Draft regulations laid before Parliament under section 37(2) of the Jobseekers Act 1995 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

SOCIAL SECURITY

The Social Security (Students Responsible for Children or Young Persons) Amendment Regulations 2008

Made - - - -	*2008*
Coming into force - -	*2008*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by—

— sections 123(1)(a), 124(1)(d) and (e), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(**1**), and

— sections 6(4), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(**2**).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(**3**).

A draft of this instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995 and approved by resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Social Security (Students Responsible for Children or Young Persons) Amendment Regulations 2008 and shall come into force on the day after the day on which they are made.

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987(**4**) are amended as follows.

(**1**) 1992 c.4. Section 124(1)(d) and (e) were added by paragraph 30 of Schedule 2 to the Jobseekers Act 1995 (c.18). Section 137(1) is an interpretation provision and is cited because of the meaning there given to the word "prescribed". Section 175(1) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2).

(**2**) 1995 c.18. Section 35(1) is cited because of the meaning it gives to the words "prescribed" and "regulations". Both of those meanings were amended by paragraph 62 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999.

(**3**) *See* section 173(1)(b) of the Social Security Administration Act 1992 (c.5).

(**4**) S.I. 1987/1967. Regulation 4ZA was inserted by S.I. 1996/206. Paragraph (3) of that regulation was amended by S.I. 2000/636, 2000/1981 and 2006/2144.

(2) In regulation 4ZA (prescribed categories of person), for paragraph (3)(c) substitute—

"(c) any other paragraph of Schedule 1B applies to him and—

(i) in the case of a person with a partner, the partner is also a full-time student and either he or his partner is treated as responsible for a child or young person, or

(ii) in any other case, he is treated as responsible for a child or young person,

but this provision applies only for the period of the summer vacation appropriate to his course; or".

Amendment of the Jobseeker's Allowance Regulations 1996

3.—(1) The Jobseeker's Allowance Regulations 1996(**5**) are amended as follows.

(2) The existing provisions of regulation 15(**6**) (circumstances in which a person is not to be regarded as available for employment) become paragraph (1) of that regulation.

(3) For the provision that becomes regulation 15(1)(a) substitute—

"(a) subject to paragraph (2), if he is full-time student during the period of study;".

(4) After the provisions that become regulation 15(1) add—

"(2) Notwithstanding paragraph (1)(a), a full-time student shall be regarded as available for employment during the period of the summer vacation appropriate to his course, but only if the first and second conditions are satisfied.

(3) The first condition is satisfied if—

(a) in the case of a student with a partner, the partner is also a full-time student and either of them is treated as responsible for a child or a young person; or

(b) in any other case, the student is treated as responsible for a child or young person.

(4) The second condition is satisfied if the student is—

(a) available for employment in accordance with this Chapter; or

(b) treated as available for employment in accordance with regulation 14(1)(a) or (k)."

(5) In regulations 14(1) (circumstances in which a person is to be treated as available)(**7**) and 17A(1) (further circumstances in which a person is to be treated as available: full-time students participating in a qualifying course)(**8**), and in paragraph 13(8)(b) of Schedule 2 (housing costs), for "15(a)" in each place, substitute "15(1)(a)".

(**5**) S.I. 1996/207.
(**6**) Regulation 15 was amended by S.I. 1997/563 and 2002/3072.
(**7**) Regulation 14(1) was amended by S.I. 1996/1517, 1997/563, 1999/3087, 2000/3336, 2004/1869, 2006/1402.
(**8**) Regulation 17A was inserted by S.I. 1998/1274.