Draft Regulations laid before Parliament under section 37(1)(c) of the Jobseekers Act 1995, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No. 0000

SOCIAL SECURITY

The Jobseeker's Allowance (Domestic Violence) (Amendment) Regulations 2012

Made - - - -	*2012*
Coming into force - -	*23rd April 2012*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 6(4), 7(4), 9(10), 35(1), 36(2) and (4)(a) of, and paragraph 8B of Schedule 1 to the Jobseekers Act 1995(**1**).

A draft of these Regulations was laid before Parliament in accordance with section 37(1)(c) of the Jobseekers Act 1995.

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(**2**), the Secretary of State has obtained the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to them.

Citation and commencement

1. These Regulations may be cited as the Jobseeker's Allowance (Domestic Violence) (Amendment) Regulations 2012 and come into force on 23rd April 2012.

Amendment of the Jobseeker's Allowance Regulations 1996

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

(2) After regulation 14 (circumstances in which a person is to be treated as available)(**4**), insert—

"**14A.**—(1) Paragraph (2) applies where a person (V) notifies the Secretary of State, in such manner as the Secretary of State specifies, that—

(**1**) 1995 c.18. Section 35(1) is an interpretation provision and is cited because of the meaning given to "prescribed" and "regulations". Those definitions were amended by the Social Security Contributions and Benefits (Transfer of Functions, etc) Act 1999 (c.2), section 2, Schedule 3, paragraph 62. Paragraph 8B of Schedule 1 to the Jobseekers Act 1995 was inserted by section 29(1) of the Welfare Reform Act 2009 (c.24).

(**2**) 1992 c.5.

(**3**) S.I. 1996/207.

(**4**) Regulation 14 has been amended in a number of ways not material to these Regulations.

(a) domestic violence has been inflicted on or threatened against V by V's partner or former partner or a family member, during the period of 26 weeks ending on the date of the notification; and

(b) at the time of the notification, V is not living at the same address as the person who inflicted domestic violence on or threatened it against V.

(2) Where this paragraph applies V is to be treated as being available for employment for a period of 4 weeks ("the 4 week exemption period") beginning on the date of V's notification to the Secretary of State under paragraph (1).

(3) V is to be treated as available for employment under paragraph (2)—

(a) whether or not V is entitled to a jobseeker's allowance for the whole or part of the 4 week exemption period; and

(b) on only one occasion in any 12 month period.

(4) Paragraph (6) applies where domestic violence has been inflicted on or threatened against V by V's partner or former partner or a family member.

(5) Domestic violence is only to be regarded as having been inflicted on or threatened against V for the purpose of paragraph (4) if V provides relevant evidence to the Secretary of State during the 4 week exemption period.

(6) Where this paragraph applies, V is to be treated as being available for employment for a period of 13 weeks ("the 13 week exemption period") beginning on the date of V's notification to the Secretary of State under paragraph (1).

(7) Subject to paragraphs (8) and (9), the 13 week exemption period shall apply for 13 consecutive weeks, whether or not V is entitled to a jobseeker's allowance for the whole or part of that period.

(8) After the first 4 weeks of the 13 week exemption period, V may notify the Secretary of State that V no longer wishes to be treated as available for employment by virtue of paragraph (6).

(9) Where V gives such a notification to the Secretary of State, the 13 week exemption period—

(a) shall be suspended from the date of the notification until the date on which V gives a further notification to the Secretary of State that V wishes again to be treated as available for employment by virtue of paragraph (6); and

(b) shall not apply at any time after the expiry of 12 months from the date of the notification referred to in paragraph (1).

(10) For the purpose of this regulation—

"domestic violence" means abuse of a kind specified on page 11 of section 2.2 of 'Responding to domestic abuse: a handbook for health professionals' published by the Department of Health in December 2005(**5**), regardless of the gender or sexuality of V,

"family member" means the following members of the family of V, V's partner or V's former partner – grandparent, grandchild, parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, brother-in-law, sister, sister-in-law, or, if any of the preceding persons is a member of a couple, the other member of that couple,

(**5**) A copy of the guidance can be obtained from the Department of Health, Room 212 Wellington House, 133-135 Waterloo Road, London SE1 and at: http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyandGuidance/DH_4126161.