

## **MEMBERS OF THE RESERVE FORCES AMENDMENT REGULATIONS**

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### **INTRODUCTION**

- 1 This memo provides guidance on the Social Security (Members of the Reserve Forces) (Amendment) Regulations 2015 (S.I. 2015 / 389). The changes come into force on 6.4.15 and affect JSA, IS and ESA<sup>1</sup>.

*1 Social Security (Members of the Reserve Forces) (Amendment) Regulations 2015, reg 1*

- 2 The changes amend the rules on the attribution of earnings in JSA, IS and ESA for members of a reserve force (sometimes formerly referred to as “Territorials”). There is also a change for certain JSA claimants who can be treated as available for employment and treated as ASE. The Appendix to this memo lists the reserve forces to which this guidance applies.

### **DEFINITION**

- 3 “First year of training” means<sup>1</sup> a period of one year beginning with a person’s first day of training.

*1 JSA Regs, reg 1(3); IS (Gen) Regs, reg 2(1); ESA Regs, reg 2(1)*

## **TREATED AS AVAILABLE AND TREATED AS ASE - JSA**

- 4 A JSA claimant engaged in their first year of training as a member of a reserve force is treated as available for employment<sup>1</sup> either
1. If engaged in their first year of training, for a maximum of 43 days in that year **or**
  2. if engaged in annual continuous training, for a maximum of 15 days in any calendar year.

*1 JSA Regs, reg 14(1)(v)*

- 5 A JSA claimant taking part in training for three days or more in a week as a member of a reserve force is treated as ASE<sup>1</sup> either
1. If engaged in their first year of training, for a maximum of 43 days in that year **or**
  2. If engaged in annual continuous training, for a maximum of 15 days in any calendar year.

*1 JSA Regs, reg 19(1)(y)*

- 6 See DMG 26117 for guidance on the meaning of annual continuous training.

## **ATTRIBUTION OF EARNINGS – JSA, IS AND ESA**

- 7 The rules on the attribution of earnings are amended for any claimant who has earnings derived from being a member of a reserve force
1. in respect of period of annual continuous training for a maximum of 15 days in any calendar year **or**
  2. in respect of their first year of training for a maximum of 43 days in a year which begins with their first day of training<sup>1</sup>

are to be treated as in paragraphs 8 to 10 of this memo.

*1 JSA Regs, reg 94(2C)(a); IS (Gen) Regs, reg 29(2C)(a); ESA Regs, reg 91(4A)(a)*

- 8 The earnings, whether paid to the claimant alone or together with other earnings derived from the same source, have to be taken into account
1. in accordance with the table in paragraph 9 of this memo where this is applicable **or**

2. in any other case, over a period equal to the number of days of the training period<sup>1</sup>.

*1 JSA Regs, reg 94(2C)(b); IS (Gen) Regs, reg 29(2C)(b); ESA Regs, reg 91(4A)(b)*

- 9 This is the table<sup>1</sup> referred to in paragraph 8 1.

Period of training in days	Period of time over which earnings are to be taken into account in days
8 to 10	7
15 to 17	14
22 to 24	21
29 to 31	28
36 to 38	35
43	42

*1 JSA Regs, reg 94(2C)(c); IS (Gen) Regs, reg 29(2C)(c); ESA Regs, reg 91(4A)(c)*

### Example 1

Dylan is in receipt of JSA and has also recently joined the Army Reserve. He takes part in a training exercise as part of his first year in the Reserve. Dylan receives payment in respect of his participation. The payment is for 16 days training. The DM takes the payment of earnings into account for a period of 14 days from the date that it is treated as paid (see DMG 25043 et seq and DMG 48048 et seq) as a weekly amount (see DMG 25062 et seq and DMG 48079 et seq). The payment is subject to a disregard.

### Example 2

Helen is in receipt of JSA and has also recently joined the Army Reserve. She takes part in a training exercise as part of her first year in the Reserve. Helen receives payment in respect of her participation. The payment is for 13 days training. The DM takes the payment of earnings into account for a period of 13 days from the date that it is treated as paid (see DMG 25043 et seq and DMG 48048 et seq) as a weekly amount (see DMG 25062 et seq and DMG 48079 et seq). The payment is subject to a disregard.

## **Disregard**

- 10 DMG 26117 – 26119 for JSA and IS and DMG 49160 – 49163 for ESA provides guidance on the disregard of earnings derived from service in a reserve force whilst attending annual continuous training. The effect of the disregard means at least 10p a week benefit remains in payment over the period that the earnings are taken into account. The claimant can therefore maintain entitlement to their award of JSA, IS or ESA(IR). That guidance also now applies to earnings in respect of the first year of training, for a maximum of 43 days in a year which starts to run on the first day of training<sup>1</sup>.

*1 JSA Regs, Sch 6, para 19(3); IS (Gen) Regs, Sch 8, para 15A(2); ESA Regs, Sch 7, para 11A(2)*

## **ANNOTATIONS**

Please annotate the number of this memo (DMG 07/15) against the following DMG paragraphs:

21360, 21759, 25057, 26117, 48073, 49160

## **CONTACTS**

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 1S25, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in Memo DMG 3/13 - Obtaining legal advice and guidance from DMA Leeds.

**DMA Leeds: March 2015**

## **APPENDIX**

### **Territorial or reserve forces**

1. Royal Fleet Reserve
2. Royal Naval Reserve
3. Royal Marines Reserve
4. Army Reserve
5. Territorial Army
6. Royal Air Force Reserve
7. Royal Auxiliary Air Force
8. The Royal Irish Regiment to the extent that its members are not members of any regular naval, military or air forces of the Crown.