



Jobseekers Act 1995

1995 CHAPTER 18

PART III

MISCELLANEOUS AND SUPPLEMENTAL

35 Interpretation.

(1) In this Act—

[^{F1}“adjudication officer” means an adjudication officer appointed under section 38 of the Administration Act;]

“the Administration Act” means the ^{M1}Social Security Administration Act 1992;

“applicable amount” means the applicable amount determined in accordance with regulations under section 4;

“benefit year” has the meaning given by section 2(4);

“the Benefits Act” means the ^{M2}Social Security Contributions and Benefits Act 1992;

“child” means a person under the age of 16;

“claimant” means a person who claims a jobseeker’s allowance [^{F2}except that in relation to a joint-claim couple claiming a joint-claim jobseeker’s allowance it means the couple, or each member of the couple, as the context requires;];

“continental shelf operations” has the same meaning as in section 120 of the Benefits Act;

“contribution-based conditions” means the conditions set out in section 2;

“contribution-based jobseeker’s allowance” has the meaning given in section 1(4);

[^{F3}“couple” means—

- (a) a man and woman who are married to each other and are members of the same household;

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- (b) a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners otherwise than in prescribed circumstances;]

“employed earner” has the meaning prescribed for the purposes of this Act; “employment”, except in section 7, has the meaning prescribed for the purposes of this Act;

“entitled”, in relation to a jobseeker’s allowance, is to be construed in accordance with—

- (a) the provisions of this Act relating to entitlement; and
- (b) [^{F4}section 1 of the Administration Act and section 27 of the Social Security Act 1998];

“family” means—

- (a) a [^{F5}couple];
- (b) a [^{F5}couple] and a member of the same household for whom one of them is, or both are, responsible and who is a child or a person of a prescribed description;
- (c) except in prescribed circumstances, a person who is not a member of a [^{F5}couple] and a member of the same household for whom that person is responsible and who is a child or a person of a prescribed description;

[^{F6}“FAS payments” means payments made under the Financial Assistance Scheme Regulations 2005;]

“Great Britain” includes the territorial waters of the United Kingdom adjacent to Great Britain;

“income-based conditions” means the conditions set out in section 3;

“income-based jobseeker’s allowance” has the meaning given in section 1(4);

[^{F7}“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);]

“jobseeker’s agreement” has the meaning given by section 9(1);

“jobseeking period” has the meaning prescribed for the purposes of this Act;

[^{F8}“joint-claim couple” and “joint-claim jobseeker’s allowance” have the meanings given by section 1(4);]

^{F9}

[^{F10}“the nominated member”, in relation to a joint-claim couple, shall be construed in accordance with section 3B(4);]

“occupational pension scheme” has the same meaning as it has in the ^{M3}Pension Schemes Act 1993 by virtue of section 1 of that Act;

“pensionable age” has the meaning prescribed for the purposes of this Act;

“pension payments” means—

- (a) periodical payments made in relation to a person, under a personal pension scheme or, in connection with the coming to an end of an

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employment of his, under an occupational pension scheme or a public service pension scheme; and

(b) such other payments as may be prescribed;

“personal pension scheme” means—

(a) a personal pension scheme as defined by section 1 of the ^{M4}Pension Schemes Act 1993;

(b) [^{F11}an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004; and

(c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;]

“prescribed” [^{F12}, except in section 27 (and in section 36 so far as relating to regulations under section 27),] means specified in or determined in accordance with regulations;

[^{F13}“PPF payments” means any payments made in relation to a person—

(a) payable under the pension compensation provisions as specified in section 162(2) of the Pensions Act 2004 or Article 146(2) of the Pensions (Northern Ireland) Order 2005 (the pension compensation provisions); or

(b) payable under section 166 of the Pensions Act 2004 or Article 150 of the Pensions (Northern Ireland) Order 2005 (duty to pay scheme benefits unpaid at assessment date etc.);]

“public service pension scheme” has the same meaning as it has in the ^{M5}Pension Schemes Act 1993 by virtue of section 1 of that Act;

“regulations” [^{F12}, except in section 27 (and in section 36 so far as relating to regulations under section 27),] means regulations made by the Secretary of State;

“tax year” means the 12 months beginning with 6th April in any year;

“trade dispute” means any dispute between employers and employees, or between employees and employees, which is connected with the employment or non-employment or the terms of employment or the conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises, or not;

“training” has the meaning prescribed for the purposes of this Act and, in relation to prescribed provisions of this Act, if regulations so provide, includes assistance to find training or employment, or to improve a person’s prospects of being employed, of such a kind as may be prescribed;

^{F9}

“week” means a period of 7 days beginning with a Sunday or such other period of 7 days as may be prescribed;

“work” has the meaning prescribed for the purposes of this Act;

“year”, except in the expression “benefit year”, means a tax year.

[^{F14}(1A) For the purposes of this Act, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.]

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- (2) The expressions “[^{F15}limited capability for work]”, “linked period”, “relevant education” and “remunerative work” are to be read with paragraphs 2, 3, 14 and 1 of Schedule 1.
- (3) Subject to any regulations made for the purposes of this subsection, “earnings” is to be construed for the purposes of this Act in accordance with section 3 of the Benefits Act and paragraph 6 of Schedule 1 to this Act.

Textual Amendments

- F1** S. 35(1): Definition of "adjudication officer" repealed (18.10.1999 for specified purposes and otherwise prosp.) by 1998 c. 14, ss. 86, 87(2), Sch. 7 para. 144(a), **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)**)
- F2** S. 35(1): Words in definition of "claimant" inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 15(2)**; S.I. 2000/2958, **art. 2(2)**
- F3** S. 35(1): definition of "couple" inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 254(1), 263(8)(d), **Sch. 24 para. 124(2)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F4** S. 35(1): Words in para. (b) in definition of "entitled" substituted (18.10.1999 for specified purposes and otherwise prosp.) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 144(b)**; 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)**)
- F5** S. 35(1): words in definition of "family" substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 254(1), 263(8)(d), **Sch. 24 para. 124(3)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F6** S. 35(1): definition of "FAS payments" inserted (14.2.2006) by The Pensions Act 2004 (PPF Payments and FAS Payments) (Consequential Provisions) Order 2006 (S.I. 2006/343), art. 2, **Sch. para. 2(2)**
- F7** S. 35(1): definition of "income related employment and support allowance" inserted (18.3.2008 for specified purposes, otherwise 27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 28(1), 70(2), **Sch. 3 para. 12(5)(a)**; S.I. 2008/787, **art. 2(1)(4)(f)**
- F8** S. 35(1): definitions of "joint-claim couple" and "joint-claim jobseeker's allowance" inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 15(3)**; S.I. 2000/2958, **art. 2(2)**
- F9** S. 35(1): definitions of "married couple" and "unmarried couple" repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 254(1), 261(4), 263(8)(d), Sch. 24 para. 124(4), Sch. 30; S.I. 2005/3175, **art. 2(1)(6)**, Sch. 1
- F10** S. 35(1): definition of "the nominated member" inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 15(4)**; S.I. 2000/2958, **art. 2(2)**
- F11** S. 35(1): paras. (b) and (c) in definition of "personal pension scheme" substituted (6.4.2006) by The Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), **art. 12**
- F12** S. 35(1): words in definitions of "prescribed" and "regulations" inserted (1.4.1999) by 1999 c. 2, s. 2, **Sch. 3 para. 62**; S.I. 1999/527, art. 2(b), **Sch. 2** (subject to arts. 3-6)
- F13** S. 35(1): definition of "PPF payments" inserted (14.2.2006) by The Pensions Act 2004 (PPF Payments and FAS Payments) (Consequential Provisions) Order 2006 (S.I. 2006/343), art. 2, **Sch. para. 2(2)**
- F14** S. 35(1A) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 254(1), 263(8)(d), **Sch. 24 para. 124(5)**; S.I. 2005/3175, **art. 2(1)**, Sch. 1
- F15** Words in s. 35(2) substituted (18.3.2008 for specified purposes, otherwise 27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 28(1), 70(2), **Sch. 3 para. 12(5)(b)**; S.I. 2008/1787, **art. 2(1)(4)(f)** (with saving in S.I. 2008/795, reg. 5)

Modifications etc. (not altering text)

- C1** S. 35(1): definition of "trade dispute" modified (7.10.1996) by S.I. 1996/207, **reg. 160**
- C2** S. 35(2): saving for effect of 2007 c. 5, Sch. 3 paras. 12(2)(5)(b)(6) (27.10.2008) by The Employment and Support Allowance (Transitional Provisions) Regulations 2008 (S.I. 2008/795), regs. 1(3), **5**

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Marginal Citations

- M1** 1992 c. 5.
- M2** 1992 c. 4.
- M3** 1993 c. 48.
- M4** 1993 c. 48.
- M5** 1993 c. 48.

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