



# Jobseekers Act 1995

## 1995 CHAPTER 18

### PART I

#### THE JOBSEEKER'S ALLOWANCE

##### *Entitlement*

## 2 The contribution-based conditions.

- (1) The conditions referred to in [<sup>F1</sup>section 1(2)(d)] are that the claimant—
- (a) has actually paid Class 1 contributions in respect of one (“the base year”) of the last two complete years before the beginning of the relevant benefit year and satisfies the additional conditions set out in subsection (2);
  - (b) has, in respect of the last two complete years before the beginning of the relevant benefit year, either paid Class 1 contributions or been credited with earnings and satisfies the additional condition set out in subsection (3);
  - (c) does not have earnings in excess of the prescribed amount; and
  - (d) is not entitled to income support.

- (2) The additional conditions mentioned in subsection (1)(a) are that—
- (a) the contributions have been paid before the week for which the jobseeker's allowance is claimed;
  - [<sup>F2</sup>(b) the claimant's relevant earnings for the base year upon which primary Class 1 contributions have been paid or treated as paid are not less than the base year's lower earnings limit multiplied by 26.]

[<sup>F3</sup>(2A) Regulations may make provision for the purposes of subsection (2)(b) for determining the claimant's relevant earnings for the base year.

- (2B) Regulations under subsection (2A) may, in particular, make provision—
- (a) for making that determination by reference to the amount of a person's earnings for periods comprised in the base year;
  - (b) for determining the amount of a person's earnings for any such period by—

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- (i) first determining the amount of the earnings for the period in accordance with regulations made for the purposes of section 3(2) of the Benefits Act, and
  - (ii) then disregarding so much of the amount found in accordance with sub-paragraph (i) as exceeded the base year's lower earnings limit (or the prescribed equivalent).]
- (3) The additional condition mentioned in subsection (1)(b) is that the earnings factor derived [<sup>F4</sup>from so much of the claimant’s earnings as did not exceed the upper earnings limit and] upon which primary Class 1 contributions have been paid or treated as paid or from earnings credited is not less, in each of the two complete years, than the lower earnings limit for the year multiplied by 50.
- [<sup>F5</sup>(3A) Where primary Class 1 contributions have been paid or treated as paid on any part of a person’s earnings, [<sup>F6</sup>subsection (3)] above shall have effect as if such contributions had been paid or treated as paid on so much of the earnings as did not exceed the upper earnings limit.]
- [<sup>F7</sup>(3B) Regulations may—
- (a) provide for the first set of conditions to be taken to be satisfied in the case of persons—
    - (i) who have been entitled to any prescribed description of benefit during any prescribed period or at any prescribed time, or
    - (ii) who satisfy other prescribed conditions;
  - (b) with a view to securing any relaxation of the requirements of the first set of conditions in relation to persons who have been entitled as mentioned in paragraph (a)(i), provide for that set of conditions to apply in relation to them subject to prescribed modifications.
- (3C) In subsection (3B)—
- “the first set of conditions” means the condition set out in subsection (1) (a) and the additional conditions set out in subsection (2);
  - “benefit” means—
    - (za) [<sup>F8</sup>universal credit,]
    - (a) any benefit within the meaning of section 122(1) of the Benefits Act,
    - (b) any benefit under Parts 7 to 12 of the Benefits Act,
    - (c) credits under regulations under section 22(5) of the Benefits Act,
    - (d) a [<sup>F9</sup>contribution-based] jobseeker's allowance, and
    - (e) working tax credit.]
- (4) For the purposes of this section—
- (a) “benefit year” means a period which is a benefit year for the purposes of Part II of the Benefits Act or such other period as may be prescribed for the purposes of this section;
  - (b) “the relevant benefit year” is the benefit year which includes—
    - (i) the beginning of the jobseeking period which includes the week for which a jobseeker’s allowance is claimed, or
    - (ii) (if earlier) the beginning of any linked period; and
  - (c) other expressions which are used in this section and the Benefits Act have the same meaning in this section as they have in that Act.

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## Textual Amendments

- F1** Words in s. 2(1) substituted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 3**; S.I. 2000/2958, **art. 2(2)**
- F2** S. 2(2)(b) substituted (1.11.2010) by Welfare Reform Act 2009 (c. 24), **ss. 12(2)**, 61(3); S.I. 2010/2377, **art. 2(2)(a)**
- F3** S. 2(2A)(2B) inserted (1.10.2010) by Welfare Reform Act 2009 (c. 24), **ss. 12(3)**, 61(3); S.I. 2010/2377, **art. 2(1)(a)**
- F4** Words in s. 2(3) substituted (8.7.2002) by National Insurance Contributions Act 2002 (c. 19), s. 6, **Sch. 1 para. 45**
- F5** S. 2(3A) inserted (6.4.1999) by 1998 c. 14, s. 86(1), 87(1), **Sch. 7 para. 133**; S.I. 1999/418, **art. 2(2)(3)(a)**
- F6** Words in s. 2(3A) substituted (1.11.2010) by Welfare Reform Act 2009 (c. 24), **ss. 12(4)**, 61(3); S.I. 2010/2377, **art. 2(2)(a)**
- F7** S. 2(3B)(3C) inserted (29.11.2011 for specified purposes and otherwise prosp.) by Welfare Reform Act 2009 (c. 24), **ss. 12(5)**, 61(3); S.I. 2011/2857, **art. 2(a)**
- F8** Words in s. 2(3C) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 35**; S.I. 2013/983, **art. 3(1)(b)(i)**
- F9** Words in s. 2(3C)(d) repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 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; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); 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); S.I. 2013/2846, **art. 4**, **Sch.** (with **art. 5**) (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); S.I. 2014/209, **art. 4**, **Sch.** (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); S.I. 2014/1583, **art. 4**, **Sch.** (as amended (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. 2014/2321, **art. 4** (as amended: (17.11.2014) by S.I. 2014/3057; (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. 2014/3094, **art. 4** (with **art. 6**); S.I. 2015/33, **art. 4** (with **art. 6**) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, **art. 4** (with **art. 2(2)-(4)**) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and

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(21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

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

- C1** S. 2 modified (7.10.1996) by S.I. 1996/207, **reg. 158(1)(2)**  
S. 2 applied (with modifications) (7.10.1996) by S.I. 1996/207, **reg. 167**
- C2** S. 2 applied (with modifications) (29.4.2013) by The Jobseekers Allowance Regulations 2013 (S.I. 2013/378), **regs. 1(2), 75** (with **reg. 1(3)**)
- C3** S. 2 applied (with modifications) (29.4.2013) by The Jobseekers Allowance Regulations 2013 (S.I. 2013/378), **regs. 1(2), 69** (with **reg. 1(3)**)
- C4** S. 2(4) modified (7.10.1996) by S.I. 1996/207, **reg. 158(3)**

#### **Commencement Information**

- II** S. 2 wholly in force at 7.10.1996; s. 2 not in force at Royal Assent, see. s. 41(2); s. 2(1)(c)(4)(b) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, **art. 2(b), Sch.**; s. 2 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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