

Jobseekers Act 1995

1995 CHAPTER 18

PART I

THE JOBSEEKER'S ALLOWANCE

f^{F1}Denial of jobseeker's allowance

Textual Amendments

F1 S. 17C and preceding cross-heading inserted (12.11.2009) by Welfare Reform Act 2009 (c. 24), ss. 11, 61(1), Sch. 3 para. 1

[F219 Higher-level sanctions

- [F3(1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this section in the event of a failure by the claimant which is sanctionable under this section.
 - (2) It is a failure sanctionable under this section if a claimant—
 - (a) through misconduct loses employment as an employed earner;
 - (b) without a good reason voluntarily leaves such employment;
 - (c) without a good reason refuses or fails to apply for, or accept if offered, a situation in any employment which an employment officer has informed him is vacant or about to become vacant;
 - (d) without a good reason neglects to avail himself of a reasonable opportunity of employment;
 - (e) without a good reason fails to participate in any scheme within section 17A(1) which is prescribed for the purposes of this section.
 - (3) For the purposes of subsection (2)(b), in such circumstances as may be prescribed, including in particular where a person has been dismissed by his employer by reason of redundancy within the meaning of section 139(1) of the Employment Rights Act

1996 after volunteering or agreeing to be so dismissed, a person who might otherwise be treated as having left his employment voluntarily is to be treated as not having left voluntarily.

- (4) Regulations are to provide for—
 - (a) the amount of a reduction under this section;
 - (b) the period for which such a reduction has effect, not exceeding three years in relation to any failure sanctionable under this section.
- (5) Regulations under subsection (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—
 - (a) the number of failures by the claimant sanctionable under this section;
 - (b) the period between such failures.
- (6) Regulations may provide—
 - (a) for cases in which no reduction is to be made under this section;
 - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.
- (7) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this section by virtue of a failure by one of the claimants which is sanctionable under this section, the allowance is payable to the other member of the couple.]]

Textual Amendments

- F2 Ss. 19-19C substituted for s. 19 (10.6.2012 for the purposes of making regulations under ss. 19-19B, 22.10.2012 for the purposes of ss. 19-19B so far as not already in force, otherwise prosp.) by Welfare Reform Act 2012 (c. 5), ss. 46(1), 150(3); S.I. 2012/1246 {art. 2(3)(b)} (as that S.I. is amended by S.I. 2012/2530, art. 2(7)); S.I. 2012/2530, art. 2(2)(a)
- F3 Ss. 19-19C repealed (29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 14 Pt. 4; S.I. 2013/983, art. 7(1)(e) (with art. 7(2)) (as amended: (1.7.2013) by S.I. 2013/1511, art. 6)

Modifications etc. (not altering text)

- C1 S. 19 modified (7.10.1996) by S.I. 1996/207, reg. 159
 - S. 19 applied (with modifications) (4.11.1996) by S.I. 1996/2570, reg. 3(1)
 - S. 19 excluded (E.W.) (17.12.1996) by S.I. 1996/2890, reg. 2(3)
 - S. 19 modified (temp. from 30.11.1998) by S.I. 1998/2825, regs. 1(1), 6(1)(2), 7, 9, 10 (with reg. 1(2))
 - S. 19 extended (temp. from 29.11.1999 to 28.11.2000) by S.I. 1999/3156, regs. 1(2), 6(1)
 - S. 19 modified (temp. from 29.11.1999 to 28.11.2000) by S.I. 1999/3156, regs. 1(2), 7
- C2 S. 19 modified by S.I. 2003/2438, reg. 7 (as inserted (26.4.2004) by The Employment Zones (Amendment) Regulations 2004 (S.I. 2004/1043), reg. 2(f))

Commencement Information

S. 19 wholly in force at 7.10.1996; s. 19 not in force at Royal Assent, see 41(2); s. 19(10)(a) in force at 12.12.1995 by S.I. 2000/3228, art. 2(a); s. 19(2)(4)(7)(8)(10)(c) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), Sch.; s. 19 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, art. 2(b)

Other sanctions

- 19419 A [F3(1)] The amount of an award of a jobseeker's allowance is to be reduced in accordance with this section in the event of a failure by the claimant which is sanctionable under this section.
 - (2) It is a failure sanctionable under this section if a claimant—
 - (a) without a good reason fails to comply with regulations under section 8(1) or (1A);
 - (b) without a good reason fails to comply with regulations under section 17A;
 - (c) without a good reason refuses or fails to carry out a jobseeker's direction which was reasonable having regard to his circumstances;
 - (d) without a good reason neglects to avail himself of a reasonable opportunity of a place on a training scheme or employment programme;
 - (e) without a good reason refuses or fails to apply for, or accept if offered, a place on such a scheme or programme which an employment officer has informed him is vacant or about to become vacant;
 - (f) without a good reason gives up a place on such a scheme or programme or fails to attend such a scheme or programme having been given a place on it;
 - (g) through misconduct loses a place on such a scheme or programme.
 - (3) But a failure is not sanctionable under this section if it is also sanctionable under section 19.
 - (4) Regulations are to provide for—
 - (a) the amount of a reduction under this section;
 - (b) the period for which such a reduction has effect.
 - (5) Regulations under subsection (4)(b) may provide that a reduction under this section in relation to any failure is to have effect for—
 - (a) a period continuing until the claimant meets a compliance condition specified by the Secretary of State,
 - (b) a fixed period not exceeding 26 weeks which is—
 - (i) specified in the regulations, or
 - (ii) determined in any case by the Secretary of State, or
 - (c) a combination of both.
 - (6) In subsection (5)(a) "compliance condition" means—
 - (a) a condition that the failure ceases, or
 - (b) a condition relating to—
 - (i) future compliance with a jobseeker's direction or any requirement imposed under section 8(1) or (1A) or 17A of this Act, or
 - (ii) future avoidance of the failures referred to in subsection (2)(d) to (g).
 - (7) A compliance condition specified under subsection (5)(a) may be—
 - (a) revoked or varied by the Secretary of State:
 - (b) notified to the claimant in such manner as the Secretary of State may determine
 - (8) The period fixed under subsection (5)(b) may in particular depend on either or both of the following—
 - (a) the number of failures by the claimant sanctionable under this section;

- (b) the period between such failures.
- (9) Regulations may provide—
 - (a) for cases in which no reduction is to be made under this section;
 - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.
- (10) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this section by virtue of a failure by one of the claimants which is sanctionable under this section, the allowance is payable to the other member of the couple.
- (11) In this section—
 - (a) "jobseeker's direction" means a direction given by an employment officer (in such manner as he thinks fit) with a view to achieving one or both of the following—
 - (i) assisting the claimant to find employment;
 - (ii) improving the claimant's prospects of being employed;
 - (b) "training scheme" and "employment programme" have such meaning as may be prescribed.]

Textual Amendments

- F3 Ss. 19-19C repealed (29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 14 Pt. 4; S.I. 2013/983, art. 7(1)(e) (with art. 7(2)) (as amended: (1.7.2013) by S.I. 2013/1511, art. 6)
- F4 Ss. 19-19C substituted for s. 19 (10.6.2012 for the purposes of making regulations under ss. 19-19B, 22.10.2012 for the purposes of ss. 19-19B so far as not already in force, otherwise prosp.) by Welfare Reform Act 2012 (c. 5), ss. 46(1), 150(3); S.I. 2012/1246 {art. 2(3)(b)} (as that S.I. is amended by S.I. 2012/2530, art. 2(7)); S.I. 2012/2530, art. 2(2)(a)

19B Claimants ceasing to be available for employment etc

- [F3(1) Regulations may make provision for reduction of the amount of an award of a jobseeker's allowance other than a joint-claim jobseeker's allowance if the claimant—
 - (a) was previously entitled to such an allowance or was a member of a couple entitled to a joint-claim jobseeker's allowance, and
 - (b) ceased to be so entitled by failing to comply with the condition in section 1(2) (a) or (c) (availability for employment and actively seeking employment).
 - (2) Regulations may make provision for reduction of the amount of a joint-claim jobseeker's allowance if one of the claimants—
 - (a) was previously entitled to a jobseeker's allowance other than a joint-claim jobseeker's allowance, and
 - (b) ceased to be so entitled by failing to comply with the condition in section 1(2)(a) or (c).
 - (3) Regulations may make provision for reduction of the amount of an award of joint-claim jobseeker's allowance if—

- (a) the couple were previously entitled to a joint-claim jobseeker's allowance but ceased to be so entitled by either or both of them failing to comply with the condition in section 1(2)(a) or (c), or
- (b) either member of the couple was a member of another couple previously entitled to such an allowance and that couple ceased to be so entitled by that person failing to comply with the condition in section 1(2)(a) or (c).
- (4) Regulations are to provide for—
 - (a) the amount of a reduction under this section;
 - (b) the period for which such a reduction has effect.
- (5) The period referred to in subsection (4)(b) must not include any period after the end of the period of 13 weeks beginning with the day on which the claimant's previous entitlement ceased.
- (6) Regulations under subsection (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—
 - (a) the number of occasions on which a claimant's entitlement has ceased as specified in subsection (1), (2) or (3);
 - (b) the period between such occasions.
- (7) Regulations may provide for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.
- (8) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this section by virtue of a failure by one of the claimants to comply with the condition in section 1(2)(a) or (c), the allowance is payable to the other member of the couple.]

Textual Amendments

- F3 Ss. 19-19C repealed (29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 14 Pt. 4; S.I. 2013/983, art. 7(1)(e) (with art. 7(2)) (as amended: (1.7.2013) by S.I. 2013/1511, art. 6)
- F4 Ss. 19-19C substituted for s. 19 (10.6.2012 for the purposes of making regulations under ss. 19-19B, 22.10.2012 for the purposes of ss. 19-19B so far as not already in force, otherwise prosp.) by Welfare Reform Act 2012 (c. 5), ss. 46(1), 150(3); S.I. 2012/1246 {art. 2(3)(b)} (as that S.I. is amended by S.I. 2012/2530, art. 2(7)); S.I. 2012/2530, art. 2(2)(a)

19C Hardship payments

- [F3(1) Regulations may make provision for the making of payments ("hardship payments") by way of a jobseeker's allowance to a claimant where—
 - (a) the amount of the claimant's award is reduced under sections 19 to 19B, and
 - (b) the claimant is or will be in hardship.
 - (2) Regulations under this section may in particular make provision as to—
 - (a) circumstances in which a claimant is to be treated as being or not being in hardship;

- (b) matters to be taken into account in determining whether a claimant is or will be in hardship;
- (c) requirements or conditions to be met by a claimant in order to receive hardship payments;
- (d) the amount or rate of hardship payments;
- (e) the period for which hardship payments may be made;
- (f) whether hardship payments are recoverable.]]

Textual Amendments

- F3 Ss. 19-19C repealed (29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 14 Pt. 4; S.I. 2013/983, art. 7(1)(e) (with art. 7(2)) (as amended: (1.7.2013) by S.I. 2013/1511, art. 6)
- F4 Ss. 19-19C substituted for s. 19 (10.6.2012 for the purposes of making regulations under ss. 19-19B, 22.10.2012 for the purposes of ss. 19-19B so far as not already in force, otherwise prosp.) by Welfare Reform Act 2012 (c. 5), ss. 46(1), 150(3); S.I. 2012/1246 {art. 2(3)(b)} (as that S.I. is amended by S.I. 2012/2530, art. 2(7)); S.I. 2012/2530, art. 2(2)(a)

20 Exemptions from section 19 [F5 and 19A].

- (1) [F6Nothing in section 19, or in regulations under that section, shall be taken to [F7authorise reduction] of a jobseeker's allowance merely because the claimant refuses to seek or accept employment in a situation which is vacant in consequence of a stoppage of work due to a trade dispute.]
- (2) [F6Section F819A] does not apply, in the circumstances mentioned in subsection [F9(2) (c) to (g)] of that section, if—
 - (a) a direction is in force under section 16 with respect to the claimant; and
 - (b) he has acted in such a way as to risk—
 - (i) having that direction revoked under subsection (3)(b) of section 16; or
 - (ii) having the amount of his jobseeker's allowance reduced by virtue of section 17, because [F10 the condition mentioned in section 17(3)(b) or (c) is satisfied].]
- (3) [F6Regulations shall make provision for the purpose of enabling any person of a prescribed description to accept any employed earner's employment without falling within section [F1119(2)(b) or (d)] should he leave that employment voluntarily and without [F12good reason] at any time during a trial period.]
- (4) [F13In such circumstances as may be prescribed, an income-based jobseeker's allowance shall be [F14payable in respect of] a claimant even though section 19 prevents payment of a jobseeker's allowance to him.]

| (5) | F13 | | | | | | | | | | | | | | | | |
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- (6) [F13Regulations under subsection (4) may, in particular, provide for a jobseeker's allowance payable by virtue of that subsection to be—
 - (a) payable at a prescribed rate;
 - (b) payable for a prescribed period (which may differ from the period fixed under section 19(2) or (3)).]

- (7) [F15In subsection (3), "trial period" has such meaning as may be prescribed.]
- (8) [F15Regulations may make provision for determining, for the purposes of this section, the day on which a person's employment is to be regarded as commencing.]

Textual Amendments

- F5 Words in s. 20 heading inserted (22.10.2012) by Welfare Reform Act 2012 (c. 5), ss. 48, 150(3), Sch. 7 para. 5(a); S.I. 2012/2530, art. 2(2)(f)
- F6 S. 20(1)-(3) repealed (29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 14 Pt. 4; S.I. 2013/983, art. 7(1)(e) (with art. 7(2)) (as amended: (1.7.2013) by S.I. 2013/1511, art. 6)
- F7 Words in s. 20(1) substituted (22.10.2012) by Welfare Reform Act 2012 (c. 5), ss. 48, 150(3), Sch. 7 para. 5(b); S.I. 2012/2530, art. 2(2)(f)
- F8 Word in s. 20(2) substituted (22.10.2012) by Welfare Reform Act 2012 (c. 5), ss. 48, 150(3), Sch. 7 para. 5(c); S.I. 2012/2530, art. 2(2)(f)
- F9 Words in s. 20(2) substituted (22.10.2012) by Welfare Reform Act 2012 (c. 5), ss. 48, 150(3), Sch. 7 para. 5(c); S.I. 2012/2530, art. 2(2)(f)
- **F10** Words in s. 20(2)(b)(ii) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 142**; 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)**)
- F11 Words in s. 20(3) substituted (22.10.2012) by Welfare Reform Act 2012 (c. 5), ss. 48, 150(3), Sch. 7 para. 5(d); S.I. 2012/2530, art. 2(2)(f)
- F12 Words in s. 20(3) substituted (22.10.2012) by Welfare Reform Act 2012 (c. 5), ss. 48, 150(3), Sch. 7 para. 5(d); S.I. 2012/2530, art. 2(2)(f)
- F13 S. 20(4)-(6) repealed (22.10.2012 in relation to the repeal of s. 20(5), otherwise prosp.) by Welfare Reform Act 2012 (c. 5), ss. 147, 150(3), Sch. 14 Pt. 3; S.I. 2012/2530, art. 2(2)(g)
- F14 Words in s. 20 substituted (11.11.1999) by 1999 c. 30, ss. 70, 89(4)(b), Sch. 8 Pt. V para. 29(5)
- F15 S. 20(7)(8) repealed (29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by Welfare Reform Act 2012 (c. 5), s. 150(3), Sch. 14 Pt. 4; S.I. 2013/983, art. 7(1)(e) (with art. 7(2)) (as amended: (1.7.2013) by S.I. 2013/1511, art. 6)

Modifications etc. (not altering text)

C3 S. 20 modified (7.10.1996) by S.I. 1996/207, reg. 159

Commencement Information

S. 20 wholly in force at 7.10.1996; s. 20 not in force at Royal Assent, see s. 41(2); s. 20(3)(4)(5)(6)(7) (8) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), Sch.; s. 20 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, art. 2(b)

| 20A | ••••• |
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| | F16 |
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Textual Amendments

F16 S. 20A repealed (22.10.2012) by Welfare Reform Act 2012 (c. 5), ss. 147, 150(3), **Sch. 14 Pt. 3**, S.I. 2012/2530, {art. 2(2)(g)}

20B

Textual Amendments

F17 S. 20B repealed (22.10.2012) by Welfare Reform Act 2012 (c. 5), ss. 147, 150(3), Sch. 14 Pt. 3, S.I. 2012/2530, {art. 2(2)(g)}

Changes to legislation:

Jobseekers Act 1995, Cross Heading: Denial of jobseeker's allowance is up to date with all changes known to be in force on or before 12 April 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.

View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Act applied (with modifications) by S.I. 2010/875 reg. 16Sch. 2 (This amendment not applied to legislation.gov.uk. Amending S.I. revoked (27.8.2010) by SI 2010/1906, reg. 2 without ever being in force.)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1A) substituted for s. 1(2)-(2D) by 2009 c. 24 s. 4(2)(a) (This amendment not applied to legislation.gov.uk. S. 4(2)(a) repealed (8.5.2012) by 2012 c. 5, s. 150(3), Sch. 14 Pt. 2 without ever being in force.)
- s. 1(2)(za) inserted by 2012 c. 5 s. 61(2)
- s. 1(3A) inserted by 2012 c. 5 s. 61(3)
- s. 2(3C)(e) and word repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 3(1A) inserted by 2009 c. 24 Sch. 1 para. 10(3) (This amendment not applied to legislation.gov.uk. Sch. 1 repealed (8.5.2012) by 2012 c. 5, s. 150(2)(k), Sch. 14 Pt. 2 without ever being in force)
- s. 3(1A) inserted by 2009 c. 24 Sch. 1 para. 10(3) (This amendment not applied to legislation.gov.uk. Sch. 1 repealed (8.5.2012) by 2012 c. 5, s. 150(2)(k), Sch. 14 Pt. 2 without ever being in force)
- s. 3(1A)(a) word repealed by 2009 c. 24 Sch. 7 Pt. 1
- s. 9(4A) amendment to earlier affecting provision 2009 c. 24 s. 31(1) by 2012 c. 5
 Sch. 7 para. 15(2)(b)
- s. 9(4A) inserted by 2009 c. 24 s. 31(1)
- s. 9(4A) inserted by 2009 c. 24 s. 31(1)
- s. 14(2A) inserted by 2009 c. 24 Sch. 1 para. 15(4) (This amendment not applied to legislation.gov.uk. Sch. 1 repealed (8.5.2012) by 2012 c. 5, s. 150(2)(k), Sch. 14 Pt. 2 without ever being in force.)
- s. 15(1)(1A) substituted for s. 15(1) by 2009 c. 24 Sch. 1 para. 16(2) (This amendment not applied to legislation.gov.uk. Sch. 1 repealed (8.5.2012) by 2012 c. 5, s. 150(2)(k), Sch. 14 Pt. 2 without ever being in force.)
- s. 15(1)(1A) substituted for s. 15(1) by 2009 c. 24 Sch. 1 para. 16(2) (This amendment not applied to legislation.gov.uk. Sch. 1 repealed (8.5.2012) by 2012 c. 5, s. 150(2)(k), Sch. 14 Pt. 2 without ever being in force.)
- s. 15A(1A) inserted by 2009 c. 24 Sch. 1 para. 17(2) (This amendment not applied to legislation.gov.uk. Sch. 1 repealed (8.5.2012) by 2012 c. 5, s. 150(2)(k), Sch. 14 Pt. 2 without ever being in force.)
- s. 15B inserted by 2009 c. 24 Sch. 1 para. 18 (This amendment not applied to legislation.gov.uk. Sch. 1 repealed (8.5.2012) by 2012 c. 5, s. 150(2)(k), Sch. 14 Pt. 2 without ever being in force.)
- s. 18A18B inserted by 2009 c. 24 Sch. 1 para. 4 (This amendment not applied to legislation.gov.uk. Sch. 1 repealed (8.5.2012) by 2012 c. 5, s. 150(2)(k), Sch. 14 Pt. 2 without ever being in force.)
- s. 18C18D inserted by 2009 c. 24 Sch. 1 para. 5 (This amendment not applied to legislation.gov.uk. Sch. 1 repealed (8.5.2012) by 2012 c. 5, s. 150(2)(k), Sch. 14 Pt. 2 without ever being in force.)
- s. 20C20D inserted by 2009 c. 24 s. 25(2) (This amendment not applied to legislation.gov.uk. S. 25 repealed (22.10.2012) by 2012 c. 5, Sch. 14 Pt. 3; S.I. 2012/2530, art. 2(2)(g) without ever being in force.)

- s. 20C20D inserted by 2009 c. 24 s. 25(2) (This amendment not applied to legislation.gov.uk. S. 25 repealed (22.10.2012) by 2012 c. 5, Sch. 14 Pt. 3; S.I. 2012/2530, art. 2(2)(g) without ever being in force.)
- s. 20C(7) words substituted by 2009 c. 24 Sch. 1 para. 19(b) (This amendment not applied to legislation.gov.uk. Sch. 1 repealed (8.5.2012) by 2012 c. 5, s. 150(2)(k), Sch. 14 Pt. 2 without ever being in force.)
- s. 20D(6)(b) and word omitted by 2012 c. 10 Sch. 24 para. 13
- Sch. 1 para. 14B inserted by 2009 c. 24 s. 30(1)
- Sch. 1 para. 14(2) inserted by 2009 c. 24 Sch. 1 para. 23(5)(b) (This amendment not applied to legislation.gov.uk. Sch. 1 repealed (8.5.2012) by 2012 c. 5, s. 150(2)(k), Sch. 14 Pt. 2 without ever being in force.)
- Sch. 1 para. 14A inserted by 2009 c. 24 Sch. 1 para. 23(6) (This amendment not applied to legislation.gov.uk. Sch. 1 repealed (8.5.2012) by 2012 c. 5, s. 150(2)(k), Sch. 14 Pt. 2 without ever being in force.)
- Sch. 1 para. 14B inserted by 2009 c. 24 s. 30(1)
- Sch. 1 para. 8ZA inserted by 2012 c. 5 s. 61(4)