



## JOBSEEKER'S ALLOWANCE (AMENDMENT) REGULATIONS 2013

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Statutory Document No. 0055/13



*Jobseekers Act 1995*

## **JOBSEEKER'S ALLOWANCE (AMENDMENT) REGULATIONS 2013**

*Approved by Tynwald:* 19 March 2013  
*Coming into Operation:* 8 April 2013

The Department of Social Care makes the following Regulations under sections 3, 3A, 4 and 4A of the Jobseekers Act 1995.

### **PART 1 – INTRODUCTORY**

#### **1 Title**

These Regulations are the Jobseeker's Allowance (Amendment) Regulations 2013.

#### **2 Commencement**

If approved by Tynwald, these Regulations come into operation on 8 April 2013<sup>1</sup>.

#### **3 Regulations amended and interpretation**

- (1) These Regulations amend the Jobseeker's Allowance Regulations 1996<sup>2</sup> as applied to the Island<sup>3</sup>.
- (2) In these Regulations, unless the context otherwise requires, a reference to a regulation, Schedule or other provision is a reference to the regulation, Schedule or other provision of those Regulations.

<sup>1</sup> As required by section 37(2) of the Jobseekers Act 1995 (of Parliament) as applied to the Island by SD 8/96.

<sup>2</sup> SI 1996/207.

<sup>3</sup> SD 634/96.

## PART 2 – AMENDMENT OF THE JOBSEEKER’S ALLOWANCE REGULATIONS

### 4 Regulation 84 amended: polygamous marriages

In regulation 84(1)(e)<sup>4</sup> (polygamous marriages) omit “other than lone parent premium”.

### 5 Schedule 2 amended: housing costs

For paragraph 1(4) in Part I of Schedule 2 (housing costs) substitute—

- |             |   |
|-------------|---|
| <p>1(4)</p> | <p>For the purposes of this Part of this Schedule, a disabled person is a person—</p>   |
| <p>(a)</p>  | <p>in respect of whom—</p> <ul style="list-style-type: none"> <li>(i) a disability premium;</li> <li>(ii) a disabled child premium; or</li> <li>(iii) in the case of a person aged not less than 75, a pensioner premium,</li> </ul> <p>is included in his applicable amount or the applicable amount of a person living with him; or</p>                         |
| <p>(b)</p>  | <p>who, had he in fact been entitled to income-based jobseeker’s allowance or income support, would have had included in his applicable amount—</p> <ul style="list-style-type: none"> <li>(i) a disability premium;</li> <li>(ii) a disabled child premium; or</li> <li>(iii) in the case of a person aged not less than 75, a pensioner premium. 10.</li> </ul> |

### 6 Schedule 3 amended: premiums

(1) Schedule 3 (premiums) is amended as follows.

(2) In Part II (premiums)—

- (a) in paragraph 5 for “9A” substitute 10;
- (b) for paragraph 6 substitute—

<p>6.</p>	<p>Subject to paragraphs 7 and 7A, where a claimant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply. 10;</p>
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<sup>4</sup> Regulation 84(1)(e) amended by SD 105/02.

- (c) for paragraph 7<sup>5</sup> substitute—
- 7.**
- (1) This paragraph applies if the claimant —
- (a) is a single claimant or a lone parent; or
- (b) is a member of a couple and in relation to any premium in this Part of this Schedule, the condition in respect of that premium is satisfied in respect of only one member of the couple.
- (2) If this paragraph applies, the following premiums may be applicable in addition to any other premium which may apply to the claimant under this Part of this Schedule —
- (a) a disabled child premium to which paragraph 16 applies; and
- (b) a shared care premium to which paragraph 16A applies.
- (3) If this paragraph applies, in addition to the premiums referred to in sub-paragraph (2), a pensioner premium to which paragraph 10 applies may be applicable in addition to —
- (a) a carer premium to which paragraph 17 applies; and
- (b) a mobility premium to which paragraph 17B applies.
- 7A.**
- (1) This paragraph applies if—
- (a) the claimant is a member of a couple; and
- (b) in relation to any premium in this Part of this Schedule, the condition in respect of that premium is satisfied by both members of the couple.
- (2) If this paragraph applies, the following premiums may be applicable in addition to any other premium which may apply to the claimant under this Part of this Schedule —
- (a) a disabled child premium to which paragraph 16 applies;
- (b) a shared care premium to which paragraph 16A applies; and
- (c) a carer premium to which paragraph 17 applies. **7B.**

<sup>5</sup> Paragraph 7 amended by SDs 31/07, 915/09 and 608/12.

- (d) in paragraph 10<sup>6</sup>—
- (i) in sub-paragraph (b) omit “but less than 75”; and
  - (ii) in the heading omit “*for persons of the qualifying age and over*”;
- (e) for paragraph 13<sup>7</sup> substitute—
- 13** *Incapacity premium*
13. The condition is that the claimant’s partner (if he has one) is incapable of work in accordance with Part XIIA of the Benefits Act and—
- (a) has been incapable of work in accordance with that Part for the whole of the immediately preceding 364 days; or
  - (b) is terminally ill (within the meaning of section 30B(4) of that Act). **12**;
- (f) for paragraph 15 substitute—
- 15** *Disability premium*
15. The condition is —
- (a) that the claimant is in receipt of—
    - (i) the highest or middle rate care component of disability living allowance under section 72(4)(a) or (b) of the Benefits Act; or
    - (ii) the higher rate mobility component of disability living allowance under section 73(11)(a) of that Act;
  - (b) that the claimant’s partner (if he has one) is in receipt of—
    - (i) the highest or middle rate care component of disability living allowance under section 72(4)(a) or (b) of the Benefits Act;
    - (ii) the higher rate mobility component of disability living allowance under section 73(11)(a) of that Act;
    - (iii) an attendance allowance under Part III of that Act; or
  - (c) that the claimant and his partner are both in receipt of—

<sup>6</sup> Paragraph 10 substituted by SD 915/09.

<sup>7</sup> Paragraph 13 amended by SD 375/02.

- (i) the highest or middle rate care component of disability living allowance under section 72(4)(a) or (b) of the Benefits Act; or
      - (ii) the higher rate mobility component of disability living allowance under section 73(11)(a) of that Act;
    - (d) that—
      - (i) the claimant is in receipt of either benefit mentioned in sub-paragraph (c); and
      - (ii) his partner is in receipt of an attendance allowance under Part III of the Benefits Act. **22**;
  - (g) in paragraph 16A<sup>8</sup> for “the claimant” substitute “the claimant or his partner (if he has one)”;
  - (h) for paragraph 17(1)<sup>9</sup> substitute —
    - 23**(1) Subject to sub-paragraphs (3) to (4), the condition is that —
      - (a) the claimant or his partner (if he has one) is—
        - (i) entitled to a carer’s allowance under section 70 of the Benefits Act; and
        - (ii) not a severely disabled person (within the meaning of section 70(2) of that Act); or
      - (b) the claimant and his partner are both—
        - (i) entitled to a carer’s allowance under section 70 of the Benefits Act; and
        - (ii) not severely disabled persons (within the meaning of section 70(2) of that Act). **22**;
    - (i) for paragraph 17B substitute—
      - 24** *Mobility premium*
      - 17B. The condition is that the claimant’s partner is aged 65 or over and —

<sup>8</sup> Paragraph 16A inserted by SD 31/07 and amended by SD 608/12.

<sup>9</sup> Paragraph 17 amended by SDs 624/02, 354/03 and 379/04.

- (a) in the opinion of an adjudication officer, would be entitled to the higher rate mobility component of disability living allowance under section 73(11)(a) of the Benefits Act but for section 75 of that Act (disability living allowance not payable after the age of 65 unless an award of that benefit was made before then); or
- (b) —
- (i) is in receipt of the lower rate mobility component of disability living allowance under section 73(11)(b) of the Benefits Act; and
- (ii) in the opinion of an adjudication officer, would be entitled to the higher rate mobility component of disability living allowance under section 73(11)(a) of the Benefits Act but for section 75 of that Act. ~~22~~; and
- (j) in paragraph 19A(1)<sup>10</sup> (linking rule) omit “and paragraph 15A (higher disability premium)”.
- (3) In the table in Part III<sup>11</sup> (weekly amounts of premiums specified in Part II) in paragraph 20—
- (a) for sub-paragraph (1) substitute —
- |   |     |                         |
|---|-----|-------------------------|
| <del>20</del> 20.                                     |     |                         |
| (1) <i>Pensioner premium</i> —                        | (1) |                         |
| (a) if the condition in paragraph 10(a) is satisfied; | (a) | £62.00;                 |
| (b) if the condition in paragraph 10(b) is satisfied; | (b) | £94.80. <del>22</del> ; |
- (b) for sub-paragraph (3) substitute —
- |  |     |                         |
|--|-----|-------------------------|
| <del>23</del> (3) <i>Incapacity premium</i> —  | (3) |                         |
| If the condition in paragraph 13 is satisfied; |     | £25.25. <del>22</del> ; |
- (c) for sub-paragraph (4) substitute —
- |  |     |                         |
|--|-----|-------------------------|
| <del>24</del> (4) <i>Disability premium</i> —                | (4) |                         |
| (a) if the condition in paragraph 15(a) or (b) is satisfied; | (a) | £52.60;                 |
| (b) if the condition in paragraph 15(c) or (d) is satisfied; | (b) | £78.90. <del>22</del> ; |
- (d) for sub-paragraph (7) substitute —

<sup>10</sup> Paragraph 19A substituted by SD 375/02.

<sup>11</sup> Part III substituted by SD 33/00 and last amended by SD 0084/12.

<p>7 (7) <i>Carer premium</i> —</p> <p>(a) if the condition in paragraph 17(1)(a) is satisfied;</p> <p>(b) if the condition in paragraph 17(1)(b) is satisfied:</p> <p>(e) for sub-paragraph (9) substitute —</p> <p>7 (9) <i>Mobility premium</i> —</p> <p>(a) if the condition in paragraph 17B(a) is satisfied;</p> <p>(b) if the condition in paragraph 17B(b) is satisfied;</p>	<p>(7)</p> <p>(a) £36.70;</p> <p>(b) £55.05. 7;</p> <p>and</p> <p>(9)</p> <p>(a) £25.95;</p> <p>(b) £6.05; 7.</p>
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## 7 Schedule 3 further amended: premiums for joint-claim couples

- (1) Schedule 3 (premiums) is further amended as follows.
- (2) In Part IIIA<sup>12</sup> (premiums for joint-claim couples)—
  - (a) for paragraph 20C<sup>13</sup> substitute—
 

7 20C.

(1) The following premiums may be applicable in addition to any other premium which may apply to a joint-claim couple under this Part of this Schedule

    - (a) a shared care premium to which paragraph 20IB applies;
    - (b) a carer premium to which paragraph 20J applies; and
    - (c) a mobility premium to which paragraph 20JAA applies. 7;
  - (b) in paragraph 20E<sup>14</sup>—
    - (i) omit “but less than 75”; and
    - (ii) in the heading omit “for persons under 75” consequentially;
  - (c) for paragraph 20G<sup>15</sup> substitute —
 

7 *Incapacity premium*

20G. The condition is that one member of a joint-claim couple is incapable of work in accordance with Part XIA of the Benefits Act and —

    - (a) has been incapable of work in accordance with that Part for the whole of the immediately preceding 364 days (whether or not he was a

<sup>12</sup> Part IIIA amended by SD 105/02.

<sup>13</sup> Paragraph 20C amended by SD 31/07.

<sup>14</sup> Paragraph 20E amended by SD 1073/10.

<sup>15</sup> Paragraph 20G amended by SD 375/02.

- member of a joint-claim couple for that period);  
or
- (b) is terminally ill (within the meaning of section 30B(4) of that Act).<sup>16</sup>;
- (d) for paragraph 20I substitute—
- 20I** *Disability premium*
- 20I. The condition is—
- (a) that one member of a joint-claim couple is in receipt of—
- (i) the highest or middle rate care component of disability living allowance under section 72(4)(a) or (b) of the Benefits Act;
- (ii) the higher rate mobility component of disability living allowance under section 73(11)(a) of that Act; or
- (iii) an attendance allowance under Part III of the Benefits Act;
- (b) that both members of a joint-claim couple are in receipt of—
- (i) the highest or middle rate care component of disability living allowance under section 72(4)(a) or (b) of the Benefits Act; or
- (ii) the higher rate mobility component of disability living allowance under section 73(11)(a) of that Act; or
- (c) that—
- (i) one member of a joint-claim couple is in receipt of either benefit mentioned in sub-paragraph (b); and
- (ii) the other member of the joint-claim couple is in receipt of an attendance allowance under Part III of the Benefits Act.<sup>17</sup>;
- (e) for the heading to paragraph 20IB<sup>16</sup> substitute “*Shared care premium*”;
- (f) for paragraph 20J(1)<sup>17</sup> substitute —

<sup>16</sup> Paragraph 20IB inserted by SD 31/07.

<sup>17</sup> Paragraph 20J amended by SDs 624/02, 354/03 and 379/04.

**66**(1) Subject to sub-paragraphs (3) to (4), the condition is that —

- (a) one member of a joint-claim couple is—
  - (i) entitled to a carer's allowance under section 70 of the Benefits Act; and
  - (ii) not a severely disabled person (within the meaning of section 70(2) of that Act); or
- (b) both members of a joint-claim couple are—
  - (i) entitled to a carer's allowance under section 70 of the Benefits Act; and
  - (ii) not severely disabled persons (within the meaning of section 70(2) of that Act). **67**;

(g) for paragraph 20JAA substitute —

**68** *Mobility premium*

20JAA. The condition is that one member of a joint-claim couple is aged 65 or over and —

- (a) in the opinion of an adjudication officer, would be entitled to the higher rate mobility component of disability living allowance under section 73(11)(a) of the Benefits Act but for section 75 of that Act (disability living allowance not payable after the age of 65 unless an award of that benefit was made before then); or
- (b) —
  - (i) is in receipt of the lower rate mobility component of disability living allowance under section 73(11)(b) of the Benefits Act; and
  - (ii) in the opinion of an adjudication officer, would be entitled to the higher rate mobility component of disability living allowance under section 73(11)(a) of the Benefits Act but for section 75 of that Act. **69**; and

- (h) in paragraph 20LA(1)<sup>18</sup> omit “and paragraph 20IA (higher disability premium)”.
- (3) In Part IIIB<sup>19</sup> (weekly amounts of premiums specified in Part IIIA) in paragraph 20M—
- (a) for sub-paragraph (1) substitute —
- 20M.**
- (1) *Pensioner premium*— (1)  
If the condition in paragraph 20E is satisfied; £94.80.<sup>20</sup>;
- (b) for sub-paragraph (3) substitute —
- 20M(3)** *Incapacity premium* — (3)  
If the condition in paragraph 20G is satisfied; £25.25.<sup>20</sup>;
- (c) for sub-paragraph (4) substitute —
- 20M(4)** *Disability premium* — (4)
- (a) if the condition in paragraph 20I(a) is satisfied; (a) £52.60;
- (b) if the condition in paragraph 20IA(b) or (c) is satisfied; (b) £78.90.<sup>20</sup>;
- (d) for sub-paragraph (5) substitute —
- 20M(5)** *Carer premium*— (5)
- (a) if the condition in paragraph 20J(1)(a) is satisfied; (a) £36.70;
- (b) if the condition in paragraph 20J(1)(b) is satisfied; (b) £55.05.<sup>20</sup>; and
- (e) for sub-paragraph (5B) substitute —
- 20M(5B)** *Mobility premium*— (5B)
- (a) if the condition in paragraph 20JAA(a) is satisfied; (a) £25.95;
- (b) if the condition in paragraph 20JAA(b) is satisfied; (b) £6.05.<sup>20</sup>.

## 8 Schedule 5 amended: applicable amounts in special cases

In Schedule 5 (applicable amounts in special cases) for the text in the second column of paragraph 1A<sup>20</sup> substitute —

**1A.** The amount applicable under regulation 83 less any amount applicable by virtue of paragraph 13 or 15 of Schedule 3 (incapacity or disability premium).<sup>20</sup>.

<sup>18</sup> Paragraph 20LA amended by SDs 105/02, 375/02 and 607/12.

<sup>19</sup> Paragraph IIIB inserted by SD 41/01 and last amended by SD 31/07.

<sup>20</sup> Paragraph 1A inserted by SD 82/06.

**9 Schedule 5A amended: applicable amounts for joint-claim couples in special cases**

In Schedule 5A (applicable amounts for joint-claim couples in special cases) for the text in the second column of paragraph 1A<sup>21</sup> substitute —

1A. The amount applicable under regulation 86A less any amount applicable by virtue of paragraph 20E, 20G or 20I of Schedule 3 (pensioner, incapacity or disability premium for joint-claim couples).

**PART 3 – SAVINGS RELATING TO REGULATIONS 6 AND 7**

**10 Saving in relation to pensioner premium for persons of the qualifying age and over: income-based jobseeker's allowance**

- (1) This regulation applies to a person ("P") who immediately before these Regulations come into operation—
  - (a) is entitled to an income-based jobseeker's allowance; and
  - (b) is a person to whom a pensioner premium for persons of the qualifying age and over is applicable under paragraph 10 in Part II of Schedule 3 by virtue of that person satisfying the condition in sub-paragraph (a) of that paragraph.
- (2) If this regulation applies to P, paragraph 10(a) in Part II of Schedule 3 and paragraph 20(1)(a) in Part III of that Schedule continue to have effect in relation to P as if these Regulations had not been made until the earlier of the following days after 7 April 2013 on which —
  - (a) the weekly amount of the pensioner premium prescribed in paragraph 20(1)(a) in Part III of Schedule 3 by virtue of P satisfying the condition in paragraph 10(a) in Part III of that Schedule as those paragraphs would have effect but for this regulation exceeds the weekly amount of the pensioner premium prescribed in paragraph 20(1)(a) in Part III of that Schedule as that paragraph continues to have effect; and
  - (b) P first ceases to be entitled to an income-based jobseeker's allowance.

**11 Saving in relation to incapacity premium: income-based jobseeker's allowance**

- (1) This regulation applies to a person ("P") who immediately before these Regulations come into operation—

<sup>21</sup> Paragraph 1A inserted by SD 82/06.

- (a) is entitled to an income-based jobseeker's allowance; and
  - (b) is a person to whom an incapacity premium is applicable under paragraph 13 in Part II of Schedule 3.
- (2) If this regulation applies to P, paragraph 13 in Part II of Schedule 3 and paragraph 20(3) in Part III of that Schedule continue to have effect in relation to P as if these Regulations had not been made until the earlier of the following days after 7 April 2013 on which —
- (a) the weekly amount of the incapacity premium prescribed in paragraph 20(3) in Part III of Schedule 3 by virtue of P satisfying the condition in paragraph 13 in Part III of that Schedule as those paragraphs would have effect but for this regulation exceeds the weekly amount of the incapacity premium prescribed in paragraph 20(3) in Part III of that Schedule as that paragraph continues to have effect; and
  - (b) P first ceases to be entitled to an income-based jobseeker's allowance.

## **12 Saving in relation to disability and higher disability premiums: income-based jobseeker's allowance**

- (1) This regulation applies to a person ("P") who immediately before these Regulations come into operation—
- (a) is entitled to an income-based jobseeker's allowance;
  - (b) is a person to whom a disability premium is applicable under paragraph 15 in Part II of Schedule 3; and
  - (c) is a person to whom a higher disability premium is applicable under paragraph 15A in that Part.
- (2) If this regulation applies to P, paragraphs 15 and 15A in Part II of Schedule 3 and paragraph 20(4) and (5) in Part III of that Schedule continue to have effect in relation to P as if these Regulations had not been made until the earliest of the following days after 7 April 2013 on which—
- (a) the weekly amount of the disability premium prescribed in paragraph 20(4) in Part III of Schedule 3 by virtue of —
    - (i) P or P's partner satisfying the condition in paragraph 15(a) or (b); or
    - (ii) P and P's partner satisfying the condition in paragraph 15(c) or (d),in Part II of that Schedule as those paragraphs would have effect but for this regulation exceeds the sum of the weekly amounts of the disability premium prescribed in paragraph 20(4) and the higher disability premium prescribed in paragraph 20(5) in Part III of that Schedule as those paragraphs continue to have effect;

- (b) P first ceases to be a person to whom a disability premium is applicable under paragraph 15 in Part II of Schedule 3 as that paragraph continues to have effect;
- (c) P first ceases to be a person to whom a higher disability premium is applicable under paragraph 15A in Part II of Schedule 3 as that paragraph continues to have effect; and
- (d) P first ceases to be entitled to an income-based jobseeker's allowance.

### **13 Saving in relation to carer premium: income-based jobseeker's allowance**

- (1) This regulation applies to a person ("P") who immediately before these Regulations come into operation—
  - (a) is entitled to an income-based jobseeker's allowance; and
  - (b) is a person to whom a carer premium is applicable under paragraph 17 in Part II of Schedule 3 in respect of himself and his partner by virtue of both of them satisfying the condition in that paragraph.
- (2) If this regulation applies to P, paragraph 17 in Part II of Schedule 3 and paragraph 20(7) in Part III of that Schedule continue to have effect in relation to P as if these Regulations had not been made until the earliest of the following days after 7 April 2013 on which —
  - (a) the weekly amount of the carer premium prescribed in paragraph 20(7)(b) in Part III of Schedule 3 by virtue of P and his partner satisfying the condition in paragraph 17(1)(b) in Part II of that Schedule as those paragraphs would have effect but for this regulation exceeds the weekly amount of the carer premium in respect of both of them by virtue of their both satisfying the condition in paragraph 17 prescribed in paragraph 20(7) in Part III of that Schedule as that paragraph continues to have effect;
  - (b) P first ceases to be a person to whom a carer premium is applicable under paragraph 17 in Part II of Schedule 3 in respect of himself and his partner by virtue of both of them satisfying the condition in that paragraph as that paragraph continues to have effect; and
  - (c) P first ceases to be entitled to an income-based jobseeker's allowance.

### **14 Saving in relation to mobility premium: income-based jobseeker's allowance**

- (1) This regulation applies to a person ("P") who immediately before these Regulations come into operation—

- (a) is entitled to an income-based jobseeker's allowance; and
  - (b) is a person to whom a mobility premium is applicable under paragraph 17B in Part II of Schedule 3.
- (2) If this regulation applies to P, paragraph 17B in Part II of Schedule 3 and paragraph 20(9) in Part III of that Schedule continue to have effect in relation to P as if these Regulations had not been made until the earliest of the following days after 7 April 2013 on which—
- (a) the weekly amount of the mobility premium prescribed in paragraph 20(9)(a) or (b) in Part III of Schedule 3 by virtue of P's partner satisfying the condition in paragraph 17B in Part II of that Schedule as those paragraphs would have effect but for this regulation exceeds the weekly amount of the mobility premium prescribed in paragraph 20(9) in Part III of that Schedule as that paragraph continues to have effect;
  - (b) P first ceases to be a person to whom a mobility premium is applicable under paragraph 17B in Part II of Schedule 3 as that paragraph continues to have effect; and
  - (c) P first ceases to be entitled to an income-based jobseeker's allowance.

## **15 Saving in relation to incapacity premium: joint-claim jobseeker's allowance**

- (1) This regulation applies to a joint-claim couple ("JCC") who immediately before these Regulations come into operation—
- (a) are entitled to a joint-claim couple jobseeker's allowance; and
  - (b) are a joint-claim couple to whom an incapacity premium is applicable under paragraph 20G in Part IIIA of Schedule 3.
- (2) If this regulation applies to JCC, paragraph 20G in Part IIIA of Schedule 3 and paragraph 20M(3) in Part IIIB of that Schedule continue to have effect in relation to JCC as if these Regulations had not been made until the earlier of the following days after 7 April 2013 on which —
- (a) the weekly amount of the incapacity premium prescribed in paragraph 20M(3) in Part IIIB of Schedule 3 by virtue of JCC satisfying the condition in paragraph 20G in Part IIIA of that Schedule as those paragraphs would have effect but for this regulation exceeds the weekly amount of the incapacity premium prescribed in paragraph 20M(3) in Part IIIB of that Schedule as that paragraph continues to have effect; and
  - (b) JCC first cease to be entitled to a joint-claim jobseeker's allowance.

**16 Saving in relation to disability and higher disability premiums: joint-claim jobseeker's allowance**

- (1) This regulation applies to a joint-claim couple ("JCC") who immediately before these Regulations come into operation—
  - (a) are entitled to a joint-claim jobseeker's allowance;
  - (b) are a joint-claim couple to whom a disability premium is applicable under paragraph 20I in Part IIIA of Schedule 3; and
  - (c) are a joint-claim couple to whom a higher disability premium is applicable under paragraph 20IA in that Part.
- (2) If this regulation applies to JCC, paragraphs 20I and 20IA in Part IIIA of Schedule 3 and paragraph 20M(4) and (4A) in Part IIIB of that Schedule continue to have effect in relation to JCC as if these Regulations had not been made until the earliest of the following days after 7 April 2013 on which—
  - (a) the weekly amount of the disability premium prescribed in paragraph 20M(4) in Part IIIB of Schedule 3 by virtue of —
    - (i) one member of JCC satisfying the condition in paragraph 20I(a); or
    - (ii) both members of JCC satisfying the condition in paragraph 20IA(b) or (c),in Part IIIA of that Schedule as those paragraphs would have effect but for this regulation exceeds the sum of the weekly amounts of the disability premium prescribed in paragraph 20M(4) and the higher disability premium prescribed in paragraph 20M(4A) in Part IIIB of that Schedule as those paragraphs continue to have effect;
  - (b) JCC first cease to be a joint-claim couple to whom a disability premium is applicable under paragraph 20I in Part IIIA of Schedule 3 as that paragraph continues to have effect;
  - (c) JCC first cease to be a joint-claim couple to whom a higher disability premium is applicable under paragraph 20IA in Part IIIA of Schedule 3 as that paragraph continues to have effect; and
  - (d) JCC first cease to be entitled to a joint-claim jobseeker's allowance.

**17 Saving in relation to carer premium: joint-claim jobseeker's allowance**

- (1) This regulation applies to a joint-claim couple ("JCC") who immediately before these Regulations come into operation—
  - (a) are entitled to a joint-claim jobseeker's allowance; and
  - (b) are a joint-claim couple to whom a carer premium is applicable under paragraph 20J in Part IIIA of Schedule 3 in respect of both

members of the couple by virtue of both of them satisfying the condition in that paragraph.

- (2) If this regulation applies to JCC, paragraph 20J in Part IIIA of Schedule 3 and paragraph 20M(5) in Part IIIB of that Schedule continue to have effect in relation to JCC as if these Regulations had not been made until the earliest of the following days after 7 April 2013 on which —
  - (a) the weekly amount of the carer premium prescribed in paragraph 20M(5)(b) in Part IIIB of Schedule 3 by virtue of JCC and his partner satisfying the condition in paragraph 20J(1)(b) in Part IIIA of that Schedule as those paragraphs would have effect but for this regulation exceeds the weekly amount of the carer premium in respect of both of them by virtue of their both satisfying the condition in paragraph 20J prescribed in paragraph 20M(5) in Part IIIB of that Schedule as those paragraphs continue to have effect;
  - (b) JCC first cease to be a joint-claim couple to whom a carer premium is applicable under paragraph 20J in Part IIIA of Schedule 3 in respect of himself and his partner by virtue of both of them satisfying the condition in that paragraph as that paragraph continues to have effect; and
  - (c) JCC first cease to be entitled to a joint-claim jobseeker's allowance.

## **18 Saving in relation to mobility premium: joint-claim jobseeker's allowance**

- (1) This regulation applies to a joint-claim couple ("JCC") who immediately before these Regulations come into operation—
  - (a) are entitled to a joint-claim jobseeker's allowance; and
  - (b) are a joint-claim couple to whom a mobility premium is applicable under paragraph 20JAA in Part IIIA of Schedule 3.
- (2) If this regulation applies to JCC, paragraph 20JAA in Part IIIA of Schedule 3 and paragraph 20M(5B) in Part IIIB of that Schedule continue to have effect in relation to JCC as if these Regulations had not been made until the earliest of the following days after 7 April 2013 on which—
  - (a) the weekly amount of the mobility premium prescribed in paragraph 20M(5B)(a) or (b) in Part IIIB of Schedule 3 by virtue of one member of JCC satisfying the condition in paragraph 20JAA in Part IIIA of that Schedule as that paragraph would have effect but for this regulation exceeds the weekly amount of the mobility premium prescribed in paragraph 20M(5B) in Part IIIB of that Schedule as that paragraph continues to have effect;
  - (b) JCC first cease to be a joint-claim couple to whom a mobility premium is applicable under paragraph 20JAA in Part IIIA of Schedule 3 as that paragraph continues to have effect; and

- (c) JCC first cease to be entitled to a joint-claim jobseeker's allowance.

## **PART 4 – REVOCATIONS WITH SAVINGS**

### **19 Abolition of lone parent premium**

- (1) Subject to paragraphs (2) and (3), the following provisions are revoked –
- (a) regulation 83(1)(cc)<sup>22</sup> (applicable amounts);
  - (b) regulation 84A(1)(e)<sup>23</sup> (applicable amounts for boarders); and
  - (c) Part I of Schedule 3<sup>24</sup> (lone parent premium).
- (2) Paragraph (3) applies to a person (“P”) who immediately before these Regulations come into operation—
- (a) is entitled to an income-based jobseeker's allowance; and
  - (b) is a person to whom a lone parent premium is applicable under Part I of Schedule 3.
- (3) The provisions referred to in paragraph (1) continue to have effect in relation to P as if these Regulations had not been made until the earlier of the following days after 7 April 2013 on which—
- (a) P first ceases to be a person to whom a lone parent premium is applicable under Part I of Schedule 3 as it continues to have effect; and
  - (b) P first ceases to be entitled to an income-based jobseeker's allowance.

### **20 Abolition of pensioner premium for persons 75 or over: income-based jobseeker's allowance**

The following provisions of Schedule 3 are revoked –

- (a) in Part II, paragraph 11 (pensioner premium for persons 75 or over); and
- (b) in Part III, paragraph 20(2) (weekly amount of pensioner premium for persons 75 or over).

### **21 Abolition of higher disability premium: income-based jobseeker's allowance**

Subject to regulation 12, the following provisions are revoked—

- (a) in Part II of Schedule 3—
  - (i) paragraph 15A (higher disability premium); and

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<sup>22</sup> Regulation 83 substituted by SD 105/02 and amended by SD 128/07.

<sup>23</sup> Regulation 84A substituted by SD 226/04 and amended by SDs 128/07 and 0082/12.

<sup>24</sup> Part I of Schedule 3 substituted by SD 105/02 and amended by SD 0084/12.

- (ii) paragraph 18(c) (concessionary payments); and
- (b) in Part III of Schedule 3, paragraph 20(5) (weekly amount of higher disability premium).

## **22 Abolition of blindness premium: income-based jobseeker's allowance**

- (1) Subject to paragraphs (2) and (3), the following provisions of Schedule 3 are revoked –
  - (a) in Part II, paragraph 17A (blindness premium); and
  - (b) in Part III, paragraph 20(8) (weekly amount of blindness premium).
- (2) Paragraph (3) applies to a person (“P”) who immediately before these Regulations come into operation—
  - (a) is entitled to an income-based jobseeker's allowance; and
  - (b) is a person to whom a blindness premium is applicable under paragraph 17A in Part II of Schedule 3.
- (3) The provisions referred to in paragraph (1) continue to have effect in relation to P as if these Regulations had not been made until the earlier of the following days after 7 April 2013 on which—
  - (a) P first ceases to be a person to whom a blindness premium is applicable under paragraph 17A in Part II of Schedule 3 as that paragraph continues to have effect; and
  - (b) P first ceases to be entitled to an income-based jobseeker's allowance.

## **23 Abolition of pensioner premium for persons 75 or over: joint-claim jobseeker's allowance**

The following provisions of Schedule 3 are revoked –

- (a) in Part IIIA, paragraph 20F (pensioner premium for persons 75 or over); and
- (b) in Part IIIB, paragraph 20M(2) (weekly amount of pensioner premium for persons 75 or over).

## **24 Abolition of higher disability premium: joint-claim jobseeker's allowance**

Subject to regulation 13, the following provisions are revoked –

- (a) in Part IIIA of Schedule 3 –
  - (i) paragraph 20IA (higher disability premium); and
  - (ii) paragraph 20K(c) (concessionary payments); and
- (b) in Part IIIB of Schedule 3, paragraph 20M(4A) (weekly amount of higher disability premium).

**25 Abolition of blindness premium: joint-claim couples**

- (1) Subject to paragraphs (2) and (3), the following provisions of Schedule 3 are revoked —
  - (a) in Part IIIA, paragraph 20JA (blindness premium); and
  - (b) in Part IIIB, paragraph 20M(5A) (weekly amount of blindness premium).
- (2) Paragraph (3) applies to a joint-claim couple (“JCC”) who immediately before these Regulations come into operation—
  - (a) are entitled to a joint-claim jobseeker’s allowance; and
  - (b) are a joint-claim couple to whom a blindness premium is applicable under paragraph 20JA in Part IIIA of Schedule 3.
- (3) The provisions referred to in paragraph (1) continue to have effect in relation to JCC as if these Regulations had not been made until the earlier of the following days after 7 April 2013 on which—
  - (a) JCC first cease to be a joint-claim couple to whom a blindness premium is applicable under paragraph 20JA in Part IIIA of Schedule 3 as that paragraph continues to have effect; and
  - (b) JCC first cease to be entitled to a joint-claim jobseeker’s allowance.

**PART 5 – TRANSITIONAL PROVISIONS****26 Persons entitled to an income-based jobseeker’s allowance on 11 February 2013**

- (1) This regulation applies to a person (“P”) who on 11 February 2013 is entitled to an income-based jobseeker’s allowance.
- (2) If this regulation applies to P, for the purposes of satisfying the condition in respect of any premium specified in Part I or II of Schedule 3 to the Jobseeker’s Allowance Regulations as they have effect by virtue of these Regulations, any two or more periods of entitlement to an income-based jobseeker’s allowance after 11 February 2013 separated by a break of not more than 56 days shall be treated as one continuous period.

**27 Joint-claim couples entitled to a joint-claim jobseeker’s allowance on 11 February 2013**

- (1) This regulation applies to a joint-claim couple (“JCC”) who on 11 February 2013 are entitled to a joint-claim jobseeker’s allowance.
- (2) If this regulation applies to JCC, for the purposes of satisfying the condition in respect of any premium specified in Part IIIA of Schedule 3 to the Jobseeker’s Allowance Regulations as they have effect by virtue of these Regulations, any two or more periods of entitlement to a joint-

claim jobseeker's allowance after 11 February 2013 separated by a break of not more than 56 days shall be treated as one continuous period.

**28 Persons entitled to an income-based jobseeker's allowance on 8 April 2013**

- (1) This regulation applies to a person ("P") who on 8 April 2013—
  - (a) is entitled to an income-based jobseeker's allowance; and
  - (b) satisfies the condition for a premium specified in Part I or II of Schedule 3 to the Jobseeker's Allowance Regulations as they have effect by virtue of these Regulations.
- (2) If this regulation applies to P, for the purposes of satisfying the condition in respect of any premium specified in Part I or II of Schedule 3 to the Jobseeker's Allowance Regulations as they have effect by virtue of these Regulations, any two or more periods of entitlement to an income-based jobseeker's allowance after 8 April 2013 separated by a break of not more than 56 days shall be treated as one continuous period.

**29 Joint-claim couples entitled to a joint-claim jobseeker's allowance on 8 April 2013**

- (1) This regulation applies to a joint-claim couple ("JCC") who —
  - (a) are entitled to a joint-claim jobseeker's allowance; and
  - (b) satisfy the condition for a premium specified in Part IIIA of Schedule 3 to the Jobseeker's Allowance Regulations as they have effect by virtue of these Regulations.
- (2) If this regulation applies to JCC, for the purposes of satisfying the condition in respect of any premium specified in Part IIIA of Schedule 3 to the Jobseeker's Allowance Regulations as they have effect by virtue of these Regulations, any two or more periods of entitlement to a joint-claim jobseeker's allowance after 8 April 2013 separated by a break of not more than 56 days shall be treated as one continuous period.

**MADE 11<sup>TH</sup> FEBRUARY 2013**

**C R ROBERTSHAW**  
*Minister for Social Care*

*EXPLANATORY NOTE*

*(This note is not part of the Regulations)*

These Regulations make a number of amendments in relation to jobseeker's allowance.

Part 1 (regulations 1 to 3) contains the Regulations' title, commencement and interpretation provisions and specifies that these Regulations amend the Jobseeker's Allowance Regulations 1996 (as they have effect in the Island).

Part 2 (regulations 4 to 9) contains the amendments made to the Jobseeker's Allowance Regulations by the Regulations.

Regulation 6 amends the conditions for, and amounts of, the pensioner premium for persons under 75, the incapacity, disability, carer and mobility premiums in Parts II and III of Schedule 3 to the Jobseeker's Allowance Regulations (premiums for persons claiming an income-based jobseeker's allowance) and makes consequential amendment. Regulation 7 amends the conditions for, and amounts of, the same premiums in Parts IIIA and IIIB of Schedule 3 to the Jobseeker's Allowance Regulations (premiums for joint-claim couples claiming a joint-claim jobseeker's allowance). Regulations 4, 5, 8 and 9 amend the Jobseeker's Allowance Regulations consequentially on regulations 6 and 7.

Part 3 (regulations 10 to 18) includes savings provisions in relation to the changes made by regulations 6 and 7.

Part 4 (regulations 19 to 25) contains revocations (with savings) of provisions in the Jobseeker's Allowance Regulations providing for the lone parent premium, the pensioner premium for persons aged 75 or over and the higher disability and blindness premiums.

Part 5 (regulations 26 to 29) contains the Regulations' transitional provisions.

Regulations 26 and 27 provide that persons entitled to an income-based jobseeker's allowance and joint-claim couples entitled to a joint-claim jobseeker's allowance on 11 February 2013 will have any subsequent interruption in entitlement of up to 56 days ignored for the purposes of the Regulations. Regulations 28 and 29 make similar provision in the case of persons entitled to an income-based jobseeker's allowance and joint-claim couples entitled to a joint-claim jobseeker's allowance on 8 April 2013 benefitting from the savings provisions in the Regulations at that time.