

2001 No. 518

SOCIAL SECURITY

**The Social Security Amendment (Joint Claims)
Regulations 2001**

Made - - - - - 22nd February 2001

Laid before Parliament 26th February 2001

Coming into force - - 19th March 2001

The Secretary of State for Education and Employment, in relation to regulation 2(2) to (4) and (6) and the Secretary of State for Social Security in relation to the remainder of these Regulations, in exercise of the powers conferred by sections 1(2C) and (4), 4(5), 5(3), 21, 35(1) and 36(1), (2) and (4) of, and paragraph 8A(1) of Schedule 1 to, the Jobseekers Act 1995(a), sections 22(5), 122(1), 136(5)(b), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(b), sections 8(1)(c), 10, 12(1)(b), 39(2) and 79(1) and (4) of, and paragraph 9 of Schedule 3 to, the Social Security Act 1998(c) and sections 5(1)(i), 189(1) and (4) and 191 of the Social Security Administration Act 1992(d) and of all other powers enabling each of them in that behalf, after consultation, in relation to regulation 6, with organisations appearing to him to be representative of the authorities concerned(e), by this Instrument which contains only regulations made by virtue of, or consequential upon, section 59 of, and Schedule 7 to, the Welfare Reform and Pensions Act 1999 and which is made before the end of the period of six months beginning with the coming into force of those provisions(f), hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations shall be cited as the Social Security Amendment (Joint Claims) Regulations 2001 and shall, subject to paragraph (2) below, come into force on 19th March 2001.

(2) Regulation 2(1) to (4), (6) and (7) of these Regulations shall come into force immediately after the Jobseeker's Allowance (Joint Claims) Regulations 2000(g).

Amendment of the Jobseeker's Allowance Regulations 1996

2.—(1) The Jobseeker's Allowance Regulations 1996(h) shall be amended in accordance with the following paragraphs of this regulation.

(a) 1995 c. 18; section 1(4) was amended, and section 1(2C) and paragraph 8A of Schedule 1 inserted, by section 59 of, and Schedule 7 to, the Welfare Reform and Pensions Act 1999 (c. 30), paragraphs 2(3) and (4) and 16(2). Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".

(b) 1992 c. 4; section 22(5) was amended by paragraph 22 of Schedule 2 to the Jobseekers Act 1995; sections 122(1) and 137(1) are cited because of the meaning ascribed to the words "prescribe" and "prescribed" respectively.

(c) 1998 c. 14; section 39(2) applies section 191 of the Social Security Administration Act 1992 (c. 5) to the powers in Chapter II and is cited because of the meaning ascribed in section 191 to the word "prescribe".

(d) Section 191 is an interpretation provision and is cited because of the meaning ascribed to the word "prescribe".

(e) See section 176(1)(b) of the Social Security Administration Act 1992.

(f) See section 173(5)(b) of the Social Security Administration Act 1992 and section 91(3) of the Welfare Reform and Pensions Act 1999.

(g) S.I. 2000/1978.

(h) S.I. 1996/207; the relevant amending instrument is S.I. 2000/1978.

(2) In regulation 3A(1) (prescribed description of a joint-claim couple for the purposes of section 1(4)), after the words “where at least one member” there shall be inserted the words “is aged 18 or over and”.

(3) For regulation 3D(1)(c) (further circumstances in which a joint-claim couple may be entitled to a joint-claim jobseeker’s allowance), there shall be substituted the following sub-paragraph—

“(c) the other member satisfies the condition in section 1(2)(e) and (h) but is not required to satisfy the other conditions in section 1(2B)(b)(a) because, subject to paragraph (3), he is a person to whom any paragraph in Schedule A1 applies; and”.

(4) In regulation 3E(2) (entitlement of a member of a joint-claim couple to a jobseeker’s allowance without a claim being made jointly by the couple), in both sub-paragraphs (g) and (k), for the words “more than 16 hours” there shall be substituted the words “16 hours or more”.

(5) At the end of regulation 47(4)(b)(ii) (jobseeking period), there shall be added the words “or on which the claimant is a member of a joint-claim couple and a joint-claim jobseeker’s allowance is not payable or is reduced because he is subject to sanctions by virtue of section 20A”.

(6) In Schedule A1 (categories of members of a joint-claim couple who are not required to satisfy the conditions in section 1(2B)(b))—

(a) in the heading, for “Regulation 3D(1)(c)(iii)” there shall be substituted “Regulation 3D(1)(c)”;

(b) for paragraph 2(1) and (2) there shall be substituted the following sub-paragraphs—

“2.—(1) A member—

(a) who, at the date of claim, is aged 16 or over but under 19 and is receiving full-time education for the purposes of section 142 of the Benefits Act;

(b) who, at the date of claim, is a full-time student; or

(c) to whom (a) or (b) does not apply but to whom sub-paragraph (1A) or (2) does apply.

(1A) This sub-paragraph applies to a member who—

(a) as at the date of claim—

(i) had applied to an educational establishment to commence a full-time course of study commencing from the beginning of the next academic term or, as the case may be, the next academic year after the date of claim and that application has not been rejected; or

(ii) had been allocated a place on a full-time course of study commencing from the beginning of the next academic term or, as the case may be, the next academic year; and

(b) is either—

(i) aged 16 or over but under 19 and is receiving full-time education for the purposes of section 142 of the Benefits Act; or

(ii) a full-time student.

(2) This sub-paragraph applies to a member who has applied to an educational establishment to commence a full-time course of study (other than a course of study beyond a first degree course or a comparable course)—

(a) within one month of—

(i) the last day of a previous course of study; or

(ii) the day on which the member received examination results relating to a previous course of study; and

(a) Section 1(2B) was inserted by section 59 of, and Schedule 7 to, the Welfare Reform and Pensions Act 1999 (c. 30), paragraph 2(3).

- (b) who is either—
 - (i) aged 16 or over but under 19 and is receiving full-time education for the purposes of section 142 of the Benefits Act; or
 - (ii) a full-time student.”.

(7) In the first column of paragraph 20M(4)(i) of Schedule 1 (applicable amounts), for “20I(3)” there shall be substituted “20I(4)”.

Amendment of the Social Security (Credits) Regulations 1975

3. In regulation 8A(5) of the Social Security (Credits) Regulations 1975(a) (credits for unemployment)—

- (a) after sub-paragraph (c) there shall be inserted the following sub-paragraph—
 - “(cc) a week in respect of which a joint-claim jobseeker’s allowance was not payable or was reduced pursuant to section 20A of that Act because the person was subject to sanctions for the purposes of that section, even though the couple of which he was a member satisfied the conditions for entitlement to that allowance;”;
- (b) after sub-paragraph (d) there shall be inserted the following sub-paragraph—
 - “(dd) a week in respect of which a joint-claim jobseeker’s allowance was payable in respect of a joint-claim couple of which the person is a member only by virtue of regulation 146C of the Jobseeker’s Allowance Regulations 1996(b) (circumstances in which a joint-claim jobseeker’s allowance is payable where a joint-claim couple is a couple in hardship);”.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999

4. In the Social Security and Child Support (Decisions and Appeals) Regulations 1999(c)—

- (a) in regulation 1(3) (citation, commencement and interpretation) after the definition of “the Jobseeker’s Allowance Regulations” there shall be inserted the following definitions—
 - ““a joint-claim couple” has the same meaning as in section 1(4) of the Jobseekers Act 1995;
 - “a joint-claim jobseeker’s allowance” has the same meaning as in section 1(4) of the Jobseekers Act 1995;”;
- (b) in regulation 26 (decisions against which an appeal lies), after paragraph (c) there shall be inserted the following—
 - “;or
 - (d) under section 59 of, and Schedule 7 to, the Welfare Reform and Pensions Act 1999(d) (couples to make joint-claim for jobseeker’s allowance) where one member of the couple is working and the Secretary of State has decided that both members of the couple are not engaged in remunerative work;”;
- (c) in paragraph 8 of Schedule 3A—
 - (i) in sub-paragraph (a), after the words “section 3(1)(a)” there shall be inserted the words “or 3A(1)(a)”;
 - (ii) after paragraph (d), there shall be inserted the following—
 - “;or
 - (e) a joint-claim couple ceases to be a married or an unmarried couple.”.

(a) S.I. 1975/556; regulation 8A was inserted by S.I. 1996/2367.

(b) Regulation 146C was inserted by S.I. 2000/1978.

(c) S.I. 1999/991; the relevant amending instrument is S.I. 2000/1596.

(d) 1999 c. 30.

Amendment of the Social Security (Claims and Payments) Regulations 1987

5. After regulation 30 of the Social Security (Claims and Payments) Regulations 1987(a), there shall be inserted the following regulation—

“Payments of arrears of joint-claim jobseeker’s allowance where the nominated person can no longer be traced

30A. Where—

- (a) an award of joint-claim jobseeker’s allowance has been awarded to a joint-claim couple;
- (b) that couple ceases to be a joint-claim couple; and
- (c) the member of the joint-claim couple nominated for the purposes of section 3B of the Jobseekers Act cannot be traced,

arrears on the award of joint-claim jobseeker’s allowance shall be paid to the other member of the former joint-claim couple.”.

Amendment of the Housing Benefit (General) Regulations 1987 and of the Council Tax Benefit (General) Regulations 1992

6. In both the Housing Benefit (General) Regulations 1987(b) and the Council Tax Benefit (General) Regulations 1992(c)—

- (a) after paragraph 4 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings), there shall be inserted the following paragraph—

“4A. Where the claimant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on an income-based jobseeker’s allowance, the whole of the claimant’s income.”;

- (b) after paragraph 5 of Schedule 5 (capital to be disregarded), there shall be inserted the following paragraph—

“5A. Where the claimant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on an income-based jobseeker’s allowance, the whole of the claimant’s capital.”.

Signed in relation to regulation 2(2) to (4) and (6) by authority of the Secretary of State for Education and Employment.

20th February 2001

Michael Willis
Parliamentary Under-Secretary of State,
Department for Education and Employment

Signed in relation to the remainder of these Regulations by authority of the Secretary of State for Social Security.

22nd February 2001

P. Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

(a) S.I. 1987/1968.

(b) S.I. 1987/1971; the relevant amending instrument is S.I. 1996/1510.

(c) S.I. 1992/1814; the relevant amending instrument is S.I. 1996/1510.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by virtue of, or in consequence of, provisions in section 59 of, and Schedule 7 to, the Welfare Reform and Pensions Act 1999 (c. 30). The Instrument is made before the end of the period of six months beginning with the coming into force of those provisions; the regulations in it are therefore exempted from the requirement in section 172(1) of the Social Security Administration Act 1992 (c. 5) to refer proposals to make these Regulations to the Social Security Advisory Committee and are made without reference to that Committee.

Regulation 2 amends the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) by—

- (a) clarifying the definition of a joint-claim couple so that it includes a couple where at least one member must be aged 18 or over (regulation 2(2));
- (b) clarifying the position as to when a joint-claim couple may be entitled to a joint-claim jobseeker's allowance whilst one member is not required to satisfy the conditions in section 1(2B)(b) of the Jobseekers Act 1995 and making a consequential amendment (c. 18) (regulation 2(3) and (6)(a));
- (c) ensuring that joint claims do not have to be made in certain circumstances where one member of the couple is working 16 hours per week (regulation 2(4));
- (d) providing that days where a member of a joint-claim couple satisfies the conditions for entitlement to a contribution-based jobseeker's allowance and a joint-claim jobseeker's allowance is not payable or is reduced because he is subject to sanctions for the purposes of section 20A of the Jobseekers Act 1995, shall be treated as a day of entitlement to a contribution-based jobseeker's allowance (regulation 2(5));
- (e) making an amendment which clarifies the rule as to when those receiving full-time education or those who are full-time students may be exempt from having to comply with the jobseeking conditions (regulation 2(6)(b));
- (f) correcting a reference in paragraph 20M of Schedule 1 (regulation 2(7)).

Regulation 3 amends regulation 8A of the Social Security (Credits) Regulations 1975 (S.I. 1975/556) by preventing credits from being awarded where a joint-claim jobseeker's allowance is not payable or is reduced because a person is subject to sanctions pursuant to section 20A of the Jobseekers Act 1995 or where such a couple is only receiving a joint-claim jobseeker's allowance because they are a couple in hardship.

Regulation 4 amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991) by inserting definitions into regulation 1(3), providing a new right of appeal in regulation 26 against a decision that a couple are required to make a joint claim and the reason for that decision is that one member of the couple who is working is not engaged in remunerative work and providing in paragraph 8 of Schedule 3A of the Regulations an effective date where a joint-claim couple separate.

Regulation 5 amends the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) by providing that where a member of a joint-claim couple to whom a joint-claim jobseeker's allowance is payable disappears, that allowance shall be payable to the other member of that couple.

Regulation 6 amends the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) by ensuring that where a claimant for those benefits is a member of a joint-claim couple and his partner is getting income-based jobseeker's allowance, the whole of his income and capital will nevertheless be disregarded.

These Regulations do not impose any charge on business.

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£2.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E341 2/2001 591540 19585

ISBN 0-11-028768-1



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