



# Jobseekers Act 1995

## 1995 CHAPTER 18

### PART I

#### THE JOBSEEKER'S ALLOWANCE

##### *Entitlement*

#### **1 The jobseeker's allowance.**

- (1) An allowance, to be known as a jobseeker's allowance, shall be payable in accordance with the provisions of this Act.
- (2) Subject to the provisions of this Act, a claimant is entitled to a jobseeker's allowance if he—
  - (a) is available for employment;
  - (b) has entered into a jobseeker's agreement which remains in force;
  - (c) is actively seeking employment;
  - [<sup>F1</sup>(d) satisfies the conditions set out in section 2;]
  - (e) is not engaged in remunerative work;
  - [<sup>F2</sup>(f) does not have limited capability for work;]
  - (g) is not receiving relevant education;
  - (h) is under pensionable age; and
  - (i) is in Great Britain.
- [<sup>F3</sup>(2A) Subject to the provisions of this Act, a claimant who is not a member of a joint-claim couple is entitled to a jobseeker's allowance if he satisfies—
  - (a) the conditions set out in paragraphs (a) to (c) and (e) to (i) of subsection (2); and
  - (b) the conditions set out in section 3.
- (2B) Subject to the provisions of this Act, a joint-claim couple are entitled to a jobseeker's allowance if—
  - (a) a claim for the allowance is made jointly by the couple;

*Status: Point in time view as at 25/02/2013. This version of this provision has been superseded.*

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- (b) each member of the couple satisfies the conditions set out in paragraphs (a) to (c) and (e) to (i) of subsection (2); and
  - (c) the conditions set out in section 3A are satisfied in relation to the couple.
- (2C) Regulations may prescribe circumstances in which subsection (2A) is to apply to a claimant who is a member of a joint-claim couple.
- (2D) Regulations may, in respect of cases where a person would (but for the regulations) be a member of two or more joint-claim couples, make provision for only one of those couples to be a joint-claim couple; and the provision which may be so made includes provision for the couple which is to be the joint-claim couple to be nominated—
- (a) by the persons who are the members of the couples, or
  - (b) in default of one of the couples being so nominated, by the Secretary of State.]
- (3) A jobseeker’s allowance is payable in respect of a week.
- (4) In this Act—
- “a contribution-based jobseeker’s allowance” means a jobseeker’s allowance entitlement to which is based on the claimant’s satisfying conditions which include those set out in section 2; <sup>F4</sup> . . .
  - “an income-based jobseeker’s allowance” means a jobseeker’s allowance entitlement to which is based on the claimant’s satisfying conditions which include those set out in section 3 [<sup>F5</sup> or a joint-claim jobseeker’s allowance;]
  - <sup>F6</sup> “a joint-claim couple” means a [<sup>F7</sup> couple] who—
    - (a) are not members of any family whose members include a person in respect of whom a member of the couple is entitled to child benefit, and
    - (b) are of a prescribed description;
  - “a joint-claim jobseeker’s allowance” means a jobseeker’s allowance entitlement to which arises by virtue of subsection (2B).]

#### Textual Amendments

- F1** S. 1(2)(d) substituted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 2**; S.I. 2000/2958, **art. 2(2)**
- F2** S. 1(2)(f) substituted (27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 28(1), 70(2), **Sch. 3 para. 12(2)** (with saving in S.I. 2008/795, reg. 5); S.I. 2008/787, **art. 2(4)(f)**
- F3** S. 1(2A)-(2D) inserted (19.3.2001) by 1999 c. 33, s. 59, **Sch. 7 para. 2(3)**; S.I. 2000/2958, **art. 2(2)**
- F4** Word at end of definition of “a contribution-based jobseeker’s allowance” in s. 1(4) repealed (6.4.2002) by 1999 c. 30, s. 88, Sch. 13 Pt. V; S.I. 2001/4049, **art. 2(3)(d)**
- F5** Words in definition of “an income-based jobseeker’s allowance” in s. 1(4) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 2(4)(a)**; S.I. 2000/2958, **art. 2(2)**
- F6** Definitions of “a joint-claim couple” and “a joint-claim jobseeker’s allowance” in s. 1(4) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 2(4)(b)**; S.I. 2000/2958, **art. 2(2)**
- F7** Words in s. 1(4) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 71, 263(8)(d), **Sch. 4 para. 118**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

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

- C1** S. 1(2) modified (27.10.2003) by The Employment Zones Regulations 2003 (S.I. 2003/2438), **reg. 5**
- C2** S. 1(2) modified (26.4.2004) by The Employment Zones (Allocation to Contractors) Pilot Regulations 2004 (S.I. 2004/934), **reg. 6**
- C3** S. 1(2) modified (26.4.2004) by The Social Security (Working Neighbourhoods) Regulations 2004 (S.I. 2004/959), **reg. 20**

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- C4** S. 1(2) modified (25.4.2005) by [The Employment Zones \(Allocation to Contractors\) Pilot Regulations 2005 \(S.I. 2005/1125\)](#), **reg. 6**
- C5** S. 1(2) modified (24.4.2006) by [The Employment Zones \(Allocation to Contractors\) Pilot Regulations 2006 \(S.I. 2006/962\)](#), **reg. 7**
- C6** S. 1(2)(a)-(c) restricted (19.3.2001) by [S.I. 1996/207](#), **reg. 146C(4)** (as inserted (19.3.2001) by [S.I. 2000/1978](#), **reg. 2(3)**)
- C7** S. 1(2)(a)-(c)(e)-(i) applied (with modifications) (4.11.1996) by [S.I. 1996/2567](#), **reg. 2(1)(2)-(4)**
- C8** S. 1(2)(a)(c) excluded (12.2.2013) by [The Jobseeker's Allowance \(Schemes for Assisting Persons to Obtain Employment\) Regulations 2013 \(S.I. 2013/276\)](#), regs. 1, **7(2)**
- C9** S. 1(2)(a)(c) excluded (12.2.2013) by [The Jobseeker's Allowance \(Schemes for Assisting Persons to Obtain Employment\) Regulations 2013 \(S.I. 2013/276\)](#), regs. 1, **7(3)**
- C10** S. 1(2)(c) excluded (12.2.2013) by [The Jobseeker's Allowance \(Schemes for Assisting Persons to Obtain Employment\) Regulations 2013 \(S.I. 2013/276\)](#), regs. 1, **7(1)**

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