



# Jobseekers Act 1995

## 1995 CHAPTER 18

### PART III

#### MISCELLANEOUS AND SUPPLEMENTAL

#### **30 Grants for resettlement places.**

- (1) The Secretary of State may pay such grants, to such persons, as he considers appropriate in relation to expenditure in connection with the provision or maintenance of resettlement places.
- (2) In this section “resettlement places” means places at which persons without a settled way of life are afforded temporary accommodation with a view to assisting them to lead a more settled life.
- (3) Any grant under this section may be made on such terms and subject to such conditions as the Secretary of State considers appropriate.
- (4) Section 30 of, and Schedule 5 to, the <sup>M1</sup>Supplementary Benefits Act 1976 (provision of resettlement units) shall cease to have effect.
- (5) Any grants made by the Secretary of State under this section shall be paid out of money provided by Parliament.
- (6) Any sums received by the Secretary of State by way of the repayment of any such grant shall be paid by him into the Consolidated Fund.

#### **Modifications etc. (not altering text)**

**C1** S. 30: transfer of functions (1.4.2000) by S.I. 2000/253, art. 2, Sch. 1

#### **Marginal Citations**

**M1** 1976 c. 71.

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### 31 Termination of awards.

- (1) Regulations may make provision allowing, in prescribed circumstances, an award of income support to be brought to an end by [<sup>F1</sup>the Secretary of State] where the person to whom it was made, or where he is a member of a [<sup>F2</sup>couple] his partner [<sup>F3</sup>or the couple], will be entitled to a jobseeker's allowance if the award is brought to an end.
- (2) Regulations may make provision allowing, in prescribed circumstances, an award of a jobseeker's allowance to be brought to an end by [<sup>F1</sup>the Secretary of State] where the person to whom it was made, or where he is a member of a [<sup>F2</sup>couple] his partner, [<sup>F4</sup>or where the award was made to a couple a member of the couple,] will be entitled to income support if the award is brought to an end.
- (3) In this section "partner" means the other member of the couple concerned.

#### Textual Amendments

- F1** Words in s. 31(1)(2) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 143**; S.I. 1999/2860, art. 2(c), Sch. 1 (subject to transitional provisions in **Schs. 16-18**) (as amended (25.11.1999) by S.I. 1999/3178, art. 3(20), Sch. 20 paras. 1(a), **2(a)**)
- F2** Words in s. 31(1)(2) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 254(1), 263(8) (d), **Sch. 24 para. 123**; S.I. 2005/3175, art. 2(1), Sch. 1
- F3** Words in s. 31(1) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 14(2)**; S.I. 2000/2958, art. 2(2)
- F4** Words in s. 31(2) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 14(3)**; S.I. 2000/2958, art. 2(2)

#### Commencement Information

- I1** S. 31 wholly in force at 7.10.1996; s. 31 not in force at Royal Assent, see s. 41(2); s. 31 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), **Sch.**; s. 31 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, art. 2(b)

### 32 Insolvency.

- (1) In section 71 of the Administration Act (overpayments), after subsection (10) insert—
  - “(10A) Where—
    - (a) a jobseeker's allowance is payable to a person from whom any amount is recoverable as mentioned in subsection (8) above; and
    - (b) that person is subject to a bankruptcy order,
 a sum deducted from that benefit under that subsection shall not be treated as income of his for the purposes of the Insolvency Act 1986.
  - (10B) Where—
    - (a) a jobseeker's allowance is payable to a person from whom any amount is recoverable as mentioned in subsection (8) above; and
    - (b) the estate of that person is sequestrated,
 a sum deducted from that benefit under that subsection shall not be treated as income of his for the purposes of the Bankruptcy (Scotland) Act 1985.”
- (2) In section 78 of the Administration Act (recovery of social fund awards), after subsection (3) insert—

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“(3A) Where—

- (a) a jobseeker’s allowance is payable to a person from whom an award is recoverable under subsection (3) above; and
  - (b) that person is subject to a bankruptcy order,
- a sum deducted from that benefit under subsection (2) above shall not be treated as income of his for the purposes of the Insolvency Act 1986.

(3B) Where—

- (a) a jobseeker’s allowance is payable to a person from whom an award is recoverable under subsection (3) above; and
  - (b) the estate of that person is sequestrated,
- a sum deducted from that benefit under subsection (2) above shall not be treated as income of his for the purposes of the Bankruptcy (Scotland) Act 1985.”

**F5**33 .....

**Textual Amendments**

**F5** S. 33 repealed (2.4.2001) by 2000 c. 19, s. 85, **Sch. 9 Pt. VI** (with s. 83(6)); S.I. 2001/1252, **art. 2(1)(e)**

- 34** F6(1) .....
- F7(2) .....
- F7(3) .....
- F6(4) .....
- F7(5) .....
- F7(6) .....
- F7(7) .....

**Textual Amendments**

**F6** S. 34(1)(4) repealed (1.7.1997) by 1997 c. 47, s. 22, **Sch. 2**; S.I. 1997/1577, **art. 2, Sch.**

**F7** S. 34(2)(3)(5)-(7) repealed (2.4.2001) by 2000 c. 19, s. 85, **Sch. 9 Pt. VI** (with s. 83(6)); S.I. 2001/1252, **art. 2(1)(e)**

**35 Interpretation.**

(1) In this Act—

[<sup>F8</sup>“adjudication officer” means an adjudication officer appointed under section 38 of the Administration Act;]

“the Administration Act” means the <sup>M2</sup>Social Security Administration Act 1992;

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“applicable amount” means the applicable amount determined in accordance with regulations under section 4;

“benefit year” has the meaning given by section 2(4);

“the Benefits Act” means the <sup>M3</sup>Social Security Contributions and Benefits Act 1992;

“child” means a person under the age of 16;

“claimant” means a person who claims a jobseeker’s allowance [F9][F10except that in relation to a joint-claim couple claiming a joint-claim jobseeker’s allowance it means the couple, or each member of the couple, as the context requires;];

“continental shelf operations” has the same meaning as in section 120 of the Benefits Act;

“contribution-based conditions” means the conditions set out in section 2;

[F9“contribution-based jobseeker’s allowance” has the meaning given in section 1(4);]

[F11“couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple otherwise than in prescribed circumstances;]

“employed earner” has the meaning prescribed for the purposes of this Act;

“employment”, [F12except in section 7], has the meaning prescribed for the purposes of this Act;

[F12][F13“employment officer”, for any purpose of this Act, means an officer of the Secretary of State or such other person as may be designated for that purpose by an order made by the Secretary of State;]

“entitled”, in relation to a jobseeker’s allowance, is to be construed in accordance with—

- (a) the provisions of this Act relating to entitlement; and
- (b) [F14section 1 of the Administration Act and section 27 of the Social Security Act 1998];

“family” means—

- (a) a [F15couple];
- (b) a [F15couple] and a member of the same household for whom one of them is, or both are, responsible and who is a child or a person of a prescribed description;
- (c) except in prescribed circumstances, a person who is not a member of a [F15couple] and a member of the same household for whom that person is responsible and who is a child or a person of a prescribed description;

[F16“FAS payments” means payments made under the Financial Assistance Scheme Regulations 2005;]

“Great Britain” includes the territorial waters of the United Kingdom adjacent to Great Britain;

[F9“income-based conditions” means the conditions set out in section 3;]

[F9“income-based jobseeker’s allowance” has the meaning given in section 1(4);]

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[<sup>F9</sup>[<sup>F17</sup>“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);]]

“jobseeker’s agreement” has the meaning given by section 9(1);

[<sup>F12</sup>[<sup>F18</sup>“jobseeker's direction” has the meaning given by section 19A;]]

“jobseeking period” has the meaning prescribed for the purposes of this Act;

[<sup>F9</sup>[<sup>F19</sup>“joint-claim couple” and “joint-claim jobseeker’s allowance” have the meanings given by section 1(4);]]

<sup>F20</sup>  
.....

[<sup>F9</sup>[<sup>F21</sup>“the nominated member”, in relation to a joint-claim couple, shall be construed in accordance with section 3B(4);]]

“occupational pension scheme” has the same meaning as it has in the <sup>M4</sup>Pension Schemes Act 1993 by virtue of section 1 of that Act;

“pensionable age” has the meaning prescribed for the purposes of this Act;

“pension payments” means—

- (a) periodical payments made in relation to a person, under a personal pension scheme or, in connection with the coming to an end of an employment of his, under an occupational pension scheme or a public service pension scheme; and
- (b) such other payments as may be prescribed;

“personal pension scheme” means—

- (a) a personal pension scheme as defined by section 1 of the <sup>M5</sup>Pension Schemes Act 1993;
- (b) [<sup>F22</sup>an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004; and
- (c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;]

[<sup>F23</sup>“PPF payments” means any payments made in relation to a person—

- (a) payable under the pension compensation provisions as specified in section 162(2) of the Pensions Act 2004 or Article 146(2) of the Pensions (Northern Ireland) Order 2005 (the pension compensation provisions); or
- (b) payable under section 166 of the Pensions Act 2004 or Article 150 of the Pensions (Northern Ireland) Order 2005 (duty to pay scheme benefits unpaid at assessment date etc.);]

“prescribed” [<sup>F24</sup>, except in section 27 (and in section 36 so far as relating to regulations under section 27),] means specified in or determined in accordance with regulations;

“public service pension scheme” has the same meaning as it has in the <sup>M6</sup>Pension Schemes Act 1993 by virtue of section 1 of that Act;

“regulations” [<sup>F24</sup>, except in section 27 (and in section 36 so far as relating to regulations under section 27),] means regulations made by the Secretary of State;

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“tax year” means the 12 months beginning with 6th April in any year;

“trade dispute” means any dispute between employers and employees, or between employees and employees, which is connected with the employment or non-employment or the terms of employment or the conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises, or not;

[<sup>F12</sup>“training” has the meaning prescribed for the purposes of this Act and, in relation to prescribed provisions of this Act, if regulations so provide, includes assistance to find training or employment, or to improve a person’s prospects of being employed, of such a kind as may be prescribed;]

<sup>F20</sup> .....

“week” means a period of 7 days beginning with a Sunday or such other period of 7 days as may be prescribed;

“work” has the meaning prescribed for the purposes of this Act;

[<sup>F25</sup>“work availability requirement” has the meaning given by section 6E;]

“year”, except in the expression “benefit year”, means a tax year.

<sup>F26</sup>[<sup>F27</sup>(1A)] .....

- (2) The expressions “[<sup>F28</sup>limited capability for work]”, “linked period”, “relevant education” and “remunerative work” are to be read with paragraphs 2, 3, 14 and 1 of Schedule 1.
- (3) Subject to any regulations made for the purposes of this subsection, “earnings” is to be construed for the purposes of this Act in accordance with section 3 of the Benefits Act and paragraph 6 of Schedule 1 to this Act.

#### Textual Amendments

**F8** S. 35(1): Definition of "adjudication officer" repealed (18.10.1999 for specified purposes and otherwise prosp.) by 1998 c. 14, ss. 86, 87(2), Sch. 7 para. 144(a), Sch. 8; S.I. 1999/2860, art. 2(c), Sch. 1 (subject to transitional provisions in Schs. 16-18) (as amended (25.11.1999) by S.I. 1999/3178, art. 3(20), Sch. 20 paras. 1(a), 2(a))

**F9** Words in s. 35(1) repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 14 Pt. 1; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661;

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- (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2013/2846, art. 4, Sch.](#) (with [art. 5](#)) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2014/209, art. 4, Sch.](#) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2014/1583, art. 4, Sch.](#) (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2014/2321, art. 4](#) (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2014/3094, art. 4](#) (with [art. 6](#)); [S.I. 2015/33, art. 4](#) (with [art. 6](#)) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); [S.I. 2015/101, art. 4](#) (with [art. 2\(2\)-\(4\)](#)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); [S.I. 2015/634, art. 4](#) (with [art. 6](#)) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); [S.I. 2015/1537, art. 4](#) (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); [S.I. 2015/1930, art. 4](#); [S.I. 2016/33, art. 4, Sch.](#); [S.I. 2016/407, art. 4, Sch.](#); [S.I. 2019/167, art. 4\(5\)-\(7\)](#) (with [art. 4\(8\)-\(12\)](#))
- F10** S. 35(1): Words in definition of "claimant" inserted (19.3.2001) by 1999 c. 30, s. 59, [Sch. 7 para. 15\(2\)](#); [S.I. 2000/2958, art. 2\(2\)](#)
- F11** Words in s. 35(1) substituted (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), [art. 1\(2\)](#), [Sch. 5 para. 12\(2\)](#)
- F12** Words in s. 35(1) repealed (29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 4](#); [S.I. 2013/983, art. 7\(1\)\(e\)](#) (with [art. 7\(2\)](#)) (as amended: (1.7.2013) by [S.I. 2013/1511](#), [art. 6](#))
- F13** S. 35(1): definition of "employment officer" inserted (10.6.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 44\(5\)](#), 150(3); [S.I. 2012/1246, art. 2\(3\)\(a\)](#)
- F14** S. 35(1): Words in para. (b) in definition of "entitled" substituted (18.10.1999 for specified purposes and otherwise prosp.) by 1998 c. 14, [ss. 86\(1\)](#), 87(2), [Sch. 7 para. 144\(b\)](#); [S.I. 1999/2860, art. 2\(c\)](#), [Sch. 1](#) (subject to transitional provisions in [Schs. 16-18](#)) (as amended (25.11.1999) by [S.I. 1999/3178](#), [art. 3\(20\)](#), [Sch. 20 paras. 1\(a\)](#), [2\(a\)](#))
- F15** S. 35(1): words in definition of "family" substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), [ss. 254\(1\)](#), 263(8)(d), [Sch. 24 para. 124\(3\)](#); [S.I. 2005/3175, art. 2\(1\)](#), [Sch. 1](#)
- F16** S. 35(1): definition of "FAS payments" inserted (14.2.2006) by [The Pensions Act 2004 \(PPF Payments and FAS Payments\) \(Consequential Provisions\) Order 2006 \(S.I. 2006/343\)](#), [art. 2](#), [Sch. para. 2\(2\)](#)
- F17** S. 35(1): definition of "income related employment and support allowance" inserted (18.3.2008 for specified purposes, otherwise 27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), [ss. 28\(1\)](#), 70(2), [Sch. 3 para. 12\(5\)\(a\)](#); [S.I. 2008/787, art. 2\(1\)\(4\)\(f\)](#)
- F18** S. 35(1): definition of "jobseeker's direction" inserted (22.10.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 48](#), 150(3), [Sch. 7 para. 8](#); [S.I. 2012/2530, art. 2\(2\)\(f\)](#)
- F19** S. 35(1): definitions of "joint-claim couple" and "joint-claim jobseeker's allowance" inserted (19.3.2001) by 1999 c. 30, s. 59, [Sch. 7 para. 15\(3\)](#); [S.I. 2000/2958, art. 2\(2\)](#)
- F20** S. 35(1): definitions of "married couple" and "unmarried couple" repealed (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), [ss. 254\(1\)](#), 261(4), 263(8)(d), [Sch. 24 para. 124\(4\)](#), [Sch. 30](#); [S.I. 2005/3175, art. 2\(1\)\(6\)](#), [Sch. 1](#)
- F21** S. 35(1): definition of "the nominated member" inserted (19.3.2001) by 1999 c. 30, s. 59, [Sch. 7 para. 15\(4\)](#); [S.I. 2000/2958, art. 2\(2\)](#)



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- F22** S. 35(1): paras. (b) and (c) in definition of "personal pension scheme" substituted (6.4.2006) by [The Taxation of Pension Schemes \(Consequential Amendments\) Order 2006 \(S.I. 2006/745\)](#), **art. 12**
- F23** S. 35(1): definition of "PPF payments" inserted (14.2.2006) by [The Pensions Act 2004 \(PPF Payments and FAS Payments\) \(Consequential Provisions\) Order 2006 \(S.I. 2006/343\)](#), **art. 2, Sch. para. 2(2)**
- F24** S. 35(1): words in definitions of "prescribed" and "regulations" inserted (1.4.1999) by 1999 c. 2, s. 2, **Sch. 3 para. 62**; S.I. 1999/527, **art. 2(b), Sch. 2** (subject to arts. 3-6)
- F25** Words in s. 35(1) inserted (29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 49(5), 150(3)**; S.I. 2013/983, **art. 7(1)(b)** (with **art. 7(2)**) (as amended: (1.7.2013) by S.I. 2013/1511, **art. 6**)
- F26** S. 35(1A) omitted (S.) (16.12.2014) by virtue of [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), **art. 1(2), Sch. 5 para. 12(3)**
- F27** S. 35(1A) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 254(1), 263(8)(d), Sch. 24 para. 124(5)**; S.I. 2005/3175, **art. 2(1), Sch. 1**
- F28** Words in s. 35(2) substituted (18.3.2008 for specified purposes, otherwise 27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 28(1), 70(2), Sch. 3 para. 12(5)(b)**; S.I. 2008/1787, **art. 2(1)(4)(f)** (with saving in S.I. 2008/795, **reg. 5**)

#### Modifications etc. (not altering text)

- C2** S. 35(1) applied (with modifications) (29.4.2013) by [The Jobseekers Allowance Regulations 2013 \(S.I. 2013/378\)](#), **regs. 1(2), 70** (with **reg. 1(3)**)
- C3** S. 35(1): definition of "trade dispute" modified (7.10.1996) by S.I. 1996/207, **reg. 160**

#### Marginal Citations

- M2** 1992 c. 5.  
**M3** 1992 c. 4.  
**M4** 1993 c. 48.  
**M5** 1993 c. 48.  
**M6** 1993 c. 48.

## 36 Regulations and orders.

- (1) Any power under this Act to make regulations or orders, other than an order under section <sup>F29</sup>8(3), <sup>F30</sup>9(13), 16(4) or 19(10)(a)], shall be exercisable by statutory instrument.
- <sup>F31</sup>(1A) <sup>F32</sup>Subsection (1) does not apply to an order under section 35(1) in relation to employment officers.]]
- (2) Any such power may be exercised—
- (a) either in relation to all cases to which it extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
  - (b) so as to make, as respects the cases in relation to which it is exercised—
    - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
    - (ii) the same provision for all cases in relation to which it is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act,



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- (iii) any such provision either unconditionally or subject to any specified condition.
- (3) Where any such power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes.
- (4) Any such power includes power—
- (a) to make such incidental, supplemental, consequential or transitional provision as appears to the Secretary of State <sup>F33</sup>, or (in the case of regulations made by the Treasury) to the Treasury,] to be expedient; and
  - (b) to provide for a person to exercise a discretion in dealing with any matter.
- <sup>F34</sup>(4A) <sup>F35</sup>Without prejudice to the generality of the provisions of this section—
- (a) regulations under section 17A <sup>F36</sup> . . . may make different provision for different areas;
  - (b) regulations under section 17A <sup>F36</sup> . . . may make provision which applies only in relation to an area or areas specified in the regulations.]]
- (5) Any power to make regulations or an order for the purposes of any provision of this Act is without prejudice to any power to make regulations or an order for the purposes of any other provision.

#### Textual Amendments

- F29** Words in s. 36(1) inserted (11.11.1999) by 1999 c. 30, ss. 70, 89(4)(b), **Sch. 8 Pt. V para. 29(6)**
- F30** Words in s. 36(1) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 145**; S.I. 1999/2860, art. 2(c), Sch. 1 (subject to transitional provisions in **Schs. 16-18**) (as amended (25.11.1999) by S.I. 1999/3178, art. 3(20), Sch. 20 paras. 1(a), 2(a))
- F31** S. 36(1A) inserted (22.10.2012) by Welfare Reform Act 2012 (c. 5), ss. 48, 150(3), **Sch. 7 para. 9**; S.I. 2012/2530, **art. 2(2)(f)**
- F32** S. 36(1A) repealed (29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 4**; S.I. 2013/983, art. 7(1)(e) (with art. 7(2)) (as amended: (1.7.2013) by S.I. 2013/1511, art. 6)
- F33** Words in s. 36(4)(b) inserted (1.4.1999) by 1999 c. 2, s. 2, **Sch. 3 para. 63**; S.I. 1999/527, art. 2(b), **Sch. 2** (subject to arts. 3-6)
- F34** S. 36(4A) inserted (12.11.2009) by Welfare Reform Act 2009 (c. 24), **ss. 1(3)**, 61(1)
- F35** S. 36(4A) repealed (29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 4**; S.I. 2013/983, art. 7(1)(e) (with art. 7(2)) (as amended: (1.7.2013) by S.I. 2013/1511, art. 6)
- F36** Words in s. 36(4A)(a)(b) repealed (8.5.2012) by Welfare Reform Act 2012 (c. 5), ss. 147, 150(2)(b), **Sch. 14 Pt. 6**

## 37 Parliamentary control.

- (1) Subsection (2) applies in relation to the following regulations (whether made alone or with other regulations)—
- (a) regulations made under, or by virtue of, any provision of this Act other than—
    - (i) section <sup>F37</sup>6, 7,] 26, 29 or 40,
    - (ii) paragraph (b) of the definition of “pension payments” in section 35(1), or

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- (iii) paragraph 17 of Schedule 1,  
before the date on which jobseeker’s allowances first become payable;
- [<sup>F38</sup>(aa) the first regulations to be made under section 6J or 6K;]  
[<sup>F39</sup>(ab) [<sup>F40</sup>the first regulations to be made under sections 19 to 19C;]  
(b) the first regulations to be made under section 26;  
(c) regulations made under section <sup>F41</sup> . . . 29, paragraph (b) of the definition of  
“pension payments” in section 35(1) <sup>F42</sup> . . . or paragraph [<sup>F43</sup>8B or] 17 of  
Schedule 1.
- (2) No regulations to which this subsection applies shall be made unless a draft of the statutory instrument containing the regulations has been laid before Parliament and approved by a resolution of each House.
- (3) Any other statutory instrument made under this Act, other than one made under section 41(2), shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F37** Words in s. 37(1)(a)(i) repealed (29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 4](#); S.I. 2013/983, art. 7(1)(e) (with art. 7(2)) (as amended: (1.7.2013) by S.I. 2013/1511, art. 6)
- F38** S. 37(1)(aa) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\), ss. 49\(6\), 150\(3\)](#); S.I. 2013/358, art. 2(2), Sch. 2 para. 22
- F39** S. 37(1)(ab) inserted (10.6.2012) by [Welfare Reform Act 2012 \(c. 5\), ss. 46\(2\), 150\(3\)](#); S.I. 2012/1246, art. 2(3)(c)(i)
- F40** S. 37(1)(ab) repealed (29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 4](#); S.I. 2013/983, art. 7(1)(e) (with art. 7(2)) (as amended: (1.7.2013) by S.I. 2013/1511, art. 6)
- F41** Words in s. 37(1)(c) repealed (20.3.2012) by [Welfare Reform Act 2012 \(c. 5\), ss. 47, 150\(3\)](#); S.I. 2012/863, art. 2(1)(a)
- F42** Words in s. 37(1)(c) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\), ss. 147, 150\(2\)\(b\), Sch. 14 Pt. 6](#)
- F43** Words in s. 37(1)(c) inserted (19.1.2012) by [Welfare Reform Act 2009 \(c. 24\), ss. 29\(2\), 61\(3\)](#); S.I. 2012/68, art. 2

### 38 General financial arrangements.

- (1) There shall be paid out of money provided by Parliament—
- (a) any sums paid by the Secretary of State by way of jobseeker’s allowance; and
  - (b) any expenditure incurred by the Secretary of State [<sup>F44</sup>or the Commissioners of Inland Revenue] under or by virtue of this Act.
- (2) The expenditure mentioned in subsection (1)(b) includes expenditure incurred in connection with any inquiry undertaken on behalf of the Secretary of State [<sup>F45</sup>or the Commissioners of Inland Revenue] with a view to obtaining statistics relating to the operation of any provision of this Act relating to a jobseeker’s allowance.

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- (3) There shall be paid out of the National Insurance Fund and into the Consolidated Fund sums estimated by the Secretary of State to balance payments made by him by way of <sup>F46</sup>[contribution-based] jobseeker’s allowance.
  - (4) The Secretary of State shall pay into the National Insurance Fund sums estimated by him to balance sums recovered by him in connection with payments of <sup>F46</sup>[contribution-based] jobseeker’s allowance.
  - (5) The <sup>F47</sup>[Commissioners of Inland Revenue] shall pay into the National Insurance Fund sums estimated by <sup>F48</sup>[them] to be equal to the aggregate of the amounts deducted by employers in accordance with regulations under section 27.
  - (6) <sup>F49</sup>[The Secretary of State shall pay into the Consolidated Fund sums estimated by him to balance sums recovered by him in connection with payments made by way of income-based jobseeker’s allowance.]
  - (7) Estimates under this section shall be made by the <sup>F50</sup>[relevant authority]—
    - (a) in any manner which, after consulting the Government Actuary or the Deputy Government Actuary, <sup>F51</sup>[the authority consider] appropriate and the Treasury has approved; and
    - (b) at such times as <sup>F51</sup>[the authority consider] appropriate and the Treasury has approved.
  - (8) Payments which are required to be made by this section shall be made at such times and in such manner as the <sup>F52</sup>[relevant authority] considers appropriate and the Treasury has approved.
- <sup>F53</sup>(9) In subsections (7) and (8) “the relevant authority” means—
- (a) the Secretary of State, in relation to any estimate or payment to be made by him, or
  - (b) the Commissioners of Inland Revenue, in relation to any estimate or payment to be made by them.]

#### Textual Amendments

- F44** Words in s. 38(1)(b) inserted (1.4.1999) by 1999 c. 2, s. 1(1), **Sch. 1 para. 66(2)**; S.I. 1999/527, art. 2(b), **Sch. 2** (subject to arts. 3-6)
- F45** Words in s. 38(2) inserted (1.4.1999) by 1999 c. 2, s. 2, **Sch. 3 para. 64(2)**; S.I. 1999/527, art. 2(b), **Sch. 2** (subject to arts. 3-6)
- F46** Words in s. 38(3)(4) repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, **Sch. 1** (with arts. 6, 9(1), 22, **Sch. 4**) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I.

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- 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); [S.I. 2013/1511, art. 4, Sch.](#) (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2013/2657, art. 4, Sch.](#) (with [art. 6](#)) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2013/2846, art. 4, Sch.](#) (with [art. 5](#)) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2014/209, art. 4, Sch.](#) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2014/1583, art. 4, Sch.](#) (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2014/2321, art. 4](#) (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2014/3094, art. 4](#) (with [art. 6](#)); [S.I. 2015/33, art. 4](#) (with [art. 6](#)) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); [S.I. 2015/101, art. 4](#) (with [art. 2\(2\)-\(4\)](#)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); [S.I. 2015/634, art. 4](#) (with [art. 6](#)) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); [S.I. 2015/1537, art. 4](#) (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); [S.I. 2015/1930, art. 4](#); [S.I. 2016/33, art. 4, Sch.](#); [S.I. 2016/407, art. 4, Sch.](#); [S.I. 2019/167, art. 4\(5\)-\(7\)](#) (with [art. 4\(8\)-\(12\)](#))
- F47** Words in s. 38(5) substituted (1.4.1999) by 1999 c. 2, s. 2, [Sch. 3 para. 64\(3\)](#); [S.I. 1999/527, art. 2\(b\), Sch. 2](#) (subject to arts. 3-6)
- F48** By 1999 c. 2, s. 1(1), [Sch. 1 para. 66\(3\)](#); [S.I. 1999/527, art. 2\(b\), Sch. 2](#) (subject to arts. 3-6) it is provided that in s. 38(5) for the word "him" there shall be substituted (1.4.1999) the words "the Commissioners of Inland Revenue" and by 1999 c. 2, s. 2, [Sch. 3 para. 64\(3\)](#); [S.I. 1999/527, art. 2\(b\), Sch. 2](#) (subject to arts. 3-6) it is provided that in s. 38(5) for the word "him" there shall be substituted (1.4.1999) the word "them"
- F49** [S. 38\(6\)](#) repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); [S.I. 2013/983, arts. 4\(1\)\(c\), 5, Sch. 1](#) (with [arts. 6, 9\(1\), 22, Sch. 4](#)) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); [S.I. 2013/1511, art. 4, Sch.](#) (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2013/2657, art. 4, Sch.](#) (with [art. 6](#)) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32;

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(10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2013/2846, art. 4, Sch.](#) (with [art. 5](#)) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2014/209, art. 4, Sch.](#) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2014/1583, art. 4, Sch.](#) (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2014/2321, art. 4](#) (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2014/3094, art. 4](#) (with [art. 6](#)); [S.I. 2015/33, art. 4](#) (with [art. 6](#)) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); [S.I. 2015/101, art. 4](#) (with [art. 2\(2\)-\(4\)](#)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); [S.I. 2015/634, art. 4](#) (with [art. 6](#)) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); [S.I. 2015/1537, art. 4](#) (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); [S.I. 2015/1930, art. 4](#); [S.I. 2016/33, art. 4, Sch.](#); [S.I. 2016/407, art. 4, Sch.](#); [S.I. 2019/167, art. 4\(5\)-\(7\)](#) (with [art. 4\(8\)-\(12\)](#))

- F50** Words in s. 38(7) inserted (1.4.1999) by 1999 c. 2, s. 1(1), [Sch. 1 para. 66\(4\)\(a\)](#); S.I. 1999/527, art. 2(b), [Sch. 2](#) (subject to [arts. 3-6](#))
- F51** Words in s. 38(7) substituted (1.4.1999) by 1999 c. 2, s. 1(1), [Sch. 1 para. 66\(4\)\(b\)](#); S.I. 1999/527, art. 2(b), [Sch. 2](#) (subject to [arts. 3-6](#))
- F52** Words in s. 38(8) substituted (1.4.1999) by 1999 c. 2, s. 1(1), [Sch. 1 para. 66\(5\)](#); S.I. 1999/527, art. 2(b), [Sch. 2](#) (subject to [arts. 3-6](#))
- F53** S. 38(9) inserted (1.4.1999) by 1999 c. 2, s. 1(1), [Sch. 1 para. 66\(6\)](#); S.I. 1999/527, art. 2(b), [Sch. 2](#) (subject to [arts. 3-6](#))

#### Commencement Information

- I2** S. 38 wholly in force at 7.10.1996; s. 38 not in force at Royal Assent, see s. 41(2); s. 38(1)(b)(5) in force (6.4.1996) by [S.I. 1995/3228, art. 2\(g\)](#); s. 38 in force (7.10.1996) in so far as not already in force by [S.I. 1996/2208, art. 2\(b\)](#)

### 39 Provision for Northern Ireland.

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M7</sup>Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of this Act—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Marginal Citations

- M7** 1974 c. 28.

*Status: Point in time view as at 01/02/2019.*

*Changes to legislation: Jobseekers Act 1995, Part III is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### 40 Transitional provisions.

- (1) The Secretary of State may by regulations make such transitional provision, consequential provision or savings as he considers necessary or expedient for the purposes of or in connection with—
  - (a) the coming into force of any provision of this Act; or
  - (b) the operation of any enactment repealed or amended by any such provision during any period when the repeal or amendment is not wholly in force.
- (2) Regulations under this section may in particular make provision—
  - (a) for the termination or cancellation of awards of unemployment benefit or income support;
  - (b) for a person whose award of unemployment benefit or income support has been terminated or cancelled under regulations made by virtue of paragraph (a) to be treated as having been awarded a jobseeker's allowance (a "transitional allowance")—
    - (i) of such a kind,
    - (ii) for such period,
    - (iii) of such an amount, and
    - (iv) subject to such conditions,
 as may be determined in accordance with the regulations;
  - (c) for a person's continuing entitlement to a transitional allowance to be determined by reference to such provision as may be made by the regulations;
  - (d) for the termination of an award of a transitional allowance;
  - (e) for the review of an award of a transitional allowance;
  - (f) for a contribution-based jobseeker's allowance not to be payable for a prescribed period where a person is disqualified for receiving unemployment benefit;
  - (g) that days which were days of unemployment for the purposes of entitlement to unemployment benefit, and such other days as may be prescribed, are to be treated as having been days during which a person was, or would have been, entitled to a jobseeker's allowance;
  - (h) that days which were days of entitlement to unemployment benefit, and such other days as may be prescribed, are to be treated as having been days of entitlement to a contribution-based jobseeker's allowance;
  - (i) that the rate of a contribution-based transitional allowance is to be calculated by reference to the rate of unemployment benefit paid or payable.

#### Commencement Information

- I3** [S. 40](#) wholly in force at 7.10.1996; [s. 40](#) not in force at Royal Assent, see [s. 41\(2\)](#); [s. 40](#) in force (12.12.1995) for the purpose of authorising the making of regulations by [S.I. 1995/3228](#), [art. 2\(b\)](#), [Sch.](#); [s. 40](#) in force (7.10.1996) in so far as not already in force by [S.I. 1996/2208](#), [art. 2\(b\)](#)

#### 41 Short title, commencement, extent etc.

- (1) This Act may be cited as the Jobseekers Act 1995.



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- (2) Section 39 and this section (apart from subsections (4) and (5)) come into force on the passing of this Act, but otherwise the provisions of this Act come into force on such day as the Secretary of State may by order appoint.
- (3) Different days may be appointed for different purposes.
- (4) Schedule 2 makes consequential amendments.
- (5) The repeals set out in Schedule 3 shall have effect.
- (6) Apart from this section, section 39 and paragraphs 11 to 16, 28, 67 and 68 of Schedule 2, this Act does not extend to Northern Ireland.

#### Subordinate Legislation Made

- P1** S. 41(2) power partly exercised: different dates appointed for specified provisions by S.I. 1995/3228, **art. 2**  
S. 41(2) power partly exercised: 22.4.1996 appointed for specific provisions by S.I. 1996/1126, **art. 2**  
S. 41(2) power partly exercised: 11.6.1996 appointed for specified provisions by S.I. 1996/1509, **art. 2, Sch.**  
S. 41(2) power fully exercised: different dates appointed for specified provisions by S.I. 1996/2208, **art. 2**

#### Commencement Information

- I4** S. 41 wholly in force at 7.10.1996; s. 41(1)-(3)(6) in force at Royal Assent, see s. 41(2); s. 41(4) in force (12.12.1995) in so far as it refers to Sch. 2 para. 30(5) by S.I. 1995/3228, **art. 2(b), Sch.**; s. 41(5) in force (1.4.1996) in so far as it relates to the repeals in Sch. 3 of 1976 c. 71 by S.I. 1995/3228, **art. 2(f)**; s. 41(4) in force (6.4.1996) in so far as it relates to Sch. 2 para. 41 by S.I. 1995/3228, **art. 2(g)**; s. 41(4) in force (22.4.1996) for specified provisions in Sch. 2 by S.I. 1996/1126, **art. 2(b)**; s. 41(4) in force (11.6.1996) for specified provisions in Sch. 2 by S.I. 1996/1509, **art. 2, Sch.**; s. 41(4) in force (2.9.1996) for specified provisions in Sch. 2 by S.I. 1996/2208, **art. 2(a)**; s. 41 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**



**Status:**

Point in time view as at 01/02/2019.

**Changes to legislation:**

Jobseekers Act 1995, Part III is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.