



# Jobseekers Act 1995

## 1995 CHAPTER 18

### PART II

#### BACK TO WORK SCHEMES

#### **26 The back to work bonus.**

- (1) Regulations may make provision for the payment, in prescribed circumstances, of sums to or in respect of persons who are or have been entitled to a jobseeker's allowance or to income support.
- (2) A sum payable under the regulations shall be known as "a back to work bonus".
- (3) Subject to section 617 of the <sup>M1</sup>Income and Corporation Taxes Act 1988 (which, as amended by paragraph 16 of Schedule 2, provides for a back to work bonus not to be taxable), a back to work bonus shall be treated for all purposes as payable by way of a jobseeker's allowance or (as the case may be) income support.
- (4) The regulations may, in particular, provide for—
  - (a) a back to work bonus to be payable only on the occurrence of a prescribed event;
  - (b) a bonus not to be payable unless a claim is made before the end of the prescribed period;
  - (c) the amount of a bonus (subject to any maximum prescribed by virtue of paragraph (g)) to be determined in accordance with the regulations;
  - (d) enabling amounts to be calculated by reference to periods of entitlement to a jobseeker's allowance and periods of entitlement to income support;
  - (e) treating a bonus as payable wholly by way of income support or wholly by way of a jobseeker's allowance, in a case where amounts have been calculated in accordance with provision made by virtue of paragraph (d);
  - (f) keeping persons who may be entitled to a bonus informed of the amounts calculated in accordance with any provision of the regulations made by virtue of paragraph (c);
  - (g) the amount of a bonus not to exceed a prescribed maximum;

*Status: Point in time view as at 19/03/2001.*

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- (h) a bonus not to be payable if the amount of the bonus which would otherwise be payable is less than the prescribed minimum;
- (i) prescribed periods to be disregarded for prescribed purposes;
- (j) a bonus which has been paid to a person to be treated, in prescribed circumstances and for prescribed purposes, as income or capital of his or of any other member of his family;
- (k) treating the whole or a prescribed part of an amount which has accrued towards a person's bonus—
  - (i) as not having accrued towards his bonus; but
  - (ii) as having accrued towards the bonus of another person;
- (l) the whole or a prescribed part of a back to work bonus to be payable, in such circumstances as may be prescribed, to such person, other than the person who is or had been entitled to a jobseeker's allowance or to income support, as may be determined in accordance with the regulations.

#### Commencement Information

**II** S. 26 wholly in force at 7.10.1996; s. 26 not in force at Royal Assent, see s. 41(2); s. 26 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), Sch.; s. 26 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, art. 2(b)

#### Marginal Citations

**M1** 1988 c. 1.

## 27 Employment of long-term unemployed: deductions by employers.

- (1) An employee is a “qualifying employee” in relation to his employer for the purposes of this section if, immediately before beginning his employment with that employer, he had been entitled to a jobseeker's allowance for a continuous period of not less than two years.
- (2) An employee is also a “qualifying employee” in relation to his employer for the purposes of this section if—
  - (a) immediately before beginning his employment with that employer, he had been unemployed for a continuous period of not less than two years;
  - (b) he is under pensionable age; and
  - (c) he falls within a prescribed description of person.
- (3) Regulations may make provision for any employer who employs a person who is a qualifying employee in relation to him, to make deductions from the employer's contributions payments in accordance with the regulations and in prescribed circumstances.
- (4) Those regulations may, in particular, make provision as to the period for which deductions may be made by an employer.
- (5) Regulations may provide, in relation to cases where an employee is a qualifying employee in relation to more than one employer at the same time, for the right to make deductions to be confined to one employer—
  - (a) determined in accordance with the regulations; and

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- (b) certified by the [<sup>F1</sup>Commissioners of Inland Revenue], in accordance with the regulations, to be the employer entitled to make those deductions.
- (6) Regulations may—
- (a) provide that, in prescribed circumstances, a person who would not otherwise satisfy the condition in subsection (1) is to be treated as satisfying it;
  - (b) provide that, in prescribed circumstances, a person who would not otherwise satisfy the condition in subsection (2)(a) is to be treated as satisfying it;
  - (c) prescribe circumstances in which, for prescribed purposes, two or more employers are to be treated as one;
  - (d) make provision for the payment, in prescribed circumstances, by the [<sup>F2</sup>Commissioners of Inland Revenue], of sums to employers who are unable to make the whole or part of any deductions which they are entitled to make;
  - (e) require persons to maintain such records in connection with deductions made by them as may be prescribed;
  - (f) require persons who have made deductions to furnish to the [<sup>F1</sup>Commissioners of Inland Revenue] such documents and information, at such time, as may be prescribed.
- (7) Where, in accordance with any provision of regulations made under this section, an amount has been deducted from an employer's contributions payments, the amount so deducted shall (except in such cases as may be prescribed) be treated for the purposes of any provision made by or under any enactment in relation to primary or secondary Class 1 contributions as having been—
- (a) paid (on such date as may be determined in accordance with the regulations); and
  - (b) received by the [<sup>F1</sup>Commissioners of Inland Revenue],
- towards discharging the employer's liability in respect of such contributions.
- (8) In this section—
- “contributions payments”, in relation to an employer, means the aggregate of the payments which he is required to make by way of primary or secondary Class 1 contributions;
  - “deductions” means deductions made in accordance with regulations under subsection (3); <sup>F3</sup> . . .
  - “employee” and “employer” have such meaning as may be prescribed.
  - [<sup>F4</sup>“prescribed” means specified in or determined in accordance with regulations; and
  - “regulations” means regulations made by the Treasury.]

#### Textual Amendments

- F1** Words in s. 27(5)(b)(6)(f)(7)(b) substituted (1.4.1999) by 1999 c. 2, s. 1(1), **Sch. 1 para. 65(2)(3)(b) (4)**; S.I. 1999/527, art. 2(b), **Sch. 2** (subject to arts. 3-6)
- F2** Words in s. 27(6)(d) substituted (1.4.1999) by 1999 c. 2, s. 1(1), **Sch. 1 para. 65(3)(a)**; S.I. 1999/527, art. 2(b), **Sch. 2** (subject to arts. 3-6)
- F3** Word following definition of “deductions” in s. 27(8) repealed (1.4.1999) by 1999 c. 2, ss. 2, 26(3), **Sch. 3 para. 61, Sch. 10 Pt. I**; S.I. 1999/527, art. 2(b), **Sch. 2** (subject to arts. 3-6)
- F4** Definitions of “prescribed” and “regulations” in s. 27(8) inserted (1.4.1999) by 1999 c. 2, s. 2, **Sch. 3 para. 61**; S.I. 1999/527, art. 2(b), **Sch. 2** (subject to arts. 3-6)

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

**C1** S. 27 amended (1.4.1999) by 1999 c. 2, s. 8(1)(i); S.I. 1999/527, art. 2(b), Sch. 2 (subject to arts. 3-6)

#### Commencement Information

**I2** S. 27 wholly in force at 6.4.1996; s. 27 not in force at Royal Assent, see s. 41(2); s. 27 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(c)(i) and in force (6.4.1996) for all other purposes by S.I. 1995/3228, art. 2(c)(ii)

## 28 Expedited claims for housing benefit and council tax benefit.

(1) This section provides for the making of regulations to enable—

<sup>F5</sup>(a) .....

[<sup>F6</sup>(b) priority to be given to certain persons,]

with a view to claims for housing or council tax benefit made by or in respect of persons who cease to be entitled to a jobseeker's allowance or income support being dealt with quickly.

<sup>F7</sup>(2) .....

[<sup>F6</sup>(3) In section 63 of the Administration Act (adjudication of claims for housing benefit or council tax benefit), insert after subsection (2)—

“(2A) Regulations may make provision requiring authorities to whom claims for housing benefit or council tax benefit are made by, or in respect of, persons who have been entitled to a jobseeker's allowance or to income support to give priority, in prescribed circumstances, to those claims over other claims for any such benefit.”]

#### Textual Amendments

**F5** S. 28(1)(a) repealed (1.7.1997) by 1997 c. 47, s. 22, Sch. 2; S.I. 1997/1577, art. 2, Sch.

**F6** S. 28(1)(b)(3) repealed (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(2), 87(2), Sch. 8; S.I. 1999/2860, art. 2(c), Sch. 1 (subject to transitional provisions in Schs. 16-18) (as amended (25.11.1999) by S.I. 1999/3178, art. 3(20), Sch. 20 paras. 1(a), 2(a))

**F7** S. 28(2) repealed (1.7.1997) by 1997 c. 47, s. 22, Sch. 2; S.I. 1997/1577, art. 2, Sch.

#### Commencement Information

**I3** S. 28 wholly in force at 1.4.1996; s. 28 not in force at Royal Assent, see s. 41(2); s. 28 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(d)(i) and in force (1.4.1996) for all other purposes by S.I. 1995/3228, art. 2(d)(ii)

## 29 Pilot schemes.

(1) Any regulations to which this subsection applies may be made so as to have effect for a specified period not exceeding 12 months.

(2) Any regulations which, by virtue of subsection (1), are to have effect for a limited period are referred to in this section as “a pilot scheme”.

(3) A pilot scheme may provide that its provisions are to apply only in relation to—

(a) one or more specified areas or localities;

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- (b) one or more specified classes of person;
  - (c) persons selected—
    - (i) by reference to prescribed criteria; or
    - (ii) on a sampling basis.
- (4) A pilot scheme may make consequential or transitional provision with respect to the cessation of the scheme on the expiry of the specified period.
- (5) A pilot scheme (“the previous scheme”) may be replaced by a further pilot scheme making the same, or similar, provision (apart from the specified period) to that made by the previous scheme.
- (6) Subject to subsection (8), subsection (1) applies to—
- (a) regulations made under this Act, other than—
    - (i) regulations made under section 4(2) or (5) which have the effect of reducing any age-related amount or applicable amount; or
    - (ii) regulations made under section 27;
  - (b) regulations made under the Administration Act, so far as they relate to a jobseeker’s allowance;
  - (c) regulations made under Part VII of the Benefits Act (income-related benefits), other than any mentioned in subsection (7); and
  - (d) regulations made under the Administration Act, so far as they relate to income-related benefits payable under Part VII of the Benefits Act.
- (7) The regulations referred to in subsection (6)(c) are—
- (a) regulations under section 128(5) of the Benefits Act which have the effect of reducing the appropriate maximum [<sup>F8</sup>working families’ tax credit];
  - (b) regulations under section 129(8) of that Act which have the effect of reducing the appropriate maximum [<sup>F8</sup>disabled person’s tax credit];
  - (c) regulations under section 130(4) of that Act which have the effect of reducing the appropriate maximum housing benefit;
  - (d) regulations under section 131(10)(a) of that Act which have the effect of reducing the appropriate maximum council tax benefit; and
  - (e) regulations reducing any of the sums prescribed under section 135(1) of that Act.
- (8) Subsection (1) applies only if the regulations are made with a view to ascertaining whether their provisions will, or will be likely to, encourage persons to obtain or remain in work or will, or will be likely to, facilitate the obtaining by persons of work or their remaining in work.

#### Textual Amendments

**F8** Words in s. 29(7)(a)(b) substituted (5.10.1999) by 1999 c. 10, ss. 1(2), 20(2), Sch. 1 paras. 1, 6(h)

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