
STATUTORY INSTRUMENTS

1997 No. 563

SOCIAL SECURITY

The Social Security (Jobseeker's Allowance and Mariners' Benefits) (Miscellaneous Amendments) Regulations 1997

Made - - - - *10th March 1997*

Coming into force - - *11th March 1997*

Whereas a draft of these Regulations was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995(1) and approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State for Social Security, in relation to regulation 6 of these Regulations, and the Secretary of State for Education and Employment, in relation to the remainder of the Regulations, in exercise of the powers conferred by sections 6(2) and (4), 7(4), 35(1) and 36(2) of and paragraph 5 of Schedule 1 to the Jobseekers Act 1995(2), sections 117(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(3), and of all other powers enabling each of them in that behalf, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(4) hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Jobseeker's Allowance and Mariners' Benefits) (Miscellaneous Amendments) Regulations 1997 and shall come into force on the day after the day on which they are made.

(2) In these Regulations, “the Jobseeker's Allowance Regulations” means the Jobseeker's Allowance Regulations 1996(5).

Circumstances in which a person is to be treated as available for employment

2.—(1) Regulation 14 of the Jobseeker's Allowance Regulations shall be amended in accordance with the following provisions of this regulation.

(1) 1995 c. 18.
(2) Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.
(3) 1992 c. 4.
(4) See Section 173(5)(a) of the Social Security Administration Act 1992 (c. 5).
(5) S.I. 1996/207; relevant amending instrument is S.I. 1996/1517.

(2) In paragraph (1), for the words “to whom regulation 15 applies,” there shall be substituted the words “to whom regulation 15(a), (b) or (c) applies.”

(3) For paragraph (1)(i) substitute—

“(i) if the period beginning on the date of claim and ending on the day before the beginning of the first week after the date of claim is less than 7 days and the circumstances in paragraph (2A) apply, for any part of that period when he is not treated as available for employment under any other provision of this regulation;”

(4) After paragraph (2) there shall be inserted the following paragraph—

“(2A) A person shall be treated as available for employment under paragraph (1)(i) only if—

(a) where a pattern of availability is recorded in his jobseeker’s agreement, or where he has restricted the hours for which he is available in accordance with regulations 13(3) or (4) or 17(2) and that restriction has been agreed with an employment officer, he is available for employment during such of the period referred to in paragraph (1)(i) as he is not treated as available for employment under any other provision of this regulation, in accordance with—

(i) his pattern of availability or, as the case may be, the hours to which he has restricted his availability in accordance with regulations 13(3) or (4) or 17(2), and

(ii) any other restrictions he has placed on his availability for employment which will apply in the first week after the date of claim, provided those restrictions have been agreed with an employment officer, and

(iii) if he falls within regulation 5, that regulation;

(b) where no pattern of availability is recorded in his jobseeker’s agreement, he is available for employment during such of the period referred to in paragraph (1) (i) as he is not treated as available for employment under any other provision of this regulation—

(i) in accordance with any restrictions he has placed on his availability for employment which will apply in the first week after the date of claim, provided those restrictions have been agreed with an employment officer, and

(ii) for 8 hours on each day falling within that period on which he is not treated as available for employment to any extent under any other provision of this regulation, and

(iii) if he falls within regulation 5, in accordance with that regulation.”

Circumstances in which a person is not to be regarded as available for employment

3. In regulation 15 of the Jobseeker’s Allowance Regulations, after paragraph (b) there shall be inserted the following paragraph—

“(bb) if the period beginning on the date of claim and ending on the day before the beginning of the first week after the date of claim is less than 7 days, for that period, unless he is treated as available for employment for that period in accordance with regulation 14;”

Actively seeking employment in the period at the beginning of a claim

4. After regulation 18 of the Jobseeker’s Allowance Regulations there shall be inserted the following regulation:

“Actively seeking employment in the period at the beginning of a claim

18A.—(1) Paragraph (2) applies in any case where the period beginning on the date of claim and ending on the day before the beginning of the first week after the date of claim is less than 7 days.

(2) Where this paragraph applies, a person is actively seeking employment in the period referred to in paragraph (1) if he takes in that period such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment and in determining whether a person has taken such steps—

- (a) the steps which it is reasonable for him to be expected to have to take include those referred to in regulation 18(2); and
- (b) regard shall be had to all the circumstances of the case, including those matters referred to in regulation 18(3).”.

Circumstances in which a person is to be treated as actively seeking employment

5. Sub-paragraph (i) of paragraph (1) of regulation 19 of the Jobseeker’s Allowance Regulations shall be omitted.

Special provisions relating to days of unemployment in the case of mariners

6. Regulation 6(3) of the Social Security (Mariners’ Benefits) Regulations 1975(6) is hereby revoked.

Signed in connection with regulation 6 of the Regulations by authority of the Secretary of State for Social Security.

10th March 1997

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

Signed in connection with the remainder of the Regulations by authority of the Secretary of State for Education and Employment.

7th March 1997

Eric Forth
Minister of State,
Department for Education and Employment

(6) [S.I. 1975/529](#), to which there are amendments not relevant to these Regulations.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations 1996 ("the 1996 Regulations") and the Social Security (Mariners' Benefits) Regulations 1975.

Regulation 2 amends regulation 14 (circumstances in which a person is to be treated as available for employment) of the 1996 Regulations. It provides for a person to be treated as available for employment in a part-week at the beginning of a claim if the circumstances set out in regulation 14(2A) apply. A new regulation 14(2A), setting out those circumstances, is inserted into the 1996 Regulations by regulation 2(4) of these Regulations.

Regulation 3 amends regulation 15 (circumstances in which a person is not to be regarded as available for employment) of the 1996 Regulations by providing that a person is not to be regarded as available for employment for a part-week at the beginning of a claim unless he is treated as available for that part-week in accordance with regulation 14 of the 1996 Regulations.

Regulation 4 adds a new regulation 18A to the 1996 Regulations to make provision for determining whether a person is actively seeking employment in a part-week at the beginning of a claim for a jobseeker's allowance.

Regulation 5 amends regulation 19 (circumstances in which a person is to be treated as actively seeking employment) of the 1996 Regulations. It omits one of the circumstances where a person is treated as actively seeking employment under the 1996 Regulations, namely in a part-week at the beginning of a claim.

Regulation 6 revokes a provision in the Social Security (Mariners' Benefits) Regulations 1975 as this provision relates to the payment of Establishment Benefit under the Merchant Navy Established Service Scheme which is no longer paid.