



# Jobseekers Act 1995

## 1995 CHAPTER 18

### PART I

#### THE JOBSEEKER'S ALLOWANCE

##### *Entitlement*

#### **4 Amount payable by way of a jobseeker's allowance.**

- (1) In the case of a contribution-based jobseeker's allowance, the amount payable in respect of a claimant ("his personal rate") shall be calculated by—
  - (a) determining the age-related amount applicable to him; and
  - (b) making prescribed deductions in respect of earnings [<sup>F1</sup>, pension payments, PPF payments and FAS payments].
- (2) The age-related amount applicable to a claimant, for the purposes of subsection (1) (a), shall be determined in accordance with regulations.
- (3) In the case of an income-based jobseeker's allowance [<sup>F2</sup>(other than a joint-claim jobseeker's allowance)], the amount payable shall be—
  - (a) if a claimant has no income, the applicable amount;
  - (b) if a claimant has an income, the amount by which the applicable amount exceeds his income.
- [<sup>F3</sup>(3A) In the case of a joint-claim jobseeker's allowance, the amount payable in respect of a joint-claim couple shall be—
  - (a) if the couple have no income, the applicable amount;
  - (b) if the couple have an income, the amount by which the applicable amount exceeds the couple's income.]
  - (4) Except in prescribed circumstances, a jobseeker's allowance shall not be payable where the amount otherwise payable would be less than a prescribed minimum.

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*Status: Point in time view as at 14/02/2006. This version of this provision has been superseded.*

*Changes to legislation: Jobseekers Act 1995, Section 4 is up to date with all changes known to be in force on or before 21 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)*

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- (5) The applicable amount shall be such amount or the aggregate of such amounts as may be determined in accordance with regulations.
- (6) Where a claimant [<sup>F4</sup>is entitled to both a contribution-based jobseeker’s allowance and an income-based jobseeker’s allowance] but has no income, the amount payable [<sup>F5</sup>by way of a jobseeker’s allowance] shall be—
- (a) the applicable amount, if that is greater than his personal rate; and
  - (b) his personal rate, if it is not.
- (7) Where the amount payable to a claimant to whom subsection (6) applies is the applicable amount, the amount payable to him by way of a jobseeker’s allowance shall be taken to consist of two elements—
- (a) one being an amount equal to his personal rate; and
  - (b) the other being an amount equal to the excess of the applicable amount over his personal rate.
- (8) Where a claimant [<sup>F4</sup>is entitled to both a contribution-based jobseeker’s allowance and an income-based jobseeker’s allowance], the amount payable [<sup>F5</sup>by way of a jobseeker’s allowance] shall be—
- (a) the amount by which the applicable amount exceeds his income, if the amount of that excess is greater than his personal rate; and
  - (b) his personal rate, if it is not.
- (9) Where the amount payable to a claimant to whom subsection (8) applies is the amount by which the applicable amount exceeds his income, the amount payable to him by way of a jobseeker’s allowance shall be taken to consist of two elements—
- (a) one being an amount equal to his personal rate; and
  - (b) the other being an amount equal to the amount by which the difference between the applicable amount and his income exceeds his personal rate.
- (10) The element of a jobseeker’s allowance mentioned in subsection (7)(a) and that mentioned in subsection (9)(a) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the claimant’s entitlement to a contribution-based jobseeker’s allowance.
- (11) The element of a jobseeker’s allowance mentioned in subsection (7)(b) and that mentioned in subsection (9)(b) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the claimant’s entitlement to an income-based jobseeker’s allowance.
- [<sup>F6</sup>(11A) In subsections (6) to (11) “claimant” does not include—
- (a) a joint-claim couple, or
  - (b) a member of such a couple (other than a person to whom regulations under section 1(2C) apply);
- but section 4A, which contains corresponding provisions relating to joint-claim couples, applies instead.]
- (12) Regulations under subsection (5) may provide that, in prescribed cases, an applicable amount is to be nil.

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#### Textual Amendments

- F1** Words in s. 4(1)(b) substituted (14.2.2006) by The Pensions Act 2004 (PPF Payments and FAS Payments) (Consequential Provisions) Order 2006 (S.I. 2006/343), arts. 1(1), 2, **Sch. para. 2(1)**
- F2** Words in s. 4(3) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 5(2)**; S.I. 2000/2958, **art. 2(2)**
- F3** S. 4(3A) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 5(3)**; S.I. 2000/2958, **art. 2(2)**
- F4** Words in s. 4(6)(8) substituted (11.11.1999) by 1999 c. 30, ss. 70, 89(4)(b), **Sch. 8 Pt. V para. 29(2)**
- F5** Words in s. 4(6)(8) inserted (11.11.1999) by 1999 c. 30, ss. 70, 89(4)(b), **Sch. 8 Pt. V para. 29(2)**
- F6** S. 4(11A) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 5(4)**; S.I. 2000/2958, **art. 2(2)**

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

- C1** S. 4(1) applied (with modifications) (4.11.1996) by S.I. 1996/2570, **reg. 3(2)**
- C2** S. 4(5) modified (8.11.2001) by 2001 c. 15, **s. 52(1)(b)** (with ss. 64(9), 65(4)); S.I. 2001/3752, **art. 3**

#### Commencement Information

- I1** S. 4 wholly in force at 7.10.1996; s. 4 not in force at Royal Assent, see. s. 41(2); s. 4(1)(b)(2)(4)(5)(12) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, **art. 2(b)**, **Sch.**; s. 4 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

**Status:**

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