

Status: Point in time view as at 12/11/2009.

Changes to legislation: Jobseekers Act 1995, Cross Heading: Persons dependent on drugs etc. is up to date with all changes known to be in force on or before 06 July 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

^{F1}Persons dependent on drugs etc.

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**

17C Persons dependent on drugs etc.

- (1) Schedule A1 makes provision for or in connection with imposing requirements on persons in cases where—
 - (a) they are dependent on, or have a propensity to misuse, any drug, and
 - (b) any such dependency or propensity is a factor affecting their prospects of obtaining or remaining in work.
- (2) That Schedule also contains a power for its provisions to apply in relation to alcohol.

^{x1}**18** Recovery of overpayments.

In the Administration Act, insert after section 71—

“Jobseeker’s allowance

Recovery of jobseeker’s allowance: severe hardship cases.

- (1) Where—
 - (a) a severe hardship direction is revoked; and

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- (b) it is determined by an adjudication officer that—
- (i) whether fraudulently or otherwise, any person has misrepresented, or failed to disclose, any material fact; and
 - (ii) in consequence of the failure or misrepresentation, payment of a jobseeker’s allowance has been made during the relevant period to the person to whom the direction related,
- an adjudication officer may determine that the Secretary of State is entitled to recover the amount of the payment.
- (2) In this section—
- “severe hardship direction” means a direction given under section 16 of the Jobseekers Act 1995; and
- “the relevant period” means—
- (a) if the revocation is under section 16(3)(a) of that Act, the period beginning with the date of the change of circumstances and ending with the date of the revocation; and
 - (b) if the revocation is under section 16(3)(b) or (c) of that Act, the period during which the direction was in force.
- (3) Where a severe hardship direction is revoked, the Secretary of State may certify whether there has been misrepresentation of a material fact or failure to disclose a material fact.
- (4) If the Secretary of State certifies that there has been such misrepresentation or failure to disclose, he may certify—
- (a) who made the misrepresentation or failed to make the disclosure; and
 - (b) whether or not a payment of jobseeker’s allowance has been made in consequence of the misrepresentation or failure.
- (5) If the Secretary of State certifies that a payment has been made, he may certify the period during which a jobseeker’s allowance would not have been paid but for the misrepresentation or failure to disclose.
- (6) A certificate under this section shall be conclusive as to any matter certified.
- (7) Subsections (3) and (6) to (10) of section 71 above apply to a jobseeker’s allowance recoverable under subsection (1) above as they apply to a jobseeker’s allowance recoverable under section 71(1) above.
- (8) The other provisions of section 71 above do not apply to a jobseeker’s allowance recoverable under subsection (1) above.”]

Editorial Information

X1 **S. 18:** with effect from 12.11.2009, as a consequence of the insertions of ss. 17A-17C and associated cross-headings, s. 18 falls under the inserted cross-heading "Persons dependent on drugs etc" instead of the cross-heading "Persons under 18" [a consequence which may not have been intended]

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