Jobseekers Act 1995

1995 CHAPTER 18

PART I

THE JOBSEEKER'S ALLOWANCE

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

I1 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.

[**F1**(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—

(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

F1   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

I2   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)**

Status:
Point in time view as at 20/03/2012.

Changes to legislation:
Jobseekers Act 1995, Cross Heading: Income and capital is up to date with all changes known to be in force on or before 26 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.