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

2002 No.

SOCIAL SECURITY

The Jobseeker's Allowance (Amendment) Regulations 2002

Made - - - - 2002

Coming into force in accordance with regulation 1

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 by sections 6(4), 8(1)(a), (1A)(a) and (2)(d)(ii), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(**2**), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations need not be referred to it(**3**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Jobseeker's Allowance (Amendment) Regulations 2002 and shall come into force—

(a) for the purposes of regulation 5, on the day after the day on which they are made;

(b) for all other purposes, on 1st January 2003.

Amendment of the Jobseeker's Allowance Regulations

2. The Jobseeker's Allowance Regulations 1996(**4**) shall be amended in accordance with the following regulations.

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

(**2**) Relevant amendments have been made to section 8 by the Welfare Reform and Pensions Act 1999 (c. 30). Section 8(1) was amended by sections 59 and 70 of, and paragraph 7 of schedule 7 and paragraph 29 of schedule 8 to, that Act. Section 8(1A) was inserted by section 59 of, and paragraph 7 of schedule 7 to, that Act. Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".

(**3**) *See* sections 170 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.

(**4**) S.I. 1996/207; the relevant amending instruments are S.I. 1996/1517, 2000/1978 and 2000/2194.

Amendment of regulation 5: exceptions to requirement to be available immediately

3. In regulation 5—

(a) for paragraph (1) there shall be substituted the following paragraph—

"(1) In order to be regarded as available for employment—

(a) a person who has caring responsibilities is not required to be able to take up employment immediately, providing he is willing and able to take up employment on being given 48 hours' notice; and

(b) a person who is engaged in voluntary work is not required to be able to take up employment immediately, providing he is willing and able—

(i) to take up employment on being given one week's notice; and

(ii) to attend for interview in connection with the opportunity of any such employment on being given 48 hours' notice.";

(b) in paragraph (5) after the words "take up employment immediately, the" there shall be inserted the words "one week,";

(c) after paragraph (5) there shall be inserted the following paragraph—

"(6) In this regulation "week" means any period of seven consecutive days.".

Amendment of regulation 12: volunteers

4. For regulation 12 there shall be substituted the following regulation—

"**12.**—(1) Paragraph (2) applies if in any week a person is engaged in voluntary work and—

(a) he has restricted the total number of hours for which he is available in accordance with regulation 7(2), 13(3) or(4) or 17(2); and

(b) the hours in which he is engaged in voluntary work fall in whole or in part within his pattern of availability.

(2) In determining whether a person to whom this paragraph applies is available for employment no matter relating to his voluntary work shall be relevant providing—

(a) on being given one week's notice, he is willing and able to re-arrange the hours in which he is engaged in voluntary work in order to take up employment at times falling within his pattern of availability; and

(b) on being given 48 hours' notice, he is willing and able to re-arrange the hours in which he is engaged in voluntary work in order to attend for interview at times falling within his pattern of availability in connection with the opportunity of any such employment; and

(c) he complies with the requirements of regulation 6.

(3) In paragraph (2) "week" means any period of seven consecutive days.".

Amendment of regulation 15: circumstances in which a person is not to be regarded as available

5. In regulation 15 before paragraph (c) there shall be inserted the following paragraph—

"(bc) if he is on paternity leave or ordinary adoption leave by virtue of section 75A of the Employment Rights Act 1996(**5**);".

(**5**) 1996 c. 18. Section 75A was inserted by section 3 of the Employment Act 2002 (c. 22).