



Welfare Reform Act 2012

2012 CHAPTER 5

PART 2

WORKING-AGE BENEFITS

CHAPTER 1

JOBSEEKER'S ALLOWANCE

Claimant responsibilities for interim period

44 Claimant commitment for jobseeker's allowance

- (1) The Jobseekers Act 1995 is amended as follows.
- (2) In section 1 (the jobseeker's allowance), in subsection (2)(b) for "entered into a jobseeker's agreement which remains in force" there is substituted "accepted a claimant commitment".
- (3) For section 9 (the jobseeker's agreement) there is substituted—

"9 Claimant commitment

- (1) For the purposes of this Act a "claimant commitment" is a record of a claimant's responsibilities in relation to an award of a jobseeker's allowance.
- (2) A claimant commitment shall—
 - (a) be prepared by an employment officer,
 - (b) be in such form as the Secretary of State thinks fit,
 - (c) include any prescribed information, and
 - (d) include any other information an employment officer or the Secretary of State considers it appropriate to include.

Status: This is the original version (as it was originally enacted).

- (3) Information included in a claimant commitment under subsection (2)(d) may include—
- (a) information in respect of the conditions mentioned in section 1(2)(a) and (c);
 - (b) details of any requirement imposed on the claimant by virtue of regulations under section 8 or 17A, or under a jobseeker’s direction;
 - (c) details of any consequences of a failure to comply with such a requirement.
- (4) A claimant shall not be invited to accept a claimant commitment by an employment officer unless, in the opinion of the employment officer, the conditions mentioned in section 1(2)(a) and (c) would be satisfied with respect to the claimant if he were to act in accordance with, or be treated as acting in accordance with, the proposed claimant commitment.
- (5) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed claimant commitment to the Secretary of State for him to determine—
- (a) whether, if the claimant were to act in accordance with the proposed claimant commitment, he would satisfy—
 - (i) the condition mentioned in section 1(2)(a), or
 - (ii) the condition mentioned in section 1(2)(c), and
 - (b) whether it is reasonable to expect the claimant to have to act in accordance with the proposed claimant commitment.
- (6) A reference under subsection (5) may only relate to information included in the proposed claimant commitment under subsection (3)(a).
- (7) On a reference under subsection (5) the Secretary of State—
- (a) shall, so far as practicable, dispose of it in accordance with this section before the end of the period of 14 days from the date of the reference;
 - (b) may give such directions, with respect to the terms of the proposed claimant commitment, as the Secretary of State considers appropriate;
 - (c) may direct that, if such conditions as he considers appropriate are satisfied, the proposed claimant commitment is to be treated (if accepted) as having been accepted by the claimant on such date as may be specified in the direction.
- (8) Regulations may provide—
- (a) for such matters as may be prescribed to be taken into account by the Secretary of State in giving a direction under subsection (7)(c), and
 - (b) for such persons as may be prescribed to be notified of—
 - (i) any determination of the Secretary of State under this section;
 - (ii) any direction given by the Secretary of State under this section.
- (9) Regulations may provide that, in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in section 1(2)(b).
- (10) For the purposes of this Act a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.”

(4) For section 10 (variation of jobseeker’s agreement) there is substituted—

“10 Variation of claimant commitment

- (1) A claimant commitment may be varied by an employment officer.
- (2) An employment officer shall not vary a claimant commitment unless, in the opinion of the employment officer, the conditions mentioned in section 1(2) (a) and (c) would continue to be satisfied with respect to the claimant if he were to act in accordance with, or be treated as acting in accordance with, the varied claimant commitment.
- (3) An employment officer shall, before making a relevant variation of a claimant commitment, notify the claimant of the proposed variation.
- (4) For the purposes of this section a “relevant variation” of a claimant commitment means a variation which relates to information to be included in the claimant commitment in respect of the conditions mentioned in section 1(2)(a) and (c).
- (5) The employment officer may, and if asked to do so by the claimant in prescribed circumstances, shall forthwith refer a relevant variation of a claimant commitment proposed by the employment officer or requested by the claimant to the Secretary of State to determine—
 - (a) whether, if the claimant were to act in accordance with the claimant commitment as proposed to be varied, he would satisfy—
 - (i) the condition mentioned in section 1(2)(a), or
 - (ii) the condition mentioned in section 1(2)(c), and
 - (b) in the case of a variation proposed by the employment officer, whether it is reasonable to expect the claimant to have to act in accordance with the claimant commitment as proposed to be varied.
- (6) On a reference under subsection (5) the Secretary of State—
 - (a) shall, so far as practicable, dispose of it in accordance with this section before the end of the period of 14 days from the date of the reference,
 - (b) shall give such directions as he considers appropriate as to—
 - (i) whether the claimant commitment should be varied, and
 - (ii) if so, the terms on which the claimant is to accept the varied claimant commitment, and
 - (c) may direct that, if such conditions as he considers appropriate are satisfied, the claimant commitment, as proposed to be varied, is to be treated (if accepted) as having been accepted by the claimant on such date as may be specified in the direction.
- (7) Regulations may provide—
 - (a) for such matters as may be prescribed to be taken into account by the Secretary of State in giving a direction under subsection (6)(b) or (c), and
 - (b) for such persons as may be prescribed to be notified of—
 - (i) any determination of the Secretary of State under this section;
 - (ii) any direction given by the Secretary of State under this section.”

Status: This is the original version (as it was originally enacted).

(5) In section 35 (interpretation), in subsection (1), after the definition of “employment” there is inserted—

““employment officer”, for any purpose of this Act, means an officer of the Secretary of State or such other person as may be designated for that purpose by an order made by the Secretary of State;”.