



# Jobseekers Act 1995

## 1995 CHAPTER 18

An Act to provide for a jobseeker's allowance and to make other provision to promote the employment of the unemployed and the assistance of persons without a settled way of life. [28th June 1995]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### 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

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- (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;
  - (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)**

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- 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**
- 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)**

## 2 The contribution-based conditions.

- (1) The conditions referred to in <sup>F8</sup>section 1(2)(d) are that the claimant—
- (a) has actually paid Class 1 contributions in respect of one (“the base year”) of the last two complete years before the beginning of the relevant benefit year and satisfies the additional conditions set out in subsection (2);
  - (b) has, in respect of the last two complete years before the beginning of the relevant benefit year, either paid Class 1 contributions or been credited with earnings and satisfies the additional condition set out in subsection (3);
  - (c) does not have earnings in excess of the prescribed amount; and
  - (d) is not entitled to income support.

- (2) The additional conditions mentioned in subsection (1)(a) are that—
- (a) the contributions have been paid before the week for which the jobseeker's allowance is claimed;
  - <sup>F9</sup>(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.]

<sup>F10</sup>(2A) Regulations may make provision for the purposes of subsection (2)(b) for determining the claimant's relevant earnings for the base year.

- (2B) Regulations under subsection (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 sub-paragraph (i) as exceeded the base year's lower earnings limit (or the prescribed equivalent).]

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- (3) The additional condition mentioned in subsection (1)(b) is that the earnings factor derived [<sup>F11</sup>from so much of the claimant’s earnings as did not exceed the upper earnings limit and] upon which primary Class 1 contributions have been paid or treated as paid or from earnings credited is not less, in each of the two complete years, than the lower earnings limit for the year multiplied by 50.
- [<sup>F12</sup>(3A) Where primary Class 1 contributions have been paid or treated as paid on any part of a person’s earnings, [<sup>F13</sup>subsection (3)] above shall have effect as if such contributions had been paid or treated as paid on so much of the earnings as did not exceed the upper earnings limit.]
- [<sup>F14</sup>(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 paragraph (a)(i), provide for that set of conditions to apply in relation to them subject to prescribed modifications.
- (3C) In subsection (3B)—
- “the first set of conditions” means the condition set out in subsection (1) (a) and the additional conditions set out in subsection (2);
- “benefit” means—
- (a) any benefit within the meaning of section 122(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.]

(4) For the purposes of this section—

    - (a) “benefit year” means a period which is a benefit year for the purposes of Part II of the Benefits Act or such other period as may be prescribed for the purposes of this section;
    - (b) “the relevant benefit year” is the benefit year which includes—
      - (i) the beginning of the jobseeking period which includes the week for which a jobseeker’s allowance is claimed, or
      - (ii) (if earlier) the beginning of any linked period; and
    - (c) other expressions which are used in this section and the Benefits Act have the same meaning in this section as they have in that Act.

#### Textual Amendments

- F8** Words in s. 2(1) substituted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 3**; S.I. 2000/2958, **art. 2(2)**
- F9** S. 2(2)(b) substituted (1.11.2010) by Welfare Reform Act 2009 (c. 24), **ss. 12(2)**, 61(3); S.I. 2010/2377, **art. 2(2)(a)**
- F10** S. 2(2A)(2B) inserted (1.10.2010) by Welfare Reform Act 2009 (c. 24), **ss. 12(3)**, 61(3); S.I. 2010/2377, **art. 2(1)(a)**

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- F11** Words in s. 2(3) substituted (8.7.2002) by National Insurance Contributions Act 2002 (c. 19), s. 6, **Sch. 1 para. 45**
- F12** S. 2(3A) inserted (6.4.1999) by 1998 c. 14, s. 86(1), 87(1), **Sch. 7 para. 133**; S.I. 1999/418, **art. 2(2)(3)(a)**
- F13** Words in s. 2(3A) substituted (1.11.2010) by Welfare Reform Act 2009 (c. 24), **ss. 12(4)**, 61(3); S.I. 2010/2377, **art. 2(2)(a)**
- F14** S. 2(3B)(3C) inserted (29.11.2011 for specified purposes and otherwise prosp.) by Welfare Reform Act 2009 (c. 24), **ss. 12(5)**, 61(3); S.I. 2011/2857, **art. 2(a)**

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

- C8** S. 2 modified (7.10.1996) by S.I. 1996/207, **reg. 158(1)(2)**  
S. 2 applied (with modifications) (7.10.1996) by S.I. 1996/207, **reg. 167**
- C9** S. 2(4) modified (7.10.1996) by S.I. 1996/207, **reg. 158(3)**

#### Commencement Information

- II** S. 2 wholly in force at 7.10.1996; s. 2 not in force at Royal Assent, see. s. 41(2); s. 2(1)(c)(4)(b) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, **art. 2(b)**, **Sch.**; s. 2 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

### 3 The income-based conditions.

- (1) The conditions referred to in <sup>F15</sup>section 1(2A)(b) are that the claimant—
- (a) has an income which does not exceed the applicable amount (determined in accordance with regulations under section 4) or has no income;
  - (b) is not entitled to income support<sup>F16</sup>, state pension credit or an income-related employment and support allowance;
  - (c) is not a member of a family one of whose members is entitled to income support;
  - (d) is not a member of a family one of whose members is entitled to an income-based jobseeker’s allowance;
  - <sup>F17</sup>(dd) is not a member of a <sup>F18</sup>couple] the other member of which is entitled to state pension credit;]
  - <sup>F19</sup>(de) is not a member of a couple the other member of which is entitled to an income-related employment and support allowance;]
  - (e) is not a member of a <sup>F18</sup>couple] the other member of which is engaged in remunerative work; and
  - (f) is a person—
    - (i) who has reached the age of 18; or
    - (ii) in respect of whom a direction under section 16 is in force; or
    - (iii) who has, in prescribed circumstances to be taken into account for a prescribed period, reached the age of 16 but not the age of 18.
- (2) Regulations may provide for one or both of the following conditions to be included in the income-based conditions, in the case of a person to whom subsection (1)(f)(ii) or (iii) applies—
- (a) a condition that the claimant must register for employment;
  - (b) a condition that the claimant must register for training.
- (3) In subsection (1)(f)(iii) “period” includes—
- (a) a period of a determinate length;

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- (b) a period defined by reference to the happening of a future event; and
  - (c) a period of a determinate length but subject to earlier determination upon the happening of a future event.
- (4) Regulations under subsection (2) may, in particular, make provision by reference to persons designated by the Secretary of State for the purpose of the regulations.

#### Textual Amendments

- F15** Words in s. 3(1) substituted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 4(1)**; S.I. 2000/2958, **art. 2(2)**
- F16** Words in s. 3(1)(b) substituted (27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 28(1), 70(2), **Sch. 3 para. 12(3)(a)**; S.I. 2008/787, **art. 2(4)(f)**
- F17** S. 3(1)(dd) inserted (2.7.2002 for certain purposes and otherwise 6.10.2003) by State Pension Credit Act 2002 (c. 16), ss. 14, 22(3), **Sch. 2 Pt. 3 para. 37(b)**; S.I. 2002/1691, **art. 2(I)**; S.I. 2003/1766, **art. 2**
- F18** Words in s. 3(1)(dd)(e) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 254(1), 263(8)(d), **Sch. 24 para. 119**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F19** S. 3(1)(de) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 28(1), 70(2), **Sch. 3 para. 12(3)(b)**; S.I. 2008/787, **art. 2(4)(f)**

#### Commencement Information

- I2** S. 3 wholly in force at 7.10.1996; s. 3 not in force at Royal Assent, see s. 41(2); s. 3(1)(f)(iii)(2)(3)(4) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, **art. 2(b)**, **Sch.**; s. 3 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

### [<sup>F20</sup>3A The conditions for claims by joint-claim couples.

- (1) The conditions referred to in section 1(2B)(c) are—
- (a) that the income of the joint-claim couple does not exceed the applicable amount (determined in accordance with regulations under section 4) or the couple have no income;
  - (b) that no member of a family of which the couple are members is entitled to income support;
  - (c) that no member of any such family (other than the couple) is entitled to an income-based jobseeker’s allowance;
  - [<sup>F21</sup>(cc) that neither member of the couple is entitled to state pension credit;]
  - [<sup>F22</sup>(cd) that neither member of the couple is entitled to an income-related employment and support allowance;]
  - (d) that at least one member of the couple has reached the age of 18; and
  - (e) that if only one member of the couple has reached the age of 18, the other member of the couple is a person—
    - (i) in respect of whom a direction under section 16 is in force; or
    - (ii) who has, in prescribed circumstances to be taken into account for a prescribed period, reached the age of 16.
- (2) Subsections (2) and (4) of section 3 shall apply in relation to a member of the couple to whom subsection (1)(e)(i) or (ii) above applies as they apply in relation to a claimant to whom subsection (1)(f)(ii) or (iii) of that section applies.

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- (3) In subsection (1)(e)(ii) above “period” shall be construed in accordance with section 3(3).]

#### Textual Amendments

- F20** Ss. 3A, 3B inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 4(2)**; S.I. 2000/2958, **art. 2(2)**  
**F21** S. 3A(1)(cc) inserted (2.7.2002 for certain purposes and otherwise 6.10.2003) by State Pension Credit Act 2002 (c. 16), ss. 14, 22(3), **Sch. 2 Pt. 3 para. 38**; S.I. 2002/1691, **art. 2(1)**; S.I. 2003/1766, **art. 2**  
**F22** S. 3A(1)(cd) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 28(1), 70(2), **Sch. 3 para. 12(4)**; S.I. 2008/787, **art. 2(4)(f)**

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

- C10** S. 3A(1)(e)(ii) applied (1.4.2002) (with modifications) by S.I. 2001/4022, **reg. 11(2)(g)**

### <sup>F23</sup>**3B Joint-claim couples: the nominated member.**

- (1) Where a joint-claim couple make a claim for a joint-claim jobseeker’s allowance, they may nominate one of them as the member of the couple to whom the allowance is to be payable.
- (2) In default of one of them being so nominated, the allowance shall be payable to whichever of them is nominated by the Secretary of State.
- (3) Subsections (1) and (2) have effect subject to section 4A(4) and (7).
- (4) In this Act references to the nominated member of a joint-claim couple are, except where section 20A(7) applies, to the member of the couple nominated under subsection (1) or (2) above; and where section 20A(7) applies, references to the nominated member of such a couple are to the member of the couple to whom section 20A(7) provides for the allowance to be payable.
- (5) Nothing in this section or section 20A(7) affects the operation of any statutory provision by virtue of which any amount of the allowance is required or authorised to be paid to someone other than the nominated member of the couple.

#### Textual Amendments

- F23** Ss. 3A, 3B inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 4(2)**; S.I. 2000/2958, **art. 2(2)**

### **4 Amount payable by way of a jobseeker’s allowance.**

- (1) In the case of a contribution-based jobseeker’s allowance, the amount payable in respect of a claimant (“his personal rate”) shall be calculated by—
  - (a) determining the age-related amount applicable to him; and
  - (b) making prescribed deductions in respect of earnings [<sup>F24</sup>, pension payments, PPF payments and FAS payments].
- (2) The age-related amount applicable to a claimant, for the purposes of subsection (1) (a), shall be determined in accordance with regulations.
- (3) In the case of an income-based jobseeker’s allowance [<sup>F25</sup>(other than a joint-claim jobseeker’s allowance)], the amount payable shall be—

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- (a) if a claimant has no income, the applicable amount;
- (b) if a claimant has an income, the amount by which the applicable amount exceeds his income.

[<sup>F26</sup>(3A) In the case of a joint-claim jobseeker’s allowance, the amount payable in respect of a joint-claim couple shall be—

- (a) if the couple have no income, the applicable amount;
- (b) if the couple have an income, the amount by which the applicable amount exceeds the couple’s income.]

(4) Except in prescribed circumstances, a jobseeker’s allowance shall not be payable where the amount otherwise payable would be less than a prescribed minimum.

(5) The applicable amount shall be such amount or the aggregate of such amounts as may be determined in accordance with regulations.

(6) Where a claimant [<sup>F27</sup>is entitled to both a contribution-based jobseeker’s allowance and an income-based jobseeker’s allowance] but has no income, the amount payable [<sup>F28</sup>by way of a jobseeker’s allowance] shall be—

- (a) the applicable amount, if that is greater than his personal rate; and
- (b) his personal rate, if it is not.

(7) Where the amount payable to a claimant to whom subsection (6) applies is the applicable amount, the amount payable to him by way of a jobseeker’s allowance shall be taken to consist of two elements—

- (a) one being an amount equal to his personal rate; and
- (b) the other being an amount equal to the excess of the applicable amount over his personal rate.

(8) Where a claimant [<sup>F27</sup>is entitled to both a contribution-based jobseeker’s allowance and an income-based jobseeker’s allowance], the amount payable [<sup>F28</sup>by way of a jobseeker’s allowance] shall be—

- (a) the amount by which the applicable amount exceeds his income, if the amount of that excess is greater than his personal rate; and
- (b) his personal rate, if it is not.

(9) Where the amount payable to a claimant to whom subsection (8) applies is the amount by which the applicable amount exceeds his income, the amount payable to him by way of a jobseeker’s allowance shall be taken to consist of two elements—

- (a) one being an amount equal to his personal rate; and
- (b) the other being an amount equal to the amount by which the difference between the applicable amount and his income exceeds his personal rate.

(10) The element of a jobseeker’s allowance mentioned in subsection (7)(a) and that mentioned in subsection (9)(a) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the claimant’s entitlement to a contribution-based jobseeker’s allowance.

(11) The element of a jobseeker’s allowance mentioned in subsection (7)(b) and that mentioned in subsection (9)(b) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the claimant’s entitlement to an income-based jobseeker’s allowance.

[<sup>F29</sup>(11A) In subsections (6) to (11) “claimant” does not include—



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- (a) a joint-claim couple, or
- (b) a member of such a couple (other than a person to whom regulations under section 1(2C) apply);

but section 4A, which contains corresponding provisions relating to joint-claim couples, applies instead.]

- (12) Regulations under subsection (5) may provide that, in prescribed cases, an applicable amount is to be nil.

#### Textual Amendments

- F24** Words in s. 4(1)(b) substituted (14.2.2006) by [The Pensions Act 2004 \(PPF Payments and FAS Payments\) \(Consequential Provisions\) Order 2006 \(S.I. 2006/343\)](#), arts. 1(1), 2, [Sch. para. 2\(1\)](#)
- F25** Words in s. 4(3) inserted (19.3.2001) by [1999 c. 30, s. 59, Sch. 7 para. 5\(2\)](#); [S.I. 2000/2958, art. 2\(2\)](#)
- F26** S. 4(3A) inserted (19.3.2001) by [1999 c. 30, s. 59, Sch. 7 para. 5\(3\)](#); [S.I. 2000/2958, art. 2\(2\)](#)
- F27** Words in s. 4(6)(8) substituted (11.11.1999) by [1999 c. 30, ss. 70, 89\(4\)\(b\), Sch. 8 Pt. V para. 29\(2\)](#)
- F28** Words in s. 4(6)(8) inserted (11.11.1999) by [1999 c. 30, ss. 70, 89\(4\)\(b\), Sch. 8 Pt. V para. 29\(2\)](#)
- F29** S. 4(11A) inserted (19.3.2001) by [1999 c. 30, s. 59, Sch. 7 para. 5\(4\)](#); [S.I. 2000/2958, art. 2\(2\)](#)

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

- C11** S. 4(1) applied (with modifications) (4.11.1996) by [S.I. 1996/2570, reg. 3\(2\)](#)
- C12** S. 4(5) modified (8.11.2001) by [2001 c. 15, s. 52\(1\)\(b\)](#) (with [ss. 64\(9\), 65\(4\)](#)); [S.I. 2001/3752, art. 3](#)

#### Commencement Information

- I3** S. 4 wholly in force at 7.10.1996; s. 4 not in force at Royal Assent, see. s. 41(2); s. 4(1)(b)(2)(4)(5)(12) in force (12.12.1995) for the purpose of authorising the making of regulations by [S.I. 1995/3228, art. 2\(b\), Sch.](#); s. 4 in force (7.10.1996) in so far as not already in force by [S.I. 1996/2208, art. 2\(b\)](#)

#### [<sup>F30</sup>4A Amount payable in respect of joint-claim couple.

- (1) This section applies where—
  - (a) a joint-claim couple are entitled to a joint-claim jobseeker's allowance, and
  - (b) one or each of the members of the couple is in addition entitled to a contribution-based jobseeker's allowance;and in such a case the provisions of this section have effect in relation to the couple in place of section 4(3A).
- (2) If a joint-claim couple falling within subsection (1) have no income, the amount payable in respect of the couple by way of a jobseeker's allowance shall be—
  - (a) the applicable amount, if that is greater than the couple's personal rate; and
  - (b) the couple's personal rate, if it is not.
- (3) Where the amount payable in accordance with subsection (2) is the applicable amount, the amount payable in respect of the couple by way of a jobseeker's allowance shall be taken to consist of two elements—
  - (a) one being an amount equal to the couple's personal rate; and
  - (b) the other being an amount equal to the excess of the applicable amount over the couple's personal rate.
- (4) Where the amount payable in accordance with subsection (2) is the couple's personal rate, then—

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- (a) if each member of the couple is entitled to a contribution-based jobseeker’s allowance, an amount equal to the member’s own personal rate shall be payable in respect of the member by way of such an allowance;
  - (b) if only one of them is so entitled, an amount equal to that member’s personal rate shall be payable in respect of the member by way of such an allowance;
- and in either case nothing shall be payable in respect of the couple by way of a joint-claim jobseeker’s allowance.
- (5) If a joint-claim couple falling within subsection (1) have an income, the amount payable in respect of the couple by way of a jobseeker’s allowance shall be—
- (a) the amount by which the applicable amount exceeds the couple’s income, if the amount of that excess is greater than the couple’s personal rate; and
  - (b) the couple’s personal rate, if it is not.
- (6) Where the amount payable in accordance with subsection (5) is the amount by which the applicable amount exceeds the couple’s income, the amount payable in respect of the couple by way of a jobseeker’s allowance shall be taken to consist of two elements—
- (a) one being an amount equal to the couple’s personal rate; and
  - (b) the other being an amount equal to the amount by which the difference between the applicable amount and the couple’s income exceeds the couple’s personal rate.
- (7) Where the amount payable in accordance with subsection (5) is the couple’s personal rate, subsection (4) shall apply as it applies in a case where the amount payable in accordance with subsection (2) is that rate.
- (8) The element of a jobseeker’s allowance mentioned in subsection (3)(a) and that mentioned in subsection (6)(a) shall be treated, for the purpose of identifying the source of the allowance, as attributable—
- (a) in a case where only one member of the joint-claim couple is entitled to a contribution-based jobseeker’s allowance, to that member’s entitlement to such an allowance; and
  - (b) in a case where each member of the couple is entitled to a contribution-based jobseeker’s allowance, rateably according to their individual entitlements to such an allowance.
- (9) The element of a jobseeker’s allowance mentioned in subsection (3)(b) and that mentioned in subsection (6)(b) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the couple’s entitlement to a joint-claim jobseeker’s allowance.
- (10) In this section “the couple’s personal rate”, in relation to a joint-claim couple, means—
- (a) where only one member of the couple is entitled to a contribution-based jobseeker’s allowance, that member’s personal rate;
  - (b) where each member of the couple is entitled to such an allowance, the aggregate of their personal rates.]

#### Textual Amendments

**F30** S. 4A inserted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 6; S.I. 2000/2958, art. 2(2)

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## 5 Duration of a contribution-based jobseeker’s allowance.

- (1) The period for which a person is entitled to a contribution-based jobseeker’s allowance shall not exceed, in the aggregate, 182 days in any period for which his entitlement is established by reference (under section 2(1)(b)) to the same two years.
- (2) The fact that a person’s entitlement to a contribution-based jobseeker’s allowance (“his previous entitlement”) has ceased as a result of subsection (1), does not prevent his being entitled to a further contribution-based jobseeker’s allowance if—
  - (a) he satisfies the contribution-based conditions; and
  - (b) the two years by reference to which he satisfies those conditions includes at least one year which is later than the second of the two years by reference to which his previous entitlement was established.
- (3) Regulations may provide that a person who would be entitled to a contribution-based jobseeker’s allowance but for the operation of prescribed provisions of, or made under, this Act shall be treated as if entitled to the allowance for the purposes of this section.

### Modifications etc. (not altering text)

**C13** S. 5(1) amended (7.10.1996) by [S.I. 1996/3276, reg. 7\(3\)\(a\)](#)

### Commencement Information

**I4** S. 5 wholly in force at 7.10.1996; s. 5 not in force at Royal Assent, see s. 41(2); s. 5(3) in force (12.12.1995) for the purpose of authorising the making of regulations by [S.I. 1995/3228, art. 2\(b\)](#), [Sch.](#); s. 5 in force (7.10.1996) in so far as not already in force by [S.I. 1996/2208, art. 2\(b\)](#)

## Jobseeking

## 6 Availability for employment.

- (1) For the purposes of this Act, a person is available for employment if he is willing and able to take up immediately any employed earner’s employment.
- (2) Subsection (1) is subject to such provisions as may be made by regulations; and those regulations may, in particular, provide that a person—
  - (a) may restrict his availability for employment in any week in such ways as may be prescribed; or
  - (b) may restrict his availability for employment in any week in such circumstances as may be prescribed (for example, on grounds of conscience, religious conviction or physical or mental condition or because he is caring for another person) and in such ways as may be prescribed.
- (3) The following are examples of restrictions for which provision may be made by the regulations—
  - (a) restrictions on the nature of the employment for which a person is available;
  - (b) restrictions on the periods for which he is available;
  - (c) restrictions on the terms or conditions of employment for which he is available;
  - (d) restrictions on the locality or localities within which he is available.

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- (4) Regulations may prescribe circumstances in which, for the purposes of this Act, a person is or is not to be treated as available for employment.
- (5) Regulations under subsection (4) may, in particular, provide for a person who is available for employment—
- (a) only in his usual occupation,
  - (b) only at a level of remuneration not lower than that which he is accustomed to receive, or
  - (c) only in his usual occupation and at a level of remuneration not lower than that which he is accustomed to receive,
- to be treated, for a permitted period, as available for employment.
- (6) Where it has been determined [<sup>F31</sup>(“the first determination”)] that a person is to be treated, for the purposes of this Act, as available for employment in any week, the question whether he is available for employment in that week may be subsequently determined [<sup>F32</sup>under section 9 or 10 of the Social Security Act 1998].
- (7) In this section “permitted period”, in relation to any person, means such period as may be determined in accordance with the regulations made under subsection (4).
- (8) Regulations under subsection (4) may prescribe, in relation to permitted periods—
- (a) the day on which any such period is to be regarded as having begun in any case;
  - (b) the shortest and longest periods which may be determined in any case;
  - (c) factors which [<sup>F33</sup>the Secretary of State] may take into account in determining the period in any case.
- (9) For the purposes of this section “employed earner’s employment” has the same meaning as in the Benefits Act.

#### Textual Amendments

- F31** Words in s. 6(6) repealed (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86, 87(2), Sch. 7 para. 134(1)(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))
- F32** Words in s. 6(6) substituted (18.10.1999 for further specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), Sch. 7 para. 134(1)(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))
- F33** Words in s. 6(8)(c) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), Sch. 7 para. 134(2); 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))

#### Commencement Information

- I5** S. 6 wholly in force at 7.10.1996; s. 6 not in force at Royal Assent, see. s. 41(2); s. 6(2)(3)(4)(5)(7)(8) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), Sch.; s. 6 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, art. 2(b)

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## 7 Actively seeking employment.

- (1) For the purposes of this Act, a person is actively seeking employment in any week if he takes in that week such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment.
- (2) Regulations may make provision—
  - (a) with respect to steps which it is reasonable, for the purposes of subsection (1), for a person to be expected to have to take in any week;
  - (b) as to circumstances (for example, his skills, qualifications, abilities and physical or mental limitations) which, in particular, are to be taken into account in determining whether, in relation to any steps taken by a person, the requirements of subsection (1) are satisfied in any week.
- (3) Regulations may make provision for acts of a person which would otherwise be relevant for purposes of this section to be disregarded in such circumstances (including circumstances constituted by, or connected with, his behaviour or appearance) as may be prescribed.
- (4) Regulations may prescribe circumstances in which, for the purposes of this Act, a person is to be treated as actively seeking employment.
- (5) Regulations under subsection (4) may, in particular, provide for a person who is actively seeking employment—
  - (a) only in his usual occupation,
  - (b) only at a level of remuneration not lower than that which he is accustomed to receive, or
  - (c) only in his usual occupation and at a level of remuneration not lower than that which he is accustomed to receive,to be treated, for the permitted period determined in his case for the purposes of section 6(5), as actively seeking employment during that period.
- (6) Regulations may provide for this section, and any regulations made under it, to have effect in relation to a person who has reached the age of 16 but not the age of 18 as if “employment” included “training”.
- (7) Where it has been determined [<sup>F34</sup>(“the first determination”)] that a person is to be treated, for the purposes of this Act, as actively seeking employment in any week, the question whether he is actively seeking employment in that week may subsequently be determined [<sup>F35</sup>under section 9 or 10 of the Social Security Act 1998].
- (8) For the purposes of this section—

“employment” means employed earner’s employment or, in prescribed circumstances—

  - (a) self-employed earner’s employment; or
  - (b) employed earner’s employment and self-employed earner’s employment; and

“employed earner’s employment” and “self-employed earner’s employment” have the same meaning as in the Benefits Act.

### Textual Amendments

- F34** Words in s. 7(7) repealed (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86, 87(2), Sch. 7 para. 135(a), Sch. 8; S.I. 1999/2860, art. 2(c), Sch. 1 (subject to transitional

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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))

**F35** Words in s. 7(7) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 135(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))

#### Commencement Information

**I6** S. 7 wholly in force at 7.10.1996; s. 7 not in force at Royal Assent, see s. 41(2); s. 7(2)(3)(4)(5)(6)(8) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), **Sch.**; s. 7 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

## 8 Attendance, information and evidence.

- (1) Regulations may make provision for requiring a claimant [<sup>F36</sup>(other than a joint-claim couple claiming a joint-claim jobseeker’s allowance)]—
- (a) to attend at such place and at such time as [<sup>F37</sup>an employment officer] may specify; and
  - (b) to provide information and such evidence as may be prescribed as to his circumstances, his availability for employment and the extent to which he is actively seeking employment.

[<sup>F38</sup>(1A) Regulations may make provision—

- (a) for requiring each member of a joint-claim couple claiming a joint-claim jobseeker’s allowance to attend at such place and such time as the Secretary of State may specify;
- (b) for requiring a member of such a couple to provide information and such evidence as may be prescribed as to his circumstances, his availability for employment and the extent to which he is actively seeking employment;
- (c) for requiring such a couple to jointly provide information and such evidence as may be prescribed as to the circumstances of each or either member of the couple, the availability for employment of each or either member of the couple and the extent to which each or either member of the couple is actively seeking employment;
- (d) where any requirement to provide information or evidence is imposed on such a couple by virtue of paragraph (c), for the joint obligation of the couple to be capable of being discharged by the provision of the information or evidence by one member of the couple.]

(2) Regulations under subsection (1) [<sup>F39</sup>or (1A)] may, in particular—

- [<sup>F40</sup>(a) prescribe circumstances in which a jobseeker's allowance is not to be payable for a prescribed period (of at least one week but not more than two weeks) in the case of—
  - (i) a claimant (other than a joint-claim couple claiming a joint-claim jobseeker's allowance) who fails to comply with any regulations made under that subsection, or
  - (ii) a joint-claim couple claiming a joint-claim jobseeker's allowance a member of which fails to comply with any such regulations;
- (b) provide for the consequence set out in paragraph (a) not to follow if, within a prescribed period of a person's (“P”) failure to comply with any such regulations (“the relevant period”), P or, if P is a member of a joint-claim couple, either member of the couple—

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- (i) makes prescribed contact with an officer of the Secretary of State, and
- (ii) shows that P had good cause for the failure;
- (c) provide for entitlement to a jobseeker's allowance to cease at such time as may be determined in accordance with any such regulations if P or, as the case may be, a member of the couple does not make prescribed contact with an officer of the Secretary of State in the relevant period;
- (ca) prescribe circumstances in which a jobseeker's allowance is to be payable in respect of a claimant even though provision made by any such regulations by virtue of paragraph (a) prevents payment of a jobseeker's allowance in respect of the claimant; and]
- (d) prescribe—
  - (i) matters which are, or are not, to be taken into account in determining whether a person has, or does not have, good cause for failing to comply with any such regulations; and
  - (ii) circumstances in which a person is, or is not, to be regarded as having, or not having, good cause for failing to comply with any such regulations.

[<sup>F41</sup>(2A) The provision that may be made by any such regulations by virtue of subsection (2) (ca) includes, in particular, provision for a jobseeker's allowance payable by virtue of that paragraph to be—

- (a) payable only if prescribed requirements as to the provision of information are complied with;
- (b) payable at a prescribed rate;
- (c) payable for a prescribed period (which may differ from the period mentioned in subsection (2)(a)).

[ In subsection (1) “employment officer” means an officer of the Secretary of State or <sup>F42</sup>(3) such other person as may be designated for the purposes of that subsection by an order made by the Secretary of State.]]

#### Textual Amendments

- F36** Words in s. 8(1) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 7(2)**; S.I. 2000/2958, **art. 2(2)**
- F37** Words in s. 8(1)(a) substituted (11.11.1999) by 1999 c. 30, ss. 70, 89(4)(b), **Sch. 8 Pt. V para. 29(3)(a)**
- F38** S. 8(1A) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 7(3)**; S.I. 2000/2958, **art. 2(2)**
- F39** Words in s. 8(2) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 7(4)**; S.I. 2000/2958, **art. 2(2)**
- F40** S. 8(2)(a)-(ca) substituted for s. 8(2)(a)-(c) (10.2.2010 for specified purposes otherwise 6.4.2010) by Welfare Reform Act 2009 (c. 24), **ss. 33(2)**, 61(3); S.I. 2010/293, **art. 2(6)** (with art. 3)
- F41** S. 8(3) inserted (11.11.1999) by 1999 c. 30, ss. 70, 89(4)(b), **Sch. 8 Pt. V para. 29(3)(b)**
- F42** S. 8(2A) inserted (10.2.2010 for specified purposes otherwise 6.4.2010) by Welfare Reform Act 2009 (c. 24), **ss. 33(3)**, 61(3); S.I. 2010/293, **art. 2(6)** (with art. 3)

#### Commencement Information

- I7** S. 8 wholly in force at 7.10.1996; s. 8 not in force at Royal Assent, see s. 41(2); s. 8 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, **art. 2(b)**, **Sch.**; s. 8 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

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## 9 The jobseeker’s agreement.

- (1) An agreement which is entered into by a claimant and an employment officer and which complies with the prescribed requirements in force at the time when the agreement is made is referred to in this Act as “a jobseeker’s agreement”.
- (2) A jobseeker’s agreement shall have effect only for the purposes of section 1.
- (3) A jobseeker’s agreement shall be in writing and be signed by both parties.
- [<sup>F43</sup>(3A) The agreement may be in electronic form and signed by means of an electronic signature (within the meaning given in section 7(2) of the Electronic Communications Act 2000).]
- (4) A copy of the agreement shall be given to the claimant.
- (5) An employment officer shall not enter into a jobseeker’s agreement with a claimant unless, in the officer’s opinion, the conditions mentioned in section 1(2)(a) and (c) would be satisfied with respect to the claimant if he were to comply with, or be treated as complying with, the proposed agreement.
- (6) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed jobseeker’s agreement to [<sup>F44</sup>the Secretary of State] for him to determine—
  - (a) whether, if the claimant concerned were to comply with the proposed agreement, he would satisfy—
    - (i) the condition mentioned in section 1(2)(a), or
    - (ii) the condition mentioned in section 1(2)(c); and
  - (b) whether it is reasonable to expect the claimant to have to comply with the proposed agreement.
- (7) [<sup>F45</sup>On a reference under subsection (6) the Secretary of State]—
  - (a) shall, so far as practicable, dispose of it in accordance with this section before the end of the period of 14 days from the date of the reference;
  - (b) may give such directions, with respect to the terms on which the employment officer is to enter into a jobseeker’s agreement with the claimant, as [<sup>F46</sup>the Secretary of State] considers appropriate;
  - (c) may direct that, if such conditions as he considers appropriate are satisfied, the proposed jobseeker’s agreement is to be treated (if entered into) as having effect on such date, before it would otherwise have effect, as may be specified in the direction.
- (8) Regulations may provide—
  - (a) for such matters as may be prescribed to be taken into account by [<sup>F47</sup>the Secretary of State] in giving a direction under subsection (7)(c); and
  - (b) for such persons as may be prescribed to be notified of—
    - (i) any determination of [<sup>F47</sup>the Secretary of State] under this section;
    - (ii) any direction given by an adjudication officer under this section.
- [<sup>F48</sup>(9) Any determination of an adjudication officer under this section shall be binding.]
- (10) Regulations may provide that, in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in section 1(2)(b).



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- (11) Regulations may provide that, in prescribed circumstances, a jobseeker’s agreement is to be treated as having effect on a date, to be determined in accordance with the regulations, before it would otherwise have effect.
- (12) Except in such circumstances as may be prescribed, a jobseeker’s agreement entered into by a claimant shall cease to have effect on the coming to an end of an award of a jobseeker’s allowance made to him [<sup>F49</sup>or to a joint-claim couple of which he is a member.].
- (13) In this section and section 10 “employment officer” means an officer of the Secretary of State or such other person as may be designated for the purposes of this section by an order made by the Secretary of State.

#### Textual Amendments

- F43** S. 9(3A) inserted (1.2.2012) by [The Social Security \(Electronic Communications\) Order 2011 \(S.I. 2011/1498\)](#), [art. 2\(2\)](#)
- F44** Words in s. 9(6) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by [1998 c. 14](#), ss. 86(1), 87(2), [Sch. 7 para. 136\(1\)](#); 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\(a\)](#))
- F45** Words in s. 9(7) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by [1998 c. 14](#), ss. 86(1), 87(2), [Sch. 7 para. 136\(2\)\(a\)](#); 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\(a\)](#))
- F46** Words in s. 9(7)(b) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by [1998 c. 14](#), ss. 86(1), 87(2), [Sch. 7 para. 136\(2\)\(b\)](#); 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\(a\)](#))
- F47** Words in s. 9(8) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by [1998 c. 14](#), ss. 86(1), 87(2), [Sch. 7 para. 136\(3\)](#); 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\(a\)](#))
- F48** S. 9(9) repealed (18.10.1999 for specified purposes and otherwise *prosp.*) by [1998 c. 14](#), ss. 86, 87(2), [Sch. 7 para. 136\(4\)](#), [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\(a\)](#))
- F49** Words in s. 9(12) inserted (19.3.2001) by [1999 c. 30](#), s. 59, [Sch. 7 para. 8](#); S.I. 2000/2958, [art. 2\(2\)](#)

#### Commencement Information

- I8** S. 9 wholly in force at 7.10.1996; s. 9 not in force at Royal Assent, see s. 41(2); s. 9(13) in force (12.12.1995) by S.I. 1995/3228, [art. 2\(a\)](#); s. 9(1)(8)(10)(11)(12) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, [art. 2\(b\)](#), [Sch.](#); s. 9 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, [art. 2\(b\)](#)

## 10 Variation of jobseeker’s agreement.

- (1) A jobseeker’s agreement may be varied, in the prescribed manner, by agreement between the claimant and any employment officer.
- (2) Any agreement to vary a jobseeker’s agreement shall be in writing and be signed by both parties.

[<sup>F50</sup>(2A) Any agreement to vary a jobseeker’s agreement may be in electronic form and signed by means of an electronic signature (within the meaning given in section 7(2) of the Electronic Communications Act 2000).]

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- (3) A copy of the agreement, as varied, shall be given to the claimant.
- (4) An employment officer shall not agree to a variation of a jobseeker’s agreement, unless, in the officer’s opinion, the conditions mentioned in section 1(2)(a) and (c) would continue to be satisfied with respect to the claimant if he were to comply with, or be treated as complying with, the agreement as proposed to be varied.
- (5) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed variation of a jobseeker’s agreement to [<sup>F51</sup>the Secretary of State] for him to determine—
- (a) whether, if the claimant concerned were to comply with the agreement as proposed to be varied, he would satisfy—
    - (i) the condition mentioned in section 1(2)(a), or
    - (ii) the condition mentioned in section 1(2)(c); and
  - (b) whether it is reasonable to expect the claimant to have to comply with the agreement as proposed to be varied.
- (6) [<sup>F52</sup>On a reference under subsection (5) the Secretary of State]—
- (a) shall, so far as practicable, dispose of it in accordance with this section before the end of the period of 14 days from the date of the reference;
  - (b) shall give such directions as he considers appropriate as to—
    - (i) whether the jobseeker’s agreement should be varied, and
    - (ii) if so, the terms on which the claimant and the employment officer are to enter into an agreement to vary it;
  - (c) may bring the jobseeker’s agreement to an end where the claimant fails, within a prescribed period, to comply with a direction given under paragraph (b)(ii);
  - (d) may direct that, if—
    - (i) the jobseeker’s agreement is varied, and
    - (ii) such conditions as he considers appropriate are satisfied,
 the agreement as varied is to be treated as having effect on such date, before it would otherwise have effect, as may be specified in the direction.
- (7) Regulations may provide—
- (a) for such matters as may be prescribed to be taken into account by [<sup>F53</sup>the Secretary of State] in giving a direction under subsection (6)(b) or (d); and
  - (b) for such persons as may be prescribed to be notified of—
    - (i) any determination of [<sup>F53</sup>the Secretary of State] under this section;
    - (ii) any direction given by [<sup>F53</sup>the Secretary of State] under this section.
- [<sup>F54</sup>(8) Any determination of an adjudication officer under this section shall be binding.]

#### Textual Amendments

**F50** S. 10(2A) inserted (1.2.2012) by [The Social Security \(Electronic Communications\) Order 2011 \(S.I. 2011/1498\)](#), [art. 2\(3\)](#)

**F51** Words in s. 10(5) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by [1998 c. 14](#), ss. 86(1), 87(2), [Sch. 7 para. 137\(1\)](#); 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\(a\)](#))

**F52** Words in s. 10(6) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by [1998 c. 14](#), ss. 86(1), 87(2), [Sch. 7 para. 137\(2\)](#); 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\(a\)](#))

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- F53** Words in s. 10(a)(b) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 137(3)**; 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)**)
- F54** S. 10(8) repealed (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86, 87(2), Sch. 7 para. 137(4), **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)**)

#### Commencement Information

- I9** S. 10 wholly in force at 7.10.1996; s. 10 not in force at Royal Assent, see s. 41(2); s. 10(1)(6)(c)(7) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), **Sch.**; s. 10 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

### [<sup>F55</sup>11 **Jobseeker’s agreement: reviews and appeals.**

- (1) Any determination of, or direction given by, an adjudication officer under section 9 or 10 may be reviewed (by a different adjudication officer) on the application of the claimant or of an employment officer.
- (2) Regulations may make provision with respect to the procedure to be followed on a review under this section.
- (3) The claimant may appeal to a social security appeal tribunal against any determination of, or direction given by, an adjudication officer on a review under this section.
- (4) A social security appeal tribunal determining an appeal under this section may give a direction of a kind which an adjudication officer may give under section 9(7)(b) or (c) or (as the case may be) section 10(6)(b) or (d).
- (5) Where a social security appeal tribunal gives a direction under subsection (4) of a kind which may be given by an adjudication officer under section 10(6)(b)(ii), an adjudication officer may bring the jobseeker’s agreement to an end if the claimant fails to comply with the direction within a prescribed period.
- (6) An appropriate person may, on the ground that it was erroneous in point of law, appeal to a Commissioner against the decision of a social security appeal tribunal on an appeal under this section.
- (7) Any of the following is an appropriate person for the purposes of subsection (6)—
  - (a) the claimant;
  - (b) an adjudication officer;
  - (c) in prescribed circumstances, a trade union;
  - (d) in prescribed circumstances, any other association which exists to promote the interests and welfare of its members.
- (8) Subsections (7) to (10) of section 23 of the Administration Act (appeals to Commissioners) shall apply in relation to appeals under this section as they apply in relation to appeals under that section.
- (9) In this section “Commissioner” has the same meaning as in the Administration Act.]

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### Textual Amendments

**F55** S. 11 repealed (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86, 87(2), Sch. 7 para. 138, **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)**)

### Commencement Information

**I10** S. 11 wholly in force at 7.10.1996; s. 11 not in force at Royal Assent, see s. 41(2); s. 11(2)(5)(7)(8) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), **Sch.**; s. 11 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, art. 2(b)

## *Income and capital*

### 12 Income and capital: general.

- (1) In relation to a claim for a jobseeker’s allowance, the income and capital of a person shall be calculated or estimated in such manner as may be prescribed.
- (2) A person’s income in respect of a week shall be calculated in accordance with prescribed rules.
- (3) The rules may provide for the calculation to be made by reference to an average over a period (which need not include the week concerned).
- (4) Circumstances may be prescribed in which—
  - (a) a person is treated as possessing capital or income which he does not possess;
  - (b) capital or income which a person does possess is to be disregarded;
  - (c) income is to be treated as capital;
  - (d) capital is to be treated as income.

### Commencement Information

**I11** S. 12 wholly in force at 7.10.1996; s. 12 not in force at Royal Assent, see s. 41(2); s. 12 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), **Sch.**; s. 12 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, art. 2(b)

### 13 Income and capital: income-based jobseeker’s allowance.

- (1) No person shall be entitled to an income-based jobseeker’s allowance if his capital, or a prescribed part of it, exceeds the prescribed amount.
  - (2) Where a person claiming an income-based jobseeker’s allowance is a member of a family, the income and capital of any member of that family shall, except in prescribed circumstances, be treated as the income and capital of the claimant.
- [<sup>F56</sup>(2A) Subsections (1) and (2) do not apply as regards a joint-claim jobseeker’s allowance; but a joint-claim couple shall not be entitled to a joint-claim jobseeker’s allowance if the couple’s capital, or a prescribed part of it, exceeds the prescribed amount.
- (2B) Where a joint-claim couple claim a joint-claim jobseeker’s allowance—

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- (a) the couple’s income and capital includes the separate income and capital of each of them; and
  - (b) the income and capital of any other person who is a member of any family of which the couple are members shall, except in prescribed circumstances, be treated as income and capital of the couple.]
- (3) Regulations may provide that capital not exceeding the amount prescribed under subsection (1), but exceeding a prescribed lower amount, shall be treated, to a prescribed extent, as if it were income of a prescribed amount.

#### Textual Amendments

**F56** S. 13(2A)-(2B) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 9**; S.I. 2000/2958, **art. 2(2)**

#### Commencement Information

**I12** S. 13 wholly in force at 7.10.1996; s. 13 not in force at Royal Assent, see s. 41(2); s. 13 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, **art. 2(b)**, **Sch.**; s. 13 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

### Trade disputes

## 14 Trade disputes.

- (1) Where—
- (a) there is a stoppage of work which causes a person not to be employed on any day, and
  - (b) the stoppage is due to a trade dispute at his place of work,
- that person is not entitled to a jobseeker’s allowance for the week which includes that day unless he proves that he is not directly interested in the dispute.
- (2) A person who withdraws his labour on any day in furtherance of a trade dispute, but to whom subsection (1) does not apply, is not entitled to a jobseeker’s allowance for the week which includes that day.
- (3) If a person who is prevented by subsection (1) from being entitled to a jobseeker’s allowance proves that during the stoppage—
- (a) he became bona fide employed elsewhere;
  - (b) his employment was terminated by reason of redundancy within the meaning of [F57 section 139(1) of the Employment Rights Act 1996] , or
  - (c) he bona fide resumed employment with his employer but subsequently left for a reason other than the trade dispute,
- subsection (1) shall be taken to have ceased to apply to him on the occurrence of the event referred to in paragraph (a) or (b) or (as the case may be) the first event referred to in paragraph (c).
- (4) In this section “place of work”, in relation to any person, means the premises or place at which he was employed.
- (5) Where separate branches of work which are commonly carried on as separate businesses in separate premises or at separate places are in any case carried on in separate departments on the same premises or at the same place, each of those

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departments shall, for the purposes of subsection (4), be deemed to be separate premises or (as the case may be) a separate place.

#### **Textual Amendments**

**F57** Words in s. 14(3)(b) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 67(2)**

### **15 Effect on other claimants.**

- (1) Except in prescribed circumstances, subsection (2) applies in relation to a claimant for an income-based jobseeker’s allowance where a member of his family (“A”) is, or would be, prevented by section 14 from being entitled to a jobseeker’s allowance.
- (2) For the purposes of calculating the claimant’s entitlement to an income-based jobseeker’s allowance—
  - (a) any portion of the applicable amount which is included in respect of A shall be disregarded for the period for which this subsection applies to the claimant;
  - (b) where the claimant and A are a [<sup>F58</sup>couple], any portion of the applicable amount which is included in respect of them shall be reduced to one half for the period for which this subsection applies to the claimant;
  - (c) except so far as regulations provide otherwise, there shall be treated as the claimant’s income—
    - (i) any amount which becomes, or would on an application duly made become, available to A in relation to that period by way of repayment of income tax deducted from A’s [<sup>F59</sup>taxable earnings (as defined by section 10 of the Income Tax (Earnings and Pensions) Act 2003) under PAYE regulations]; and
    - (ii) any other payment which the claimant or any member of his family receives or is entitled to obtain because A is without employment for that period; and
  - (d) any payment by way of a jobseeker’s allowance for that period or any part of it which apart from this paragraph would be made to the claimant—
    - (i) shall not be made, if the weekly rate of payment (“the rate”) would be equal to or less than the prescribed sum; and
    - (ii) shall be at a weekly rate equal to the difference between the rate and the prescribed sum, if the rate would be more than the prescribed sum.
- (3) Where a reduction under subsection (2)(b) would not produce a sum which is a multiple of 5p, the reduction shall be to the nearest lower sum which is such a multiple.
- (4) Where A returns to work with the same employer after a period during which subsection (2) applied to the claimant (whether or not his return is before the end of any stoppage of work in relation to which he is, or would be, prevented from being entitled to a jobseeker’s allowance), subsection (2) shall cease to apply to the claimant at the commencement of the day on which A returns to work.
- (5) In relation to any period of less than a week, subsection (2) shall have effect subject to such modifications as may be prescribed.
- (6) Subsections (7) to (9) apply where an order made under section 150 of the Administration Act (annual up-rating of benefits) has the effect of increasing the sum

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prescribed in regulations made under section 4(5) as the personal allowance for a single person aged not less than 25 (“the personal allowance”).

- (7) For the sum prescribed in regulations made under subsection (2)(d) there shall be substituted, from the time when the order comes into force, a sum arrived at by increasing the prescribed sum by the percentage by which the personal allowance has been increased by the order.
- (8) If the sum arrived at under subsection (7) is not a multiple of 50p—
  - (a) any remainder of 25p or less shall be disregarded;
  - (b) any remainder of more than 25p shall be rounded up to the nearest 50p.
- (9) The order shall state the sum substituted for the sum prescribed in regulations made under subsection (2)(d).
- (10) Nothing in subsection (7) prevents the making of further regulations under subsection (2)(d) varying the prescribed sum.

#### Textual Amendments

- F58** Words in s. 15(2)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 254(1), 263(8) (d), [Sch. 24 para. 120](#); S.I. 2005/3175, [art. 2\(1\)](#), [Sch. 1](#)
- F59** Words in s. 15(2)(c)(i) substituted (6.4.2003 with effect in accordance with s. 723(1) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), ss. 722, 723, [Sch. 6 para. 229](#) (with [Sch. 7](#))

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

- C14** S. 15(2) excluded (7.10.1996) by S.I. 1996/207, [reg. 171](#)
- C15** S. 15(2)(d) modified (7.10.1996) by S.I. 1996/207, [reg. 155](#)  
S. 15(2)(d) modified (19.3.2001) by S.I. 1996/207 reg. 155(2) (as inserted (19.3.2001) by S.I. 2000/1978, [reg. 2\(5\)](#), [Sch. 2 para. 52](#))

#### Commencement Information

- I13** S. 15 wholly in force at 7.10.1996; s. 15 not in force at Royal Assent, see s. 41(2); s. 15(1)(2)(d)(5)(6) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, [art. 2\(b\)](#), [Sch.](#); s. 15 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, [art. 2\(b\)](#)

### [<sup>F60</sup>15A Trade disputes: joint-claim couples.

- (1) Sections 14 and 15 shall, in relation to a joint-claim couple claiming a joint-claim jobseeker’s allowance, apply in accordance with this section.
- (2) Where each member of the couple is prevented by section 14 from being entitled to a jobseeker’s allowance, the couple are not entitled to a joint-claim jobseeker’s allowance.
- (3) But where only one member of the couple is prevented by that section from being entitled to a jobseeker’s allowance, the couple are not for that reason alone prevented from being entitled to a joint-claim jobseeker’s allowance.
- (4) Section 15(1) does not have effect in relation to the couple but, except in prescribed circumstances, section 15(2) applies for the purposes of calculating the couple’s entitlement to a joint-claim jobseeker’s allowance where—
  - (a) a member of the couple, or

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- (b) any other person who is a member of any family of which the couple are members,  
 is, or would be, prevented by section 14 from being entitled to a jobseeker’s allowance.
- (5) Where section 15(2) applies in relation to the couple by virtue of subsection (4) above, that provision and section 15(4) apply with the following modifications—
- (a) references to the claimant are to be taken as references to the couple;
  - (b) references to “A” are to the person mentioned in subsection (4)(a) or (b) above;
  - (c) section 15(2)(b) has effect as if for “where the claimant and A are a [F61couple],” there were substituted “where A is a member of the couple,”; and
  - (d) section 15(2)(c)(ii) has effect as if for “of his family” there were substituted “of any family of which the couple are members”.]

#### Textual Amendments

**F60** S. 15A inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 10**; S.I. 2000/2958, **art. 2(2)**

**F61** Words in s. 15A(5)(c) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 254(1), 263(8) (d), **Sch. 24 para. 121**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

### *Persons under 18*

#### 16 Severe hardship.

- (1) If it appears to the Secretary of State—
- (a) that a person—
    - (i) has reached the age of 16 but not the age of 18,
    - (ii) is not entitled to a jobseeker’s allowance or to income support, and
    - (iii) is registered for training but is not being provided with any training,  
and
  - (b) that severe hardship will result to him unless a jobseeker’s allowance is paid to him,
- the Secretary of State may direct that this section is to apply to him.
- (2) A direction may be given so as to have effect for a specified period.
- (3) The Secretary of State may revoke a direction if—
- (a) it appears to him that there has been a change of circumstances as a result of which failure to receive a jobseeker’s allowance need no longer result in severe hardship to the person concerned;
  - [F62(b) it appears to him that the person concerned has, without good cause—
    - (i) neglected to avail himself of a reasonable opportunity of a place on a training scheme; or
    - (ii) after a place on such a scheme has been notified to him by an employment officer as vacant or about to become vacant, refused or failed to apply for it or to accept it when offered to him; or]
  - (c) he is satisfied that it was given in ignorance of some material fact or was based on a mistake as to some material fact and considers that, but for that ignorance or mistake, he would not have given the direction.

[F63(4) In this section—



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“employment officer” means an officer of the Secretary of State or such other person as may be designated for the purposes of this section by an order made by the Secretary of State;

“period” includes—

- (a) a period of a determinate length;
- (b) a period defined by reference to the happening of a future event; and
- (c) a period of a determinate length but subject to earlier determination upon the happening of a future event;

“training scheme” has such meaning as may be prescribed.]

#### Textual Amendments

- F62** S. 16(3)(b) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 139(1)**; 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)**)
- F63** S. 16(4) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 139(2)**; 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)**)

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

- C16** S. 12 applied (with modifications) (1.4.2002) by S.I. 2001/4022, **reg. 11(f)**

## 17 Reduced payments.

(1) Regulations may provide for the amount of an income-based jobseeker’s allowance [<sup>F64</sup>payable in respect of] any young person to whom this section applies to be reduced—

- (a) in such circumstances,
- (b) by such a percentage, and
- (c) for such a period,

as may be prescribed.

[<sup>F65</sup>(1A) Regulations may provide for the amount of a joint-claim jobseeker’s allowance payable in respect of any joint-claim couple where a member of the couple is a young person to whom this section applies to be reduced—

- (a) in such circumstances,
- (b) by such a percentage, and
- (c) for such a period,

as may be prescribed.]

(2) This section applies to any young person in respect of whom—

- (a) a direction is in force under section 16; and
- (b) [<sup>F66</sup>any] of the conditions mentioned in subsection (3) is satisfied.

(3) The conditions are that—

- (a) the young person was previously entitled to an income-based jobseeker’s allowance and that entitlement ceased by virtue of the revocation of a direction under section 16;

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[<sup>F67</sup>(b) he has given up a place on a training scheme, or failed to attend such a scheme on which he has been given a place, and no certificate has been issued to him under subsection (4);

(c) he has lost his place on such a scheme through misconduct.]

[<sup>F68</sup>(4) Where a young person who has given up a place on a training scheme, or failed to attend such a scheme on which he has been given a place—

(a) claims that there was good cause for his doing so; and

(b) applies to the Secretary of State for a certificate under this subsection,

the Secretary of State shall, if he is satisfied that there was good cause, issue a certificate to that effect and give a copy of it to the young person.

(5) In this section—

“training scheme” has such meaning as may be prescribed;

“young person” means a person who has reached the age of 16 but not the age of 18.]

#### Textual Amendments

**F64** Words in s. 17(1) substituted (11.11.1999) by 1999 c. 30, ss. 70, 89(4)(b), **Sch. 8 Pt. V para. 29(4)**

**F65** S. 17(1A) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 11**; S.I. 2000/2958, **art. 2(2)**

**F66** Word in s. 17(2)(b) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 140(1)**; 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)**)

**F67** S. 17(3)(b)(c) substituted for s. 17(3)(b) (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 140(2)**; 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)**)

**F68** S. 17(4)(5) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 140(3)**; (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)**)

#### Commencement Information

**I14** S. 17 wholly in force at 7.10.1996; s. 17 not in force at Royal Assent, see s. 41(2); s. 17(1) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, **art. 2(b)**, **Sch.**; s. 17 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

*[<sup>F69</sup> “Work for your benefit” schemes etc.*

#### Textual Amendments

**F69** Ss. 17A, 17B, and preceding cross-heading inserted (12.11.2009) by Welfare Reform Act 2009 (c. 24), **ss. 1(2), 61(1)**

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**17A Schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.**

- (1) Regulations may make provision for or in connection with imposing on claimants in prescribed circumstances a requirement to participate in schemes of any prescribed description that are designed to assist them to obtain employment.
- (2) Regulations under this section may, in particular, require participants to undertake work, or work-related activity, during any prescribed period with a view to improving their prospects of obtaining employment.
- (3) In subsection (2) “work-related activity”, in relation to any person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so.
- (4) Regulations under this section may not require a person to participate in a scheme unless the person would (apart from the regulations) be required to meet the jobseeking conditions.
- (5) Regulations under this section may, in particular, make provision—
  - (a) for notifying participants of the requirement to participate in a scheme within subsection (1);
  - (b) for securing that participants are not required to meet the jobseeking conditions or are not required to meet such of those conditions as are specified in the regulations;
  - (c) for suspending any jobseeker's agreement to which a person is a party for any period during which the person is a participant;
  - (d) for securing that the appropriate consequence follows if a participant has failed to comply with the regulations and it is not shown, within a prescribed period, that the participant had good cause for the failure;
  - (e) prescribing matters which are, or are not, to be taken into account in determining whether a participant has good cause for any failure to comply with the regulations;
  - (f) prescribing circumstances in which a participant is, or is not, to be regarded as having good cause for any failure to comply with the regulations.
- (6) In the case of a jobseeker's allowance other than a joint-claim jobseeker's allowance, the appropriate consequence for the purposes of subsection (5)(d) is that the allowance is not payable for such period (of at least one week but not more than 26 weeks) as may be prescribed.
- (7) In the case of a joint-claim jobseeker's allowance, the appropriate consequence for the purposes of subsection (5)(d) is that the participant is to be treated as subject to sanctions for the purposes of section 20A for such period (of at least one week but not more than 26 weeks) as may be prescribed.
- (8) Regulations under this section may make provision for an income-based jobseeker's allowance to be payable in prescribed circumstances even though other provision made by the regulations would prevent payment of it.

This subsection does not apply in the case of a joint-claim jobseeker's allowance (corresponding provision for which is made by section 20B(4)).
- (9) The provision that may be made by the regulations by virtue of subsection (8) includes, in particular, provision for the allowance to be—

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- (a) payable only if prescribed requirements as to the provision of information are complied with;
- (b) payable at a prescribed rate;
- (c) payable for a prescribed period (which may differ from any period mentioned in subsection (6)).

(10) In this section—

“claimant”, in relation to a joint-claim couple claiming a joint-claim jobseeker's allowance, means either or both of the members of the couple;

“the jobseeking conditions” means the conditions set out in section 1(2) (a) to (c);

“participant”, in relation to any time, means any person who is required at that time to participate in a scheme within subsection (1).

## **17B Section 17A: supplemental**

(1) For the purposes of, or in connection with, any scheme within section 17A(1) the Secretary of State may—

- (a) make arrangements (whether or not with other persons) for the provision of facilities;
- (b) provide support (by whatever means) for arrangements made by other persons for the provision of facilities;
- (c) make payments (by way of fees, grants, loans or otherwise) to persons undertaking the provision of facilities under arrangements within paragraph (a) or (b);
- (d) make payments (by way of grants, loans or otherwise) to persons participating in the scheme;
- (e) make payments in respect of incidental expenses.

(2) For the purposes of, or in connection with, any scheme within section 17A(1)—

- (a) the Scottish Ministers, and
- (b) the Welsh Ministers,

may make payments (by way of fees, grants, loans or otherwise) to persons (including the Secretary of State) undertaking the provision of facilities under arrangements within subsection (1)(a) or (b) if the following condition is met.

(3) The condition is that the Scottish Ministers or the Welsh Ministers consider that the facilities are capable of supporting the training in Scotland or Wales of persons for employment.

(4) Unless the Scottish Ministers or Welsh Ministers otherwise specify, the payments may be used by the person to whom they are made for the provision of any of the facilities provided under the arrangements.

(5) In subsections (1) to (4) “facilities” includes services, and any reference to the provision of facilities includes the making of payments to persons participating in the scheme.

(6) The power of the Secretary of State to make an order under section 26 of the Employment Act 1988 (status of trainees etc) includes power to make, in relation to—

- (a) persons participating in any scheme within section 17A(1), and
- (b) payments received by them by virtue of subsection (1) above,

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provision corresponding to any provision which (by virtue of section 26(1) or (2) of that Act) may be made in relation to persons using such facilities, and to such payments received by them, as are mentioned in section 26(1) of that Act.]

<sup>F70</sup>Persons dependent on drugs etc.

#### Textual Amendments

**F70** S. 17C and preceding cross-heading inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 11, 61(1)**, **Sch. 3 para. 1**

### **17C Persons dependent on drugs etc.**

- (1) Schedule A1 makes provision for or in connection with imposing requirements on persons in cases where—
  - (a) they are dependent on, or have a propensity to misuse, any drug, and
  - (b) any such dependency or propensity is a factor affecting their prospects of obtaining or remaining in work.
- (2) That Schedule also contains a power for its provisions to apply in relation to alcohol.

### **<sup>x2</sup>18 Recovery of overpayments.**

In the Administration Act, insert after section 71—

*“Jobseeker’s allowance*

#### **Recovery of jobseeker’s allowance: severe hardship cases.**

- (1) Where—
  - (a) a severe hardship direction is revoked; and
  - (b) it is determined by an adjudication officer that—
    - (i) whether fraudulently or otherwise, any person has misrepresented, or failed to disclose, any material fact; and
    - (ii) in consequence of the failure or misrepresentation, payment of a jobseeker’s allowance has been made during the relevant period to the person to whom the direction related,

an adjudication officer may determine that the Secretary of State is entitled to recover the amount of the payment.
- (2) In this section—

“severe hardship direction” means a direction given under section 16 of the Jobseekers Act 1995; and

“the relevant period” means—

  - (a) if the revocation is under section 16(3)(a) of that Act, the period beginning with the date of the change of circumstances and ending with the date of the revocation; and
  - (b) if the revocation is under section 16(3)(b) or (c) of that Act, the period during which the direction was in force.

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- (3) Where a severe hardship direction is revoked, the Secretary of State may certify whether there has been misrepresentation of a material fact or failure to disclose a material fact.
- (4) If the Secretary of State certifies that there has been such misrepresentation or failure to disclose, he may certify—
  - (a) who made the misrepresentation or failed to make the disclosure; and
  - (b) whether or not a payment of jobseeker’s allowance has been made in consequence of the misrepresentation or failure.
- (5) If the Secretary of State certifies that a payment has been made, he may certify the period during which a jobseeker’s allowance would not have been paid but for the misrepresentation or failure to disclose.
- (6) A certificate under this section shall be conclusive as to any matter certified.
- (7) Subsections (3) and (6) to (10) of section 71 above apply to a jobseeker’s allowance recoverable under subsection (1) above as they apply to a jobseeker’s allowance recoverable under section 71(1) above.
- (8) The other provisions of section 71 above do not apply to a jobseeker’s allowance recoverable under subsection (1) above.”

#### **Editorial Information**

**X2** S. 18: with effect from 12.11.2009, as a consequence of the insertions of ss. 17A-17C and associated cross-headings, s. 18 falls under the inserted cross-heading "Persons dependent on drugs etc" instead of the cross-heading "Persons under 18" [a consequence which may not have been intended]

### *Denial of jobseeker’s allowance*

#### **19 Circumstances in which a jobseeker’s allowance is not payable.**

- (1) Even though the conditions for entitlement to a jobseeker’s allowance are satisfied with respect to a person, the allowance shall not be payable in any of the circumstances mentioned in subsection (5) or (6).
- [<sup>F71</sup>(1A) Subject to section 20A(9), this section does not apply as regards a joint-claim jobseeker’s allowance (but sections 20A and 20B make, in relation to such an allowance, provision corresponding to that made by this section and section 20).]
- (2) If the circumstances are any of those mentioned in subsection (5), the period for which the allowance is not to be payable shall be such period (of at least one week but not more than 26 weeks) as may be prescribed.
- (3) If the circumstances are any of those mentioned in subsection (6), the period for which the allowance is not to be payable shall be such period (of at least one week but not more than 26 weeks) as may be determined by [<sup>F72</sup>the Secretary of State].
- (4) Regulations may prescribe—
  - (a) circumstances which [<sup>F73</sup>the Secretary of State] is to take into account, and
  - (b) circumstances which he is not to take into account,
 in determining a period under subsection (3).

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- (5) The circumstances referred to in subsections (1) and (2) are that the claimant—
- (a) has, without good cause, refused or failed to carry out any jobseeker’s direction which was reasonable, having regard to his circumstances;
  - (b) has, without good cause—
    - (i) neglected to avail himself of a reasonable opportunity of a place on a training scheme or employment programme;
    - (ii) after a place on such a scheme or programme has been notified to him by an employment officer as vacant or about to become vacant, refused or failed to apply for it or to accept it when offered to him;
    - (iii) given up a place on such a scheme or programme; or
    - (iv) failed to attend such a scheme or programme on which he has been given a place; or
  - (c) has lost his place on such a scheme or programme through misconduct.
- (6) The circumstances referred to in subsections (1) and (3) are that the claimant—
- (a) has lost his employment as an employed earner through misconduct;
  - (b) has voluntarily left such employment without just cause;
  - (c) has, without good cause, after a situation in any employment has been notified to him by an employment officer as vacant or about to become vacant, refused or failed to apply for it or to accept it when offered to him; or
  - (d) has, without good cause, neglected to avail himself of a reasonable opportunity of employment.
- (7) In such circumstances as may be prescribed, including in particular where he has been dismissed by his employer by reason of redundancy within the meaning of [F74 section 139(1) of the Employment Rights Act 1996] after volunteering or agreeing to be so dismissed, a person who might otherwise be regarded as having left his employment voluntarily is to be treated as not having left voluntarily.
- (8) Regulations may—
- (a) prescribe matters which are, or are not, to be taken into account in determining whether a person—
    - (i) has, or does not have, good cause for any act or omission; or
    - (ii) has, or does not have, just cause for any act or omission; or
  - (b) prescribe circumstances in which a person—
    - (i) is, or is not, to be regarded as having, or not having, good cause for any act or omission; or
    - (ii) is, or is not, to be regarded as having, or not having, just cause for any act or omission.
- (9) Subject to any regulations under subsection (8), in determining whether a person has, or does not have, good cause or (as the case may be) just cause for any act or omission, any matter relating to the level of remuneration in the employment in question shall be disregarded.
- (10) In this section—
- (a) “employment officer” means an officer of the Secretary of State or such other person as may be designated for the purposes of this section by an order made by the Secretary of State;
  - (b) “jobseeker’s direction” means a direction in writing given by an employment officer with a view to achieving one or both of the following—

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- (i) assisting the claimant to find employment;
- (ii) improving the claimant's prospects of being employed; and
- (c) "training scheme" and "employment programme" have such meaning as may be prescribed.

#### Textual Amendments

- F71** S. 19(1A) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 12**; S.I. 2000/2958, **art. 2(2)**
- F72** Words in s. 19(3) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 141(1)**; 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)**)
- F73** Words in s. 19(4) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 141(2)**; 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)**)
- F74** Words in s. 19(7) substituted (22.8.1996) by 1996 c. 18, s. 240, **Sch. 1 para. 67(2)**

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

- C17** S. 19 modified (7.10.1996) by S.I. 1996/207, **reg. 159**
- S. 19 applied (with modifications) (4.11.1996) by S.I. 1996/2570, **reg. 3(1)**
- S. 19 excluded (E.W.) (17.12.1996) by S.I. 1996/2890, **reg. 2(3)**
- S. 19 modified (temp. from 30.11.1998) by S.I. 1998/2825, regs. 1(1), **6(1)(2)**, **7**, **9**, **10** (with reg. 1(2))
- S. 19 extended (temp. from 29.11.1999 to 28.11.2000) by S.I. 1999/3156, regs. 1(2), **6(1)**
- S. 19 modified (temp. from 29.11.1999 to 28.11.2000) by S.I. 1999/3156, regs. 1(2), **7**
- C18** S. 19 modified by S.I. 2003/2438, **reg. 7** (as inserted (26.4.2004) by The Employment Zones (Amendment) Regulations 2004 (S.I. 2004/1043), **reg. 2(f)**)

#### Commencement Information

- I15** S. 19 wholly in force at 7.10.1996; s. 19 not in force at Royal Assent, see 41(2); s. 19(10)(a) in force at 12.12.1995 by S.I. 2000/3228, **art. 2(a)**; s. 19(2)(4)(7)(8)(10)(c) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, **art. 2(b)**, **Sch.**; s. 19 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

VALID FROM 10/06/2012

#### **Other sanctions**

- F75** **19A**
- (1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this section in the event of a failure by the claimant which is sanctionable under this section.
- (2) It is a failure sanctionable under this section if a claimant—
- (a) without a good reason fails to comply with regulations under section 8(1) or (1A);
  - (b) without a good reason fails to comply with regulations under section 17A;
  - (c) without a good reason refuses or fails to carry out a jobseeker's direction which was reasonable having regard to his circumstances;
  - (d) without a good reason neglects to avail himself of a reasonable opportunity of a place on a training scheme or employment programme;



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- (e) without a good reason refuses or fails to apply for, or accept if offered, a place on such a scheme or programme which an employment officer has informed him is vacant or about to become vacant;
  - (f) without a good reason gives up a place on such a scheme or programme or fails to attend such a scheme or programme having been given a place on it;
  - (g) through misconduct loses a place on such a scheme or programme.
- (3) But a failure is not sanctionable under this section if it is also sanctionable under section 19.
- (4) Regulations are to provide for—
- (a) the amount of a reduction under this section;
  - (b) the period for which such a reduction has effect.
- (5) Regulations under subsection (4)(b) may provide that a reduction under this section in relation to any failure is to have effect for—
- (a) a period continuing until the claimant meets a compliance condition specified by the Secretary of State,
  - (b) a fixed period not exceeding 26 weeks which is—
    - (i) specified in the regulations, or
    - (ii) determined in any case by the Secretary of State, or
  - (c) a combination of both.
- (6) In subsection (5)(a) “compliance condition” means—
- (a) a condition that the failure ceases, or
  - (b) a condition relating to—
    - (i) future compliance with a jobseeker's direction or any requirement imposed under section 8(1) or (1A) or 17A of this Act, or
    - (ii) future avoidance of the failures referred to in subsection (2)(d) to (g).
- (7) A compliance condition specified under subsection (5)(a) may be—
- (a) revoked or varied by the Secretary of State;
  - (b) notified to the claimant in such manner as the Secretary of State may determine.
- (8) The period fixed under subsection (5)(b) may in particular depend on either or both of the following—
- (a) the number of failures by the claimant sanctionable under this section;
  - (b) the period between such failures.
- (9) Regulations may provide—
- (a) for cases in which no reduction is to be made under this section;
  - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.
- (10) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this section by virtue of a failure by one of the claimants which is sanctionable under this section, the allowance is payable to the other member of the couple.
- (11) In this section—

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- (a) “jobseeker's direction” means a direction given by an employment officer (in such manner as he thinks fit) with a view to achieving one or both of the following—
  - (i) assisting the claimant to find employment;
  - (ii) improving the claimant's prospects of being employed;
- (b) “training scheme“ and “employment programme” have such meaning as may be prescribed.

#### Textual Amendments

**F70** S. 17C and preceding cross-heading inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 11, 61(1)**, **Sch. 3 para. 1**

**F75** Ss. 19-19C substituted for s. 19 (10.6.2012 for the purposes of making regulations under ss. 19-19B, 22.10.2012 for the purposes of ss. 19-19B so far as not already in force, otherwise prosp.) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 46(1), 150(3)**; S.I. 2012/1246 {art. 2(3)(b)} (as that S.I. is amended by S.I. 2012/2530, art. 2(7)); S.I. 2012/2530, **art. 2(2)(a)**

VALID FROM 10/06/2012

### 19B Claimants ceasing to be available for employment etc

- (1) Regulations may make provision for reduction of the amount of an award of a jobseeker's allowance other than a joint-claim jobseeker's allowance if the claimant—
  - (a) was previously entitled to such an allowance or was a member of a couple entitled to a joint-claim jobseeker's allowance, and
  - (b) ceased to be so entitled by failing to comply with the condition in section 1(2) (a) or (c) (availability for employment and actively seeking employment).
- (2) Regulations may make provision for reduction of the amount of a joint-claim jobseeker's allowance if one of the claimants—
  - (a) was previously entitled to a jobseeker's allowance other than a joint-claim jobseeker's allowance, and
  - (b) ceased to be so entitled by failing to comply with the condition in section 1(2) (a) or (c).
- (3) Regulations may make provision for reduction of the amount of an award of joint-claim jobseeker's allowance if—
  - (a) the couple were previously entitled to a joint-claim jobseeker's allowance but ceased to be so entitled by either or both of them failing to comply with the condition in section 1(2)(a) or (c), or
  - (b) either member of the couple was a member of another couple previously entitled to such an allowance and that couple ceased to be so entitled by that person failing to comply with the condition in section 1(2)(a) or (c).
- (4) Regulations are to provide for—
  - (a) the amount of a reduction under this section;
  - (b) the period for which such a reduction has effect.

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- (5) The period referred to in subsection (4)(b) must not include any period after the end of the period of 13 weeks beginning with the day on which the claimant's previous entitlement ceased.
- (6) Regulations under subsection (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—
  - (a) the number of occasions on which a claimant's entitlement has ceased as specified in subsection (1), (2) or (3);
  - (b) the period between such occasions.
- (7) Regulations may provide for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.
- (8) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this section by virtue of a failure by one of the claimants to comply with the condition in section 1(2)(a) or (c), the allowance is payable to the other member of the couple.

#### Textual Amendments

**F70** S. 17C and preceding cross-heading inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 11**, 61(1), **Sch. 3 para. 1**

**F75** Ss. 19-19C substituted for s. 19 (10.6.2012 for the purposes of making regulations under ss. 19-19B, 22.10.2012 for the purposes of ss. 19-19B so far as not already in force, otherwise prosp.) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 46(1)**, 150(3); S.I. 2012/1246 {art. 2(3)(b)} (as that S.I. is amended by S.I. 2012/2530, art. 2(7)); S.I. 2012/2530, **art. 2(2)(a)**

VALID FROM 10/06/2012

### 19C Hardship payments

- (1) Regulations may make provision for the making of payments (“hardship payments”) by way of a jobseeker's allowance to a claimant where—
  - (a) the amount of the claimant's award is reduced under sections 19 to 19B, and
  - (b) the claimant is or will be in hardship.
- (2) Regulations under this section may in particular make provision as to—
  - (a) circumstances in which a claimant is to be treated as being or not being in hardship;
  - (b) matters to be taken into account in determining whether a claimant is or will be in hardship;
  - (c) requirements or conditions to be met by a claimant in order to receive hardship payments;
  - (d) the amount or rate of hardship payments;
  - (e) the period for which hardship payments may be made;
  - (f) whether hardship payments are recoverable.]

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### Textual Amendments

- F70** S. 17C and preceding cross-heading inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 11, 61(1)**, **Sch. 3 para. 1**
- F75** Ss. 19-19C substituted for s. 19 (10.6.2012 for the purposes of making regulations under ss. 19-19B, 22.10.2012 for the purposes of ss. 19-19B so far as not already in force, otherwise *prosp.*) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 46(1), 150(3)**; S.I. 2012/1246 {art. 2(3)(b)} (as that S.I. is amended by S.I. 2012/2530, art. 2(7)); S.I. 2012/2530, **art. 2(2)(a)**

## 20 Exemptions from section 19.

- (1) Nothing in section 19, or in regulations under that section, shall be taken to prevent payment of a jobseeker’s allowance merely because the claimant refuses to seek or accept employment in a situation which is vacant in consequence of a stoppage of work due to a trade dispute.
- (2) Section 19 does not apply, in the circumstances mentioned in subsection (5) of that section, if—
  - (a) a direction is in force under section 16 with respect to the claimant; and
  - (b) he has acted in such a way as to risk—
    - (i) having that direction revoked under subsection (3)(b) of section 16; or
    - (ii) having the amount of his jobseeker’s allowance reduced by virtue of section 17, because [<sup>F76</sup>the condition mentioned in section 17(3)(b) or (c) is satisfied].
- (3) Regulations shall make provision for the purpose of enabling any person of a prescribed description to accept any employed earner’s employment without falling within section 19(6)(b) or (d) should he leave that employment voluntarily and without just cause at any time during a trial period.
- (4) In such circumstances as may be prescribed, an income-based jobseeker’s allowance shall be [<sup>F77</sup>payable in respect of] a claimant even though section 19 prevents payment of a jobseeker’s allowance to him.
- (5) A jobseeker’s allowance shall be payable by virtue of subsection (4) only if the claimant has complied with such requirements as to the provision of information as may be prescribed for the purposes of this subsection.
- (6) Regulations under subsection (4) may, in particular, provide for a jobseeker’s allowance payable by virtue of that subsection to be—
  - (a) payable at a prescribed rate;
  - (b) payable for a prescribed period (which may differ from the period fixed under section 19(2) or (3)).
- (7) In subsection (3), “trial period” has such meaning as may be prescribed.
- (8) Regulations may make provision for determining, for the purposes of this section, the day on which a person’s employment is to be regarded as commencing.

### Textual Amendments

- F76** Words in s. 20(2)(b)(ii) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 142**; S.I. 1999/2860, art. 2(c), **Sch. 1** (subject to transitional

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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)**)

**F77** Words in s. 20 substituted (11.11.1999) by 1999 c. 30, ss. 70, 89(4)(b), **Sch. 8 Pt. V para. 29(5)**

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

**C19** S. 20 modified (7.10.1996) by S.I. 1996/207, **reg. 159**

#### **Commencement Information**

**I16** S. 20 wholly in force at 7.10.1996; s. 20 not in force at Royal Assent, see s. 41(2); s. 20(3)(4)(5)(6)(7)(8) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), **Sch.**; s. 20 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

- [<sup>F78</sup>20A**
- (1) Where this section applies to a member of a joint-claim couple, that member of the couple shall be subject to sanctions for the purposes of this section.
  - (2) This section applies to a member of a joint-claim couple if that member of the couple—
    - (a) has, without good cause, refused or failed to carry out any jobseeker's direction which was reasonable, having regard to his circumstances;
    - (b) has, without good cause—
      - (i) neglected to avail himself of a reasonable opportunity of a place on a training scheme or employment programme;
      - (ii) after a place on such a scheme or programme has been notified to him by an employment officer as vacant or about to become vacant, refused or failed to apply for it or to accept it when offered to him;
      - (iii) given up a place on such a scheme or programme; or
      - (iv) failed to attend such a scheme or programme on which he has been given a place;
    - (c) has lost his place on such a scheme or programme through misconduct;
    - (d) has lost his employment as an employed earner through misconduct;
    - (e) has voluntarily left such employment without just cause;
    - (f) has, without good cause, after a situation in any employment has been notified to him by an employment officer as vacant or about to become vacant, refused or failed to apply for it or to accept it when offered to him; or
    - (g) has, without good cause, neglected to avail himself of a reasonable opportunity of employment.
  - (3) Where this section applies to a member of a joint-claim couple by virtue of any of paragraphs (a) to (c) of subsection (2), the period for which he is to be subject to sanctions shall be such period (of at least one week but not more than 26 weeks) as may be prescribed.
  - (4) Where this section applies to a member of a joint-claim couple by virtue only of any of paragraphs (d) to (g) of subsection (2), the period for which he is to be subject to sanctions shall be such period (of at least one week but not more than 26 weeks) as may be determined by the Secretary of State.
  - (5) Even though the conditions for entitlement to a joint-claim jobseeker's allowance are satisfied in relation to a joint-claim couple—
    - (a) the allowance shall not be payable for any period during which both members of the couple are subject to sanctions; and

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- (b) the amount of the allowance payable in respect of the couple for any period during which only one member of the couple is subject to sanctions shall be reduced to an amount calculated by the prescribed method (“the reduced amount”).
- (6) The method prescribed for calculating the reduced amount may, in particular, involve—
  - (a) deducting amounts from, or making percentage reductions of, the amount which would be the amount of the allowance if neither member of the couple were subject to sanctions;
  - (b) disregarding portions of the applicable amount;
  - (c) treating amounts as being income or capital of the couple.
- (7) During any period for which the amount of a joint-claim jobseeker’s allowance payable in respect of a joint-claim couple is the reduced amount, the allowance shall be payable to the member of the couple who is not subject to sanctions.
- (8) Regulations may prescribe—
  - (a) circumstances which the Secretary of State is to take into account, and
  - (b) circumstances which he is not to take into account,
 in determining a period under subsection (4).
- (9) Subsections (7) to (10) of section 19 apply for the purposes of this section as for those of that section but as if references in subsection (10)(b) of that section to the claimant were to the member of the joint-claim couple to whom subsection (2)(a) above applies.]

#### Textual Amendments

**F78** Ss. 20A, 20B inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 13**; S.I. 2000/2958, **art. 2(2)**

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

- C20** S. 20A restricted (19.3.2001) by S.I. 1996/207, **reg. 74A(3)** (as inserted (19.3.2001) by S.I. 2000/1978, **reg. 2(5)**, **Sch. 2 para. 30**)
- C21** S. 20A modified by S.I. 2003/2438, **reg. 7** (as inserted (26.4.2004) by **The Employment Zones (Amendment) Regulations 2004** (S.I. 2004/1043), **reg. 2(f)**)
- C22** S. 20A(5)(a)(b) restricted (19.3.2001) by S.I. 1996/207, **reg. 146C(6)** (as inserted (19.3.2001) by S.I. 2000/1978, **reg. 2(2)**)
- C23** S. 20A(5)(a)(b) restricted (19.3.2001) by S.I. 1996/207, **reg. 146C(6)** (as inserted (19.3.2001) by S.I. 2000/1978, **reg. 2(2)**)
- C24** S. 20A(6) applied (1.12.2000 for specified purposes and 15.10.2001 for further specified purposes and otherwise prosp. ) by 2000 c. 19, **ss. 63(5)**, 86(1)(c)(2) (with s. 83(6)); S.I. 2000/2950, **art. 5**; S.I. 2001/2619, **art. 2(1)(b)(ii)(2)(b)**  
 S. 20A(6) applied (17.11.2001 for specified purposes and otherwise 1.4.2002) by 2001 c. 11, **s. 8(5)**; S.I. 2001/3689, **art. 2(1)**

[<sup>F79</sup>**20B**

- (1) Section 20A shall not be taken to apply to a member of a joint-claim couple merely because he has refused to seek or accept employment in a situation which is vacant in consequence of a stoppage of work due to a trade dispute.

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- (2) Section 20A does not apply to a member of a joint-claim couple by virtue of any of paragraphs (a) to (c) of subsection (2) of that section if—
  - (a) a direction is in force under section 16 with respect to that member of the couple; and
  - (b) he has acted in such a way as to risk—
    - (i) having that direction revoked under subsection (3)(b) of section 16; or
    - (ii) having the amount of the couple’s entitlement to a joint-claim jobseeker’s allowance reduced by virtue of section 17 because the condition in section 17(3)(b) or (c) is established.
- (3) Regulations shall make provision for the purpose of enabling any person of a prescribed description to accept any employed earner’s employment without section 20A applying to him by virtue of paragraph (e) or (g) of subsection (2) of that section should he leave that employment voluntarily and without just cause at any time during a trial period.
- (4) In such circumstances as may be prescribed, a joint-claim jobseeker’s allowance shall be payable in respect of a joint-claim couple even though section 20A(5)(a) prevents payment of such a jobseeker’s allowance to the couple.
- (5) A jobseeker’s allowance shall be payable by virtue of subsection (4) only if the couple have complied with such requirements as to the provision of information as may be prescribed for the purposes of this subsection.
- (6) Regulations under subsection (4) may, in particular, provide for a jobseeker’s allowance payable by virtue of that subsection to be—
  - (a) payable at a prescribed rate;
  - (b) payable for a prescribed period (which may differ from the period during which both members of the couple are subject to sanctions for the purposes of section 20A).
- (7) In subsection (3), “trial period” has such meaning as may be prescribed.
- (8) Regulations may make provision for determining, for the purposes of this section, the day on which a person’s employment is to be regarded as commencing.]

#### Textual Amendments

**F79** Ss. 20A, 20B inserted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 13; S.I. 2000/2958, art. 2(2)

#### Miscellaneous

#### [<sup>F80</sup>20E Contracting out]

- (1) The following functions of the Secretary of State may be exercised by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose, namely—
  - (a) conducting interviews under section 11A;
  - (b) providing documents under section 11C;
  - (c) giving, varying or revoking directions under section 18B(5);
  - (d) asking questions under paragraph 1 of Schedule A1;

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- (e) making decisions under paragraph 2 or 3 of that Schedule;
  - (f) exercising any functions in relation to rehabilitation plans under paragraph 5 or 6 of that Schedule.
- (2) The following functions of officers of the Secretary of State may be exercised by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose, namely—
- (a) specifying places and times, and being contacted, under section 8;
  - (b) entering into or varying any jobseeker's agreement under section 9 or 10 and referring any proposed agreement or variation to the Secretary of State under section 9 or 10;
  - (c) giving notifications under section 16 or 18A;
  - (d) giving, varying or revoking directions under section 18A.
- (3) Regulations may provide for any of the following functions of the Secretary of State to be exercisable by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose—
- (a) any function under regulations under section 8, 11A, 11C, 17A or 18B or Schedule A1, except the making of an excluded decision (see subsection (4));
  - (b) the function under section 9(1) of the 1998 Act (revision of decisions) so far as relating to decisions (other than excluded decisions) that relate to any matter arising under any such regulations;
  - (c) the function under section 10(1) of the 1998 Act (superseding of decisions) so far as relating to decisions (other than excluded decisions) of the Secretary of State that relate to any matter arising under any such regulations;
  - (d) any function under Chapter 2 of Part 1 of the 1998 Act (social security decisions), except section 25(2) and (3) (decisions involving issues arising on appeal in other cases), which relates to the exercise of any of the functions within paragraphs (a) to (c).
- (4) Each of the following is an “excluded decision” for the purposes of subsection (3)—
- (a) a decision about whether a person has failed to comply with a requirement imposed by regulations under section 8, 11A or 17A or Schedule A1;
  - (b) a decision about whether a person had good cause for failure to comply with such a requirement;
  - (c) a decision about not paying or reducing a jobseeker's allowance in consequence of a failure to comply with such a requirement.
- (5) Regulations under subsection (3) may provide that a function to which that subsection applies may be exercised—
- (a) either wholly or to such extent as the regulations may provide,
  - (b) either generally or in such cases as the regulations may provide, and
  - (c) either unconditionally or subject to the fulfilment of such conditions as the regulations may provide.
- (6) An authorisation given by virtue of any provision made by or under this section may authorise the exercise of the function concerned—
- (a) either wholly or to such extent as may be specified in the authorisation,
  - (b) either generally or in such cases as may be so specified, and
  - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified;



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but, in the case of an authorisation given by virtue of regulations under subsection (3), this subsection is subject to the regulations.

- (7) An authorisation given by virtue of any provision made by or under this section—
- (a) may specify its duration,
  - (b) may be revoked at any time by the Secretary of State, and
  - (c) does not prevent the Secretary of State or any other person from exercising the function to which the authorisation relates.
- (8) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Secretary of State or (as the case may be) an officer of the Secretary of State.
- (9) But subsection (8) does not apply—
- (a) for the purposes of so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function, or
  - (b) for the purposes of any criminal proceedings brought in respect of anything done by the authorised person (or an employee of that person).
- (10) Any decision which an authorised person makes in exercise of a function of the Secretary of State has effect as a decision of the Secretary of State under section 8 of the 1998 Act.
- (11) Where—
- (a) the authorisation of an authorised person is revoked at any time, and
  - (b) at the time of the revocation so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function is subsisting,
- the authorised person is entitled to treat the contract as repudiated by the Secretary of State (and not as frustrated by reason of the revocation).
- (12) In this section—
- (a) “the 1998 Act” means the Social Security Act 1998;
  - (b) “authorised person” means a person authorised to exercise any function by virtue of any provision made by or under this section;
  - (c) references to functions of the Secretary of State under any enactment (including one comprised in regulations) include functions which the Secretary of State has by virtue of the application of section 8(1)(c) of the 1998 Act in relation to the enactment.]

#### Textual Amendments

- F70** S. 17C and preceding cross-heading inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 11**, 61(1), **Sch. 3 para. 1**
- F80** S. 20E inserted (9.3.2011 for specified purposes, otherwise prosp.) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 32(2)**, 61(3); [S.I. 2011/682](#), **art. 2(b)(c)**

## 21 Supplementary provisions.

Further provisions in relation to a jobseeker’s allowance are set out in Schedule 1.

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#### **Commencement Information**

**I17** S. 21 wholly in force at 7.10.1996; s. 21 not in force at Royal Assent, see s. 41(2); s. 21 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), Sch.; s. 21 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, art. 2(b)

## **22 Members of the forces.**

- (1) Regulations may modify any provision of this Act, in such manner as the Secretary of State thinks proper, in its application to persons who are or have been members of Her Majesty’s forces.
- (2) The regulations may, in particular, provide for section 19(6)(b) not to apply in relation to a person who is discharged from Her Majesty’s forces at his own request.
- (3) For the purposes of this section, Her Majesty’s forces shall be taken to consist of such establishments and organisations in which persons serve under the control of the Defence Council as may be prescribed.

#### **Commencement Information**

**I18** S. 22 wholly in force at 7.10.1996; s. 22 not in force at Royal Assent, see s. 41(2); s. 22 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), Sch.; s. 22 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, art. 2(b)

## **23 Recovery of sums in respect of maintenance.**

- (1) Regulations may make provision for the court to have power to make a recovery order against any person where an award of income-based jobseeker’s allowance has been made to that person’s spouse [<sup>F81</sup>or civil partner].
- (2) In this section “recovery order” means an order requiring the person against whom it is made to make payments to the Secretary of State or to such other person or persons as the court may determine.
- (3) Regulations under this section may make provision for the transfer by the Secretary of State of the right to receive payments under, and to exercise rights in relation to, a recovery order.
- (4) Regulations made under this section may, in particular, include provision—
  - (a) as to the matters to which the court is, or is not, to have regard in determining any application under the regulations; and
  - (b) as to the enforcement of recovery orders.
- (5) In this section, “the court” means—
  - (a) in relation to England and Wales, a magistrates’ court; and
  - (b) in relation to Scotland, the sheriff.

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### Textual Amendments

**F81** Words in s. 23(1) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 254(1), 263(8)(d), Sch. 24 para. 122; S.I. 2005/3175, art. 2(1), Sch. 1

### Commencement Information

**I19** S. 23 wholly in force at 7.10.1996; s. 23 not in force at Royal Assent, see s. 41(2); s. 23 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), Sch.; s. 23 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, art. 2(b)

## 24 Effect of alteration of rates.

In the Administration Act, insert after section 159—

### “159A Effect of alteration of rates of a jobseeker’s allowance.

- (1) This section applies where—
  - (a) an award of a jobseeker’s allowance is in force in favour of any person (“the recipient”); and
  - (b) an alteration—
    - (i) in any component of the allowance, or
    - (ii) in the recipient’s benefit income,affects the amount of the jobseeker’s allowance to which he is entitled.
- (2) Subsection (3) applies where, as a result of the alteration, the amount of the jobseeker’s allowance to which the recipient is entitled is increased or reduced.
- (3) As from the commencing date, the amount of the jobseeker’s allowance payable to or for the recipient under the award shall be the increased or reduced amount, without any further decision of an adjudication officer; and the award shall have effect accordingly.
- (4) In any case where—
  - (a) there is an alteration of a kind mentioned in subsection (1)(b); and
  - (b) before the commencing date (but after that date is fixed) an award of a jobseeker’s allowance is made in favour of a person,the award may provide for the jobseeker’s allowance to be paid as from the commencing date, in which case the amount of the jobseeker’s allowance shall be determined by reference to the components applicable on that date, or may provide for an amount determined by reference to the components applicable at the date of the award.
- (5) In this section—

“alteration” means-

  - (a) in relation to any component of a jobseeker’s allowance, its alteration by or under any enactment; and
  - (b) in relation to a person’s benefit income, the alteration of any of the sums referred to in section 150 above by any enactment or by an order under section 150 above, to the extent that any such alteration affects the amount of the recipient’s benefit income;

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“benefit income”, in relation to a recipient, means so much of his income as consists of—

- (a) benefit under the Contributions and Benefits Act; or
- (b) a war disablement pension or war widow’s pension;

“the commencing date” in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

“component”, in relation to a jobseeker’s allowance, means any of the sums specified in regulations under the Jobseekers Act 1995 which are relevant in calculating the amount payable by way of a jobseeker’s allowance.”

## 25 Age increases.

In the Administration Act, insert after section 160—

### **“160A Implementation of increases in income-based jobseeker’s allowance due to attainment of particular ages.**

- (1) This section applies where—
  - (a) an award of an income-based jobseeker’s allowance is in force in favour of a person (“the recipient”); and
  - (b) a component has become applicable, or applicable at a particular rate, because he or some other person has reached a particular age (“the qualifying age”).
- (2) If, as a result of the recipient or other person reaching the qualifying age, the recipient becomes entitled to an income-based jobseeker’s allowance of an increased amount, the amount payable to or for him under the award shall, as from the day on which he becomes so entitled, be that increased amount, without any further decision of an adjudication officer; and the award shall have effect accordingly.
- (3) Subsection (2) above does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient’s entitlement to—
  - (a) a benefit under the Contributions and Benefits Act; or
  - (b) a jobseeker’s allowance.
- (4) Subsection (3)(b) above does not apply to the question—
  - (a) whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in the recipient’s case; and
  - (b) whether, in consequence, the amount of his income-based jobseeker’s allowance falls to be varied.
- (5) In this section “component”, in relation to a recipient and his jobseeker’s allowance, means any of the amounts determined in accordance with regulations made under section 4(5) of the Jobseekers Act 1995.”

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## PART II

### BACK TO WORK SCHEMES

#### 26 The back to work bonus.

- (1) Regulations may make provision for the payment, in prescribed circumstances, of sums to or in respect of persons who are or have been entitled to a jobseeker's allowance or to income support.
- (2) A sum payable under the regulations shall be known as “a back to work bonus”.
- (3) [<sup>F82</sup>Subject to section 677 of the Income Tax (Earnings and Pensions) Act 2003 (which provides for a back to work bonus not to be taxable)], a back to work bonus shall be treated for all purposes as payable by way of a jobseeker's allowance or (as the case may be) income support.
- (4) The regulations may, in particular, provide for—
  - (a) a back to work bonus to be payable only on the occurrence of a prescribed event;
  - (b) a bonus not to be payable unless a claim is made before the end of the prescribed period;
  - (c) the amount of a bonus (subject to any maximum prescribed by virtue of paragraph (g)) to be determined in accordance with the regulations;
  - (d) enabling amounts to be calculated by reference to periods of entitlement to a jobseeker's allowance and periods of entitlement to income support;
  - (e) treating a bonus as payable wholly by way of income support or wholly by way of a jobseeker's allowance, in a case where amounts have been calculated in accordance with provision made by virtue of paragraph (d);
  - (f) keeping persons who may be entitled to a bonus informed of the amounts calculated in accordance with any provision of the regulations made by virtue of paragraph (c);
  - (g) the amount of a bonus not to exceed a prescribed maximum;
  - (h) a bonus not to be payable if the amount of the bonus which would otherwise be payable is less than the prescribed minimum;
  - (i) prescribed periods to be disregarded for prescribed purposes;
  - (j) a bonus which has been paid to a person to be treated, in prescribed circumstances and for prescribed purposes, as income or capital of his or of any other member of his family;
  - (k) treating the whole or a prescribed part of an amount which has accrued towards a person's bonus—
    - (i) as not having accrued towards his bonus; but
    - (ii) as having accrued towards the bonus of another person;
  - (l) the whole or a prescribed part of a back to work bonus to be payable, in such circumstances as may be prescribed, to such person, other than the person who is or had been entitled to a jobseeker's allowance or to income support, as may be determined in accordance with the regulations.

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### Textual Amendments

**F82** Words in s. 26(3) substituted (6.4.2003 with effect in accordance with s. 723(1) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), ss. 722, 723, [Sch. 6 para. 230](#) (with Sch. 7)

### Commencement Information

**I20** [S. 26](#) wholly in force at 7.10.1996; [s. 26](#) not in force at Royal Assent, see [s. 41\(2\)](#); [s. 26](#) in force (12.12.1995) for the purpose of authorising the making of regulations by [S.I. 1995/3228](#), [art. 2\(b\)](#), [Sch.](#); [s. 26](#) in force (7.10.1996) in so far as not already in force by [S.I. 1996/2208](#), [art. 2\(b\)](#)

## 27 Employment of long-term unemployed: deductions by employers.

- (1) An employee is a “qualifying employee” in relation to his employer for the purposes of this section if, immediately before beginning his employment with that employer, he had been entitled to a jobseeker’s allowance for a continuous period of not less than two years.
- (2) An employee is also a “qualifying employee” in relation to his employer for the purposes of this section if—
  - (a) immediately before beginning his employment with that employer, he had been unemployed for a continuous period of not less than two years;
  - (b) he is under pensionable age; and
  - (c) he falls within a prescribed description of person.
- (3) Regulations may make provision for any employer who employs a person who is a qualifying employee in relation to him, to make deductions from the employer’s contributions payments in accordance with the regulations and in prescribed circumstances.
- (4) Those regulations may, in particular, make provision as to the period for which deductions may be made by an employer.
- (5) Regulations may provide, in relation to cases where an employee is a qualifying employee in relation to more than one employer at the same time, for the right to make deductions to be confined to one employer—
  - (a) determined in accordance with the regulations; and
  - (b) certified by the [<sup>F83</sup>Commissioners of Inland Revenue], in accordance with the regulations, to be the employer entitled to make those deductions.
- (6) Regulations may—
  - (a) provide that, in prescribed circumstances, a person who would not otherwise satisfy the condition in subsection (1) is to be treated as satisfying it;
  - (b) provide that, in prescribed circumstances, a person who would not otherwise satisfy the condition in subsection (2)(a) is to be treated as satisfying it;
  - (c) prescribe circumstances in which, for prescribed purposes, two or more employers are to be treated as one;
  - (d) make provision for the payment, in prescribed circumstances, by the [<sup>F84</sup>Commissioners of Inland Revenue], of sums to employers who are unable to make the whole or part of any deductions which they are entitled to make;
  - (e) require persons to maintain such records in connection with deductions made by them as may be prescribed;

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- (f) require persons who have made deductions to furnish to the [<sup>F83</sup>Commissioners of Inland Revenue] such documents and information, at such time, as may be prescribed.
- (7) Where, in accordance with any provision of regulations made under this section, an amount has been deducted from an employer's contributions payments, the amount so deducted shall (except in such cases as may be prescribed) be treated for the purposes of any provision made by or under any enactment in relation to primary or secondary Class 1 contributions as having been—
- (a) paid (on such date as may be determined in accordance with the regulations); and
- (b) received by the [<sup>F83</sup>Commissioners of Inland Revenue], towards discharging the employer's liability in respect of such contributions.
- (8) In this section—
- “contributions payments”, in relation to an employer, means the aggregate of the payments which he is required to make by way of primary or secondary Class 1 contributions;
- “deductions” means deductions made in accordance with regulations under subsection (3); <sup>F85</sup> . . .
- “employee” and “employer” have such meaning as may be prescribed.
- [<sup>F86</sup>“prescribed” means specified in or determined in accordance with regulations; and
- “regulations” means regulations made by the Treasury.]

#### Textual Amendments

- F83** Words in s. 27(5)(b)(6)(f)(7)(b) substituted (1.4.1999) by 1999 c. 2, s. 1(1), **Sch. 1 para. 65(2)(3)(b) (4)**; S.I. 1999/527, art. 2(b), **Sch. 2** (subject to arts. 3-6)
- F84** Words in s. 27(6)(d) substituted (1.4.1999) by 1999 c. 2, s. 1(1), **Sch. 1 para. 65(3)(a)**; S.I. 1999/527, art. 2(b), **Sch. 2** (subject to arts. 3-6)
- F85** Word following definition of “deductions” in s. 27(8) repealed (1.4.1999) by 1999 c. 2, ss. 2, 26(3), **Sch. 3 para. 61, Sch. 10 Pt. I**; S.I. 1999/527, art. 2(b), **Sch. 2** (subject to arts. 3-6)
- F86** Definitions of “prescribed” and “regulations” in s. 27(8) inserted (1.4.1999) by 1999 c. 2, s. 2, **Sch. 3 para. 61**; S.I. 1999/527, art. 2(b), **Sch. 2** (subject to arts. 3-6)

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

- C25** S. 27 amended (1.4.1999) by 1999 c. 2, s. 8(1)(i); S.I. 1999/527, art. 2(b), **Sch. 2** (subject to arts. 3-6)

#### Commencement Information

- I21** S. 27 wholly in force at 6.4.1996; s. 27 not in force at Royal Assent, see s. 41(2); s. 27 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, **art. 2(c)(i)** and in force (6.4.1996) for all other purposes by S.I. 1995/3228, **art. 2(c)(ii)**

## 28 Expedited claims for housing benefit and council tax benefit.

- (1) This section provides for the making of regulations to enable—
- <sup>F87</sup>(a) . . . . .
- [<sup>F88</sup>(b) priority to be given to certain persons.]

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with a view to claims for housing or council tax benefit made by or in respect of persons who cease to be entitled to a jobseeker's allowance or income support being dealt with quickly.

<sup>F89</sup>(2) . . . . .

[<sup>F88</sup>(3) In section 63 of the Administration Act (adjudication of claims for housing benefit or council tax benefit), insert after subsection (2)—

“(2A) Regulations may make provision requiring authorities to whom claims for housing benefit or council tax benefit are made by, or in respect of, persons who have been entitled to a jobseeker's allowance or to income support to give priority, in prescribed circumstances, to those claims over other claims for any such benefit.”]

#### Textual Amendments

**F87** S. 28(1)(a) repealed (1.7.1997) by 1997 c. 47, s. 22, **Sch. 2**; S.I. 1997/1577, art. 2, **Sch.**

**F88** S. 28(1)(b)(3) repealed (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(2), 87(2), **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)**)

**F89** S. 28(2) repealed (1.7.1997) by 1997 c. 47, s. 22, **Sch. 2**; S.I. 1997/1577, art. 2, **Sch.**

#### Commencement Information

**I22** S. 28 wholly in force at 1.4.1996; s. 28 not in force at Royal Assent, see s. 41(2); s. 28 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, **art. 2(d)(i)** and in force (1.4.1996) for all other purposes by S.I. 1995/3228, **art. 2(d)(ii)**

## 29 Pilot schemes.

- (1) Any regulations to which this subsection applies may be made so as to have effect for a specified period not exceeding [<sup>F90</sup>36 months].
- (2) Any regulations which, by virtue of subsection (1), are to have effect for a limited period are referred to in this section as “a pilot scheme”.
- (3) A pilot scheme may provide that its provisions are to apply only in relation to—
  - (a) one or more specified areas or localities;
  - (b) one or more specified classes of person;
  - (c) persons selected—
    - (i) by reference to prescribed criteria; or
    - (ii) on a sampling basis.
- (4) A pilot scheme may make consequential or transitional provision with respect to the cessation of the scheme on the expiry of the specified period.
- (5) A pilot scheme (“the previous scheme”) may be replaced by a further pilot scheme making the same, or similar, provision (apart from the specified period) to that made by the previous scheme.
- (6) Subject to subsection (8), subsection (1) applies to—
  - (a) regulations made under this Act, other than—



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- (i) regulations made under section 4(2) or (5) which have the effect of reducing any age-related amount or applicable amount; or
  - (ii) regulations made under section 27;
  - (b) regulations made under the Administration Act, so far as they relate to a jobseeker's allowance;
  - (c) regulations made under Part VII of the Benefits Act (income-related benefits), other than any mentioned in subsection (7); and
  - (d) regulations made under the Administration Act, so far as they relate to income-related benefits payable under Part VII of the Benefits Act.
- (7) The regulations referred to in subsection (6)(c) are—
- (a) <sup>F91</sup> .....
  - (b) <sup>F91</sup> .....
  - (c) regulations under section 130(4) of that Act which have the effect of reducing the appropriate maximum housing benefit;
  - (d) regulations under section 131(10)(a) of that Act which have the effect of reducing the appropriate maximum council tax benefit; and
  - (e) regulations reducing any of the sums prescribed under section 135(1) of that Act.
- (8) Subsection (1) applies only if the regulations are made with a view to ascertaining whether their provisions will, or will be likely to, encourage persons to obtain or remain in work or will, or will be likely to, [<sup>F92</sup>make it more likely that persons will obtain or remain in work or be able to do so].

#### Textual Amendments

- F90** Words in s. 29(1) substituted (12.11.2009) by Welfare Reform Act 2009 (c. 24), ss. 28(1)(a), 61(1)
- F91** S. 29(7)(a)(b) repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), ss. 60, 61, Sch. 6; S.I. 2003/962, art. 2(4)(e), Sch. 2
- F92** Words in s. 29(8) substituted (12.11.2009) by Welfare Reform Act 2009 (c. 24), ss. 28(1)(b), 61(1)

## 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.

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- (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)**

**C26** S. 30: transfer of functions (1.4.2000) by S.I. 2000/253, art. 2, Sch. 1

**Marginal Citations**

**M1** 1976 c. 71.

### 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>F93</sup>the Secretary of State] where the person to whom it was made, or where he is a member of a [<sup>F94</sup>couple] his partner [<sup>F95</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>F93</sup>the Secretary of State] where the person to whom it was made, or where he is a member of a [<sup>F94</sup>couple] his partner, [<sup>F96</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**

- F93** 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))
- F94** 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
- F95** 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)
- F96** 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**

- I23** 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—

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- (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—

“(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.”

F97 33 .....

**Textual Amendments**

F97 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 F98(1) .....  
F99(2) .....  
F99(3) .....  
F98(4) .....  
F99(5) .....  
F99(6) .....  
F99(7) .....

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### Textual Amendments

**F98** S. 34(1)(4) repealed (1.7.1997) by 1997 c. 47, s. 22, **Sch. 2**; S.I. 1997/1577, art. 2, **Sch.**

**F99** 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>F100</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;

“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 [<sup>F101</sup>except 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;

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

[<sup>F102</sup>“couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners otherwise than in prescribed circumstances;]

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

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

“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) [<sup>F103</sup>section 1 of the Administration Act and section 27 of the Social Security Act 1998];

“family” means—

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- (a) a <sup>F104</sup>couple];
  - (b) a <sup>F104</sup>couple] 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 <sup>F104</sup>couple] 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;
- <sup>F105</sup>“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;

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

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

<sup>F106</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);

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

<sup>F107</sup>“joint-claim couple” and “joint-claim jobseeker’s allowance” have the meanings given by section 1(4);]

<sup>F108</sup>  
.....

<sup>F109</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>F110</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;]

“prescribed” <sup>F111</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;

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[<sup>F112</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.);]

“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>F111</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;

“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;

“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>F108</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;

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

[<sup>F113</sup>(1A) For the purposes of this Act, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.]

- (2) The expressions “[<sup>F114</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

**F100** 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))

**F101** 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)

**F102** S. 35(1): definition of “couple” inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 254(1), 263(8)(d), Sch. 24 para. 124(2); S.I. 2005/3175, art. 2(1), Sch. 1

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- F103** 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)**)
- F104** 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
- F105** 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)**
- F106** 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)**
- F107** 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)**
- F108** 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
- F109** 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)**
- F110** 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**
- F111** 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)
- F112** 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)**
- F113** 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
- F114** 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)

- C27** S. 35(1): definition of "trade dispute" modified (7.10.1996) by S.I. 1996/207, **reg. 160**
- C28** S. 35(2): saving for effect of 2007 c. 5, Sch. 3 paras. 12(2)(5)(b)(6) (27.10.2008) by The Employment and Support Allowance (Transitional Provisions) Regulations 2008 (S.I. 2008/795), regs. 1(3), **5**

#### 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 [F1158(3),][F1169(13), 16(4) or 19(10)(a)], shall be exercisable by statutory instrument.
- (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;

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- (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,
  - (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>F117</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>F118</sup>(4A) Without prejudice to the generality of the provisions of this section—
  - (a) regulations under section 17A [<sup>F119</sup>or Schedule A1] may make different provision for different areas;
  - (b) regulations under section 17A [<sup>F119</sup>or Schedule A1] 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

- F115** 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)**
- F116** 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))
- F117** 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)
- F118** S. 36(4A) inserted (12.11.2009) by Welfare Reform Act 2009 (c. 24), **ss. 1(3)**, 61(1)
- F119** Words in s. 36(4A)(a)(b) inserted (12.11.2009) by Welfare Reform Act 2009 (c. 24), **ss. 11**, 61(1), **Sch. 3 para. 3(2)**

### 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 6, 7, 26, 29 or 40,
    - (ii) paragraph (b) of the definition of “pension payments” in section 35(1), or
    - (iii) paragraph 17 of Schedule 1,
 before the date on which jobseeker’s allowances first become payable;



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- (b) the first regulations to be made under section 26;
  - (c) regulations made under section 6, 7, 29, paragraph (b) of the definition of “pension payments” in section 35(1) <sup>F120</sup>, any paragraph of Schedule A1] or paragraph <sup>F121</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

**F120** Words in s. 37(1)(c) inserted (12.11.2009) by Welfare Reform Act 2009 (c. 24), ss. 11, 61(1), Sch. 3 para. 3(3)

**F121** 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>F122</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>F123</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.
- (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 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 contribution-based jobseeker’s allowance.
- (5) The <sup>F124</sup>Commissioners of Inland Revenue] shall pay into the National Insurance Fund sums estimated by <sup>F125</sup>them] to be equal to the aggregate of the amounts deducted by employers in accordance with regulations under section 27.
- (6) 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>F126</sup>relevant authority]—
- (a) in any manner which, after consulting the Government Actuary or the Deputy Government Actuary, <sup>F127</sup>the authority consider] appropriate and the Treasury has approved; and

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- (b) at such times as [<sup>F127</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>F128</sup>relevant authority] considers appropriate and the Treasury has approved.
- [<sup>F129</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

- F122** 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)
- F123** 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)
- F124** 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)
- F125** 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”
- F126** 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)
- F127** 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)
- F128** 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)
- F129** 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

- I24** 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.

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#### Marginal Citations

M7 1974 c. 28.

### 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

**I25** 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)

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

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

- I26** 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)**

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## SCHEDULES

### SCHEDULE A1

Section 17C

#### PERSONS DEPENDENT ON DRUGS ETC.

##### *Requirements imposed in relation to use of drugs*

- 1 (1) Regulations may make provision for or in connection with imposing on a claimant a requirement to attend at such time and place as may be determined in accordance with the regulations in order to answer questions within sub-paragraph (2).
- (2) A question is within this sub-paragraph if it is asked for the purpose of ascertaining—
  - (a) whether the person required to answer it may be dependent on, or have a propensity to misuse, any drug, and
  - (b) (if so) whether any such dependency or propensity may be a factor affecting that person's prospects of obtaining or remaining in work.
- (3) Regulations under this paragraph may, in particular, make provision prescribing the questions which a person may be required to answer under the regulations (which may include questions relating to any use of the drug in question or any treatment connected with its use).
- (4) Regulations under this paragraph may not impose a requirement on a person at any time unless the person is required to meet the jobseeking conditions at that time.
- 2 (1) Regulations may make provision for or in connection with imposing on a person who is subject to a requirement imposed under paragraph 1 a requirement to take part in—
  - (a) a substance-related assessment, and
  - (b) a subsequent interview (a “drugs interview”) with an approved person to discuss any matters arising out of that assessment.
- (2) For the purposes of this paragraph—
  - a “substance-related assessment” means an assessment by an approved person carried out for the purpose of assessing—
    - (a) whether a person is dependent on, or has a propensity to misuse, any drug, and
    - (b) (if so) whether the person's dependency or propensity is such as requires and may be susceptible to treatment;
  - an “approved person” means a person having the necessary qualifications or experience who is approved by the Secretary of State for the purposes of this paragraph.
- (3) Regulations under this paragraph must include provision for the requirement mentioned in sub-paragraph (1) to be imposed on a person only if the Secretary of State has reasonable grounds for suspecting that—

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- (a) the person may be dependent on, or have a propensity to misuse, any drug, and
  - (b) any such dependency or propensity may be a factor affecting the person's prospects of obtaining or remaining in work.
- (4) Regulations under this paragraph may, in particular, make provision—
- (a) for notifying a person of a requirement to take part in a substance-related assessment or a drugs interview;
  - (b) for the determination, and notification, of the time and place of any substance-related assessment or drugs interview in which a person is required to take part.
- (5) Regulations under this paragraph may, in particular, make provision for a requirement imposed on a person (“P”) under this paragraph to cease to have effect if—
- (a) P agrees to provide a sample, in accordance with instructions given by an approved person, for the purpose of ascertaining whether there is or has been any drug in P's body, and
  - (b) the sample provided indicates that no drug is or has been in P's body.
- (6) Regulations under this paragraph may not impose a requirement on a person at any time unless the person is required to meet the jobseeking conditions at that time.
- 3 (1) Regulations may make provision for or in connection with imposing on a person who—
- (a) is subject to a requirement imposed under paragraph 2, and
  - (b) fails to comply with it without it being shown, within a prescribed period, that the person had good cause for the failure,
- a requirement to take part in one or more relevant tests for the purpose of ascertaining whether there is or has been any drug in the person's body.
- (2) Regulations under this paragraph must include provision for the requirement mentioned in sub-paragraph (1) to be imposed on a person only if the Secretary of State is satisfied that the proposed test or tests will, or will be likely to, assist in determining whether the person is dependent on, or has a propensity to misuse, any drug.
- (3) Regulations under this paragraph must include provision for informing a person of the consequence of failing to comply with a requirement to take part in a relevant test.
- (4) Regulations under this paragraph may, in particular, make provision—
- (a) for notifying a person of a requirement to take part in a relevant test;
  - (b) for the determination, and notification, of the time and place of any relevant test in which a person is required to take part.
- (5) Regulations under this paragraph may not impose a requirement on a person at any time unless the person is required to meet the jobseeking conditions at that time.
- (6) For the purposes of this paragraph a person takes part in a relevant test if the person provides a permissible sample in accordance with instructions given by an approved person (within the meaning of paragraph 2).
- (7) In sub-paragraph (6) “permissible sample”, in relation to any drug, means—

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- (a) a sample of urine, or
  - (b) such sample (other than an intimate sample) as may be prescribed in relation to that drug.
- (8) In sub-paragraph (7)(b) “intimate sample” means—
- (a) a sample of blood, semen or any other tissue fluid or pubic hair;
  - (b) a dental impression;
  - (c) a swab taken from any part of a person's genitals (including pubic hair) or from a person's body orifice other than the mouth.

*Paragraphs 1 to 3: supplementary*

- 4 (1) A person must comply with a requirement imposed by regulations under any of paragraphs 1 to 3 even if doing so might constitute evidence that the person has committed an offence.
- (2) But in criminal proceedings in which a person is charged with an offence—
- (a) no evidence relating to any answer given, or anything else done, in pursuance of the regulations may be adduced by or on behalf of the prosecution, and
  - (b) no question relating to those matters may be asked by or on behalf of the prosecution,
- unless evidence relating to those matters is adduced, or a question relating to those matters is asked, in the proceedings by or on behalf of the person.
- (3) Sub-paragraph (2) does not apply to—
- (a) an offence under section 112 of the Administration Act;
  - (b) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath in England and Wales); or
  - (c) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (corresponding provision for Scotland).

*Voluntary and mandatory rehabilitation plans*

- 5 (1) Regulations may make provision for or in connection with—
- (a) securing that a person (“P”) who at any time complies with a voluntary rehabilitation plan is not required to meet the jobseeking conditions at that time; and
  - (b) suspending any jobseeker's agreement to which P is a party for any period during which P complies with a voluntary rehabilitation plan.
- (2) Regulations under this paragraph may include provision for the consequences set out in sub-paragraph (1)(a) and (b) to follow only if the Secretary of State is satisfied that—
- (a) P is dependent on, or has a propensity to misuse, any drug, and
  - (b) P's dependency or propensity is a factor affecting P's prospects of obtaining or remaining in work.

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- (3) For the purposes of this paragraph a “voluntary rehabilitation plan” is an agreement entered into by the Secretary of State and P under which P agrees to take one or more of the following steps.
- (4) The steps are—
- (a) submitting to treatment by or under the direction of a person having the necessary qualifications or experience,
  - (b) taking part in specified interviews, and specified assessments, at specified places and times, and
  - (c) taking such other steps (if any) as may be specified,
- with a view to the reduction or elimination of P's dependency on, or propensity to misuse, the drug in question.
- (5) The treatment may be—
- (a) treatment as a resident in a specified institution or place, or
  - (b) treatment as a non-resident at a specified institution or place, and at specified intervals.
- (6) Regulations under this paragraph may, in particular, make provision—
- (a) as to the maximum period for which a person may benefit from the provision made by the regulations;
  - (b) about the form of voluntary rehabilitation plans (including provision as to their signing);
  - (c) about the review, variation and revocation of voluntary rehabilitation plans;
  - (d) for securing that a person who agrees to comply with a voluntary rehabilitation plan provides information, and such evidence as may be prescribed, as to compliance with the plan.
- (7) A jobseeker's allowance may also be known as a “treatment allowance” at any time when—
- (a) it is payable in respect of a person to whom this paragraph applies, or
  - (b) it is payable in respect of a joint-claim couple both members of which are persons to whom this paragraph applies.
- (8) In this paragraph “specified”, in relation to a voluntary rehabilitation plan, means specified in or determined in accordance with the plan.
- 6 (1) Regulations may make provision for or in connection with imposing on a person a requirement to comply with a mandatory rehabilitation plan.
- (2) Regulations under this paragraph must include provision for securing that a person is subject to the requirement mentioned in sub-paragraph (1) at any time only if—
- (a) the person has not at that time agreed to comply with a voluntary rehabilitation plan under paragraph 5, and
  - (b) the Secretary of State is satisfied as mentioned in sub-paragraph (2) of that paragraph.
- (3) For the purposes of this paragraph a “mandatory rehabilitation plan” is a document—
- (a) which is provided to the person by the Secretary of State, and
  - (b) which contains one or more of the following requirements.



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- (4) The requirements are that the person—
  - (a) must attend an educational programme at a specified place and at specified times,
  - (b) must take part in specified interviews, and specified assessments, at specified places and times, and
  - (c) must take such other steps (if any) as may be specified,with a view to the reduction or elimination of the person's dependency on, or propensity to misuse, the drug in question.
- (5) Nothing may be specified in a mandatory rehabilitation plan which requires a person to submit to medical or surgical treatment.
- (6) Regulations under this paragraph may, in particular, make provision—
  - (a) as to the involvement of a person in determining the particular requirements to be contained in a mandatory rehabilitation plan with which the person is to be required to comply;
  - (b) about the form of mandatory rehabilitation plans (including provision as to their signing);
  - (c) about the review, variation and revocation of mandatory rehabilitation plans;
  - (d) for securing that a person who is required to comply with a mandatory rehabilitation plan provides information, and such evidence as may be prescribed, as to compliance with the plan.
- (7) Regulations under this paragraph may not impose a requirement on a person at any time unless the person would (apart from the regulations) be required to meet the jobseeking conditions at that time.
- (8) In this paragraph “specified”, in relation to a mandatory rehabilitation plan, means specified in or determined in accordance with the plan.

#### *Sanctions*

- 7 (1) Regulations under paragraph 1, 2, 3 or 6 may, in particular, make provision—
  - (a) for securing that the appropriate consequence follows if a person has failed to comply with any requirement imposed by any such regulations and it is not shown, within a prescribed period, that the person had good cause for the failure;
  - (b) prescribing matters which are, or are not, to be taken into account in determining whether a person has good cause for any failure to comply with any such requirement;
  - (c) prescribing circumstances in which a person is, or is not, to be regarded as having good cause for any failure to comply with any such requirement.
- (2) In the case of a jobseeker's allowance other than a joint-claim jobseeker's allowance, the appropriate consequence for the purposes of sub-paragraph (1)(a) is that the allowance is not payable for such period (of at least one week but not more than 26 weeks) as may be prescribed.
- (3) In the case of a joint-claim jobseeker's allowance, the appropriate consequence for the purposes of sub-paragraph (1)(a) is that the person is to be treated as subject to

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sanctions for the purposes of section 20A for such period (of at least one week but not more than 26 weeks) as may be prescribed.

- (4) Regulations under paragraph 1, 2, 3 or 6 may make provision for an income-based jobseeker's allowance to be payable in prescribed circumstances even though other provision made by the regulations prevents payment of it.
- (5) The provision that may be made by the regulations by virtue of sub-paragraph (4) includes, in particular, provision for the allowance to be—
  - (a) payable only if prescribed requirements as to the provision of information are complied with;
  - (b) payable at a prescribed rate;
  - (c) payable for a prescribed period (which may differ from any period mentioned in sub-paragraph (2)).

### *Information*

- 8 (1) Regulations may make provision for or in connection with authorising the supply of information, other than excluded information, held by—
  - (a) a police force,
  - (b) the probation service, or
  - (c) such other person as may be prescribed,
 to a person within sub-paragraph (2) for use for the purposes of any provision of this Schedule.
- (2) The persons within this sub-paragraph are—
  - (a) the Secretary of State;
  - (b) a person providing services to the Secretary of State;
  - (c) an approved person (within the meaning of paragraph 2).
- (3) Information supplied under the regulations may not be supplied by the recipient to any other person unless—
  - (a) it could be supplied to that person under the regulations;
  - (b) it is supplied for the purposes of any civil or criminal proceedings; or
  - (c) it is required to be supplied under any enactment.
- (4) In sub-paragraph (1) “excluded information” means any information relating to or acquired as a result of—
  - (a) the provision of medical or surgical treatment or care, or
  - (b) the provision of services by a social worker,
 other than information as to whether a person is having (or has had) treatment in respect of the person's use of any drug.
- (5) In sub-paragraph (1) “the probation service” means—
  - (a) in England and Wales, a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000 or a provider of probation services;
  - (b) in Scotland, a local authority within the meaning of the Social Work (Scotland) Act 1968.

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### *Interpretation*

- 9 In this Schedule—
- “drug” means such controlled drug (as defined by section 2 of the Misuse of Drugs Act 1971) as may be prescribed;
  - “the jobseeking conditions” means the conditions set out in section 1(2) (a) to (c).

### *Power to extend provisions to alcohol*

- 10 (1) If regulations so provide and subject as follows, the preceding paragraphs of this Schedule are to apply in relation to alcohol as they apply in relation to drugs.
- (2) Regulations under this paragraph may provide for a different definition of a “relevant test” to apply in relation to alcohol for the purposes of paragraph 3.

## SCHEDULE 1

Section 21.

### SUPPLEMENTARY PROVISIONS

#### **Commencement Information**

- I27** Sch. 1 wholly in force at 7.10.1996; Sch. 1 not in force at Royal Assent, see s. 41(2); Sch. 1 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), Sch.; Sch. 1 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, art. 2(b)

### *Remunerative work*

- 1 (1) For the purposes of this Act, “remunerative work” has such meaning as may be prescribed.
- (2) Regulations may prescribe circumstances in which, for the purposes of this Act—
- (a) a person who is not engaged in remunerative work is to be treated as engaged in remunerative work; or
  - (b) a person who is engaged in remunerative work is to be treated as not engaged in remunerative work.

*[<sup>F130</sup>Limited capability for work]*

#### **Textual Amendments**

- F130** Sch. 1 para. 2 and cross-heading substituted (27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 28(1), 70(2), Sch. 3 para. 12(6); S.I. 2008/787, art. 2(4)(f) (with saving in S.I. 2008/795, reg. 5)

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- [<sup>F131</sup>2 (1) The question whether a person has, or does not have, limited capability for work shall be determined, for the purposes of this Act, in accordance with the provisions of Part 1 of the Welfare Reform Act 2007 (employment and support allowance).
- (2) References in Part 1 of the Welfare Reform Act 2007 to the purposes of that Part shall be construed, where the provisions of that Part have effect for the purposes of this Act, as references to the purposes of this Act.]

#### **Textual Amendments**

**F131** Sch. 1 para. 2 and cross-heading substituted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\), ss. 28\(1\), 70\(2\)](#), [Sch. 3 para. 12\(6\)](#); S.I. 2008/787, [art. 2\(4\)\(f\)](#) (with saving in S.I. 2008/795, reg. 5)

#### *Linking periods*

- 3 Regulations may provide—
- (a) for jobseeking periods which are separated by not more than a prescribed number of weeks to be treated, for purposes of this Act, as one jobseeking period;
  - (b) for prescribed periods (“linked periods”) to be linked, for purposes of this Act, to any jobseeking period.

#### *Waiting days*

- 4 Except in prescribed circumstances, a person is not entitled to a jobseeker’s allowance in respect of a prescribed number of days at the beginning of a jobseeking period.

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

**C29** Sch. 1 para. 4 excluded (7.10.1996) by S.I. 1996/207, [reg. 46\(1\)](#)

#### *Periods of less than a week*

- 5 Regulations may make provision in relation to—
- (a) entitlement to a jobseeker’s allowance, or
  - (b) the amount payable by way of such an allowance,
- in respect of any period of less than a week.

#### *Employment protection sums*

- 6 (1) In relation to any contribution-based jobseeker’s allowance, regulations may make provision—
- (a) for any employment protection sum to be treated as earnings payable by such person, to such person and for such period as may be determined in accordance with the regulations; and
  - (b) for any such period, so far as it is not a period of employment, to be treated as a period of employment.
- (2) In this paragraph “employment protection sum” means—

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- (a) any sum, or a prescribed part of any sum—
  - (i) payable, in respect of arrears of pay, under an order for reinstatement or re-engagement made under [<sup>F132</sup>the Employment Rights Act 1996];
  - (ii) payable, by way of pay, under an order made under that Act for the continuation of a contract of employment;
  - (iii) payable, by way of remuneration, under a protective award made under section 189 of the <sup>M8</sup>Trade Union and Labour Relations (Consolidation) Act 1992; and
- (b) any prescribed sum which the regulations provide is to be treated as related to any sum within paragraph (a).

#### Textual Amendments

**F132** Words in Sch. 1 para. 6(2)(a)(i) substituted (22.8.1996) by 1996 c. 18, s. 240, Sch. 1 para. 67(3)

#### Marginal Citations

**M8** 1992 c. 52.

### *Pension payments*

- 7 Regulations may make provision, for the purposes of any provision of, or made under, this Act—
- (a) for such sums by way of pension payments to be disregarded for prescribed purposes;
  - (b) as to the week in which any pension payments are to be treated as having begun;
  - (c) for treating, in a case where—
    - (i) a lump sum is paid to a person in connection with a former employment of his or arrangements are made for a lump sum to be so paid; or
    - (ii) benefits of any description are made available to a person in connection with a former employment of his or arrangements are made for them to be made so available; or
    - (iii) pension payments to a person are assigned, reduced or postponed or are made otherwise than weekly,such payments as being made to that person by way of weekly pension payments as are specified in or determined under the regulations;
  - (d) for the method of determining whether pension payments are made to a person for any week and their amount.

### *Exemptions*

- 8 Regulations may prescribe circumstances in which a person may be entitled to an income-based jobseeker's allowance without—
- (a) being available for employment;
  - (b) having entered into a jobseeker's agreement; or
  - (c) actively seeking employment.

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- [<sup>F133</sup>8A(1) Regulations may prescribe circumstances in which a joint-claim couple may be entitled to a joint-claim jobseeker's allowance without each member of the couple satisfying all the conditions referred to in section 1(2B)(b).
- (2) Regulations may prescribe circumstances in which, and a period for which, a transitional case couple may be entitled to a joint-claim jobseeker's allowance without having jointly made a claim for it.
- (3) In sub-paragraph (2)—
- (a) “a transitional case couple” means a joint-claim couple a member of which is entitled to an income-based jobseeker's allowance on the coming into force of Schedule 7 to the Welfare Reform and Pensions Act 1999; and
- (b) “period” shall be construed in accordance with section 3(3).]

#### Textual Amendments

**F133** Sch. 1 para. 8A inserted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 16(2); S.I. 2000/2958, art. 2(2)

- [<sup>F134</sup>8B(1) This paragraph applies if domestic violence has been inflicted on or threatened against a person (“V”) in prescribed circumstances.
- (2) The Secretary of State must exercise the powers to make regulations under sections 6(4) and 7(4) so as to secure that, for an exempt period, V is treated as—
- (a) being available for employment; and
- (b) actively seeking employment.
- (3) If V has not entered into a jobseeker's agreement before the exempt period begins, the Secretary of State must also exercise the power to make regulations under section 9(10) so as to secure that V is treated as having entered into a jobseeker's agreement which is in force for the exempt period.
- (4) In this paragraph—
- “domestic violence” has such meaning as may be prescribed;
- “exempt period” means a period of 13 weeks beginning no later than a prescribed period after the date (or last date) on which the domestic violence was inflicted or threatened.
- (5) Regulations may make provision for the purposes of this paragraph prescribing circumstances in which domestic violence is, or is not, to be regarded as being inflicted on or threatened against a person.]

#### Textual Amendments

**F134** Sch. 1 para. 8B inserted (19.1.2012) by Welfare Reform Act 2009 (c. 24), ss. 29(1), 61(3); S.I. 2012/68, art. 2

- 9 Regulations may provide—
- (a) for an income-based jobseeker's allowance to which a person is entitled by virtue of regulations under paragraph 8 [<sup>F135</sup>or 8A] to be payable at a prescribed rate;
- (b) for it to be payable for a prescribed period.

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#### Textual Amendments

**F135** Words in **Sch. 1 para. 9(a)** inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(3)**; S.I. 2000/2958, **art. 2(2)**

*<sup>F136</sup> Continuity of claims and awards: persons ceasing to be a joint-claim couple*

#### Textual Amendments

**F136** **Sch. 1 paras. 9A-9D** and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(4)**; S.I. 2000/2958, **art. 2(2)**

<sup>F137</sup>9A (1) Regulations may make provision about the entitlement to a jobseeker's allowance of persons ("ex-members") who cease to be members of a joint-claim couple.

(2) Regulations under this paragraph may, in particular, provide—

- (a) for treating each or either of the ex-members as having made any claim made by the couple or, alternatively, for any such claim to lapse;
- (b) for any award made in respect of the couple to be replaced by an award (a "replacement award") in respect of each or either of the ex-members of the couple or, alternatively, for any such award to lapse.]

#### Textual Amendments

**F137** **Sch. 1 paras. 9A-9D** and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(4)**; S.I. 2000/2958, **art. 2(2)**

*<sup>F138</sup> Continuity of claims and awards: persons again becoming a joint-claim couple*

#### Textual Amendments

**F138** **Sch. 1 paras. 9A-9D** and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(4)**; S.I. 2000/2958, **art. 2(2)**

<sup>F139</sup>9B (1) Regulations may make provision about the entitlement to a jobseeker's allowance of persons ("ex-members") who, having ceased to be members of a joint-claim couple, again become the members of a joint-claim couple.

(2) Regulations under this paragraph may, in particular, provide—

- (a) for any claim made by the ex-members when they were previously a joint-claim couple to be revived or otherwise given effect as a claim made by the couple;
- (b) for any award made in respect of the ex-members when they were previously a joint-claim couple to be restored;
- (c) for any such award, or any replacement award (within the meaning of paragraph 9A) made in respect of either of them, to be replaced by an award (a "new award") in respect of the couple.

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#### Textual Amendments

**F139** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(4)**; S.I. 2000/2958, **art. 2(2)**

#### *F140 Continuity of claims and awards: couple becoming a joint-claim couple*

#### Textual Amendments

**F140** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(4)**; S.I. 2000/2958, **art. 2(2)**

- F141**9C (1) Regulations may make provision about the entitlement to a jobseeker's allowance of persons who become members of a joint-claim couple as a result of the [<sup>F142</sup>couple] of which they are members becoming a joint-claim couple.
- (2) Regulations under this paragraph may, in particular, provide—
- (a) for any claim made by either member of the couple before the couple became a joint-claim couple to be given effect as a claim made by the couple;
  - (b) for any award, or any replacement award (within the meaning of paragraph 9A), made in respect of either member of the couple before the couple became a joint-claim couple to be replaced by an award (a “new award”) in respect of the couple.

#### Textual Amendments

**F141** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(4)**; S.I. 2000/2958, **art. 2(2)**

**F142** Words in Sch. 1 para. 9C(1) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 254(1), 263(8)(d), **Sch. 24 para. 125**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

#### *F143 Paragraphs 9A to 9C: supplementary*

#### Textual Amendments

**F143** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(4)**; S.I. 2000/2958, **art. 2(2)**

- F144**9D (1) Regulations may provide, in relation to any replacement award (within the meaning of paragraph 9A) or new award (within the meaning of paragraph 9B or 9C)—
- (a) for the award to be of an amount determined in a prescribed manner;
  - (b) for entitlement to the award to be subject to compliance with prescribed requirements as to the provision of information and evidence.
- (2) In paragraphs 9A to 9C and this paragraph—
- “award” means an award of a jobseeker's allowance;
- “claim” means a claim for a jobseeker's allowance.



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### Textual Amendments

**F144** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 16(4); S.I. 2000/2958, art. 2(2)

### *Claims yet to be determined and suspended payments*

- 10<sup>[F145]</sup>(1) In such circumstances as may be prescribed—
- (a) a claimant for a jobseeker's allowance other than a joint-claim jobseeker's allowance,
  - (b) a joint-claim couple claiming a joint-claim jobseeker's allowance, or
  - (c) a member of such a couple,
- may be treated as being entitled to an income-based jobseeker's allowance before his or (as the case may be) the couple's claim for the allowance has been determined.]
- (2) In such circumstances as may be prescribed, an income-based jobseeker's allowance shall be <sup>[F146]</sup>payable in respect of] a claimant even though payment to him of a jobseeker's allowance has been suspended by virtue of regulations under <sup>[F147]</sup>section 21(2) of the Social Security Act 1998].
- (3) A jobseeker's allowance shall be payable by virtue of sub-paragraph (1) or (2) only if the claimant has complied with such requirements as to the provision of information as may be prescribed for the purposes of this paragraph.
- (4) Regulations may make provision for a jobseeker's allowance payable by virtue of sub-paragraph (1) or (2) to be—
- (a) payable at a prescribed rate;
  - (b) payable for a prescribed period;
  - (c) treated as being a contribution-based jobseeker's allowance for the purposes of section 5 of this Act.
- (5) Regulations may make provision—
- (a) for the recovery, by prescribed means and in prescribed circumstances, of the whole or part of any amount paid by virtue of sub-paragraph (1) or (2);
  - (b) for the whole or part of any amount paid by virtue of sub-paragraph (1) to be treated, if an award is made on the claim referred to there, as having been paid on account of the jobseeker's allowance awarded;
  - (c) for the whole or part of any amount paid by virtue of sub-paragraph (2) to be treated, if the suspension referred to there is lifted, as having been paid on account of the suspended allowance.

### Textual Amendments

**F145** Sch. 1 para. 10(1) substituted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 16(5); S.I. 2000/2958, art. 2(2)

**F146** Words in Sch. 1 para. 10(2) substituted (11.11.1999) by 1999 c. 30, ss. 59, 89(4)(b), Sch. 8 Pt. V para. 29(7)

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**F147** Words in [Sch. 1 para. 10\(2\)](#) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by [1998 c. 14, ss. 83, 87\(2\)](#), [Sch. 7 para. 146](#); [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\(a\)](#))

#### *Presence in and absence from Great Britain*

- 11 (1) Regulations may provide that in prescribed circumstances a claimant who is not in Great Britain may nevertheless be entitled to a contribution-based jobseeker's allowance.
- (2) Regulations may make provision for the purposes of this Act as to the circumstances in which a person is to be treated as being or not being in Great Britain.

#### *Households*

- 12 Regulations may make provision for the purposes of this Act as to the circumstances in which persons are to be treated as being or not being members of the same household.

#### *Responsibility for another person*

- 13 Regulations may make provision for the purposes of this Act as to the circumstances in which one person is to be treated as responsible or not responsible for another.

#### *Relevant education*

- 14 Regulations may make provision for the purposes of this Act—
- (a) as to what is or is not to be treated as relevant education; and
  - (b) as to the circumstances in which a person is or is not to be treated as receiving relevant education.

VALID FROM 10/06/2012

- [<sup>F148</sup>14AA For any purpose of this Act regulations may provide for—
- (a) circumstances in which a person is to be treated as having or not having a good reason for an act or omission;
  - (b) matters which are or are not to be taken into account in determining whether a person has a good reason for an act or omission.]

#### **Textual Amendments**

**F148** [Sch. 1 para. 14AA](#) inserted (10.6.2012 for specified purposes otherwise 22.10.2012) by [Welfare Reform Act 2012 \(c. 5\), ss. 46\(3\)\(b\), 150\(3\)](#); [S.I. 2012/1246, art. 2\(3\)\(c\)\(ii\)](#) (as that S.I. is amended by [S.I. 2012/2530, art. 2\(7\)](#)); [S.I. 2012/2530, art. 2\(2\)\(b\)](#)

#### *Calculation of periods*

- 15 Regulations may make provision for calculating periods for any purpose of this Act.

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*Employment on ships etc.*

- 16 (1) Regulations may modify any provision of this Act in its application to any person who is, has been, or is to be—
- (a) employed on board any ship, vessel, hovercraft or aircraft,
  - (b) outside Great Britain at any prescribed time or in any prescribed circumstances, or
  - (c) in prescribed employment in connection with continental shelf operations, so far as that provision relates to a contribution-based jobseeker's allowance.
- (2) The regulations may in particular provide—
- (a) for any such provision to apply even though it would not otherwise apply;
  - (b) for any such provision not to apply even though it would otherwise apply;
  - (c) for the taking of evidence, in a country or territory outside Great Britain, by a British consular official or other prescribed person;
  - (d) for enabling payment of the whole, or any part of a contribution-based jobseeker's allowance to be paid to such of the claimant's dependants as may be prescribed.

*Additional conditions*

- 17 Regulations may require additional conditions to be satisfied with respect to the payment of a jobseeker's allowance to any person who is, has been, or is to be, in employment which falls within a prescribed description.

*Benefits Act purposes*

- 18 Regulations may provide for—
- (a) a jobseeker's allowance;
  - (b) a contribution-based jobseeker's allowance; or
  - (c) an income-based jobseeker's allowance,
- to be treated, for prescribed purposes of the Benefits Act, as a benefit, or a benefit of a prescribed description.

*<sup>F149</sup>Treatment of information supplied as information relating to social security*

**Textual Amendments**

**F149** Sch. 1 para. 19 and cross-heading inserted (12.1.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), ss. 34(3), 61(2)

- 19 Information supplied in pursuance of any provision made by or under this Act [<sup>F150</sup>(other than paragraph 8 of Schedule A1)] shall be taken for all purposes to be information relating to social security.]

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**Textual Amendments**

**F150** Words in [Sch. 1 para. 19](#) inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), ss. 11, 61(1), [Sch. 3 para. 3\(4\)](#)

SCHEDULE 2

Section 41(4).

CONSEQUENTIAL AMENDMENTS

*The Social Work (Scotland) Act 1968 (c. 49)*

- 1 In section 78(2A) of the Social Work (Scotland) Act 1968 (relief from payment of contributions in respect of children subject to supervision requirements etc.), after “income support” insert “, an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995)”.

*The Employment Protection (Consolidation) Act 1978 (c. 44)*

**F151**<sub>2</sub> .....

**Textual Amendments**

**F151** [Sch. 2 para. 2](#) repealed (22.8.1996) by [1996 c. 17](#), ss. 45, 46, [Sch. 3 Pt. I](#) (with s. 38)

*The Education Act 1980 (c. 20)*

**F152**<sub>3</sub> .....

**Textual Amendments**

**F152** [Sch. 2 para. 3](#) repealed (1.11.1996) by [1996 c. 56](#), ss. 582(2), 583(2), [Sch. 38 Pt. I](#) (with savings in ss. 1(4), 582(3), [Sch. 39 Pt. I](#) paras. 5, 6, 8, 30)

*The Magistrates’ Courts Act 1980 (c. 43)*

4 **F153** .....

**Textual Amendments**

**F153** [Sch. 2 para. 4](#) repealed (6.4.2011) by [Courts Act 2003 \(c. 39\)](#), ss. 109(3), 110(1), [Sch. 10](#); S.I. 2010/2921, [art. 3\(c\)](#)

*The Education (Scotland) Act 1980 (c. 44)*

- 5 In section 53(3) of the Education (Scotland) Act 1980 (school meals), after “income support” insert “or of an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995)” and for “it” substitute “that benefit”.

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*The Administration of Justice Act 1982 (c. 53)*

- 6 In section 10 of the Administration of Justice Act 1982 (assessment of damages for personal injuries), in paragraph (ii), for “unemployment benefit” substitute “contribution-based jobseeker’s allowance (payable under the Jobseekers Act 1995).”

*The Transport Act 1982 (c. 49)*

- 7 In section 70(2)(b) of the Transport Act 1982 (payments in relation to exemption from wearing seat belts), after “income support” insert “ or an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995) ”

*The Bankruptcy (Scotland) Act 1985 (c. 66)*

- 8 In section 31(8) of the Bankruptcy (Scotland) Act 1985 (definition of “whole estate of the debtor”), for “section 89(2)” substitute “ sections 71(10B), 78(3B) and 89(2). ”

*The Legal Aid (Scotland) Act 1986 (c.47)*

- 9 F154 .....

**Textual Amendments**

**F154** Sch 2 para. 9 repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), ss. 60, 61, Sch. 6; S.I. 2003/962, art. 2(4)(e), Sch. 2

*The Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47)*

- 10 Paragraph 7A of Schedule 2 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (recovery of outstanding community charge by deduction from income support) shall, so far as it continues to have effect by virtue of Article 2 of the <sup>M9</sup>Local Government Finance Act 1992 (Recovery of Community Charge) Saving Order 1993, apply as if there were inserted at the end—

“(3) This paragraph applies to a jobseeker’s allowance as it applies to income support.”

**Marginal Citations**

**M9** S.I. 1993/1780.

*The Income and Corporation Taxes Act 1988 (c. 1)*

- 11 The Income and Corporation Taxes Act 1988 is amended as follows.

- 12 F155 .....

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**Textual Amendments**  
**F155** Sch. 2 para. 12 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), ss. 723, 724 {Sch. 8 Pt. 1} (with Sch. 7)

13 **F156** .....

**Textual Amendments**  
**F156** Sch. 2 para. 13 repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), ss. 378(1), 381(1), Sch. 10 Pt. 12 (with Sch. 9 para. 1-9, 22)

14 **F157** .....

**Textual Amendments**  
**F157** Sch. 2 para. 14 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), ss. 723, 724 {Sch. 8 Pt. 1} (with Sch. 7)

15 **F158** .....

**Textual Amendments**  
**F158** Sch. 2 para. 15 repealed (6.4.2007 with effect in accordance with s. 1034(1) of the repealing Act) by Income Tax Act 2007 (c. 3), ss. 1031, 1034(1), Sch. 3 Pt. 1 (with Sch. 2)

16 **F159** .....

**Textual Amendments**  
**F159** Sch. 2 para. 16 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), ss. 723, 724 {Sch. 8 Pt. 1} (with Sch. 7)

*The Education Reform Act 1988 (c. 40)*

**F160** 17 .....

**Textual Amendments**  
**F160** Sch. 2 para. 17 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), Sch. 38 Pt. I (with savings in ss. 1(4), 582(3), Sch. 39 Pt. I paras. 5, 6, 8)

*The Local Government Finance Act 1988 (c. 41)*

18 In paragraph 6 of Schedule 4 to the Local Government Finance Act 1988 (recovery of outstanding community charge by deduction from income support), insert at the end—

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“(3) This paragraph applies to a jobseeker’s allowance as it applies to income support.”

*The Children Act 1989 (c. 41)*

19 (1) The Children Act 1989 is amended as follows.

(2) <sup>F161</sup> .....

(3) <sup>F161</sup> .....

(4) In section 105 (interpretation), after the definition of “ill-treatment” insert—

““income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;”.

(5) In paragraph 21(4) of Schedule 2 (person receiving benefit not to be liable to pay contributions), add at the end “or of an income-based jobseeker’s allowance”.

**Textual Amendments**

**F161** Sch. 2 para. 19(2)(3) repealed (27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 67, 70(2), Sch. 8; S.I. 2008/787, art. 2(4)(g)(iii)

*The Child Support Act 1991 (c. 48)*

20 (1) The Child Support Act 1991 is amended as follows.

[<sup>F162</sup>(2) In section 6(1) (applications by those receiving benefit), after “income support,” insert “an income-based jobseeker’s allowance,”.]

(3) .....

[<sup>F162</sup>(4) In section 46(11) (definitions), in the definition of “relevant benefit”, after “income support,” insert “an income-based jobseeker’s allowance,”.]

(5) In section 47(3) (regulations about fees), after “income support,” insert “an income-based jobseeker’s allowance,”.

(6) In section 54 (interpretation), after the definition of “income support” insert—

““income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;”.

[<sup>F162</sup>(7) In paragraph 5(4) of Schedule 1 (assessable income), after “income support” insert “, an income-based jobseeker’s allowance”.]

**Textual Amendments**

**F162** Sch. 2 para. 20(2)(4)(7) repealed (3.3.2003 for certain purposes otherwise prosp.) by 2000 c. 19, ss. 85, 86(1)(e), Sch. 9 Pt. I (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

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*The Criminal Justice Act 1991 (c. 53)*

- 21 (1) Section 24 of the Criminal Justice Act 1991 (recovery of fines etc. by deductions from income support) is amended as follows.
- (2) In subsection (1), before paragraph (a), after “income support” insert “or a jobseeker’s allowance”.
- (3) In subsection (1)(a), for “income support” substitute “that benefit”.
- (4) In subsection (2)(d), after “income support” insert “or a jobseeker’s allowance”.

*The Social Security Contributions and Benefits Act 1992 (c.4)*

- 22 In section 22 of the Benefits Act (earnings factors), in subsections (2)(a) and (5), after “entitlement to” insert, in each case, “a contribution-based jobseeker’s allowance or to”.
- 23 In section 61 of the Benefits Act (exclusion of increase of benefit for failure to satisfy contribution condition), for subsection (2) substitute—
- “(2) Where a person is entitled to short-term incapacity benefit at a rate determined under section 30B(3) above and the retirement pension by reference to which the rate of the benefit is determined—
- (a) would have been payable only by virtue of section 60 above, and
- (b) would, in consequence of a failure to satisfy a contribution condition, have contained no basic pension,
- the benefit shall not be increased under section 47(1) above or under Part IV below on account of a child or an adult”.

24 **F163** .....

**Textual Amendments**

**F163** Sch. 2 para. 24 repealed (12.1.2010 with effect as mentioned in s. 58(2)(b) of the repealing act) by [Welfare Reform Act 2009 \(c. 24\)](#), ss. 58(1), 61(2), [Sch. 7 Pt. 2](#)

25 **F164** .....

**Textual Amendments**

**F164** Sch. 2 para. 25 repealed (6.4.2010) by [Pensions Act 2007 \(c. 22\)](#), ss. 27(2)(4)(b), 30(1)(d), [Sch. 7 Pt. 2](#) (with s. 4(5))

- 26 In section 87 of the Benefits Act (rate of increase where associated retirement pension is attributable to reduced contributions), for subsection (1)(a) substitute—
- “(a) is entitled to short-term incapacity benefit under section 30A(2)(b) above; and”.
- 27 In section 91 of the Benefits Act (effect of trade disputes on entitlement to dependency increases), for subsection (2) substitute—
- “(2) A person falls within this subsection if—
- (a) he is prevented from being entitled to a jobseeker’s allowance by section 14 of the Jobseekers Act 1995 (trade disputes); or



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- (b) he would be so prevented if he were otherwise entitled to that benefit.”
- 28 In section 116 (application to Her Majesty’s forces), in subsection (2), for the words following “provide” substitute- “, in the case of persons who are employed earners in respect of their membership of those forces, for reducing the rate of the contributions payable in respect of their employment and for determining—
- (a) the amounts payable on account of those contributions by the Secretary of State and the time and manner of payment, and
- (b) the deduction (if any) to be made on account of those contributions from the pay of those persons.”
- 29 In section 122(1) of the Benefits Act (interpretation of Parts I to VI of that Act), after the definition of “contract of service” insert—
- ““contribution-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;”
- 30 (1) Section 124 of the Benefits Act (entitlement to income support) is amended as follows.
- (2) For subsection (1)(a) substitute-
- “(a) he is of or over the age of 16;”.
- (3) Omit “and” at the end of subsection (1)(c).
- (4) For subsection (1)(d) substitute—
- “(d) except in such circumstances as may be prescribed, he is not receiving relevant education;”.
- (5) In subsection (1), after paragraph (d) insert—
- “(e) he falls within a prescribed category of person; and
- (f) he is not entitled to a jobseeker’s allowance and, if he is a member of a married or unmarried couple, the other member of the couple is not entitled to an income-based jobseeker’s allowance.”

#### Commencement Information

**I28** Sch. 2 para. 30 wholly in force at 7.10.1996; Sch. 2 para. 30 not in force at Royal Assent, see s. 41(2); Sch. 2 para. 30(5) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), Sch.; Sch. 2 para. 30 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, art. 2(b)

- 31 In section 126 of the Benefits Act (income support: trade disputes)—
- (a) in subsection (1)(a), for “is disqualified under section 27 above for receiving unemployment benefit” substitute “is prevented from being entitled to a jobseeker’s allowance by section 14 of the Jobseekers Act 1995 (trade disputes)”; and
- (b) in subsection (1)(b), for “disqualified” substitute “prevented”.
- 32 In section 127 of the Benefits Act (effect of return to work), for “disqualified for receiving unemployment benefit” substitute “prevented from being entitled to a jobseeker’s allowance”.
- 33 F165 .....

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**Textual Amendments**

**F165** Sch 2 para. 33 repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), ss. 60, 61, Sch. 6; S.I. 2003/962, art. 2(4)(e), Sch. 2

34

**F166** .....

**Textual Amendments**

**F166** Sch 2 para. 34 repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), ss. 60, 61, Sch. 6; S.I. 2003/962, art. 2(4)(e), Sch. 2

35 (1) Section 137 of the Benefits Act (interpretation of Part VII and supplementary provisions) is amended as follows.

(2) In subsection (1), after the definition of “family” insert—

““income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;”.

(3) In subsection (2), for paragraph (d) substitute—

“(d) as to circumstances in which a person is or is not to be treated as engaged or normally engaged in remunerative work;”.

36 (1) Schedule 7 to the Benefits Act (industrial injuries benefits) is amended as follows.

(2) In paragraph 3(10), for “it has for the purposes of unemployment benefit” substitute “a jobseeking period and any period linked to such a period has for the purposes of the Jobseekers Act 1995.”.

(3) For paragraph 13(10) substitute—

“(10) “Day of interruption of employment” means a day which forms part of—

(a) a jobseeking period (as defined by the Jobseekers Act 1995), or

(b) a linked period (as defined by that Act).”.

37 In Schedule 13 to the Benefits Act (relationship of statutory maternity pay with benefits and other payments), for paragraph 1 substitute—

“1 Except as may be prescribed, a day which falls within the maternity pay period shall not be treated as a day of incapacity for work for the purposes of determining, for this Act, whether it forms part of a period of incapacity for work for the purposes of incapacity benefit.”.

*The Social Security Administration Act 1992 (c.5)*

38 In section 1 of the Administration Act (entitlement to benefit dependent on claim), in the definition of “benefit” in subsection (4), after “Benefits Act;” insert—

“(aa) a jobseeker’s allowance;”.

39 In section 5 of the Administration Act (claims and payments regulations), in subsection (2) after paragraph (a) insert—

“(aa) a jobseeker’s allowance;”.

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- 40 (1) Section 15A of the Administration Act (payment out of benefit of sums in respect of mortgage interest etc.) is amended as follows.
- (2) <sup>F167</sup> .....
- (3) In the definition of “qualifying associate”, in subsection (4)—
- (a) after “support” insert “or an income-based jobseeker’s allowance”; and
- (b) after “Act” insert “or (as the case may be) under the Jobseekers Act 1995”.
- (4) In the definition of “relevant benefits” in subsection (4), after “Act;” insert—
- “(aa) a jobseeker’s allowance;”.

#### Textual Amendments

**F167** Sch. 2 para. 40(2) repealed (27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 67, 70(2), Sch. 8; S.I. 2008/787, art. 2(4)(g)(iii)

- [<sup>F168</sup>41 In section 17(1) of the Administration Act (questions for adjudication by the Secretary of State), omit “and” at the end of paragraph (g) and after paragraph (h) insert—
- “; and
- (i) any question arising under section 27 of the Jobseekers Act 1995, or under any provision of regulations under that section, as to—
- (i) whether a person is, or was, an employee or employer of another;
- (ii) whether an employer is entitled to make any deduction from his contributions payments in accordance with regulations under section 27 of that Act;
- (iii) whether a payment falls to be made to an employer in accordance with those regulations;
- (iv) the amount that falls to be so deducted or paid; or
- (v) whether two or more employers are, by virtue of regulations under section 27 of that Act, to be treated as one.”]

#### Textual Amendments

**F168** Sch. 2 paras. 41-47 repealed (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(2), 87(2), 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))

- [<sup>F169</sup>42(1) Section 20 of the Administration Act (claims and questions to be submitted to adjudication officer) is amended as follows.
- (2) In subsection (1), omit “and” at the end of paragraph (b) and after paragraph (c) insert—
- “; and
- (d) any question whether a jobseeker’s allowance is not payable to a person by virtue of section 19 of the Jobseekers Act 1995.”
- (3) In subsection (2), after “which”, insert—

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“ —

- (a) may be determined by an adjudication officer under section 9(6) or 10(5) of the Jobseekers Act 1995; or
- (b)”.

- (4) In subsection (6), after paragraph (a) insert—  
 “(aa) a jobseeker’s allowance;”].

#### Textual Amendments

**F169** Sch. 2 paras. 41-47 repealed (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(2), 87(2), 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))

- [<sup>F170</sup>43 In section 25 of the Administration Act (review of decisions), in subsection (1)(e), for “25A(4) or (5) of the Contributions and Benefits Act” substitute “ 6(6) or 7(7) of the Jobseekers Act 1995”.]

#### Textual Amendments

**F170** Sch. 2 paras. 41-47 repealed (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(2), 87(2), 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))

- [<sup>F171</sup>44 In section 58 of the Administration Act (determination of questions and matters arising out of, or pending, reviews and appeals)—
- (a) in subsection (1), after “Benefits Act” insert “, the Jobseekers Act 1995”; and
  - (b) in subsection (4), after “unemployment benefit” insert “or a jobseeker’s allowance”.]

#### Textual Amendments

**F171** Sch. 2 paras. 41-47 repealed (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(2), 87(2), 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))

- [<sup>F172</sup>45 In section 61 of the Administration Act (supplementary matters relating to determinations), in subsection (4), after paragraph (a) insert—  
 “(aa) to a jobseeker’s allowance;”].

#### Textual Amendments

**F172** Sch. 2 paras. 41-47 repealed (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(2), 87(2), 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))

- [<sup>F173</sup>46 In section 68 of the Administration Act (restrictions on entitlement to benefit in certain cases of error), in the definition of “benefit” in subsection (4), after “Act;” insert—

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“(aa) a jobseeker’s allowance;”].

**Textual Amendments**

**F173** Sch. 2 paras. 41-47 repealed (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(2), 87(2), 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))

[<sup>F174</sup>47 In section 70 of the Administration Act (correction of errors and setting aside of decisions), in subsection (3), omit “or” at the end of paragraph (i) and after paragraph (j) insert—

“; or

(l) the Jobseekers Act 1995.”].

**Textual Amendments**

**F174** Sch. 2 paras. 41-47 repealed (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(2), 87(2), 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))

48 In section 71 of the Administration Act (recovery of overpayments), in subsection (11), after paragraph (a) insert—

“(aa) subject to section 71A below, a jobseeker’s allowance;”.

49 (1) Section 73 of the Administration Act (adjustment of benefits) is amended as follows.

(2) In subsection (1)—

(a) after “Act” insert “, or a contribution-based jobseeker’s allowance,”; and

(b) for “its receipt” substitute “receipt of that benefit”.

(3) For subsection (4) substitute—

“(4) Regulations may provide for adjusting—

(a) benefit as defined in section 122 of the Contributions and Benefits Act; or

(b) a contribution-based jobseeker’s allowance,

payable to or in respect of any person where there is payable in his case any such benefit as is described in subsection (5) below.”.

50 In section 74 (recovery and abatement of income support), in subsections (1), (2) and (3) after “support” insert, in each place, “or an income-based jobseeker’s allowance”.

51 In section 78 of the Administration Act (recovery of social fund awards), in subsection (6)(d), after “support” insert “or an income-based jobseeker’s allowance”.

<sup>F175</sup>52 .....

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**Textual Amendments**  
**F175** Sch. 2 para. 52 repealed (6.10.1997) by 1997 c. 27, s. 33(2), Sch. 4 (with savings in ss. 1, 2, 28); S.I. 1997/2085, art. 2(2)

- 53 (1) Section 105 of the Administration Act (failure to maintain) is amended as follows.
- (2) <sup>F176</sup> .....
- (3) In subsection (3), at the beginning insert “Subject to subsection (4) below,”.
- (4) After subsection (3) insert—  
    “(4) For the purposes of this section, in its application to an income-based jobseeker’s allowance, a person is liable to maintain another if that other person is his or her spouse.”

**Textual Amendments**  
**F176** Sch. 2 para. 53(2) repealed (27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 67, 70(2), Sch. 8; S.I. 2008/787, art. 2(4)(g)(iii)

<sup>F177</sup>54 .....

**Textual Amendments**  
**F177** Sch. 2 para. 54 repealed (6.10.1997) by 1997 c. 27, s. 33(2), Sch. 4 (with savings in ss. 1, 2, 28); S.I. 1997/2085, art. 2(2) and expressed to be 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)

- 55 In section 115 of the Administration Act (offences by bodies corporate), in subsection (1), after “Act” insert “, or under the Jobseekers Act 1995,”.
- 56 (1) Section 116 of the Administration Act (legal proceedings) is amended as follows.
- (2) In subsection (1), after “Act” insert “or the Jobseekers Act 1995”.
- (3) In subsection (2)(a), after “council tax benefit” insert “, or for an offence under the Jobseekers Act 1995,”.
- (4) In subsection (7)(a), after “this Act” insert “or the Jobseekers Act 1995”.

[<sup>F178</sup>57 In section 117 of the Administration Act (questions arising in proceedings), in subsection (1)(a), after “Act” insert “or the Jobseekers Act 1995”.]

**Textual Amendments**  
**F178** Sch. 2 para. 57 repealed (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(2), 87(2), 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))

<sup>F179</sup>58 .....

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**Textual Amendments**

**F179** Sch. 2 para. 58 repealed (1.7.1997) by 1997 c. 47, s. 22, Sch. 2; S.I. 1997/1577, art. 2, Sch.

59 In section 124 of the Administration Act (provisions relating to age, death and marriage), in subsection (1), after “applies;” insert—  
“(aa) of the provisions of Parts I and II of the Jobseekers Act 1995;”.

60 In section 125 of the Administration Act (notifications of deaths), in subsection (1)  
—  
(a) after “Benefits Act” insert “, the Jobseekers Act 1995”; and  
(b) for “either of them” substitute “any of those Acts”.

61 In section 126 of the Administration Act (information to be provided by personal representatives in certain cases), in subsection (1), after “support” insert “, an income-based jobseeker’s allowance”.

<sup>F180</sup>62 .....

**Textual Amendments**

**F180** Sch. 2 para. 62 repealed (1.7.1997) by 1997 c. 47, s. 22, Sch. 2; S.I. 1997/1577, art. 2, Sch.

<sup>F181</sup>63 .....

**Textual Amendments**

**F181** Sch. 2 para. 63 repealed (1.7.1997) by 1997 c. 47, s. 22, Sch. 2; S.I. 1997/1577, art. 2, Sch.

64 (1) Section 150 of the Administration Act (annual up-rating of benefits) is amended as follows.

(2) In subsection (1), after paragraph (j) insert—  
“(k) specified in regulations under section 4(2) or (5) of the Jobseekers Act 1995;”.

(3) In subsection (7), after “Benefits Act” insert “or under the Jobseekers Act 1995,”.

65 In section 164(1) of the Administration Act (destination of repayments), after “Subject to” insert “section 38 of the Jobseekers Act 1995 and to”.

66 (1) Section 166 of the Administration Act (financial review and report) is amended as follows.

(2) In subsection (1), for the words from “the 1975 Act” to the end substitute—

“—

- (a) the 1975 Act;
- (b) Parts I to VI of the Contributions and Benefits Act (except Part I of Schedule 8);
- (c) the provisions of the Jobseekers Act 1995 relating to a contribution-based jobseeker’s allowance; and

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- (d) this Act so far as it relates to the provisions specified in paragraphs (b) and (c) above.”.
- (3) In subsection (2), for the words from “Parts I” to the end substitute—
- “—
- (a) Parts I to VI of the Contributions and Benefits Act (except Part I of Schedule 8);
- (b) the provisions of the Jobseekers Act 1995 relating to a contribution-based jobseeker’s allowance; and
- (c) this Act so far as it relates to the provisions specified in paragraphs (a) and (b) above.”.
- 67 In section 170 of the Administration Act (the Social Security Advisory Committee), in subsection (5)—
- (a) in the definition of “the relevant enactments”, after “payments;” insert—
- “(aa) the provisions of the Jobseekers Act 1995;” and
- (b) in the definition of “the relevant Northern Ireland enactments”, after paragraph (a) insert—
- “(aa) any provisions in Northern Ireland which correspond to provisions of the Jobseekers Act 1995; and”.
- 68 (1) Section 177(5) of the Administration Act (co-ordination with Northern Ireland) is amended as follows.
- (2) In paragraph (a), after “Benefits Act” insert “, the Jobseekers Act 1995”.
- (3) In paragraph (b), after “Benefits Act” insert “, any enactment in Northern Ireland corresponding to the Jobseekers Act 1995”.
- (4) After “income support;” insert—
- “(ia) income-based jobseeker’s allowance;”.
- 69 (1) Section 178 of the Administration Act (reciprocal arrangements with Northern Ireland) is amended as follows.
- (2) In subsection (1), after “Benefits Act” insert “, the Jobseekers Act 1995”.
- (3) In subsection (2), after paragraph (a) insert—
- “(aa) income-based jobseeker’s allowance;”.
- (4) In subsection (3), after “this Act” insert (in each place) “, the Jobseekers Act 1995”.
- 70 (1) Section 179 of the Administration Act (reciprocal agreements with countries outside the United Kingdom) is amended as follows.
- (2) In subsection (3), after “this Act” insert “, the Jobseekers Act 1995”.
- (3) In subsection (4), after “Benefits Act;” insert—
- “(aa) to the Jobseekers Act 1995;”.
- (4) In subsection (5), after paragraph (a) insert—
- “(aa) jobseeker’s allowance;”.
- 71 In section 180 of the Administration Act (payment of travelling expenses by Secretary of State), after “Benefits Act” (in both places) insert “, the Jobseekers Act 1995”.



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72 In section 187 of the Administration Act (certain benefit to be inalienable), in subsection (1), after paragraph (a) insert—

“(aa) a jobseeker’s allowance;”.

73 (1) Section 191 of the Administration Act (interpretation) is amended as follows.

(2) In the definition of “benefit”, after “Act” insert “and includes a jobseeker’s allowance”.

(3) After the definition of “the Consequential Provisions Act” insert—

““contribution-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;”.

(4) After the definition of “housing benefit scheme” insert—

““income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;”.

74 F182 .....

**Textual Amendments**

**F182** Sch. 2 para. 74 repealed (27.6.2002) by The Secretaries of State for Education and Skills and for Work and Pensions Order 2002 (S.I. 2002/1397), art. 12, Sch. para. 12

*The Local Government Finance Act 1992 (c.14)*

75 (1) Paragraph 6 of Schedule 4 to the Local Government Finance Act 1992 (deductions from income support) is amended as follows.

(2) In sub-paragraph (1)—

(a) after first “income support” insert “ or a jobseeker’s allowance ”;

(b) omit “within the meaning of the Social Security Contributions and Benefits Act 1992”; and

(c) in paragraph (a), for “income support” substitute “ that benefit ”.

(3) In sub-paragraph (2)(b) after “income support” insert “ or a jobseeker’s allowance ”.

76 (1) Paragraph 6 of Schedule 8 to the Local Government Finance Act 1992 (enforcement in Scotland) is amended as follows.

(2) In sub-paragraph (1)—

(a) after first “income support” insert “ or a jobseeker’s allowance ”;

(b) omit “within the meaning of the Social Security Contributions and Benefits Act 1992”; and

(c) in paragraph (a), for “income support” substitute “ that benefit ”.

(3) In sub-paragraph (2)(b) after “income support” insert “ or a jobseeker’s allowance ”.

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## SCHEDULE 3

Section 41(5).

## REPEALS

**Commencement Information**

**I29** Sch. 3 wholly in force at 7.10.1996; Sch. 3 not in force at Royal Assent, see s. 41(2); the repeals in Sch. 3 relating to 1976 c. 71 in force (1.4.1996) by S.I. 1995/3228, art. 2(f); Sch. 3 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, art. 2(b)

Chapter	Short title	Extent of repeal
1976 c. 71.	Supplementary Benefits Act 1976.	Section 30.  Schedule 5.
1991 c. 53.	Criminal Justice Act 1991.	In section 24(4), in the definition of "income support", the words "unemployment, or".
1992 c. 4.	Social Security Contributions and Benefits Act 1992.	In section 20, subsection (1) (a) and in the definition of "short-term benefit", in subsection (2), paragraph (a).  In section 21(2), in the Table relating to short-term benefits, the entry relating to unemployment benefit.  Section 25. Section 25A. Section 25B. Section 26. Section 27. Section 28. Section 29. Section 30. Section 80(2)(a). Section 82(1).  In section 124, the word "and", at the end of subsection (1)(c) and subsections (2) and (3).  Section 125.

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		<p>In section 163(1), the definition of “period of interruption of employment”.</p> <p>In Schedule 3, paragraph 1.</p> <p>In Schedule 4, paragraph 1 of Part I and paragraph 1 of Part IV.</p> <p>In Schedule 11, in paragraph 2(g), the words “, within the meaning of section 27 above,”.</p> <p>In Schedule 12, in paragraph 1, the words “a period of interruption of employment for the purposes of unemployment benefit or”.</p>
1992 c. 5.	Social Security Administration Act 1992.	<p>In section 17(1)(g), the word “and” at the end.</p> <p>In section 20(1)(b), the word “and” at the end.</p> <p>In section 70(3)(i), the word “or”.</p> <p>In section 71(11)(b), the words “subject to section 72 below”.</p> <p>Section 72.</p>
1992 c. 14.	Local Government Finance Act 1992.	<p>In paragraph 6(1) of Schedule 4, the words “within the meaning of the Social Security Contributions and Benefits Act 1992.”.</p> <p>In paragraph 6(1) of Schedule 8, the words “within the meaning of the Social Security Contributions and Benefits Act 1992.”.</p>
1994 c. 18.	Social Security (Incapacity for Work) Act 1994.	<p>In Schedule 1, paragraphs 4, 5, 6, 19, 21, 24(2) and (3), 30, 35, 36, 37, sub-paragraph (b) of paragraph 39, 41(3), 45(2) and 47.</p>

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