



# Jobseekers Act 1995

## 1995 CHAPTER 18

### PART I

#### THE JOBSEEKER'S ALLOWANCE

##### *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).
- (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 the adjudication officer.
- (4) Regulations may prescribe—
  - (a) circumstances which an adjudication officer is to take into account, and
  - (b) circumstances which he is not to take into account,in determining a period under subsection (3).
- (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;

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- (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 section 81(2) of the <sup>M1</sup>Employment Protection (Consolidation) Act 1978 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—
    - (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.

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### Commencement Information

- II** 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)

### Marginal Citations

- M1** 1978 c. 44.

VALID FROM 10/06/2012

### <sup>F1</sup> <sup>F2</sup>19A **Other sanctions**

- (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;
  - (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—

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- (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—
  - (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

- F1** 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**
- F2** **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)**

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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.
- (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.

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#### Textual Amendments

- F1** 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**
- F2** 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.]]

#### Textual Amendments

- F1** 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**
- F2** 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

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- (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 he has failed to complete a course of training.
- (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 payable to 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.

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

**C1** S. 20 modified (7.10.1996) by S.I. 1996/207, reg. 159

**Commencement Information**

**I2** 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)

VALID FROM 19/03/2001

**[<sup>F3</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;

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- (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
  - (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).



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- (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

**F3** 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)

- C2** 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**)
- C3** 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)**)
- C4** 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)**)
- C5** 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)**)
- C6** 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)**

VALID FROM 19/03/2001

[<sup>F4</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.
- (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.

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- (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

**F4** Ss. 20A, 20B inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 13**; S.I. 2000/2958, **art. 2(2)**

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