



Jobseekers Act 1995

1995 CHAPTER 18

PART I

THE JOBSEEKER'S ALLOWANCE

Miscellaneous

[^{F1}20E Contracting out

[^{F2}(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) ^{F3}
- (b) ^{F3}
- (c) ^{F3}
- (d) ^{F4}
- (e) ^{F4}
- (f) ^{F4}

(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 ^{F5} ;
- (d) ^{F6}

(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—

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- (a) any function under regulations under section 8, ^{F7} . . . 17A ^{F7} . . . ^{F8} . . . , 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, ^{F9} . . . ^{F10} . . . ^{F8} . . . ;
 - (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;
- 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

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- (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

- F1** 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\(b\)\(c\)](#)
- F2** S. 20E repealed (29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [Welfare Reform Act 2012 \(c. 5\)](#), [s. 150\(3\)](#), [Sch. 14 Pt. 4](#); [S.I. 2013/983](#), [art. 7\(1\)\(e\)](#) (with [art. 7\(2\)](#)) (as amended: (1.7.2013) by [S.I. 2013/1511](#), [art. 6](#))
- F3** S. 20E(1)(a)-(c) repealed (8.5.2012) by virtue of [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 147](#), [150\(2\)\(k\)](#), [Sch. 14 Pt. 2](#)
- F4** S. 20E(1)(d)-(f) repealed (8.5.2012) by virtue of [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 147](#), [150\(2\)\(b\)](#), [Sch. 14 Pt. 6](#)
- F5** Words in s. 20E(2)(c) repealed (8.5.2012) by virtue of [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 147](#), [150\(2\)\(k\)](#), [Sch. 14 Pt. 2](#)
- F6** S. 20E(2)(d) repealed (8.5.2012) by virtue of [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 147](#), [150\(2\)\(k\)](#), [Sch. 14 Pt. 2](#)
- F7** Words in s. 20E(3)(a) repealed (8.5.2012) by virtue of [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 147](#), [150\(2\)\(k\)](#), [Sch. 14 Pt. 2](#)
- F8** Words in s. 20E(3)(a)(4)(a) repealed (8.5.2012) by virtue of [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 147](#), [150\(2\)\(b\)](#), [Sch. 14 Pt. 6](#)
- F9** Words in s. 20E(4)(a) repealed (8.5.2012) by virtue of [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 147](#), [150\(2\)\(k\)](#), [Sch. 14 Pt. 2](#)
- F10** Words in s. 20E(4)(a) repealed (22.10.2012) by virtue of [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 147](#), [150\(3\)](#), [Sch. 7 para. 16\(2\)\(c\)](#); [S.I. 2012/2530](#), [art. 2\(2\)\(f\)](#)

21 Supplementary provisions.

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

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Commencement Information

- I1** 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) [^{F11}The regulations may, in particular, provide for [^{F12}section 19(2)(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.

Textual Amendments

- F11** S. 22(2) repealed (29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 4](#); [S.I. 2013/983](#), [art. 7\(1\)\(e\)](#) (with [art. 7\(2\)](#)) (as amended: (1.7.2013) by [S.I. 2013/1511](#), [art. 6](#))
- F12** Words in s. 22(2) substituted (22.10.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), ss. 48, 150(3), [Sch. 7 para. 7](#); [S.I. 2012/2530](#), [art. 2\(2\)\(f\)](#)

Commencement Information

- I2** 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.

- [^{F13}(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 [^{F14}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.

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- (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.]

Textual Amendments

- F13** S. 23 repealed (29.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); [S.I. 2013/983, arts. 4\(1\)\(c\), 5, Sch. 1](#) (with [arts. 6, 9\(1\), 22, Sch. 4](#)) (as amended: (1.7.2013) by [S.I. 2013/1511](#); (29.10.2013) by [S.I. 2013/2657](#); (16.6.2014) by [S.I. 2014/1452](#); (30.6.2014) by [S.I. 2014/1661](#); (28.7.2014) by [S.I. 2014/1923](#); (15.9.2014) by [S.I. 2014/2321](#); (17.11.2014) by [S.I. 2014/3067](#); (21.11.2014) by [S.I. 2014/3094](#); (19.1.2015) by [S.I. 2015/32](#) (as amended (10.2.2015) by [S.I. 2015/101](#)); (10.3.2015) by [S.I. 2015/634](#); and (20.7.2015) by [S.I. 2015/1537](#))
- F14** 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

- I3** 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

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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;

“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—

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- (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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