Draft Regulations laid before Parliament under section 37(1)(c) and (2) of the Jobseekers Act 1995, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2013 No.

SOCIAL SECURITY

The Jobseeker's Allowance (Domestic Violence) (Amendment) Regulations 2013

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 35(1) and 36(2) of, and paragraph 8B(4) of Schedule 1 to, the Jobseekers Act 1995(**a**).

A draft of these Regulations was laid before Parliament in accordance with section 37(1)(c) and (2) of the Jobseekers Act 1995.

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. These Regulations may be cited as the Jobseeker's Allowance (Domestic Violence) (Amendment) Regulations 2013 and come into force on the day after the day on which they are made.

Amendment of the Jobseeker's Allowance Regulations 1996

2. For the definition of "domestic violence" in regulation 14A(10) of the Jobseeker's Allowance Regulations 1996(**c**) substitute—

> ""coercive behaviour" means an act of assault, humiliation or intimidation or other abuse that is used to harm, punish or frighten V;
>
> "controlling behaviour" means an act designed to make V subordinate or dependent by isolating them from sources of support, exploiting their resources and capacities for

(**a**) 1995 c. 18. Section 35 is an interpretation provision and is cited because of the meaning given to the words "prescribed" and "regulations". Those definitions were amended by paragraph 62 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c. 2). Paragraph 8B of Schedule 1 was inserted by section 29(1) of the Welfare Reform Act 2009 (c. 24) and is repealed by Part 4 of Schedule 14 to the Welfare Reform Act 2012 (c. 5) from a date to be appointed.
(**b**) 1992 c. 5.
(**c**) S.I. 1996/207. Regulation 14A was inserted by S.I. 2012/853 and amended by S.I. 2012/1479.

personal gain, depriving them of the means needed for independence, resistance or escape or regulating their everyday behaviour;

"domestic violence" means any incident or pattern of incidents of controlling behaviour, coercive behaviour, violence or abuse including but not limited to—

(a) psychological abuse;

(b) physical abuse;

(c) sexual abuse;

(d) financial abuse; and

(e) emotional abuse;

regardless of the gender or sexuality of V;".

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

Minister of State
Date Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 14A of the Jobseeker's Allowance Regulations 1996, which makes provision for a jobseeker's allowance claimant to be treated as meeting the requirement to be available for work for a period of 4 weeks on notifying the Secretary of State that they have had domestic violence inflicted on or threatened against them at any time in the 26 weeks before that notification, by their partner, a former partner or a family member.

These Regulations amend the definition of "domestic violence" in paragraph (10) of that regulation.

The definition of domestic violence previously referred to abuse of a kind specified on page 11 of section 2.2. of "Responding to domestic abuse: a handbook for health professionals" published by the Department of Health in December 2005. However, the cross-Government definition of domestic violence changed on 31 March 2013 and includes incidents of controlling or coercive behaviour, violence or abuse including, but not limited to psychological, physical, sexual, financial or emotional abuse. The amendment made by these Regulations reflects the new cross-Government definition.

An impact assessment has not been produced for this instrument as it has no impact on businesses and civil society organisations. The instrument has no impact on the public sector.

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ISBN 978-0-11-110080-6

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£4.00

UK201307028 07/2013 19585