



2010 CHAPTER 13

PART 1  
SOCIAL SECURITY

*Revised system of working-age benefits*

**Entitlement to jobseeker's allowance without seeking employment etc.**

- 4.—(1) The Jobseekers Order is amended as follows.
- (2) In Article 3 (the jobseeker's allowance)—
- (a) for paragraphs (2) to (2D) substitute—
- “(1A) The circumstances in which a claimant is entitled to a jobseeker's allowance are set out in—
- (a) Article 3A (jobseeker's allowance other than joint-claim jobseeker's allowance), and
- (b) Article 3B (joint-claim jobseeker's allowance).”, and
- (b) in paragraph (4), for the definition of “a joint-claim couple” substitute—
- ““a joint-claim couple” means a couple other than a couple of a prescribed description;”.
- (3) After Article 3 insert—

**“Jobseeker's allowance other than joint-claim jobseeker's allowance**

- 3A.—(1) A claimant is entitled to a jobseeker's allowance if the claimant meets—
- (a) the basic conditions; and

- (b) the conditions set out in Article 4 (the contribution-based conditions).
- (2) A claimant who—
- (a) is not a member of a joint-claim couple, or
  - (b) is a member of a joint-claim couple the other member of which has limited capability for work,
- is entitled to a jobseeker's allowance if the claimant meets condition A or B.
- (3) Condition A is that the claimant meets—
- (a) the basic conditions; and
  - (b) the applicable conditions set out in Article 5 (the income-based conditions).
- (4) Condition B is that the claimant—
- (a) is not otherwise entitled to a jobseeker's allowance;
  - (b) meets the basic conditions other than the jobseeking conditions;
  - (c) falls within a prescribed description of person; and
  - (d) meets the applicable conditions set out in Article 5.
- (5) Regulations under sub-paragraph (c) of paragraph (4) must ensure that a person who—
- (a) is not a member of a couple, and
  - (b) is responsible for, and a member of the same household as, a child under the age of 7,
- falls within a description of person prescribed under that sub-paragraph.
- (6) Paragraph (5) does not apply if regulations under subsection (1)(e) of section 123 of the Benefits Act containing the provision mentioned in subsection (1A) of that section are in force.
- (7) For the purposes of this Order a person meets the basic conditions if the person—
- (a) is available for employment;
  - (b) has entered into a jobseeker's agreement which remains in force;
  - (c) is actively seeking employment;
  - (d) is not engaged in remunerative work;
  - (e) does not have limited capability for work;
  - (f) is not receiving relevant education;
  - (g) is under pensionable age; and
  - (h) is in Northern Ireland.

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

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(8) Regulations may prescribe circumstances in which paragraph (2) is to apply to a claimant who is a member of a joint-claim couple the other member of which does not have limited capability for work

(9) Paragraphs (1) and (2) are subject to the provisions of this Order.

### **Joint-claim jobseeker's allowance**

**3B.**—(1) A joint-claim couple are entitled to a jobseeker's allowance if—

- (a) a claim for the allowance is made jointly by the couple;
- (b) each member of the couple meets the basic conditions; and
- (c) the conditions set out in Article 5A are met in relation to the couple.

(2) Regulations may, in respect of cases where a person would (but for the regulations) be a member of two or more joint-claim couples, make provision for only one of those couples to be a joint-claim couple.

(3) The regulations may, in particular, make provision for the couple which is to be the joint-claim couple to be nominated—

- (a) by the persons who are members of the couple; or
- (b) in default of one of the couples being so nominated, by the Department.

(4) Paragraph (1) is subject to the provisions of this Order.”.

(4) Schedule 1 contains—

- (a) amendments of the Jobseekers Order to provide for work-focused interviews, and action plans in consequence of work-focused interviews, for persons entitled to a jobseeker's allowance without being required to meet the jobseeking conditions,
- (b) amendments of that Order to provide for the imposition on such persons of requirements to undertake work-related activity, and
- (c) other amendments in consequence of, or otherwise in connection with, the amendments made by this section or the amendments mentioned in paragraphs (a) and (b).