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

2004 No.

SOCIAL SECURITY

The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2004

Made - - - -	*2004*
Coming into force - -	*4th October 2004*

Whereas a draft of this instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995(**1**) and approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(a), 137(1) and (2)(b), 171D(1), 171G(2) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(**2**) and sections 6(4), 7(4), 35(1) and 36(2) and (4) of, and paragraph 11(2) of Schedule 1 to, the Jobseekers Act 1995(**3**) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**4**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2004 and shall come into force on 4th October 2004.

(**1**) 1995 c. 18.

(**2**) 1992 c. 4. Section 137(1) is an interpretation provision and is cited because of the meaning there given to the word "prescribed". Sections 171D and 171G were inserted by section 6(1) of the Social Security (Incapacity for Work) Act 1994 (c. 18) and have effect for the purposes of the Jobseekers Act 1995 by virtue of paragraph 2 of Schedule 1 to that Act. Section 171G(2) is an interpretation provision and is cited because of the meaning there given to the word "prescribed". Section 175(4) was amended by section 2 of, and paragraph 29 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(**3**) 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 section 2 of, and paragraphs 62 and 63 respectively of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999.

(**4**) *See* sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c. 5); 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 Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987(**5**) shall be amended in accordance with this regulation.

(2) After paragraph (3) of regulation 4(**6**) (temporary absence from Great Britain) insert the following paragraph—

"(3A) A claimant's entitlement to income support shall continue during a period of temporary absence from Great Britain if—

(a) he satisfied the conditions of entitlement to income support immediately before the beginning of that period of temporary absence; and

(b) that period of temporary absence is for the purpose of the claimant receiving treatment at a hospital or other institution outside Great Britain where that treatment is being provided—

(i) under section 3 of the National Health Service Act 1977(**7**) (services generally);

(ii) pursuant to arrangements made under section 23 of that Act(**8**) (voluntary organisations and other bodies); or

(iii) pursuant to arrangements made under paragraph 13 of Schedule 2 to the National Health Service and Community Care Act 1990(**9**) (National Health Service Trusts – specific powers).".

Amendment of the Jobseeker's Allowance Regulations 1996

3.—(1) The Jobseeker's Allowance Regulations 1996(**10**) shall be amended in accordance with this regulation.

(2) In regulation 14(1)(**11**) (circumstances in which a person is to be treated as available)—

(a) after sub-paragraph (l) insert the following sub-paragraph—

"(ll) if he is treated as capable of work in accordance with regulation 55A, for the period determined in accordance with that regulation;"; and

(b) after sub-paragraph (p) add the following sub-paragraph—

"(q) if he is temporarily absent from Great Britain in the circumstances prescribed in regulation 50(6AA) or, as the case may be, (6C).".

(3) In regulation 19(1)(**12**) (circumstances in which a person is to be treated as actively seeking employment)—

(a) after sub-paragraph (l) insert the following sub-paragraph—

(**5**) S.I. 1987/1967.
(**6**) Regulation 4 was amended by S.I. 1988/663, 1990/547, 1995/482, 1996/206 and 1944.
(**7**) 1977 c. 49. Section 3 was amended by sections 184 and 196 of, paragraphs 7 and 8 of Schedule 11 and Part 4 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) and by S.I. 2002/2759.
(**8**) Section 23 was amended by section 25(4) of, and Schedule 7 to, the Health Services Act 1980 (c. 53), section 4 of, and paragraph 18(1) of Schedule 3 to, the Road Traffic (Consequential Provisions) Act 1988 (c. 54), section 63 of, and paragraph 10 of Schedule 3 to, the Vehicle Excise and Registration Act 1994 (c. 22), section 2(1) of, and paragraph 13 of Schedule 1 to, the Health Authorities Act 1995 (c. 17), sections 1(3) and 6(2) of, paragraphs 1 and 11 of Schedule 1 and paragraphs 4 and 9 of Schedule 5 to, the National Health Service Reform and Health Care Professions Act 2002 (c. 17) and by S.I. 2000/90.
(**9**) 1990 c. 19. Paragraph 13 was amended by section 2(1) of, and paragraph 85(e) of Schedule 1 to, the Health Authorities Act 1995 (c. 17), section 65(1) of, and paragraphs 74 and 83(1) and (5) of Schedule 4 to, the Health Act 1999 (c. 8) and sections 1(3) and 6(2) of, paragraphs 39 and 46(a) of Schedule 1 to, and paragraphs 30 and 36(1) and (3) of Schedule 5 to, the National Health Service Reform and Health Care Professions Act 2002 (c. 17).
(**10**) S.I. 1996/207.
(**11**) Regulation 14 was amended by S.I. 1996/1517, 1997/563, 1999/3087 and 2000/3336.
(**12**) Regulation 19 was amended by S.I. 1996/1517, 1997/563, 1998/1274, 1999/3087 and 2000/3336.