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STATUTORY INSTRUMENTS

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**2014 No. 2309**

**SOCIAL SECURITY**

**The Social Security (Jobseeker's Allowance  
and Employment and Support Allowance)  
(Waiting Days) Amendment Regulations 2014**

<i>Made</i>	- - - -	<i>1st September 2014</i>
<i>Laid before Parliament</i>		<i>4th September 2014</i>
<i>Coming into force</i>	- -	<i>27th October 2014</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 21, 35(1) and 36(2) and (4)(a) of, and paragraphs 4 and 10(1) of Schedule 1 to, the Jobseekers Act 1995(1) and sections 22, 24(1) and 25(2), (3) and (5)(a) of, and paragraph 2 of Schedule 2 to, the Welfare Reform Act 2007(2).

In accordance with section 172(1) of the Social Security Administration Act 1992, the Secretary of State has referred the proposals for these Regulations to the Social Security Advisory Committee.

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Jobseeker's Allowance and Employment and Support Allowance) (Waiting Days) Amendment Regulations 2014 and come into force on 27th October 2014.

**Increase in waiting days**

2.—(1) In regulation 46(2) of the Jobseeker's Allowance Regulations 1996(3) (waiting days), for "3" substitute "7".

(2) In regulation 144(1) and (2)(d) of the Employment and Support Allowance Regulations 2008(4) (waiting days), for "3" substitute "7".

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(1) 1995 c.18. Section 35(1) is an interpretation provision and is cited for the meaning of "prescribed" and "regulations". Section 36(4)(a) was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), section 2 and paragraph 63 of Schedule 3.

(2) 2007 c.5. Section 24(1) is an interpretation provision and is cited for the meaning of "prescribed" and "regulations".

(3) S.I. 1996/207.

(4) S.I. 2008/794. Relevant amending instruments are S.I. 2008/2428 and S.I. 2012/913.

(3) In regulation 36(2) of the Jobseeker's Allowance Regulations 2013<sup>(5)</sup> (waiting days), for "three" substitute "seven".

(4) In regulation 85(1) of the Employment and Support Allowance Regulations 2013<sup>(6)</sup> (waiting days), for "three" substitute "seven".

### **Consequential amendments**

3.—(1) The Jobseeker's Allowance Regulations 1996 are amended as follows.

(2) In regulation 141(2) (circumstances in which an income-based jobseeker's allowance is payable to a person in hardship)<sup>(7)</sup>, for "4th" substitute "8th".

(3) In regulation 146C(2)(a) (circumstances in which a joint-claim jobseeker's allowance is payable where a joint-claim couple is a couple in hardship)<sup>(8)</sup>, for "fourth" substitute "eighth".

### **Transitional provision**

4.—(1) Regulations 2(1), (3) and 3 do not apply where the jobseeking period<sup>(9)</sup> for the purposes of paragraph 4 of Schedule 1 (supplementary provisions) to the Jobseekers Act 1995 began before 27th October 2014.

(2) Regulations 2(2) and (4) do not apply where the period of limited capability for work for the purposes of paragraph 2 of Schedule 2 (supplementary provisions) to the Welfare Reform Act 2007 began before 27th October 2014.

(3) The amendment to regulation 144(2)(d) of the Employment and Support Allowance Regulations 2008 made by regulation 2(2) does not apply where the beginning of the period of limited capability for work which relates to the former claimant's entitlement began before 27th October 2014.

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

1st September 2014

*Mark Harper*  
Minister of State,  
Department for Work and Pensions

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<sup>(5)</sup> [S.I. 2013/378](#).

<sup>(6)</sup> [S.I. 2013/379](#).

<sup>(7)</sup> Regulation 141(2) was amended by [S.I. 1996/1517](#) and [S.I. 1996/2538](#).

<sup>(8)</sup> Regulation 146C was inserted by [S.I. 2000/1978](#).

<sup>(9)</sup> See regulation 47 of the Jobseeker's Allowance Regulations 1996 and regulation 37 of the Jobseeker's Allowance Regulations 2013 for the meaning of "jobseeking period".

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations increase from 3 to 7 the number of waiting days which apply before a person may be entitled to a jobseeker's allowance or an employment and support allowance.

Regulation 2 achieves this by amending the Jobseeker's Allowance Regulations 1996 (S.I.1996/207), and 2013 (S.I. 2013/378) and the Employment and Support Allowance Regulations 2008 (S.I. 2008/794) and 2013 (S.I. 2013/379).

Regulation 3 makes consequential amendments to the hardship provisions of the Jobseeker's Allowance Regulations 1996.

Regulation 4 contains transitional provisions. These ensure that the amendments made by these Regulations do not apply where the waiting period in question began before 27th October 2014.

The report of the Social Security Advisory Committee dated 1st July 2014 in relation to the Secretary of State's proposals to make these Regulations, together with a statement showing the extent to which these Regulations give effect to the recommendations of the Committee and, in so far as they do not give effect to them, the reasons why not, are contained in an Act Paper published by The Stationery Office Ltd.

This instrument has no impact on business and civil society organisations.

A impact assessment has, however, been produced concerning the wider impacts of the policy which can be viewed at [www.legislation.gov.uk](http://www.legislation.gov.uk)