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Changes to legislation: Jobseekers Act 1995, Cross Heading: Entitlement is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



Jobseekers Act 1995

1995 CHAPTER 18

PART I

THE JOBSEEKER'S ALLOWANCE

Entitlement

VALID FROM 07/10/1996

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;
 - (d) satisfies either—
 - (i) the conditions set out in section 2; or
 - (ii) the conditions set out in section 3;
 - (e) is not engaged in remunerative work;
 - (f) is capable of work;
 - (g) is not receiving relevant education;
 - (h) is under pensionable age; and
 - (i) is in Great Britain.
- (3) A jobseeker's allowance is payable in respect of a week.
- (4) In this Act—

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“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; and

“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.

Modifications etc. (not altering text)

C1 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 section 1(2)(d)(i) 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;
 - (b) the earnings factor derived from earnings upon which primary Class 1 contributions have been paid or treated as paid is not less than the base year’s lower earnings limit multiplied by 25.
- (3) The additional condition mentioned in subsection (1)(b) is that the earnings factor derived from earnings 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.
- (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.

Modifications etc. (not altering text)

C2 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

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C3 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 section 1(2)(d)(ii) 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;
 - (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;
 - (e) is not a member of a married or unmarried 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;
 - (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.

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)**

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VALID FROM 19/03/2001

[^{F1}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;
 - (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.
- (3) In subsection (1)(e)(ii) above “period” shall be construed in accordance with section 3(3).]

Textual Amendments

F1 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)**

Modifications etc. (not altering text)

C4 S. 3A(1)(e)(ii) applied (1.4.2002) (with modifications) by S.I. 2001/4022, **reg. 11(2)(g)**

VALID FROM 19/03/2001

[^{F2}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

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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

F2 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—
- determining the age-related amount applicable to him; and
 - making prescribed deductions in respect of earnings and pension 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, the amount payable shall be—
- if a claimant has no income, the applicable amount;
 - if a claimant has an income, the amount by which the applicable amount exceeds his 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 satisfies both the contribution-based conditions and the income-based conditions but has no income, the amount payable shall be—
- the applicable amount, if that is greater than his personal rate; and
 - 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—
- one being an amount equal to his personal rate; and
 - the other being an amount equal to the excess of the applicable amount over his personal rate.
- (8) Where a claimant satisfies both the contribution-based conditions and the income-based conditions and has an income, the amount payable shall be—
- the amount by which the applicable amount exceeds his income, if the amount of that excess is greater than his personal rate; and
 - 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—

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

Modifications etc. (not altering text)

C5 S. 4(1) applied (with modifications) (4.11.1996) by S.I. 1996/2570, reg. 3(2)

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)

VALID FROM 19/03/2001

[^{F3}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.]

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Textual Amendments

F3 S. 4A inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 6**; S.I. 2000/2958, **art. 2(2)**

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)

C6 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)**

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