

2012 No. 1616

SOCIAL SECURITY

**The Jobseeker's Allowance (Members of the Reserve Forces)
Regulations 2012**

<i>Made</i> - - - -	<i>20th June 2012</i>
<i>Laid before Parliament</i>	<i>27th June 2012</i>
<i>Coming into force</i> - -	<i>30th July 2012</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 6(4), 7(4), 8(2)(d), 12(1) to (3) and (4)(b), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(a).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(b), the Secretary of State has obtained the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it.

Citation and commencement

1.—(1) These Regulations may be cited as the Jobseeker's Allowance (Members of the Reserve Forces) Regulations 2012.

(2) They come into force on 30th July 2012.

Amendment of the Jobseeker's Allowance Regulations 1996

2.—(1) The Jobseeker's Allowance Regulations 1996(c) are amended as follows.

(2) In regulation 1(3) (citation, commencement and interpretation)(d), after the definition of "concessionary payment", insert—

““the Contributions Regulations” means the Social Security (Contributions) Regulations 2001(e);”.

(3) In regulation 14(1) (circumstances in which a person is to be treated as available)(f), after sub-paragraph (u) add—

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- (a) 1995 c. 18. Section 8(2) was amended by section 33(1) and (2) of the Welfare Reform Act 2009 (c. 24). Section 35(1) is an interpretation provision and is cited for the meaning it gives to the terms “prescribed” and “regulations”. The definition of “prescribed” was amended by paragraph 62 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c. 2).
- (b) 1992 c. 5.
- (c) S.I. 1996/207.
- (d) Regulation 1(3) has been amended but not in ways that are relevant to these Regulations.
- (e) S.I. 2001/1004.
- (f) A relevant amending instrument is S.I. 2008/3051.

“(v) if he is engaged in annual continuous training as a member of any territorial or reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations, for a maximum of 15 days in any calendar year.”.

(4) In regulation 19(1) (circumstances in which a person is to be treated as actively seeking employment)(a), after sub-paragraph (x) add—

“(y) in any week during which he is engaged for not less than 3 days in annual continuous training as a member of any territorial or reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations, for a maximum of 15 days in any calendar year.”.

(5) In regulation 30(c) (circumstances in which a claimant is to be regarded as having good cause for failing to comply with a notification under regulation 23 or 23A)(b), for “(r) to (u)” substitute “(r) to (v)”.

(6) In regulation 94 (calculation of earnings derived from employed earner’s employment and income other than earnings)(c), after paragraph (2B), insert—

“(2C) Earnings derived by a claimant as a member of any territorial or reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations in respect of a period of annual continuous training for a maximum of 15 days in any calendar year, whether paid to the claimant alone or together with other earnings derived from the same source, are to be taken into account—

- (a) in the case of a period of training exceeding 14 days, over a period of 14 days, or which is equal to the duration of the training period, or
- (b) in any other case, over a period which is equal to the duration of the training period.

(2D) The period referred to in paragraph (2C) over which earnings are to be taken into account shall begin on the date on which they are treated as paid under regulation 96.”.

(7) In Schedule 6 (sums to be disregarded in the calculation of earnings), for paragraph 19 substitute—

“**19.**—(1) In the case of a contribution-based jobseeker’s allowance, where by reason of earnings to which sub-paragraph (3) applies (in aggregate with the claimant’s other earnings (if any) calculated in accordance with this Part) the claimant would (apart from this paragraph) have a personal rate of less than 10 pence, the amount of such earnings but only to the extent that that amount exceeds the claimant’s personal rate less 10 pence.

(2) In the case of an income-based jobseeker’s allowance, where earnings to which sub-paragraph (3) applies (in aggregate with the claimant’s other income (if any) calculated in accordance with this Part) exceed the applicable amount less 10 pence, the amount of those earnings corresponding to that excess.

(3) This sub-paragraph applies to earnings, in so far as they exceed the amount disregarded under paragraph 9, derived by the claimant from employment as a member of any territorial or reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations in respect of a period of annual continuous training for a maximum of 15 days in any calendar year.

(4) In sub-paragraph (1), “personal rate” means the rate for the claimant calculated as specified in section 4(1) of the Act.”.

(8) In Schedule 6A (sums to be disregarded in the calculation of earnings of members of joint-claim couples)(d), omit paragraph 5.

(a) Relevant amending instruments are S.I. 2006/1402 and S.I. 2012/853.

(b) A relevant amending instrument is S.I. 2008/3051.

(c) A relevant amending instrument is S.I. 1997/65.

(d) Schedule 6A was inserted by S.I. 2000/1978.

Signed by authority of the Secretary of State for Work and Pensions

20th June 2012

C. Grayling
Minister for Employment
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations 1996 ("the 1996 Regulations") in relation to a member of the Territorial Army or another reserve force who is in receipt of jobseeker's allowance ("JSA").

The amendments made by regulation 2(3) and (4) provide that, during the period of annual continuous training which reserve force members are required to undertake for up to 15 days in any calendar year, such persons will be treated as available for, and actively seeking, employment (which are two of the basic conditions for entitlement to JSA).

The amendment made by regulation 2(6) provides that earnings derived from participation as a member of the reserve forces in annual continuous training, whether paid alone or together with other earnings derived from the same source, are to be taken into account for a period of the same duration as the training undertaken, except where the training exceeds 14 days, in which case they must be taken into account over a period of 14 days. The period over which the earnings are to be taken into account begins on the date on which the earnings are treated as having been paid in accordance with regulation 96 of the 1996 Regulations.

The amendment made by regulation 2(7) provides that earnings derived from participation in annual continuous training will be disregarded to the extent that they would have the effect (when aggregated with any other income) of reducing a claimant's entitlement to JSA to less than 10 pence per week. This ensures that reserve force members in receipt of JSA can retain a minimum entitlement to that benefit in the week in which they are paid for their participation in annual training.

Regulation 2(2), (5) and (8) makes consequential amendments to other provisions of the 1996 Regulations.

A full impact assessment has not been published for this instrument as it has no impact on the costs of business or the voluntary sector.

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STATUTORY INSTRUMENTS

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