



2010 CHAPTER 13

PART 1

SOCIAL SECURITY

*Contributory jobseeker's allowance and employment and support allowance*

**Conditions for contributory jobseeker's allowance**

**11.—(1)** Article 4 of the Jobseekers Order (jobseeker's allowance: the contribution-based conditions) is amended as follows.

(2) In paragraph (2), for sub-paragraph (b) substitute—

“(b) the claimant's relevant earnings for the base year upon which primary Class 1 contributions have been paid or treated as paid are not less than the base year's lower earnings limit multiplied by 26.”.

(3) After that paragraph insert—

“(2A) Regulations may make provision for the purposes of paragraph (2) (b) for determining the claimant's relevant earnings for the base year.

(2B) Regulations under paragraph (2A) may, in particular, make provision—

- (a) for making that determination by reference to the amount of a person's earnings for periods comprised in the base year;
- (b) for determining the amount of a person's earnings for any such period by—
  - (i) first determining the amount of the earnings for the period in accordance with regulations made for the purposes of section 3(2) of the Benefits Act, and

(ii) then disregarding so much of the amount found in accordance with head (i) as exceeded the base year's lower earnings limit (or the prescribed equivalent)."

(4) In paragraph (3A), for "paragraphs (2)(b) and (3)" substitute "paragraph (3)".

(5) After that paragraph insert—

"(3B) Regulations may—

(a) provide for the first set of conditions to be taken to be satisfied in the case of persons—

(i) who have been entitled to any prescribed description of benefit during any prescribed period or at any prescribed time, or

(ii) who satisfy other prescribed conditions;

(b) with a view to securing any relaxation of the requirements of the first set of conditions in relation to persons who have been entitled as mentioned in sub-paragraph (a)(i), provide for that set of conditions to apply in relation to them subject to prescribed modifications.

(3C) In paragraph (3B)—

"the first set of conditions" means the condition set out in paragraph (1)

(a) and the additional conditions set out in paragraph (2);

"benefit" means—

(a) any benefit within the meaning of section 121(1) of the Benefits Act,

(b) any benefit under Parts 7 to 12 of the Benefits Act,

(c) credits under regulations under section 22(5) of the Benefits Act,

(d) a contribution-based jobseeker's allowance, and

(e) working tax credit."

(6) In paragraph 46 of Schedule 1 to the National Insurance Contributions Act 2002 (c. 19) (which amended Article 4(2)(b) of the Jobseekers Order), for "Article 4(2)(b) and (3)" substitute "Article 4(3)".