

2014 No. []

SOCIAL SECURITY

**The Social Security (Waiting Days) Amendment Regulations
2014**

Made - - - - - ***

Laid before Parliament ***

Coming into force - - - - - 27th October 2014

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 21, 35(1), 36(1) and (2) to (4)(a) of, and paragraphs 4 and 10(1) of Schedule 1 to, the Jobseekers Act 1995(a) and sections 22, 24(1) and 25(1) to (5)(a) of, and paragraph 2 of Schedule 2 to, the Welfare Reform Act 2007(b):

[In accordance with section 172(1) of the Social Security Administration Act 1992, the Secretary of State has referred the proposals in these Regulations to the Social Security Advisory Committee.] *or*

[The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it(c).]

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Social Security (Waiting Days) Amendment Regulations 2014.

(2) These Regulations come into force on 27th October 2014.

(3) They apply in relation to a person who claims—

- (a) an employment and support allowance where the period of limited capability for work for the purposes of paragraph 2 of Schedule 2 (Supplementary Provisions) to the Welfare Reform Act 2007 begins on or after 27th October 2014;
- (b) a jobseeker's allowance where the jobseeking period(d) for the purposes of paragraph 4 of Schedule 1 (Supplementary Provisions) to the Jobseekers Act 1995 begins on or after that date.

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- (a) 1995 c. 18; Section 35(1) is an interpretation provision and is cited because of the meaning of “prescribed” and “regulations”; section 36(1) was amended by the Social Security Act 1998 (c. 14), section 86(1) and paragraph 145 of Schedule 7 and by the Welfare Reform and Pensions Act 1999 (c. 30), section 70 and paragraph 29(6) of Schedule 8; section 36(4)(a) was amended by the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c. 2), section 2 and paragraph 63 of Schedule 3.
 - (b) 2007 c. 5; Section 24(1) is an interpretation provision and is cited because of the meaning of “prescribed” and “regulations”; section 25(1) was amended by the Welfare Reform Act 2012 (c. 5), section 51(2).
 - (c) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c. 5).
 - (d) See regulation 47 of the Jobseeker's Allowance Regulations and regulation 37 of the Jobseeker's Allowance Regulations 2013 (S.I. 2013/378) for the meaning of “jobseeking period”.

(4) In these Regulations, “the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(a).

Amendment of the waiting days’ provisions

2.—(1) In regulation 144 of the Employment and Support Allowance Regulations 2008(b) and regulation 46(2) of the Jobseeker’s Allowance Regulations, in each place it occurs, for “3” substitute “7”.

(2) In regulation 85 of the Employment and Support Allowance Regulations 2013(c) and regulation 36(2) of the Jobseeker’s Allowance Regulations 2013(d), in each place it occurs, for “three” substitute “seven”.

Consequential amendment

3.In regulation 141(2) of the Jobseeker’s Allowance Regulations(e) (circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship), for “4th” substitute “8th”.

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

Date

Parliamentary Under-Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Employment and Support Allowance Regulations 2008 (S.I. 2008/794) and the Jobseeker’s Allowance Regulations 1996 (S.I.1996/207) by increasing the number of waiting days before which a person may be entitled to either of those benefits from 3 to 7 (regulation 2).

They also make similar changes to the Employment and Support Allowance Regulations 2013 (S.I. 2013/379) and the Jobseeker’s Allowance Regulations 2013 (S.I.2013/378), which are contributory-only versions of those benefits.

Regulation 3 makes a consequential amendment to the Jobseeker’s Allowance Regulations.

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.

(a) S.I. 1996/207.

(b) S.I. 2008/794. Relevant amending instruments are S.I. 2008/2428 and S.I. 2012/913.

(c) S.I. 2013/379.

(d) S.I. 2013/378.

(e) Regulation 141(2) was amended by S.I. 1996/1517 and 2538.