STATUTORY INSTRUMENTS

2014 No. 2735

SOCIAL SECURITY

The Jobseeker's Allowance (Habitual Residence) Amendment Regulations 2014

Made - - - -	*13th October 2014*
Laid before Parliament	*17th October 2014*
Coming into force - -	*9th November 2014*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 4(5) and (12), 35(1) and 36(2) 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. These Regulations may be cited as the Jobseeker's Allowance (Habitual Residence) Amendment Regulations 2014 and come into force on 9th November 2014.

Amendment of the Jobseeker's Allowance Regulations 1996

2. In regulation 1(3) (citation, commencement and interpretation), insert in the appropriate place—

""Crown servant" means a person holding an office or employment under the Crown;";

""Her Majesty's forces" has the meaning in the Armed Forces Act 2006(**c**);".

3.—(1) Regulation 85A (special cases: supplemental – persons from abroad) of the Jobseeker's Allowance Regulations 1996(**d**) is amended as follows.

(2) At the beginning of paragraph (2)(a), insert "subject to the exceptions in paragraph (2A),".

(3) After paragraph (2), insert—

(**a**) 1995 c.18. Section 35(1) is cited for the meaning given to "prescribed" and "regulations".
(**b**) 1992 c.5.
(**c**) 2006 c.52.
(**d**) S.I. 1996/207. Regulation 85A was inserted by S.I. 2006/1026 and amended by S.I. 2013/3196; there are other amending instruments but none is relevant.

"(2A) The exceptions are where the claimant has at any time during the period referred to in paragraph (2)(a)—

(a) paid either Class 1 or Class 2 contributions by virtue of regulation 114, 118, 146 or 147 of the Social Security (Contributions) Regulations 2001(**a**)or by virtue of an Order in Council having effect under section 179 of the Social Security Administration Act 1992(**b**); or

(b) been a Crown servant posted to perform overseas the duties of a Crown servant; or

(c) been a member of Her Majesty's forces posted to perform overseas the duties of a member of Her Majesty's forces."

Saving

4. The amendment in regulation 3 does not apply in relation to a claim for a jobseeker's allowance which is made or treated as made before these Regulations come into force.

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

Esther McVey
Minister of State
13th October 2014 Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Regulation 85A of the Jobseeker's Allowance Regulations 1996 in relation to the definition of a "person from abroad".

A claimant for a jobseeker's allowance who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland ("the Common Travel Area") is a person from abroad for whom the applicable amount is nil.

The habitual residence test cannot be satisfied unless the claimant has been living in the Common Travel Area for the past three months and that the claimant has a right to reside in the Common Travel Area.

The effect of the amendment is that claimants who have paid either Class 1 or Class 2 contributions whilst working abroad, or who have been a Crown servant or member of Her Majesty's forces posted overseas at any time during the past three months, will not be required to have been living in the Common Travel Area for the past three months in order to satisfy the habitual residence test. The existing requirement to have a right to reside in the Common Travel Area remains.

Regulation 4 provides a saving for claims made or treated as made before 9th November 2014.

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(**a**) S.I. 2001/1004. Regulations 146 and 147 amended by S.I. 2007/1838; there are other amending instruments but none is relevant.

(**b**) 1992 c.5. Relevantly amended by paragraph 70 of Schedule 2 to the Jobseekers Act 1995, paragraph 107 of Schedule 7 to the Social Security Act 1998 (c.14), paragraph 15 of Schedule 7 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2), paragraph 21 of Part 2 of Schedule 2 to the State Pension Credit Act 2002 (c.16), Schedule 6 to the Tax Credits Act 2002 (c.21), paragraph 10(29) of Schedule 3 to the Welfare Reform Act 2007 (c.5), Part 1 of Schedule 7 to the Welfare Reform Act 2009 (c.24), paragraph 27 of Schedule 2 and Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c.5), S.I. 1999/671 and S.I. 2011/2425.

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