁰⁾ Paragraph 26(1) was amended by regulation 3(2)(e) of [S.R. 1997 No. 331](#) and regulation 8(7)(a) of [S.R. 1998 No. 2](#)

⁽⁵¹⁾ Paragraph 12(1) was amended by regulation 4 of [S.R. 2002 No. 295](#) and sub-paragraph (b) was amended by regulation 2(2)(c) of [S.R. 2001 No. 261](#)