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Changes to legislation: Jobseekers Act 1995, SCHEDULE 1 is up to date with all changes known to be in force on or before 23 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)

SCHEDULES

SCHEDULE 1

Section 21.

SUPPLEMENTARY PROVISIONS

Commencement Information

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

Remunerative work

- 1 (1) For the purposes of this Act, “remunerative work” has such meaning as may be prescribed.
- (2) Regulations may prescribe circumstances in which, for the purposes of this Act—
- (a) a person who is not engaged in remunerative work is to be treated as engaged in remunerative work; or
 - (b) a person who is engaged in remunerative work is to be treated as not engaged in remunerative work.

Capacity for work

- 2 (1) The question whether a person is capable or incapable of work shall be determined, for the purposes of this Act, in accordance with the provisions of Part XIII A of the Benefits Act.
- (2) References in Part XIII A of the Benefits Act to the purposes of that Act shall be construed, where those provisions have effect for the purposes of this Act by virtue of sub-paragraph (1), as references to the purposes of this Act.
- (3) Section 171B of the Benefits Act (incapacity for work: the own occupation test) shall have effect, as applied by sub-paragraph (1) for the purposes of this Act, as if for the references in subsections (3) and (4)(a) to any purpose of the Benefits Act there were substituted references to any purpose of this Act.

Linking periods

- 3 Regulations may provide—
- (a) for jobseeking periods which are separated by not more than a prescribed number of weeks to be treated, for purposes of this Act, as one jobseeking period;
 - (b) for prescribed periods (“linked periods”) to be linked, for purposes of this Act, to any jobseeking period.

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Waiting days

- 4 Except in prescribed circumstances, a person is not entitled to a jobseeker's allowance in respect of a prescribed number of days at the beginning of a jobseeking period.

Modifications etc. (not altering text)

C1 Sch. 1 para. 4 excluded (7.10.1996) by S.I. 1996/207, reg. 46(1)

Periods of less than a week

- 5 Regulations may make provision in relation to—
- (a) entitlement to a jobseeker's allowance, or
 - (b) the amount payable by way of such an allowance,
- in respect of any period of less than a week.

Employment protection sums

- 6 (1) In relation to any contribution-based jobseeker's allowance, regulations may make provision—
- (a) for any employment protection sum to be treated as earnings payable by such person, to such person and for such period as may be determined in accordance with the regulations; and
 - (b) for any such period, so far as it is not a period of employment, to be treated as a period of employment.
- (2) In this paragraph “employment protection sum” means—
- (a) any sum, or a prescribed part of any sum—
 - (i) payable, in respect of arrears of pay, under an order for reinstatement or re-engagement made under [^{F1}the Employment Rights Act 1996];
 - (ii) payable, by way of pay, under an order made under that Act for the continuation of a contract of employment;
 - (iii) payable, by way of remuneration, under a protective award made under section 189 of the ^{M1}Trade Union and Labour Relations (Consolidation) Act 1992; and
 - (b) any prescribed sum which the regulations provide is to be treated as related to any sum within paragraph (a).

Textual Amendments

F1 Words in Sch. 1 para. 6(2)(a)(i) substituted (22.8.1996) by 1996 c. 18, s. 240, Sch. 1 para. 67(3)

Marginal Citations

M1 1992 c. 52.

Pension payments

- 7 Regulations may make provision, for the purposes of any provision of, or made under, this Act—

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- (a) for such sums by way of pension payments to be disregarded for prescribed purposes;
- (b) as to the week in which any pension payments are to be treated as having begun;
- (c) for treating, in a case where—
 - (i) a lump sum is paid to a person in connection with a former employment of his or arrangements are made for a lump sum to be so paid; or
 - (ii) benefits of any description are made available to a person in connection with a former employment of his or arrangements are made for them to be made so available; or
 - (iii) pension payments to a person are assigned, reduced or postponed or are made otherwise than weekly,
such payments as being made to that person by way of weekly pension payments as are specified in or determined under the regulations;
- (d) for the method of determining whether pension payments are made to a person for any week and their amount.

Exemptions

- 8 Regulations may prescribe circumstances in which a person may be entitled to an income-based jobseeker's allowance without—
- (a) being available for employment;
 - (b) having entered into a jobseeker's agreement; or
 - (c) actively seeking employment.
- [^{F2}8A (1) Regulations may prescribe circumstances in which a joint-claim couple may be entitled to a joint-claim jobseeker's allowance without each member of the couple satisfying all the conditions referred to in section 1(2B)(b).
- (2) Regulations may prescribe circumstances in which, and a period for which, a transitional case couple may be entitled to a joint-claim jobseeker's allowance without having jointly made a claim for it.
- (3) In sub-paragraph (2)—
- (a) “a transitional case couple” means a joint-claim couple a member of which is entitled to an income-based jobseeker's allowance on the coming into force of Schedule 7 to the Welfare Reform and Pensions Act 1999; and
 - (b) “period” shall be construed in accordance with section 3(3).]

Textual Amendments

F2 Sch. 1 para. 8A inserted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 16(2); S.I. 2000/2958, art. 2(2)

VALID FROM 19/01/2012

- [^{F3}8B (1) This paragraph applies if domestic violence has been inflicted on or threatened against a person (“V”) in prescribed circumstances.
- (2) The Secretary of State must exercise the powers to make regulations under sections 6(4) and 7(4) so as to secure that, for an exempt period, V is treated as—

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- (a) being available for employment; and
 - (b) actively seeking employment.
- (3) If V has not entered into a jobseeker's agreement before the exempt period begins, the Secretary of State must also exercise the power to make regulations under section 9(10) so as to secure that V is treated as having entered into a jobseeker's agreement which is in force for the exempt period.
- (4) In this paragraph—
- “domestic violence” has such meaning as may be prescribed;
 - “exempt period” means a period of 13 weeks beginning no later than a prescribed period after the date (or last date) on which the domestic violence was inflicted or threatened.
- (5) Regulations may make provision for the purposes of this paragraph prescribing circumstances in which domestic violence is, or is not, to be regarded as being inflicted on or threatened against a person.]

Textual Amendments

- F3** Sch. 1 para. 8B inserted (19.1.2012) by Welfare Reform Act 2009 (c. 24), ss. 29(1), 61(3); S.I. 2012/68, art. 2

- 9 Regulations may provide—
- (a) for an income-based jobseeker's allowance to which a person is entitled by virtue of regulations under paragraph 8 [^{F4}or 8A] to be payable at a prescribed rate;
 - (b) for it to be payable for a prescribed period.

Textual Amendments

- F4** Words in Sch. 1 para. 9(a) inserted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 16(3); S.I. 2000/2958, art. 2(2)

[^{F5} Continuity of claims and awards: persons ceasing to be a joint-claim couple

Textual Amendments

- F5** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 16(4); S.I. 2000/2958, art. 2(2)

- ^{F69A} (1) Regulations may make provision about the entitlement to a jobseeker's allowance of persons (“ex-members”) who cease to be members of a joint-claim couple.
- (2) Regulations under this paragraph may, in particular, provide—
- (a) for treating each or either of the ex-members as having made any claim made by the couple or, alternatively, for any such claim to lapse;
 - (b) for any award made in respect of the couple to be replaced by an award (a “replacement award”) in respect of each or either of the ex-members of the couple or, alternatively, for any such award to lapse.]

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Textual Amendments

- F6** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 16(4); S.I. 2000/2958, art. 2(2)

F7 Continuity of claims and awards: persons again becoming a joint-claim couple

Textual Amendments

- F7** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 16(4); S.I. 2000/2958, art. 2(2)

- F89B** (1) Regulations may make provision about the entitlement to a jobseeker's allowance of persons ("ex-members") who, having ceased to be members of a joint-claim couple, again become the members of a joint-claim couple.
- (2) Regulations under this paragraph may, in particular, provide—
- for any claim made by the ex-members when they were previously a joint-claim couple to be revived or otherwise given effect as a claim made by the couple;
 - for any award made in respect of the ex-members when they were previously a joint-claim couple to be restored;
 - for any such award, or any replacement award (within the meaning of paragraph 9A) made in respect of either of them, to be replaced by an award (a "new award") in respect of the couple.

Textual Amendments

- F8** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 16(4); S.I. 2000/2958, art. 2(2)

F9 Continuity of claims and awards: couple becoming a joint-claim couple

Textual Amendments

- F9** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 16(4); S.I. 2000/2958, art. 2(2)

- F109C** (1) Regulations may make provision about the entitlement to a jobseeker's allowance of persons who become members of a joint-claim couple as a result of the [F11 couple] of which they are members becoming a joint-claim couple.
- (2) Regulations under this paragraph may, in particular, provide—
- for any claim made by either member of the couple before the couple became a joint-claim couple to be given effect as a claim made by the couple;
 - for any award, or any replacement award (within the meaning of paragraph 9A), made in respect of either member of the couple before the couple became a joint-claim couple to be replaced by an award (a "new award") in respect of the couple.

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Textual Amendments

- F10** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(4)**; S.I. 2000/2958, **art. 2(2)**
- F11** Words in Sch. 1 para. 9C(1) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 254(1), 263(8)(d), **Sch. 24 para. 125**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

^{F12} Paragraphs 9A to 9C: supplementary

Textual Amendments

- F12** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(4)**; S.I. 2000/2958, **art. 2(2)**

- ^{F13}9D (1) Regulations may provide, in relation to any replacement award (within the meaning of paragraph 9A) or new award (within the meaning of paragraph 9B or 9C)—
- (a) for the award to be of an amount determined in a prescribed manner;
 - (b) for entitlement to the award to be subject to compliance with prescribed requirements as to the provision of information and evidence.
- (2) In paragraphs 9A to 9C and this paragraph—
- “award” means an award of a jobseeker’s allowance;
- “claim” means a claim for a jobseeker’s allowance.

Textual Amendments

- F13** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(4)**; S.I. 2000/2958, **art. 2(2)**

Claims yet to be determined and suspended payments

- 10 [^{F14}(1) In such circumstances as may be prescribed—
- (a) a claimant for a jobseeker’s allowance other than a joint-claim jobseeker’s allowance,
 - (b) a joint-claim couple claiming a joint-claim jobseeker’s allowance, or
 - (c) a member of such a couple,
- may be treated as being entitled to an income-based jobseeker’s allowance before his or (as the case may be) the couple’s claim for the allowance has been determined.]
- (2) In such circumstances as may be prescribed, an income-based jobseeker’s allowance shall be [^{F15}payable in respect of] a claimant even though payment to him of a jobseeker’s allowance has been suspended by virtue of regulations under [^{F16}section 21(2) of the Social Security Act 1998].
- (3) A jobseeker’s allowance shall be payable by virtue of sub-paragraph (1) or (2) only if the claimant has complied with such requirements as to the provision of information as may be prescribed for the purposes of this paragraph.

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- (4) Regulations may make provision for a jobseeker's allowance payable by virtue of sub-paragraph (1) or (2) to be—
- (a) payable at a prescribed rate;
 - (b) payable for a prescribed period;
 - (c) treated as being a contribution-based jobseeker's allowance for the purposes of section 5 of this Act.
- (5) Regulations may make provision—
- (a) for the recovery, by prescribed means and in prescribed circumstances, of the whole or part of any amount paid by virtue of sub-paragraph (1) or (2);
 - (b) for the whole or part of any amount paid by virtue of sub-paragraph (1) to be treated, if an award is made on the claim referred to there, as having been paid on account of the jobseeker's allowance awarded;
 - (c) for the whole or part of any amount paid by virtue of sub-paragraph (2) to be treated, if the suspension referred to there is lifted, as having been paid on account of the suspended allowance.

Textual Amendments

- F14** Sch. 1 para. 10(1) substituted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(5)**; S.I. 2000/2958, **art. 2(2)**
- F15** Words in Sch. 1 para. 10(2) substituted (11.11.1999) by 1999 c. 30, ss. 59, 89(4)(b), **Sch. 8 Pt. V para. 29(7)**
- F16** Words in Sch. 1 para. 10(2) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 83, 87(2), **Sch. 7 para. 146**; 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)**)

Presence in and absence from Great Britain

- 11 (1) Regulations may provide that in prescribed circumstances a claimant who is not in Great Britain may nevertheless be entitled to a contribution-based jobseeker's allowance.
- (2) Regulations may make provision for the purposes of this Act as to the circumstances in which a person is to be treated as being or not being in Great Britain.

Households

- 12 Regulations may make provision for the purposes of this Act as to the circumstances in which persons are to be treated as being or not being members of the same household.

Responsibility for another person

- 13 Regulations may make provision for the purposes of this Act as to the circumstances in which one person is to be treated as responsible or not responsible for another.

Relevant education

- 14 Regulations may make provision for the purposes of this Act—
- (a) as to what is or is not to be treated as relevant education; and

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- (b) as to the circumstances in which a person is or is not to be treated as receiving relevant education.

VALID FROM 10/06/2012

- [^{F17}14AA For any purpose of this Act regulations may provide for—
- (a) circumstances in which a person is to be treated as having or not having a good reason for an act or omission;
 - (b) matters which are or are not to be taken into account in determining whether a person has a good reason for an act or omission.]

Textual Amendments

- F17** Sch. 1 para. 14AA inserted (10.6.2012 for specified purposes otherwise 22.10.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 46\(3\)\(b\)](#), 150(3); S.I. 2012/1246, [art. 2\(3\)\(c\)\(ii\)](#) (as that S.I. is amended by S.I. 2012/2530, [art. 2\(7\)](#)); S.I. 2012/2530, [art. 2\(2\)\(b\)](#)

Calculation of periods

- 15 Regulations may make provision for calculating periods for any purpose of this Act.

Employment on ships etc.

- 16 (1) Regulations may modify any provision of this Act in its application to any person who is, has been, or is to be—
- (a) employed on board any ship, vessel, hovercraft or aircraft,
 - (b) outside Great Britain at any prescribed time or in any prescribed circumstances, or
 - (c) in prescribed employment in connection with continental shelf operations, so far as that provision relates to a contribution-based jobseeker's allowance.
- (2) The regulations may in particular provide—
- (a) for any such provision to apply even though it would not otherwise apply;
 - (b) for any such provision not to apply even though it would otherwise apply;
 - (c) for the taking of evidence, in a country or territory outside Great Britain, by a British consular official or other prescribed person;
 - (d) for enabling payment of the whole, or any part of a contribution-based jobseeker's allowance to be paid to such of the claimant's dependants as may be prescribed.

Additional conditions

- 17 Regulations may require additional conditions to be satisfied with respect to the payment of a jobseeker's allowance to any person who is, has been, or is to be, in employment which falls within a prescribed description.

Benefits Act purposes

- 18 Regulations may provide for—

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- (a) a jobseeker's allowance;
- (b) a contribution-based jobseeker's allowance; or
- (c) an income-based jobseeker's allowance,

to be treated, for prescribed purposes of the Benefits Act, as a benefit, or a benefit of a prescribed description.

VALID FROM 12/01/2010

[^{F18}Treatment of information supplied as information relating to social security

Textual Amendments

F18 Sch. 1 para. 19 and cross-heading inserted (12.1.2010) by Welfare Reform Act 2009 (c. 24), ss. 34(3), 61(2)

- 19 Information supplied in pursuance of any provision made by or under this Act [^{F19}(other than paragraph 8 of Schedule A1)] shall be taken for all purposes to be information relating to social security.]

Textual Amendments

F19 Words in Sch. 1 para. 19 inserted (12.11.2009) by Welfare Reform Act 2009 (c. 24), ss. 11, 61(1), Sch. 3 para. 3(4)

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