



Jobseekers Act 1995

1995 CHAPTER 18

PART I

THE JOBSEEKER'S ALLOWANCE

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.
- (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—

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- (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 (“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 on a review of the first determination.
- (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 an adjudication officer 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.

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 (“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 on a review of the first determination.
- (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.

8 Attendance, information and evidence

- (1) Regulations may make provision for requiring a claimant—
 - (a) to attend at such place and at such time as the Secretary of State 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.
- (2) Regulations under subsection (1) may, in particular—
 - (a) prescribe circumstances in which entitlement to a jobseeker’s allowance is to cease in the case of a claimant who fails to comply with any regulations made under that subsection;
 - (b) provide for entitlement to cease at such time (after he last attended in compliance with requirements of the kind mentioned in subsection (1)(a)) as may be determined in accordance with any such regulations;
 - (c) provide for entitlement not to cease if the claimant shows, within a prescribed period of his failure to comply, that he had good cause for that failure; 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.

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.
- (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 an adjudication officer 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) An adjudication officer to whom a reference is made under subsection (6)—
 - (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 the adjudication officer 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 an adjudication officer 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 an adjudication officer under this section;
 - (ii) any direction given by an adjudication officer under this section.
- (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).
- (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.
- (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.

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.
- (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 an adjudication officer 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) An adjudication officer to whom a reference is made under subsection (5)—
 - (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 an adjudication officer in giving a direction under subsection (6)(b) or (d); and
 - (b) for such persons as may be prescribed to be notified of—

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- (i) any determination of an adjudication officer under this section;
- (ii) any direction given by an adjudication officer under this section.

(8) Any determination of an adjudication officer under this section shall be binding.

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.