



Jobseekers Act 1995

1995 CHAPTER 18

PART I

THE JOBSEEKER'S ALLOWANCE

Persons under 18

16 Severe hardship

- (1) If it appears to the Secretary of State—
 - (a) that a person—
 - (i) has reached the age of 16 but not the age of 18,
 - (ii) is not entitled to a jobseeker's allowance or to income support, and
 - (iii) is registered for training but is not being provided with any training,and
 - (b) that severe hardship will result to him unless a jobseeker's allowance is paid to him,the Secretary of State may direct that this section is to apply to him.
- (2) A direction may be given so as to have effect for a specified period.
- (3) The Secretary of State may revoke a direction if—
 - (a) it appears to him that there has been a change of circumstances as a result of which failure to receive a jobseeker's allowance need no longer result in severe hardship to the person concerned;
 - (b) it appears to him that the person concerned has—
 - (i) failed to pursue an opportunity of obtaining training; or
 - (ii) rejected an offer of training,and has not shown good cause for doing so; or
 - (c) he is satisfied that it was given in ignorance of some material fact or was based on a mistake as to some material fact and considers that, but for that ignorance or mistake, he would not have given the direction.

Status: This is the original version (as it was originally enacted).

- (4) In this section “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.

17 **Reduced payments**

- (1) Regulations may provide for the amount of an income-based jobseeker’s allowance payable to any young person to whom this section applies to be reduced—
- (a) in such circumstances,
 - (b) by such a percentage, and
 - (c) for such a period,
- as may be prescribed.
- (2) This section applies to any young person in respect of whom—
- (a) a direction is in force under section 16; and
 - (b) either of the conditions mentioned in subsection (3) is satisfied.
- (3) The conditions are that—
- (a) the young person was previously entitled to an income-based jobseeker’s allowance and that entitlement ceased by virtue of the revocation of a direction under section 16;
 - (b) he has failed to complete a course of training and no certificate has been issued to him under subsection (4) with respect to that failure.
- (4) Where a young person who has failed to complete a course of training—
- (a) claims that there was good cause for the failure, and
 - (b) applies to the Secretary of State for a certificate under this subsection,
- the Secretary of State shall, if he is satisfied that there was good cause for the failure, issue a certificate to that effect and give a copy of it to the young person.
- (5) In this section “young person” means a person who has reached the age of 16 but not the age of 18.

18 **Recovery of overpayments**

In the Administration Act, insert after section 71—

“Jobseeker’s allowance

71A Recovery of jobseeker’s allowance: severe hardship cases

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

Status: This is the original version (as it was originally enacted).

- (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.”