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

2006 No.

SOCIAL SECURITY

The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2006

Made - - - -	*2006*
Coming into force - -	*30th May 2006*

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)(e), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(**1**) and sections 6(2) and (4), 7(4), 8, 35(1), 36(2) and (4) of, and paragraphs 8 and 8A(1) of Schedule 1 to, 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 has been laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995 and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2006 and shall come into force on 30th May 2006.

(**1**) 1992 c.4. Section 124(1)(e) was inserted by paragraph 30 of Schedule 2 to the Jobseekers Act 1995 (c.18) and was amended by Schedule 3 to the State Pension Credit Act 2002 (c.16). Section 137(1) is an interpretation provision and is cited because of the meaning there given to the word "prescribed". Section 175(1) and (4) 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 8 was amended by paragraph 7 of Schedule 7 and paragraph 29 of Schedule 8 to the Welfare Reform and Pensions Act 1999 (c.30). Section 35(1) is an interpretation provision and is cited because of the meaning there given to the words "prescribed" and "regulations". Sections 35(1) and 36(4) were amended by paragraphs 62 and 63 respectively of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999. Paragraph 8A(1) of Schedule 1 was inserted by paragraph 16 of Schedule 7 to the Welfare Reform and Pensions Act 1999.

(**3**) *See* sections 170 and 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of "relevant enactments" in respect of which regulations must normally be referred to the Committee.

Amendment of the Jobseeker's Allowance Regulations 1996

2.—(1) The Jobseeker's Allowance Regulations 1996(**4**) are amended in accordance with this regulation.

(2) In regulation 5(1) (exceptions for certain people to requirement to be available immediately)(**5**)—

(a) omit sub-paragraph (a); and

(b) in sub-paragraph (b), after "voluntary work" insert "or who has caring responsibilities".

(3) In regulation 14 (circumstances in which a person is to be treated as available)—

(a) in paragraph (1)(**6**)—

(i) after "to whom regulation 15(a), (b)", insert ", (bc)"; and

(ii) after "circumstances apply, subject to", insert "paragraph (2B) and to";

(b) after paragraph (1)(q)(**7**), insert the following sub-paragraphs—

"(r) if he is required to attend a court or tribunal as a justice of the peace, a party to any proceedings, a witness or a juror;

(s) if, for a maximum of 96 hours before being released, he is in—

(i) police detention within the meaning in section 118(2) of the Police and Criminal Evidence Act 1984 (general interpretation)(**8**), or

(ii) legal custody within the meaning in section 295 of the Criminal Procedure (Scotland) Act 1995 (legal custody in Scotland)(**9**) but is not a prisoner as defined by regulation 85(4) (special cases)(**10**).";

(c) after paragraph (2A)(**11**), insert the following paragraph—

"(2B) A person shall not be treated as available for employment under paragraph (1)(r)—

(a) for more than eight weeks,

(b) where he does not, before the period during which he is required to attend the court or tribunal, give an employment officer notice, in writing where requested by the employment officer, that he is so required, or

(c) where he is a prisoner as defined by regulation 85(4) (special cases).''; and

(d) after paragraph (6), insert the following paragraph—

"(7) In this regulation, "tribunal" means any tribunal listed in Schedule 1 to the Tribunals and Inquiries Act 1992(**12**).".

(4) In regulation 19 (circumstances in which a person is to be treated as actively seeking employment)—

(a) in paragraph (1), for "paragraph (2)" substitute "paragraphs (2) and (2A)";

(b) after paragraph (1)(u)(**13**), insert the following sub-paragraphs—

(**4**) S.I. 1996/207.
(**5**) Regulation 5(1) was substituted by S.I. 2002/3072.
(**6**) The relevant amending instrument is S.I. 1997/563.
(**7**) Sub-paragraph (q) was inserted by S.I. 2004/1869.
(**8**) 1984 c.60. Section 118(2) was amended by paragraph 5(12) of Schedule 15 to the Terrorism Act 2000 (c.11) and paragraph 9(9) of Schedule 7 to the Police Reform Act 2002 (c.30).
(**9**) 1995 c.46. Section 295 was amended by section 24(2) of the Criminal Justice (Scotland) Act 2003 (asp 7).
(**10**) The definition of "prisoner" was amended by S.I. 1998/563 and 2005/2078.
(**11**) Paragraph (2A) was inserted by S.I. 1997/563.
(**12**) 1992 c.53 as amended.
(**13**) Sub-paragraph (u) was inserted by S.I. 2004/1869.