STATUTORY INSTRUMENTS

2015 No. 389

SOCIAL SECURITY

The Social Security (Members of the Reserve Forces) (Amendment) Regulations 2015

Made - - - -	*23rd February 2015*
Laid before Parliament	*2nd March 2015*
Coming into force - -	*6th April 2015*

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 136(3), (4) and (5)(b), 137(1) and 175(3) and (4) of the Social Security Contributions and Benefits Act 1992(**1**)sections 6(4), 7(4), 12(1) to (3) and (4)(b), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(**2**)and sections 17(1), (2) and (3)(b), 24(1), 25(2), (3) and (5) of the Welfare Reform Act 2007(**3**), makes the following Regulations.

In accordance with section 173(1)(b) of the Social Security Administration Act 1992, the Secretary of State has obtained the agreement of the Social Security Advisory Committee that the proposals in respect of these Regulations should not be referred to it(**4**).

Citation and commencement

1. These Regulations may be cited as the Social Security (Members of the Reserve Forces) (Amendment) Regulations 2015 and come into force on 6th April 2015.

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987(**5**) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of "enactment"(**6**) insert-

(**1**) 1992. c.4. Section 137(1) is an interpretation provision and is cited because of the meaning given to the word "prescribed". Sections 137(1) and 175(4) have been amended in ways not relevant to these Regulations

(**2**) 1995 c. 18. Section 8(2) was amended by section 33(1) and (2) of the Welfare Reform Act 2009 (c. 24). Section 35(1) is an interpretation provision and is cited for the meaning it gives to the terms "prescribed" and "regulations". The definition of "prescribed" was amended by paragraph 62 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c. 2).

(**3**) 2007. c.5. Section 24(1) is an interpretation provision and is cited because of the meaning given to the word prescribed" and "regulations".

(**4**) *See* sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

(**5**) S.I. 1987/1967. Paragraph 15A was substituted by S.I. 2012/2575.

(**6**) The definition of enactment was inserted by S.I. 2009/2655. Regulation 2 has been amended in other ways not relevant to these Regulations.

""first year of training" means a period of one year beginning with a person's first day of training."

(3) For regulation 29(2C) (calculation of earnings derived from employed earner's employment and income other than earnings)(**7**) substitute—

"(2C) This paragraph applies where earnings are derived by a claimant as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations—

(i) in respect of a period of annual continuous training for a maximum of 15 days in any calendar year; or

(ii) in respect of training in the claimant's first year of training as a member of a reserve force for a maximum of 43 days in that year.

(b) Earnings, whether paid to the claimant alone or together with other earnings derived from the same source, are to be taken into account—

(i) in the case of a period of training which lasts for the number of days listed in column 1 of the table in sub-paragraph (c), over a period of time which is equal to the number of days set out in the corresponding row in column 2 of that table; or

(ii) in any other case, over a period of time which is equal to the number of days of the training period.

(c) This is the table referred to in sub-paragraph (b)(i)—

Column 1 *Period of training in days*	*Column 2* *Period of time over which earnings are to be taken into account in days*
8 to 10	7
15 to 17	14
22 to 24	21
29 to 31	28
36 to 38	35
43	42"

(4) In Schedule 8 (sums to be disregarded in the calculation of earnings)(**8**)—

(a) in paragraph 7(1)(d), omit the words "territorial or"; and

(b) in paragraph 15A—

(i) in sub-paragraph (2), omit the words "territorial or"; and

(ii) at the end of sub-paragraph (2), omit the full stop and insert—

"or in respect of training in the claimant's first year of training as a member of a reserve force for a maximum of 43 days in that year."

Amendment of the Jobseeker's Allowance Regulations 1996

3.—(1) The Jobseeker's Allowance Regulations 1996(**9**) are amended as follows.

(**7**) Regulation 29(2C) was inserted by S.I. 2012/2575.
(**8**) Paragraph 7(1) of Schedule 8 has been amended by S.I. 1993/315 and S.I. 2000/2545. Paragraph 7(1)(d) has been amended by S.I.2006/2378. Paragraph 7(1) has been amended in other ways not relevant to these Regulations.
(**9**) S.I. 1996/207

(2) In regulation 1(3) (citation, commencement, interpretation and application), after the definition of "enactment"(**10**) insert—

""first year of training" means a period of one year beginning with a person's first day of training."

(3) In regulation 14(1) (circumstances in which a person is to be treated as available)(**11**), for sub- paragraph (v), substitute—

"(v) if he is a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations(**12**), either—

(i) if he is engaged in his first year of training, for a maximum of 43 days in that year; or

(ii) if he is engaged in annual continuous training, for a maximum of 15 days in any calendar year.".

(4) In regulation 19(1) (circumstances in which a person is to be treated as actively seeking employment)(**13**), for sub-paragraph (y), substitute—

"(y) in any week during which he is engaged for not less than 3 days in training as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations, either—

(i) if he is engaged in his first year of training, for a maximum of 43 days in that year; or

(ii) if he is engaged in annual continuous training, for a maximum of 15 days in any calendar year.".

(5) For regulation 94(2C) (calculation of earnings derived from employed earner's employment and income other than earnings)(**14**) substitute—

"(2C) This paragraph applies where earnings are derived by a claimant as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations—

(i) in respect of a period of annual continuous training for a maximum of 15 days in any calendar year; or

(ii) in respect of training in the claimant's first year of training as a member of a reserve force for a maximum of 43 days in that year.

(b) Earnings, whether paid to the claimant alone or together with other earnings derived from the same source, are to be taken into account—

(i) in the case of a period of training which lasts for the number of days listed in column 1 of the table in sub-paragraph (c), over a period of time which is equal to the number of days set out in the corresponding row in column 2 of that table; or

(ii) in any other case, over a period which is equal to the duration of the training period.

(c) This is the table referred to in sub-paragraph (b)(i)—

(**10**) The definition of enactment was inserted by S.I. 2009/2655. Regulation 1(3) has been amended in other ways not relevant to these Regulations.

(**11**) Regulation 14(1) has been amended by S.I. 1997/563, S.I. 2008/1826 and S.I. 2006/1402. Sub-paragraph (v) was inserted by S.I. 2012/1616. Regulation 14(1) has been amended in other ways not relevant to these Regulations.

(**12**) S.I. 2001/1004.

(**13**) Regulation 19(1) was amended by S.I. 2006/1402. Sub-paragraph (y) was inserted by S.I. 2012/1616. Regulation 19(1) has been amended in other ways not relevant to these Regulations.

(**14**) Regulation 94(2C) was inserted by S.I. 2012/1616 and amended by S.I. 2012/2575.