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

DRAFT STATUTORY INSTRUMENTS

1998 No.

SOCIAL SECURITY

The Jobseeker's Allowance Amendment (New Deal) Regulations 1998

Made - - - -	*1998*
Coming into force - -	*1998*

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 a resolution of each House of Parliament.

Now, therefore, the Secretary of State for Education and Employment, in exercise of the powers conferred on him by sections 6(4), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995(**2**) 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(**3**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Jobseeker's Allowance Amendment (New Deal) Regulations 1998 and shall come into force on the day after the day on which they are made.

Full-time students undertaking a qualifying course

2.—(1) Regulation 17A of the Jobseeker's Allowance Regulations 1996(**4**) (further circumstances in which a person is to be treated as available: full-time students undertaking a qualifying course) shall be amended in accordance with the following paragraphs of this regulation.

(2) At the beginning of paragraph (2)(b), there shall be inserted the words "subject to paragraph (2A),".

(3) After paragraph (2) there shall be inserted the following paragraph–

(**1**) 1995 c. 18.
(**2**) 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; regulation 17A was inserted by S.I. 1998/1274.

"(2A) A person who has been receiving benefit in accordance with paragraph (b) of the definition of "receiving benefit" in paragraphs (7) shall, for the purposes of paragraph (2)(b), be treated as having received benefit within a jobseeking period.".

(4) In the definition of "benefit" in paragraph (7), for the words from "receiving benefit" (in the second place where those words occur) to the end of the definition there shall be substituted the following–

"receiving–

(a) benefit which that person has claimed and received as an unemployed person or in accordance with Part I of the Act; or

(b) income support which that person has claimed and received as an asylum seeker pursuant to regulation 70(3A) of the Income Support Regulations but only to the extent that–

(i) any periods in respect of which he was in receipt of income support as an asylum seeker pursuant to regulation 70(3A) of the Income Support Regulations link with the jobseeking period which includes the date on which he started, or is due to start, the qualifying course and for this purpose, such periods shall link where they are separated by a period of 12 weeks or less in respect of which he was not in receipt of income support; and

(ii) he is, at the date he started, or is due to start, the qualifying course, a person to whom paragraph (7A) applies;".

(5) After paragraph (7), there shall be inserted the following paragraphs–

"(7A) Subject to paragraph (7B), this paragraph shall apply in the case of a person–

(a) who–

(i) is a refugee within the definition of Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951(**5**), as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967(**6**); or

(ii) has been granted exceptional leave(**7**)–

(aa) to enter the United Kingdom by an immigration officer appointed for the purposes of the Immigration Act 1971(**8**); or

(bb) to remain in the United Kingdom by the Secretary of State; and

(b) who was in receipt of income support as an asylum seeker pursuant to regulation 70(3A) of the Income Support Regulations at any time during the period of 12 weeks immediately preceding the beginning of the jobseeking period which includes the date on which he started, or is due to start, the qualifying course.

(7B) Paragraph (7A) shall include a person who has been recorded as a refugee by the Secretary of State within the definition in sub-paragraph (a) of that paragraph and whose claim for income support was determined in accordance with regulation 21ZA(2) or (3) of the Income Support Regulations (treatment of refugees).".

(**5**) Cmd. 9171.
(**6**) Cmnd. 3906.
(**7**) For a description of "exceptional leave", see Home Office evidence to the House of Commons Home Affairs Committee. Sub-Committee on Race Relations and Immigration (SCORRI) 1984–5 Session; 17th December 1984, paragraphs 44 to 47.
(**8**) 1971 c. 77 as amended by the British Nationality Act 1981 (c. 61).