



# Jobseekers Act 1995

## 1995 CHAPTER 18

### PART I

#### THE JOBSEEKER'S ALLOWANCE

##### *Trade disputes*

#### 14 Trade disputes.

- (1) Where—
  - (a) there is a stoppage of work which causes a person not to be employed on any day, and
  - (b) the stoppage is due to a trade dispute at his place of work,  
that person is not entitled to a jobseeker's allowance for the week which includes that day unless he proves that he is not directly interested in the dispute.
- (2) A person who withdraws his labour on any day in furtherance of a trade dispute, but to whom subsection (1) does not apply, is not entitled to a jobseeker's allowance for the week which includes that day.
- (3) If a person who is prevented by subsection (1) from being entitled to a jobseeker's allowance proves that during the stoppage—
  - (a) he became bona fide employed elsewhere;
  - (b) his employment was terminated by reason of redundancy within the meaning of [F1section 139(1) of the Employment Rights Act 1996], or
  - (c) he bona fide resumed employment with his employer but subsequently left for a reason other than the trade dispute,  
subsection (1) shall be taken to have ceased to apply to him on the occurrence of the event referred to in paragraph (a) or (b) or (as the case may be) the first event referred to in paragraph (c).
- (4) In this section "place of work", in relation to any person, means the premises or place at which he was employed.

*Status: Point in time view as at 28/10/2013.*

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- (5) Where separate branches of work which are commonly carried on as separate businesses in separate premises or at separate places are in any case carried on in separate departments on the same premises or at the same place, each of those departments shall, for the purposes of subsection (4), be deemed to be separate premises or (as the case may be) a separate place.

#### Textual Amendments

**F1** Words in s. 14(3)(b) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, Sch. 1 para. 67(2)

## 15 Effect on other claimants.

- [<sup>F2</sup>(1) Except in prescribed circumstances, subsection (2) applies in relation to a claimant for an income-based jobseeker’s allowance where a member of his family (“A”) is, or would be, prevented by section 14 from being entitled to a jobseeker’s allowance.
- (2) For the purposes of calculating the claimant’s entitlement to an income-based jobseeker’s allowance—
- (a) any portion of the applicable amount which is included in respect of A shall be disregarded for the period for which this subsection applies to the claimant;
  - (b) where the claimant and A are a [<sup>F3</sup>couple], any portion of the applicable amount which is included in respect of them shall be reduced to one half for the period for which this subsection applies to the claimant;
  - (c) except so far as regulations provide otherwise, there shall be treated as the claimant’s income—
    - (i) any amount which becomes, or would on an application duly made become, available to A in relation to that period by way of repayment of income tax deducted from A’s [<sup>F4</sup>taxable earnings (as defined by section 10 of the Income Tax (Earnings and Pensions) Act 2003) under PAYE regulations]; and
    - (ii) any other payment which the claimant or any member of his family receives or is entitled to obtain because A is without employment for that period; and
  - (d) any payment by way of a jobseeker’s allowance for that period or any part of it which apart from this paragraph would be made to the claimant—
    - (i) shall not be made, if the weekly rate of payment (“the rate”) would be equal to or less than the prescribed sum; and
    - (ii) shall be at a weekly rate equal to the difference between the rate and the prescribed sum, if the rate would be more than the prescribed sum.
- (3) Where a reduction under subsection (2)(b) would not produce a sum which is a multiple of 5p, the reduction shall be to the nearest lower sum which is such a multiple.
- (4) Where A returns to work with the same employer after a period during which subsection (2) applied to the claimant (whether or not his return is before the end of any stoppage of work in relation to which he is, or would be, prevented from being entitled to a jobseeker’s allowance), subsection (2) shall cease to apply to the claimant at the commencement of the day on which A returns to work.
- (5) In relation to any period of less than a week, subsection (2) shall have effect subject to such modifications as may be prescribed.

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- (6) Subsections (7) to (9) apply where an order made under section 150 of the Administration Act (annual up-rating of benefits) has the effect of increasing the sum prescribed in regulations made under section 4(5) as the personal allowance for a single person aged not less than 25 (“the personal allowance”).
- (7) For the sum prescribed in regulations made under subsection (2)(d) there shall be substituted, from the time when the order comes into force, a sum arrived at by increasing the prescribed sum by the percentage by which the personal allowance has been increased by the order.
- (8) If the sum arrived at under subsection (7) is not a multiple of 50p—
- (a) any remainder of 25p or less shall be disregarded;
  - (b) any remainder of more than 25p shall be rounded up to the nearest 50p.
- (9) The order shall state the sum substituted for the sum prescribed in regulations made under subsection (2)(d).
- (10) Nothing in subsection (7) prevents the making of further regulations under subsection (2)(d) varying the prescribed sum.]

#### Textual Amendments

- F2** Ss. 15-17 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 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); [S.I. 2013/1511, art. 4, Sch.](#) (as amended: (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; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2013/2657, art. 4, Sch.](#) (with [art. 6](#)) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537)
- F3** Words in s. 15(2)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), ss. 254\(1\), 263\(8\)\(d\), Sch. 24 para. 120](#); [S.I. 2005/3175, art. 2\(1\), Sch. 1](#)
- F4** Words in s. 15(2)(c)(i) substituted (6.4.2003 with effect in accordance with s. 723(1) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), ss. 722, 723, Sch. 6 para. 229](#) (with Sch. 7)

#### Modifications etc. (not altering text)

- C1** S. 15(2) excluded (7.10.1996) by [S.I. 1996/207, reg. 171](#)
- C2** S. 15(2)(d) modified (7.10.1996) by [S.I. 1996/207, reg. 155](#)  
S. 15(2)(d) modified (19.3.2001) by [S.I. 1996/207](#) reg. 155(2) (as inserted (19.3.2001) by [S.I. 2000/1978, reg. 2\(5\), Sch. 2 para. 52](#))

#### Commencement Information

- I1** S. 15 wholly in force at 7.10.1996; s. 15 not in force at Royal Assent, see s. 41(2); s. 15(1)(2)(d)(5)(6) in force (12.12.1995) for the purpose of authorising the making of regulations by [S.I. 1995/3228, art. 2\(b\), Sch.](#); s. 15 in force (7.10.1996) in so far as not already in force by [S.I. 1996/2208, art. 2\(b\)](#)

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## [<sup>F5</sup>15A Trade disputes: joint-claim couples.

- [<sup>F2</sup>(1) Sections 14 and 15 shall, in relation to a joint-claim couple claiming a joint-claim jobseeker's allowance, apply in accordance with this section.
- (2) Where each member of the couple is prevented by section 14 from being entitled to a jobseeker's allowance, the couple are not entitled to a joint-claim jobseeker's allowance.
- (3) But where only one member of the couple is prevented by that section from being entitled to a jobseeker's allowance, the couple are not for that reason alone prevented from being entitled to a joint-claim jobseeker's allowance.
- (4) Section 15(1) does not have effect in relation to the couple but, except in prescribed circumstances, section 15(2) applies for the purposes of calculating the couple's entitlement to a joint-claim jobseeker's allowance where—
- (a) a member of the couple, or
  - (b) any other person who is a member of any family of which the couple are members,
- is, or would be, prevented by section 14 from being entitled to a jobseeker's allowance.
- (5) Where section 15(2) applies in relation to the couple by virtue of subsection (4) above, that provision and section 15(4) apply with the following modifications—
- (a) references to the claimant are to be taken as references to the couple;
  - (b) references to "A" are to the person mentioned in subsection (4)(a) or (b) above;
  - (c) section 15(2)(b) has effect as if for "where the claimant and A are a [<sup>F6</sup>couple]," there were substituted "where A is a member of the couple,"; and
  - (d) section 15(2)(c)(ii) has effect as if for "of his family" there were substituted "of any family of which the couple are members".]]

### Textual Amendments

- F2** Ss. 15-17 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 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); [S.I. 2013/1511, art. 4, Sch.](#) (as amended: (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; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); [S.I. 2013/2657, art. 4, Sch.](#) (with [art. 6](#)) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537)
- F5** S. 15A inserted (19.3.2001) by [1999 c. 30, s. 59, Sch. 7 para. 10](#); [S.I. 2000/2958, art. 2\(2\)](#)
- F6** Words in s. 15A(5)(c) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), ss. 254\(1\), 263\(8\)\(d\), Sch. 24 para. 121](#); [S.I. 2005/3175, art. 2\(1\), Sch. 1](#)

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