# Jobseekers Act 1995

**1995 CHAPTER 18**

## PART I

THE JOBSEEKER'S ALLOWANCE

*Entitlement*

### 1 The jobseeker's allowance.

(1) An allowance, to be known as a jobseeker's allowance, shall be payable in accordance with the provisions of this Act.

(2) Subject to the provisions of this Act, a claimant is entitled to a jobseeker's allowance if he—

(a) **[**F1is available for employment;**]**

(b) **[**F2has entered into a jobseeker's agreement which remains in force;**]**

(c) **[**F3is actively seeking employment;**]**

**[**F4(d) satisfies the conditions set out in section 2;**]**

(e) is not engaged in remunerative work;

**[**F5(f) does not have limited capability for work;**]**

(g) is not receiving relevant education;

(h) is under pensionable age; and

(i) is in Great Britain.

**[**F6(2A) **[**F7Subject to the provisions of this Act, a claimant who is not a member of a joint-claim couple is entitled to a jobseeker's allowance if he satisfies—

(a) the conditions set out in paragraphs (a) to (c) and (e) to (i) of subsection (2); and

(b) the conditions set out in section 3.**]**

(2B) **[**F7Subject to the provisions of this Act, a joint-claim couple are entitled to a jobseeker's allowance if—

(a) a claim for the allowance is made jointly by the couple;

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(b) each member of the couple satisfies the conditions set out in paragraphs (a) to (c) and (e) to (i) of subsection (2); and

(c) the conditions set out in section 3A are satisfied in relation to the couple.**]**

(2C) **[**[F7]Regulations may prescribe circumstances in which subsection (2A) is to apply to a claimant who is a member of a joint-claim couple.**]**

(2D) **[**[F7]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; and the provision which may be so made includes provision for the couple which is to be the joint-claim couple to be nominated—

(a) by the persons who are the members of the couples, or

(b) in default of one of the couples being so nominated, by the Secretary of State.**]]**

(3) A jobseeker's allowance is payable in respect of a week.

(4) **[**[F8]In this Act—

"a contribution-based jobseeker's allowance" means a jobseeker's allowance entitlement to which is based on the claimant's satisfying conditions which include those set out in section 2; [F9]...

"an income-based jobseeker's allowance" means a jobseeker's allowance entitlement to which is based on the claimant's satisfying conditions which include those set out in section 3 **[**[F10]or a joint-claim jobseeker's allowance;**]**

**[**[F11]"a joint-claim couple" means a **[**[F12]couple**]** who—

(a) are not members of any family whose members include a person in respect of whom a member of the couple is entitled to child benefit, and

(b) are of a prescribed description;

"a joint-claim jobseeker's allowance" means a jobseeker's allowance entitlement to which arises by virtue of subsection (2B).**]]**

**Textual Amendments**

**F1** S. 1(2)(a) 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), **ss. 49(2)**, 150(3); S.I. 2013/983, art. 7(1)(b) (with art. 7(2)) (as amended: (1.7.2013) by S.I. 2013/1511, art. 6)

**F2** Words in s. 1(2)(b) substituted (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), **ss. 44(2)**, 150(3); S.I. 2013/983, art. 7(1)(a) (with art. 7(2)) (as amended: (1.7.2013) by S.I. 2013/1511, art. 6)

**F3** S. 1(2)(c) 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), **ss. 49(2)**, 150(3); S.I. 2013/983, art. 7(1)(b) (with art. 7(2)) (as amended: (1.7.2013) by S.I. 2013/1511, art. 6)

**F4** S. 1(2)(d) substituted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 2**; S.I. 2000/2958, **art. 2(2)**

**F5** S. 1(2)(f) substituted (27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 28(1), 70(2), **Sch. 3 para. 12(2)** (with saving in S.I. 2008/795, reg. 5); S.I. 2008/787, **art. 2(4)(f)**

**F6** S. 1(2A)-(2D) inserted (19.3.2001) by 1999 c. 33, s. 59, **Sch. 7 para. 2(3)**; S.I. 2000/2958, **art. 2(2)**

**F7** S. 1(2A)-(2D) repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes,

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28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

**F8** S. 1(4) repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I.

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2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

**F9** Word at end of definition of "a contribution-based jobseeker's allowance" in s. 1(4) repealed (6.4.2002) by 1999 c. 30,s, 88, Sch. 13 Pt. V; S.I. 2001/4049, **art. 2(3)(d)**

**F10** Words in definition of "an income-based jobseeker's allowance" in s. 1(4) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 2(4)(a)**; S.I. 2000/2958, **art. 2(2)**

**F11** Definitions of "a joint-claim couple" and "a joint-claim jobseeker's allowance" in s. 1(4) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 2(4)(b)**; S.I. 2000/2958, **art. 2(2)**

**F12** Words in s. 1(4) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 71, 263(8)(d), **Sch. 4 para. 118**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

### Modifications etc. (not altering text)

**C1** S. 1(2) modified (27.10.2003) by The Employment Zones Regulations 2003 (S.I. 2003/2438), **reg. 5**

**C2** S. 1(2) modified (26.4.2004) by The Employment Zones (Allocation to Contractors) Pilot Regulations 2004 (S.I. 2004/934), **reg. 6**

**C3** S. 1(2) modified (26.4.2004) by The Social Security (Working Neighbourhoods) Regulations 2004 (S.I. 2004/959), **reg. 20**

**C4** S. 1(2) modified (25.4.2005) by The Employment Zones (Allocation to Contractors) Pilot Regulations 2005 (S.I. 2005/1125), **reg. 6**

**C5** S. 1(2) modified (24.4.2006) by The Employment Zones (Allocation to Contractors) Pilot Regulations 2006 (S.I. 2006/962), **reg. 7**

**C6** S. 1(2)(a)-(c) restricted (19.3.2001) by S.I. 1996/207, **reg. 146C(4)** (as inserted (19.3.2001) by S.I. 2000/1978, **reg. 2(3)**)

**C7** S. 1(2)(a)-(c)(e)-(i) applied (with modifications) (4.11.1996) by S.I. 1996/2567, **reg. 2(1)(2)-(4)**

**C8** S. 1(2)(a)(c) excluded (12.2.2013) by The Jobseeker s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013 (S.I. 2013/276), regs. 1, **7(2)**

**C9** S. 1(2)(a)(c) excluded (12.2.2013) by The Jobseeker s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013 (S.I. 2013/276), regs. 1, **7(3)**

**C10** S. 1(2)(c) excluded (12.2.2013) by The Jobseeker s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013 (S.I. 2013/276), regs. 1, **7(1)**

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## 2 The contribution-based conditions.

(1) The conditions referred to in **[**F13section 1(2)(d)**]** are that the claimant—

(a) has actually paid Class 1 contributions in respect of one ("the base year") of the last two complete years before the beginning of the relevant benefit year and satisfies the additional conditions set out in subsection (2);

(b) has, in respect of the last two complete years before the beginning of the relevant benefit year, either paid Class 1 contributions or been credited with earnings and satisfies the additional condition set out in subsection (3);

(c) does not have earnings in excess of the prescribed amount; and

(d) is not entitled to income support.

(2) The additional conditions mentioned in subsection (1)(a) are that—

(a) the contributions have been paid before the week for which the jobseeker's allowance is claimed;

**[**F14(b) the claimant's relevant earnings for the base year upon which primary Class 1 contributions have been paid or treated as paid are not less than the base year's lower earnings limit multiplied by 26.**]**

**[**F15(2A) Regulations may make provision for the purposes of subsection (2)(b) for determining the claimant's relevant earnings for the base year.

(2B) Regulations under subsection (2A) may, in particular, make provision—

(a) for making that determination by reference to the amount of a person's earnings for periods comprised in the base year;

(b) for determining the amount of a person's earnings for any such period by—

(i) first determining the amount of the earnings for the period in accordance with regulations made for the purposes of section 3(2) of the Benefits Act, and

(ii) then disregarding so much of the amount found in accordance with sub-paragraph (i) as exceeded the base year's lower earnings limit (or the prescribed equivalent).**]**

(3) The additional condition mentioned in subsection (1)(b) is that the earnings factor derived **[**F16from so much of the claimant's earnings as did not exceed the upper earnings limit and**]** upon which primary Class 1 contributions have been paid or treated as paid or from earnings credited is not less, in each of the two complete years, than the lower earnings limit for the year multiplied by 50.

**[**F17(3A) Where primary Class 1 contributions have been paid or treated as paid on any part of a person's earnings, **[**F18subsection (3)**]** above shall have effect as if such contributions had been paid or treated as paid on so much of the earnings as did not exceed the upper earnings limit.**]**

**[**F19(3B) Regulations may—

(a) provide for the first set of conditions to be taken to be satisfied in the case of persons—

(i) who have been entitled to any prescribed description of benefit during any prescribed period or at any prescribed time, or

(ii) who satisfy other prescribed conditions;

(b) with a view to securing any relaxation of the requirements of the first set of conditions in relation to persons who have been entitled as mentioned in

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paragraph (a)(i), provide for that set of conditions to apply in relation to them subject to prescribed modifications.

(3C) In subsection (3B)—

"the first set of conditions" means the condition set out in subsection (1)(a) and the additional conditions set out in subsection (2);

"benefit" means—

(za) **[**[F20]universal credit,**]**

(a) any benefit within the meaning of section 122(1) of the Benefits Act,

(b) any benefit under Parts 7 to 12 of the Benefits Act,

(c) credits under regulations under section 22(5) of the Benefits Act,

(d) a **[**[F21]contribution-based**]** jobseeker's allowance, and

(e) working tax credit.**]**

(4) For the purposes of this section—

(a) "benefit year" means a period which is a benefit year for the purposes of Part II of the Benefits Act or such other period as may be prescribed for the purposes of this section;

(b) "the relevant benefit year" is the benefit year which includes—

(i) the beginning of the jobseeking period which includes the week for which a jobseeker's allowance is claimed, or

(ii) (if earlier) the beginning of any linked period; and

(c) other expressions which are used in this section and the Benefits Act have the same meaning in this section as they have in that Act.

**Textual Amendments**

**F13** Words in s. 2(1) substituted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 3**; S.I. 2000/2958, **art. 2(2)**

**F14** S. 2(2)(b) substituted (1.11.2010) by Welfare Reform Act 2009 (c. 24), **ss. 12(2)**, 61(3); S.I. 2010/2377, **art. 2(2)(a)**

**F15** S. 2(2A)(2B) inserted (1.10.2010) by Welfare Reform Act 2009 (c. 24), **ss. 12(3)**, 61(3); S.I. 2010/2377, **art. 2(1)(a)**

**F16** Words in s. 2(3) substituted (8.7.2002) by National Insurance Contributions Act 2002 (c. 19), s. 6, **Sch. 1 para. 45**

**F17** S. 2(3A) inserted (6.4.1999) by 1998 c. 14, s. 86(1), 87(1), **Sch. 7 para. 133**; S.I. 1999/418, **art. 2(2)(3)(a)**

**F18** Words in s. 2(3A) substituted (1.11.2010) by Welfare Reform Act 2009 (c. 24), **ss. 12(4)**, 61(3); S.I. 2010/2377, **art. 2(2)(a)**

**F19** S. 2(3B)(3C) inserted (29.11.2011 for specified purposes and otherwise prosp.) by Welfare Reform Act 2009 (c. 24), **ss. 12(5)**, 61(3); S.I. 2011/2857, **art. 2(a)**

**F20** Words in s. 2(3C) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 35**; S.I. 2013/983, art. 3(1)(b)(i)

**F21** Words in s. 2(3C)(d) repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1),

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22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

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

**C11** S. 2 modified (7.10.1996) by S.I. 1996/207, **reg. 158(1)(2)**
S. 2 applied (with modifications) (7.10.1996) by S.I. 1996/207, **reg. 167**

**C12** S. 2 applied (with modifications) (29.4.2013) by The Jobseekers Allowance Regulations 2013 (S.I. 2013/378), regs. 1(2), **75** (with reg. 1(3))

**C13** S. 2 applied (with modifications) (29.4.2013) by The Jobseekers Allowance Regulations 2013 (S.I. 2013/378), regs. 1(2), **69** (with reg. 1(3))

**C14** S. 2(4) modified (7.10.1996) by S.I. 1996/207, **reg. 158(3)**

**Commencement Information**

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

## 3 The income-based conditions.

**[**[F22](1) The conditions referred to in **[**[F23]section 1(2A)(b)**]** are that the claimant—

(a) has an income which does not exceed the applicable amount (determined in accordance with regulations under section 4) or has no income;

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(b) is not entitled to income support**[**F24, state pension credit or an income-related employment and support allowance**]**;

(c) is not a member of a family one of whose members is entitled to income support;

(d) is not a member of a family one of whose members is entitled to an income-based jobseeker's allowance;

**[**F25(dd) is not a member of a **[**F26couple**]** the other member of which is entitled to state pension credit;**]**

**[**F27(de) is not a member of a couple the other member of which is entitled to an income-related employment and support allowance;**]**

(e) is not a member of a **[**F26couple**]** the other member of which is engaged in remunerative work; and

(f) is a person—

(i) who has reached the age of 18; or

(ii) in respect of whom a direction under section 16 is in force; or

(iii) who has, in prescribed circumstances to be taken into account for a prescribed period, reached the age of 16 but not the age of 18.

(2) Regulations may provide for one or both of the following conditions to be included in the income-based conditions, in the case of a person to whom subsection (1)(f)(ii) or (iii) applies—

(a) a condition that the claimant must register for employment;

(b) a condition that the claimant must register for training.

(3) In subsection (1)(f)(iii) "period" includes—

(a) a period of a determinate length;

(b) a period defined by reference to the happening of a future event; and

(c) a period of a determinate length but subject to earlier determination upon the happening of a future event.

(4) Regulations under subsection (2) may, in particular, make provision by reference to persons designated by the Secretary of State for the purpose of the regulations.**]**

**Textual Amendments**

**F22** Ss. 3-3B repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by

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S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

**F23** Words in s. 3(1) substituted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 4(1)**; S.I. 2000/2958, **art. 2(2)**

**F24** Words in s. 3(1)(b) substituted (27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 28(1), 70(2), **Sch. 3 para. 12(3)(a)**; S.I. 2008/787, **art. 2(4)(f)**

**F25** S. 3(1)(dd) inserted (2.7.2002 for certain purposes and otherwise 6.10.2003) by State Pension Credit Act 2002 (c. 16), ss. 14, 22(3), **Sch. 2 Pt. 3 para. 37(b)**; S.I. 2002/1691, **art. 2(l)**; S.I. 2003/1766, **art. 2**

**F26** Words in s. 3(1)(dd)(e) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 254(1), 263(8)(d), **Sch. 24 para. 119**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

**F27** S. 3(1)(de) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 28(1), 70(2), **Sch. 3 para. 12(3)(b)**; S.I. 2008/787, **art. 2(4)(f)**

**Commencement Information**

**I2** S. 3 wholly in force at 7.10.1996; s. 3 not in force at Royal Assent, see s. 41(2); s. 3(1)(f)(iii)(2)(3)(4) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), **Sch.**; s. 3 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

## [F28 3A The conditions for claims by joint-claim couples.

[F22 (1) The conditions referred to in section 1(2B)(c) are—

(a) that the income of the joint-claim couple does not exceed the applicable amount (determined in accordance with regulations under section 4) or the couple have no income;

(b) that no member of a family of which the couple are members is entitled to income support;

(c) that no member of any such family (other than the couple) is entitled to an income-based jobseeker's allowance;

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**[**F29(cc) that neither member of the couple is entitled to state pension credit;**]**

**[**F30(cd) that neither member of the couple is entitled to an income-related employment and support allowance;**]**

(d) that at least one member of the couple has reached the age of 18; and

(e) that if only one member of the couple has reached the age of 18, the other member of the couple is a person—

(i) in respect of whom a direction under section 16 is in force; or

(ii) who has, in prescribed circumstances to be taken into account for a prescribed period, reached the age of 16.

(2) Subsections (2) and (4) of section 3 shall apply in relation to a member of the couple to whom subsection (1)(e)(i) or (ii) above applies as they apply in relation to a claimant to whom subsection (1)(f)(ii) or (iii) of that section applies.

(3) In subsection (1)(e)(ii) above "period" shall be construed in accordance with section 3(3).**]]**

**Textual Amendments**

**F22** Ss. 3-3B repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by

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S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

**F28** Ss. 3A, 3B inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 4(2)**; S.I. 2000/2958, **art. 2(2)**

**F29** S. 3A(1)(cc) inserted (2.7.2002 for certain purposes and otherwise 6.10.2003) by State Pension Credit Act 2002 (c. 16), ss. 14, 22(3), **Sch. 2 Pt. 3 para. 38**; S.I. 2002/1691, **art. 2(l)**; S.I. 2003/1766, **art. 2**

**F30** S. 3A(1)(cd) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 28(1), 70(2), **Sch. 3 para. 12(4)**; S.I. 2008/787, **art. 2(4)(f)**

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

**C15** S. 3A(1)(e)(ii) applied (1.4.2002) (with modifications) by S.I. 2001/4022, **reg. 11(2)(g)**

## F31 3B Joint-claim couples: the nominated member.

**[**F22(1) Where a joint-claim couple make a claim for a joint-claim jobseeker's allowance, they may nominate one of them as the member of the couple to whom the allowance is to be payable.

(2) In default of one of them being so nominated, the allowance shall be payable to whichever of them is nominated by the Secretary of State.

(3) Subsections (1) and (2) have effect subject to section 4A(4) and (7).

(4) In this Act references to the nominated member of a joint-claim couple are, except where section 20A(7) applies, to the member of the couple nominated under subsection (1) or (2) above; and where section 20A(7) applies, references to the nominated member of such a couple are to the member of the couple to whom section 20A(7) provides for the allowance to be payable.

(5) Nothing in this section or section 20A(7) affects the operation of any statutory provision by virtue of which any amount of the allowance is required or authorised to be paid to someone other than the nominated member of the couple.**]**

**Textual Amendments**

**F22** Ss. 3-3B repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I.

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2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

**F31** Ss. 3A, 3B inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 4(2)**; S.I. 2000/2958, **art. 2(2)**

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

(1) In the case of a **[**[F32]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 **[**[F33], 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) **[**[F34]In the case of an income-based jobseeker's allowance **[**[F35](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.**]**

**[**[F36](3A) **[**[F34]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.**]]**

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(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.

(5) The applicable amount shall be such amount or the aggregate of such amounts as may be determined in accordance with regulations.

(6) **[**F37Where a claimant **[**F38is entitled to both a contribution-based jobseeker's allowance and an income-based jobseeker's allowance**]** but has no income, the amount payable **[**F39by 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) **[**F37Where 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) **[**F37Where a claimant **[**F38is entitled to both a contribution-based jobseeker's allowance and an income-based jobseeker's allowance**]**, the amount payable **[**F39by 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) **[**F37Where 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) **[**F37The 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) **[**F37The 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.**]**

**[**F40(11A) **[**F37In 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**

**F32** Words in s. 4(1) repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

**F33** 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)**

**F34** S. 4(3)(3A) repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act

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2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

**F35** 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)**

**F36** 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)**

**F37** S. 4(6)-(11A) repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661;

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**F38** 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)**

**F39** 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)**

**F40** 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)**

**C16** S. 4(1) applied (with modifications) (4.11.1996) by S.I. 1996/2570, **reg. 3(2)**

**C17** 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**

**C18** S. 4(8)-(11) excluded by S.I. 2014/1230, reg. 53(6) (as inserted (24.7.2019) by The Universal Credit (Managed Migration Pilot and Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1152), regs. 1(2), **3(7)**)

**Commencement Information**

**I3** 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)**

## [F41 4A Amount payable in respect of joint-claim couple.

[F42 (1) This section applies where—

(a) a joint-claim couple are entitled to a joint-claim jobseeker's allowance, and

(b) one or each of the members of the couple is in addition entitled to a contribution-based jobseeker's allowance;

and in such a case the provisions of this section have effect in relation to the couple in place of section 4(3A).

(2) If a joint-claim couple falling within subsection (1) have no income, the amount payable in respect of the couple by way of a jobseeker's allowance shall be—

(a) the applicable amount, if that is greater than the couple's personal rate; and

(b) the couple's personal rate, if it is not.

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(3) Where the amount payable in accordance with subsection (2) is the applicable amount, the amount payable in respect of the couple by way of a jobseeker's allowance shall be taken to consist of two elements—

(a) one being an amount equal to the couple's personal rate; and

(b) the other being an amount equal to the excess of the applicable amount over the couple's personal rate.

(4) Where the amount payable in accordance with subsection (2) is the couple's personal rate, then—

(a) if each member of the couple is entitled to a contribution-based jobseeker's allowance, an amount equal to the member's own personal rate shall be payable in respect of the member by way of such an allowance;

(b) if only one of them is so entitled, an amount equal to that member's personal rate shall be payable in respect of the member by way of such an allowance;

and in either case nothing shall be payable in respect of the couple by way of a joint-claim jobseeker's allowance.

(5) If a joint-claim couple falling within subsection (1) have an income, the amount payable in respect of the couple by way of a jobseeker's allowance shall be—

(a) the amount by which the applicable amount exceeds the couple's income, if the amount of that excess is greater than the couple's personal rate; and

(b) the couple's personal rate, if it is not.

(6) Where the amount payable in accordance with subsection (5) is the amount by which the applicable amount exceeds the couple's income, the amount payable in respect of the couple by way of a jobseeker's allowance shall be taken to consist of two elements—

(a) one being an amount equal to the couple's personal rate; and

(b) the other being an amount equal to the amount by which the difference between the applicable amount and the couple's income exceeds the couple's personal rate.

(7) Where the amount payable in accordance with subsection (5) is the couple's personal rate, subsection (4) shall apply as it applies in a case where the amount payable in accordance with subsection (2) is that rate.

(8) The element of a jobseeker's allowance mentioned in subsection (3)(a) and that mentioned in subsection (6)(a) shall be treated, for the purpose of identifying the source of the allowance, as attributable—

(a) in a case where only one member of the joint-claim couple is entitled to a contribution-based jobseeker's allowance, to that member's entitlement to such an allowance; and

(b) in a case where each member of the couple is entitled to a contribution-based jobseeker's allowance, rateably according to their individual entitlements to such an allowance.

(9) The element of a jobseeker's allowance mentioned in subsection (3)(b) and that mentioned in subsection (6)(b) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the couple's entitlement to a joint-claim jobseeker's allowance.

(10) In this section "the couple's personal rate", in relation to a joint-claim couple, means—

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(a) where only one member of the couple is entitled to a contribution-based jobseeker's allowance, that member's personal rate;

(b) where each member of the couple is entitled to such an allowance, the aggregate of their personal rates.**]]**

**Textual Amendments**

**F41** S. 4A inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 6**; S.I. 2000/2958, **art. 2(2)**

**F42** S. 4A repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

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## 5 Duration of a [F43contribution-based] jobseeker's allowance.

(1) The period for which a person is entitled to a **[**F44contribution-based**]** jobseeker's allowance shall not exceed, in the aggregate, 182 days in any period for which his entitlement is established by reference (under section 2(1)(b)) to the same two years.

(2) The fact that a person's entitlement to a **[**F45contribution-based**]** jobseeker's allowance ("his previous entitlement") has ceased as a result of subsection (1), does not prevent his being entitled to a further **[**F45contribution-based**]** jobseeker's allowance if—

(a) he satisfies the contribution-based conditions; and

(b) the two years by reference to which he satisfies those conditions includes at least one year which is later than the second of the two years by reference to which his previous entitlement was established.

(3) Regulations may provide that a person who would be entitled to a **[**F46contribution-based**]** jobseeker's allowance but for the operation of prescribed provisions of, or made under, this Act shall be treated as if entitled to the allowance for the purposes of this section.

**Textual Amendments**

**F43** Words in s. 5 heading repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018)

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**F44** Words in s. 5(1) repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

**F45** Words in s. 5(2) repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes,

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**F46** Words in s. 5(3) repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art.

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4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

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

**C19** S. 5 modified by SI 2013/983 art. 12 (as modified) (with application in accordance with art. 10(1) of the amending S.I.) by The Welfare Reform Act 2012 (Commencement No. 11 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2013 (S.I. 2013/1511), **art. 10(2)**

**C20** S. 5(1) amended (7.10.1996) by S.I. 1996/3276, **reg. 7(3)(a)**

**Commencement Information**

**I4** S. 5 wholly in force at 7.10.1996; s. 5 not in force at Royal Assent, see s. 41(2); s. 5(3) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), **Sch.**; s. 5 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

## *[F47 Jobseeking][F47 Work-related requirements]*

**Textual Amendments**

**F47** Ss. 6-6L substituted for ss. 6-10 (25.2.2013 for specified purposes, 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), **ss. 49(3)**, 150(3); S.I. 2013/358, art. 2(1), Sch. 1 para. 11; S.I. 2013/983, art. 7(1)(b) (with art. 7(2)) (as amended: (1.7.2013) by S.I. 2013/1511, art. 6)

### 6 [F47 Availability for employment.][F47 Work-related requirements]

[F47(1) The following provisions of this Act provide for the Secretary of State to impose work-related requirements with which claimants must comply for the purposes of this Act.

(2) In this Act "work-related requirement" means—

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(a) a work-focused interview requirement (see section 6B);
(b) a work preparation requirement (see section 6C);
(c) a work search requirement (see section 6D);
(d) a work availability requirement (see section 6E).**]**

**Textual Amendments**

**F48** Words in s. 6(6) repealed (18.10.1999 for specified purposes and otherwise prosp.) by 1998 c. 14, ss. 86, 87(2), Sch. 7 para. 134(1)(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)**)

**F49** Words in s. 6(6) substituted (18.10.1999 for further specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 134(1)(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)**)

**F50** Words in s. 6(8)(c) substituted (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 134(2)**; 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)**)

**Commencement Information**

**I5** S. 6 wholly in force at 7.10.1996; s. 6 not in force at Royal Assent, see. s. 41(2); s. 6(2)(3)(4)(5)(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. 6 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

## [F47 6A Claimant commitment

(1) 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 is to be prepared by the Secretary of State and may be reviewed and updated as the Secretary of State thinks fit.

(3) A claimant commitment is to be in such form as the Secretary of State thinks fit.

(4) A claimant commitment is to include—
(a) a record of the requirements that the claimant must comply with under this Act (or such of them as the Secretary of State considers it appropriate to include),
(b) any prescribed information, and
(c) any other information the Secretary of State considers it appropriate to include.

(5) 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.

## 6B Work-focused interview requirement

(1) In this Act a "work-focused interview requirement" is a requirement that a claimant participate in one or more work-focused interviews as specified by the Secretary of State.

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(2) A work-focused interview is an interview for prescribed purposes relating to work or work preparation.

(3) The purposes which may be prescribed under subsection (2) include in particular that of making it more likely in the opinion of the Secretary of State that the claimant will obtain paid work (or more paid work or better-paid work).

(4) The Secretary of State may specify how, when and where a work-focused interview is to take place.

### 6C Work preparation requirement

(1) In this Act a "work preparation requirement" is a requirement that a claimant take particular action specified by the Secretary of State for the purpose of making it more likely in the opinion of the Secretary of State that the claimant will obtain paid work (or more paid work or better-paid work).

(2) The Secretary of State may under subsection (1) specify the time to be devoted to any particular action.

(3) Action which may be specified under subsection (1) includes in particular—

(a) attending a skills assessment;
(b) improving personal presentation;
(c) participating in training;
(d) participating in an employment programme;
(e) undertaking work experience or a work placement;
(f) developing a business plan;
(g) any action prescribed for the purpose in subsection (1).

### 6D Work search requirement

(1) In this Part a "work search requirement" is a requirement that a claimant take—

(a) all reasonable action, and
(b) any particular action specified by the Secretary of State,

for the purpose of obtaining paid work (or more paid work or better-paid work).

(2) The Secretary of State may under subsection (1)(b) specify the time to be devoted to any particular action.

(3) Action which may be specified under subsection (1)(b) includes in particular—

(a) carrying out work searches;
(b) making applications;
(c) creating and maintaining an online profile;
(d) registering with an employment agency;
(e) seeking references;
(f) any other action prescribed for the purpose in subsection (1).

(4) Regulations may impose limitations on a work search requirement by reference to the work to which it relates; and the Secretary of State may in any particular case specify further such limitations on such a requirement.

(5) A limitation under subsection (4) may in particular be by reference to—

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(a) work of a particular nature,
(b) work with a particular level of remuneration,
(c) work in particular locations, or
(d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

### 6E Work availability requirement

(1) In this Act a "work availability requirement" is a requirement that a claimant be available for work.

(2) For the purposes of this section "available for work" means able and willing immediately to take up paid work (or more paid work or better-paid work).

(3) Regulations may impose limitations on a work availability requirement by reference to the work to which it relates; and the Secretary of State may in any particular case specify further such limitations on such a requirement.

(4) A limitation under subsection (3) may in particular be by reference to—
(a) work of a particular nature,
(b) work with a particular level of remuneration,
(c) work in particular locations, or
(d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

(5) Regulations may for the purposes of subsection (2) define what is meant by able and willing immediately to take up work.

### 6F Imposition of work-related requirements

(1) The Secretary of State must, except in prescribed circumstances, impose on a claimant—
(a) a work search requirement, and
(b) a work availability requirement.

(2) The Secretary of State may, subject to this Act, impose either or both of the following on a claimant—
(a) a work-focused interview requirement;
(b) a work preparation requirement.

### 6G Connected requirements

(1) The Secretary of State may require a claimant to participate in an interview for any purpose relating to—
(a) the imposition of a work-related requirement on the claimant;
(b) verifying the claimant's compliance with a work-related requirement;
(c) assisting the claimant to comply with a work-related requirement.

(2) The Secretary of State may specify how, when and where such an interview is to take place.

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(3) The Secretary of State may, for the purpose of verifying the claimant's compliance with a work-related requirement, require a claimant to—

(a) provide to the Secretary of State information and evidence specified by the Secretary of State in a manner so specified;

(b) confirm compliance in a manner so specified.

(4) The Secretary of State may require a claimant to report to the Secretary of State any specified changes in their circumstances which are relevant to—

(a) the imposition of work-related requirements on the claimant;

(b) the claimant's compliance with a work-related requirement.

### 6H Imposition of work-related and connected requirements: supplementary

(1) Regulations may make provision—

(a) where the Secretary of State may impose a requirement under the preceding provisions of this Act, as to when the requirement must or must not be imposed;

(b) where the Secretary of State may specify any action to be taken in relation to a requirement under the preceding provisions of this Act, as to what action must or must not be specified;

(c) where the Secretary of State may specify any other matter in relation to a such requirement, as to what must or must not be specified in respect of that matter.

(2) Where the Secretary of State may impose a work-focused interview requirement, or specify a particular action under section 6C(1) or 6D(1)(b), the Secretary of State must have regard to such matters as may be prescribed.

(3) Where the Secretary of State may impose a requirement under the preceding provisions of this Act, or specify any action to be taken in relation to such a requirement, the Secretary of State may revoke or change what has been imposed or specified.

(4) Notification of a requirement imposed under the preceding provisions of this Act (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Secretary of State may determine.

(5) Regulations must make provision to secure that, in prescribed circumstances, where a claimant has recently been a victim of domestic violence—

(a) a requirement imposed on the claimant under the preceding provisions of this Act ceases to have effect for a period of 13 weeks, and

(b) the Secretary of State may not impose any other requirement on the claimant during that period.

(6) For the purposes of subsection (5)—

(a) "domestic violence" has such meaning as may be prescribed;

(b) "victim of domestic violence" means a person on or against whom domestic violence is inflicted or threatened (and regulations under subsection (5) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);

(c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

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### 6I Compliance with work-related and connected requirements

Regulations may make provision as to circumstances in which a claimant is to be treated as having—

(a) complied with or not complied with any requirement imposed under the preceding provisions of this Act or any aspect of such a requirement, or

(b) taken or not taken any particular action specified by the Secretary of State in relation to such a requirement.

### 6J Higher-level sanctions

(1) The amount of an award of jobseeker's allowance is to be reduced in accordance with this section in the event of a failure by a claimant which is sanctionable under this section.

(2) It is a failure sanctionable under this section if a claimant—

(a) fails for no good reason to comply with a requirement imposed by the Secretary of State under a work preparation requirement to undertake a work placement of a prescribed description;

(b) fails for no good reason to comply with a requirement imposed by the Secretary of State under a work search requirement to apply for a particular vacancy for paid work;

(c) fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work;

(d) by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay.

(3) It is a failure sanctionable under this section if, at any time before making the claim by reference to which the award is made, the claimant—

(a) for no good reason failed to take up an offer of paid work, or

(b) by reason of misconduct, or voluntarily and for no good reason, ceased paid work or lost pay.

(4) For the purposes of subsections (2) and (3) regulations may provide—

(a) for circumstances in which ceasing to work or losing pay is to be treated as occurring or not occurring by reason of misconduct or voluntarily;

(b) for loss of pay below a prescribed level to be disregarded.

(5) Regulations are to specify—

(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.

(6) Regulations under subsection (5)(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.

(7) Regulations may provide—

(a) for cases in which no reduction is to be made under this section;

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(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;

(c) for the termination or suspension of a reduction under this section.

### 6K Other sanctions

(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 a claimant which is sanctionable under this section.

(2) It is a failure sanctionable under this section if a claimant—

(a) fails for no good reason to comply with a work-related requirement;

(b) fails for no good reason to comply with a requirement under section 6G.

(3) But a failure by a claimant is not sanctionable under this section if it is also a failure sanctionable under section 6J.

(4) Regulations must specify—

(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 future compliance with a work-related requirement or a requirement under section 6G.

(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) A period fixed under subsection (5)(b) may in particular depend on either or both 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;

(c) for the termination or suspension of a reduction under this section.

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### 6L Delegation and contracting out

(1) The functions of the Secretary of State under sections 6 to 6I may be exercised by, or by the employees of, such person as the Secretary of State may authorise for the purpose (an "authorised person").

(2) An authorisation given by virtue of this section may authorise the exercise of a function—

(a) wholly or to a limited extent;

(b) generally or in particular cases or areas;

(c) unconditionally or subject to conditions.

(3) An authorisation under this section—

(a) may specify its duration;

(b) may be varied or revoked at any time by the Secretary of State;

(c) does not prevent the Secretary of State or another person from exercising the function to which the authorisation relates.

(4) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Secretary of State or (as the case may be) an officer of the Secretary of State.

(5) Subsection (4) does not apply—

(a) for the purposes of so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function, or

(b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).

(6) Where—

(a) the authorisation of an authorised person is revoked, and

(b) at the time of the revocation so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function is subsisting,

the authorised person is entitled to treat the contract as repudiated by the Secretary of State (and not as frustrated by reason of the revocation).**]**

### [F47]7 Actively seeking employment.

**[**[F51](1) For the purposes of this Act, a person is actively seeking employment in any week if he takes in that week such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment.

(2) Regulations may make provision—

(a) with respect to steps which it is reasonable, for the purposes of subsection (1), for a person to be expected to have to take in any week;

(b) as to circumstances (for example, his skills, qualifications, abilities and physical or mental limitations) which, in particular, are to be taken into account in determining whether, in relation to any steps taken by a person, the requirements of subsection (1) are satisfied in any week.

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(3) Regulations may make provision for acts of a person which would otherwise be relevant for purposes of this section to be disregarded in such circumstances (including circumstances constituted by, or connected with, his behaviour or appearance) as may be prescribed.

(4) Regulations may prescribe circumstances in which, for the purposes of this Act, a person is to be treated as actively seeking employment.

(5) Regulations under subsection (4) may, in particular, provide for a person who is actively seeking employment—

(a) only in his usual occupation,

(b) only at a level of remuneration not lower than that which he is accustomed to receive, or

(c) only in his usual occupation and at a level of remuneration not lower than that which he is accustomed to receive,

to be treated, for the permitted period determined in his case for the purposes of section 6(5), as actively seeking employment during that period.

(6) Regulations may provide for this section, and any regulations made under it, to have effect in relation to a person who has reached the age of 16 but not the age of 18 as if "employment" included "training".

(7) Where it has been determined **[**F52("the first determination")**]** that a person is to be treated, for the purposes of this Act, as actively seeking employment in any week, the question whether he is actively seeking employment in that week may subsequently be determined **[**F53under section 9 or 10 of the Social Security Act 1998**]**.

(8) For the purposes of this section—

"employment" means employed earner's employment or, in prescribed circumstances—

(a) self-employed earner's employment; or

(b) employed earner's employment and self-employed earner's employment; and

"employed earner's employment" and "self-employed earner's employment" have the same meaning as in the Benefits Act.**]**

**Textual Amendments**

**F51** Ss. 6-6L substituted for ss. 6-10 (25.2.2013 for specified purposes) by Welfare Reform Act 2012 (c. 5), ss. 49(3), 150(3); S.I. 2013/358, art. 2(1), Sch. 1 para. 11

**F52** Words in s. 7(7) repealed (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86, 87(2), Sch. 7 para. 135(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)**)

**F53** Words in s. 7(7) substituted (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 135(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)**)

**Commencement Information**

**I6** S. 7 wholly in force at 7.10.1996; s. 7 not in force at Royal Assent, see s. 41(2); s. 7(2)(3)(4)(5)(6)(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. 7 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

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## [F47]8 Attendance, information and evidence.

**[**[F54](1) Regulations may make provision for requiring a claimant **[**[F55](other than a joint-claim couple claiming a joint-claim jobseeker's allowance)**]**—

(a) to **[**[F56]participate in an interview in such manner, time and place**]** as **[**[F57]an employment officer**]** may specify; and

(b) to provide information and such evidence as may be prescribed as to his circumstances, his availability for employment and the extent to which he is actively seeking employment.

**[**[F58](1A) Regulations may make provision—

(a) for requiring each member of a joint-claim couple claiming a joint-claim jobseeker's allowance to **[**[F56]participate in an interview in such manner, time and place**]** as **[**[F59]an employment officer**]** may specify;

(b) for requiring a member of such a couple to provide information and such evidence as may be prescribed as to his circumstances, his availability for employment and the extent to which he is actively seeking employment;

(c) for requiring such a couple to jointly provide information and such evidence as may be prescribed as to the circumstances of each or either member of the couple, the availability for employment of each or either member of the couple and the extent to which each or either member of the couple is actively seeking employment;

(d) where any requirement to provide information or evidence is imposed on such a couple by virtue of paragraph (c), for the joint obligation of the couple to be capable of being discharged by the provision of the information or evidence by one member of the couple.**]**

(2) Regulations under subsection (1) **[**[F60]or (1A)**]** may, in particular**[**[F61] provide for entitlement to a jobseeker's allowance to cease at such time as may be determined in accordance with any such regulations if, when a person fails to comply with such regulations, that person (or, if that person is a member of a joint-claim couple, either member of the couple) does not make prescribed contact with an employment officer within a prescribed period of the failure.**]**

(ca) [F62]. . . . . .

(d) [F63]. . . . . .

(2A) [F64]. . . . . .

(3) [F64]. . . . . .**]**

**Textual Amendments**

**F54** Ss. 6-6L substituted for ss. 6-10 (25.2.2013 for specified purposes) by Welfare Reform Act 2012 (c. 5), ss. 49(3), 150(3); S.I. 2013/358, art. 2(1), Sch. 1 para. 11

**F55** Words in s. 8(1) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 7(2)**; S.I. 2000/2958, **art. 2(2)**

**F56** Words in s. 8(1)(a)(1A)(a) substituted (8.10.2012) by Welfare Reform Act 2012 (c. 5), **ss. 45**, 150(3); S.I. 2012/2530, **art. 2(1)**

**F57** Words in s. 8(1)(a) substituted (11.11.1999) by 1999 c. 30, ss. 70, 89(4)(b), **Sch. 8 Pt. V para. 29(3)(a)**

**F58** S. 8(1A) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 7(3)**; S.I. 2000/2958, **art. 2(2)**

**F59** Words in s. 8(1A)(a) (as originally enacted) substituted (22.10.2012) by Welfare Reform Act 2012 (c. 5), ss. 48, 150(3), **Sch. 7 para. 2(2)**; S.I. 2012/2530, **art. 2(2)(f)**

**F60** Words in s. 8(2) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 7(4)**; S.I. 2000/2958, **art. 2(2)**

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**F61** Words in s. 8(2) substituted for s. 8(2)(a)-(c) (22.10.2012) by Welfare Reform Act 2012 (c. 5), ss. 48, 150(3), **Sch. 7 para. 2(3)**; S.I. 2012/2530, **art. 2(2)(f)**

**F62** S. 8(2)(ca) 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)**

**F63** S. 8(2)(d) 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)**

**F64** S. 8(2A)(3) 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)**

**Commencement Information**

**I7** S. 8 wholly in force at 7.10.1996; s. 8 not in force at Royal Assent, see s. 41(2); s. 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. 8 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

## F47 9 The jobseeker's agreement.

**[**F65(1) An agreement which is entered into by a claimant and an employment officer and which complies with the prescribed requirements in force at the time when the agreement is made is referred to in this Act as "a jobseeker's agreement".

(2) A jobseeker's agreement shall have effect only for the purposes of section 1.

(3) A jobseeker's agreement shall be in writing and be signed by both parties.

**[**F66(3A) The agreement may be in electronic form and signed by means of an electronic signature (within the meaning given in section 7(2) of the Electronic Communications Act 2000).**]**

(4) A copy of the agreement shall be given to the claimant.

(5) An employment officer shall not enter into a jobseeker's agreement with a claimant unless, in the officer's opinion, the conditions mentioned in section 1(2)(a) and (c) would be satisfied with respect to the claimant if he were to comply with, or be treated as complying with, the proposed agreement.

(6) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed jobseeker's agreement to **[**F67the Secretary of State**]** for him to determine—

(a) whether, if the claimant concerned were to comply with the proposed agreement, 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 comply with the proposed agreement.

(7) **[**F68On a reference under subsection (6) 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 on which the employment officer is to enter into a jobseeker's agreement with the claimant, as **[**F69the Secretary of State**]** considers appropriate;

(c) may direct that, if such conditions as he considers appropriate are satisfied, the proposed jobseeker's agreement is to be treated (if entered into) as having

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effect on such date, before it would otherwise have effect, 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 **[**F70the 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 **[**F70the Secretary of State**]** under this section;

(ii) any direction given by an adjudication officer under this section.

**[**F71(9) Any determination of an adjudication officer under this section shall be binding.**]**

(10) Regulations may provide that, in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in section 1(2)(b).

(11) Regulations may provide that, in prescribed circumstances, a jobseeker's agreement is to be treated as having effect on a date, to be determined in accordance with the regulations, before it would otherwise have effect.

(12) Except in such circumstances as may be prescribed, a jobseeker's agreement entered into by a claimant shall cease to have effect on the coming to an end of an award of a jobseeker's allowance made to him **[**F72or to a joint-claim couple of which he is a member.**]**.

(13) In this section and section 10 "employment officer" means an officer of the Secretary of State or such other person as may be designated for the purposes of this section by an order made by the Secretary of State.**]**

**Textual Amendments**

**F65** Ss. 6-6L substituted for ss. 6-10 (25.2.2013 for specified purposes) by Welfare Reform Act 2012 (c. 5), ss. 49(3), 150(3); S.I. 2013/358, art. 2(1), Sch. 1 para. 11

**F66** S. 9(3A) inserted (1.2.2012) by The Social Security (Electronic Communications) Order 2011 (S.I. 2011/1498), **art. 2(2)**

**F67** Words in s. 9(6) substituted (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 136(1)**; 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)**)

**F68** Words in s. 9(7) substituted (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 136(2)(a)**; 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)**)

**F69** Words in s. 9(7)(b) substituted (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 136(2)(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)**)

**F70** Words in s. 9(8) substituted (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 136(3)**; 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)**)

**F71** S. 9(9) repealed (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86, 87(2), Sch. 7 para. 136(4), **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)**)

**F72** Words in s. 9(12) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 8**; S.I. 2000/2958, **art. 2(2)**

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**Commencement Information**

**I8** S. 9 wholly in force at 7.10.1996; s. 9 not in force at Royal Assent, see s. 41(2); s. 9(13) in force (12.12.1995) by S.I. 1995/3228, **art. 2(a)**; s. 9(1)(8)(10)(11)(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. 9 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

### [F47]10 Variation of jobseeker's agreement.

**[**[F73](1) A jobseeker's agreement may be varied, in the prescribed manner, by agreement between the claimant and any employment officer.

(2) Any agreement to vary a jobseeker's agreement shall be in writing and be signed by both parties.

**[**[F74](2A) Any agreement to vary a jobseeker's agreement may be in electronic form and signed by means of an electronic signature (within the meaning given in section 7(2) of the Electronic Communications Act 2000).**]**

(3) A copy of the agreement, as varied, shall be given to the claimant.

(4) An employment officer shall not agree to a variation of a jobseeker's agreement, unless, in the officer's opinion, the conditions mentioned in section 1(2)(a) and (c) would continue to be satisfied with respect to the claimant if he were to comply with, or be treated as complying with, the agreement as proposed to be varied.

(5) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed variation of a jobseeker's agreement to **[**[F75]the Secretary of State**]** for him to determine—

(a) whether, if the claimant concerned were to comply with the agreement 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) whether it is reasonable to expect the claimant to have to comply with the agreement as proposed to be varied.

(6) **[**[F76]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 jobseeker's agreement should be varied, and

(ii) if so, the terms on which the claimant and the employment officer are to enter into an agreement to vary it;

(c) may bring the jobseeker's agreement to an end where the claimant fails, within a prescribed period, to comply with a direction given under paragraph (b)(ii);

(d) may direct that, if—

(i) the jobseeker's agreement is varied, and

(ii) such conditions as he considers appropriate are satisfied,

the agreement as varied is to be treated as having effect on such date, before it would otherwise have effect, as may be specified in the direction.

(7) Regulations may provide—

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(a) for such matters as may be prescribed to be taken into account by **[**F77the Secretary of State**]**in giving a direction under subsection (6)(b) or (d); and

(b) for such persons as may be prescribed to be notified of—

(i) any determination of **[**F77the Secretary of State**]** under this section;

(ii) any direction given by **[**F77the Secretary of State**]** under this section.

**[**F78(8) Any determination of an adjudication officer under this section shall be binding.**]]**

**Textual Amendments**

**F73** Ss. 6-6L substituted for ss. 6-10 (25.2.2013 for specified purposes) by Welfare Reform Act 2012 (c. 5), ss. 49(3), 150(3); S.I. 2013/358, art. 2(1), Sch. 1 para. 11

**F74** S. 10(2A) inserted (1.2.2012) by The Social Security (Electronic Communications) Order 2011 (S.I. 2011/1498), **art. 2(3)**

**F75** Words in s. 10(5) substituted (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 137(1)**; 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)**)

**F76** Words in s. 10(6) substituted (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 137(2)**; 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)**)

**F77** Words in s. 10(a)(b) substituted (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 137(3)**; 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)**)

**F78** S. 10(8) repealed (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86, 87(2), Sch. 7 para. 137(4), **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)**)

**Commencement Information**

**I9** S. 10 wholly in force at 7.10.1996; s. 10 not in force at Royal Assent, see s. 41(2); s. 10(1)(6)(c)(7) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), **Sch.**; s. 10 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

## **[**F79**11 Jobseeker's agreement: reviews and appeals.**

(1) Any determination of, or direction given by, an adjudication officer under section 9 or 10 may be reviewed (by a different adjudication officer) on the application of the claimant or of an employment officer.

(2) Regulations may make provision with respect to the procedure to be followed on a review under this section.

(3) The claimant may appeal to a social security appeal tribunal against any determination of, or direction given by, an adjudication officer on a review under this section.

(4) A social security appeal tribunal determining an appeal under this section may give a direction of a kind which an adjudication officer may give under section 9(7)(b) or (c) or (as the case may be) section 10(6)(b) or (d).

(5) Where a social security appeal tribunal gives a direction under subsection (4) of a kind which may be given by an adjudication officer under section 10(6)(b)(ii), an adjudication officer may bring the jobseeker's agreement to an end if the claimant fails to comply with the direction within a prescribed period.

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(6) An appropriate person may, on the ground that it was erroneous in point of law, appeal to a Commissioner against the decision of a social security appeal tribunal on an appeal under this section.

(7) Any of the following is an appropriate person for the purposes of subsection (6)—

(a) the claimant;

(b) an adjudication officer;

(c) in prescribed circumstances, a trade union;

(d) in prescribed circumstances, any other association which exists to promote the interests and welfare of its members.

(8) Subsections (7) to (10) of section 23 of the Administration Act (appeals to Commissioners) shall apply in relation to appeals under this section as they apply in relation to appeals under that section.

(9) In this section "Commissioner" has the same meaning as in the Administration Act.**]**

**Textual Amendments**

**F79** S. 11 repealed (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86, 87(2), Sch. 7 para. 138, **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)**)

**Commencement Information**

**I10** S. 11 wholly in force at 7.10.1996; s. 11 not in force at Royal Assent, see. s. 41(2); s. 11(2)(5)(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. 11 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

*Income and capital*

## 12 Income and capital: general.

(1) In relation to a claim for a jobseeker's allowance, the income and capital of a person shall be calculated or estimated in such manner as may be prescribed.

(2) A person's income in respect of a week shall be calculated in accordance with prescribed rules.

(3) The rules may provide for the calculation to be made by reference to an average over a period (which need not include the week concerned).

(4) Circumstances may be prescribed in which—

(a) a person is treated as possessing capital or income which he does not possess;

(b) capital or income which a person does possess is to be disregarded;

(c) income is to be treated as capital;

(d) capital is to be treated as income.

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**Commencement Information**

**I11** S. 12 wholly in force at 7.10.1996; s. 12 not in force at Royal Assent, see s. 41(2); s. 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. 12 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

## 13 Income and capital: income-based jobseeker's allowance.

**[**F80(1) No person shall be entitled to an income-based jobseeker's allowance if his capital, or a prescribed part of it, exceeds the prescribed amount.

(2) Where a person claiming an income-based jobseeker's allowance is a member of a family, the income and capital of any member of that family shall, except in prescribed circumstances, be treated as the income and capital of the claimant.

**[**F81(2A) Subsections (1) and (2) do not apply as regards a joint-claim jobseeker's allowance; but a joint-claim couple shall not be entitled to a joint-claim jobseeker's allowance if the couple's capital, or a prescribed part of it, exceeds the prescribed amount.

(2B) Where a joint-claim couple claim a joint-claim jobseeker's allowance—

(a) the couple's income and capital includes the separate income and capital of each of them; and

(b) the income and capital of any other person who is a member of any family of which the couple are members shall, except in prescribed circumstances, be treated as income and capital of the couple.**]**

(3) Regulations may provide that capital not exceeding the amount prescribed under subsection (1), but exceeding a prescribed lower amount, shall be treated, to a prescribed extent, as if it were income of a prescribed amount.**]**

**Textual Amendments**

**F80** S. 13 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32;

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(10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

**F81** S. 13(2A)-(2B) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 9**; S.I. 2000/2958, **art. 2(2)**

**Commencement Information**

**I12** S. 13 wholly in force at 7.10.1996; s. 13 not in force at Royal Assent, see s. 41(2); s. 13 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), **Sch.**; s. 13 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

*Trade disputes*

## 14 Trade disputes.

(1) Where—

(a) there is a stoppage of work which causes a person not to be employed on any day, and

(b) the stoppage is due to a trade dispute at his place of work,

that person is not entitled to a jobseeker's allowance for the week which includes that day unless he proves that he is not directly interested in the dispute.

(2) A person who withdraws his labour on any day in furtherance of a trade dispute, but to whom subsection (1) does not apply, is not entitled to a jobseeker's allowance for the week which includes that day.

(3) If a person who is prevented by subsection (1) from being entitled to a jobseeker's allowance proves that during the stoppage—

(a) he became bona fide employed elsewhere;

(b) his employment was terminated by reason of redundancy within the meaning of **[**[F82]section 139(1) of the Employment Rights Act 1996**]**, or

(c) he bona fide resumed employment with his employer but subsequently left for a reason other than the trade dispute,

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subsection (1) shall be taken to have ceased to apply to him on the occurrence of the event referred to in paragraph (a) or (b) or (as the case may be) the first event referred to in paragraph (c).

(4) In this section "place of work", in relation to any person, means the premises or place at which he was employed.

(5) Where separate branches of work which are commonly carried on as separate businesses in separate premises or at separate places are in any case carried on in separate departments on the same premises or at the same place, each of those departments shall, for the purposes of subsection (4), be deemed to be separate premises or (as the case may be) a separate place.

**Textual Amendments**

**F82** Words in s. 14(3)(b) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 67(2)**

## 15 Effect on other claimants.

**[**F83(1) Except in prescribed circumstances, subsection (2) applies in relation to a claimant for an income-based jobseeker's allowance where a member of his family ("A") is, or would be, prevented by section 14 from being entitled to a jobseeker's allowance.

(2) For the purposes of calculating the claimant's entitlement to an income-based jobseeker's allowance—

(a) any portion of the applicable amount which is included in respect of A shall be disregarded for the period for which this subsection applies to the claimant;

(b) where the claimant and A are a **[**F84couple**]**, any portion of the applicable amount which is included in respect of them shall be reduced to one half for the period for which this subsection applies to the claimant;

(c) except so far as regulations provide otherwise, there shall be treated as the claimant's income—

(i) any amount which becomes, or would on an application duly made become, available to A in relation to that period by way of repayment of income tax deducted from A's **[**F85taxable earnings (as defined by section 10 of the Income Tax (Earnings and Pensions) Act 2003) under PAYE regulations**]**; and

(ii) any other payment which the claimant or any member of his family receives or is entitled to obtain because A is without employment for that period; and

(d) any payment by way of a jobseeker's allowance for that period or any part of it which apart from this paragraph would be made to the claimant—

(i) shall not be made, if the weekly rate of payment ("the rate") would be equal to or less than the prescribed sum; and

(ii) shall be at a weekly rate equal to the difference between the rate and the prescribed sum, if the rate would be more than the prescribed sum.

(3) Where a reduction under subsection (2)(b) would not produce a sum which is a multiple of 5p, the reduction shall be to the nearest lower sum which is such a multiple.

(4) Where A returns to work with the same employer after a period during which subsection (2) applied to the claimant (whether or not his return is before the end of

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any stoppage of work in relation to which he is, or would be, prevented from being entitled to a jobseeker's allowance), subsection (2) shall cease to apply to the claimant at the commencement of the day on which A returns to work.

(5) In relation to any period of less than a week, subsection (2) shall have effect subject to such modifications as may be prescribed.

(6) Subsections (7) to (9) apply where an order made under section 150 of the Administration Act (annual up-rating of benefits) has the effect of increasing the sum prescribed in regulations made under section 4(5) as the personal allowance for a single person aged not less than 25 ("the personal allowance").

(7) For the sum prescribed in regulations made under subsection (2)(d) there shall be substituted, from the time when the order comes into force, a sum arrived at by increasing the prescribed sum by the percentage by which the personal allowance has been increased by the order.

(8) If the sum arrived at under subsection (7) is not a multiple of 50p—

(a) any remainder of 25p or less shall be disregarded;

(b) any remainder of more than 25p shall be rounded up to the nearest 50p.

(9) The order shall state the sum substituted for the sum prescribed in regulations made under subsection (2)(d).

(10) Nothing in subsection (7) prevents the making of further regulations under subsection (2)(d) varying the prescribed sum.**]**

**Textual Amendments**

**F83** Ss. 15-17 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by

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S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

**F84** Words in s. 15(2)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 254(1), 263(8)(d), **Sch. 24 para. 120**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

**F85** Words in s. 15(2)(c)(i) substituted (6.4.2003 with effect in accordance with s. 723(1) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), ss. 722, 723, **Sch. 6 para. 229**) (with Sch. 7)

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

**C21** S. 15(2) excluded (7.10.1996) by S.I. 1996/207, **reg. 171**

**C22** S. 15(2)(d) modified (7.10.1996) by S.I. 1996/207, **reg. 155**
S. 15(2)(d) modified (19.3.2001) by S.I. 1996/207 reg. 155(2) (as inserted (19.3.2001) by S.I. 2000/1978, reg. 2(5), **Sch. 2 para. 52**

**Commencement Information**

**I13** S. 15 wholly in force at 7.10.1996; s. 15 not in force at Royal Assent, see s. 41(2); s. 15(1)(2)(d)(5)(6) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), **Sch.**; s. 15 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

## [F86 15A Trade disputes: joint-claim couples.

[F83 (1) Sections 14 and 15 shall, in relation to a joint-claim couple claiming a joint-claim jobseeker's allowance, apply in accordance with this section.

(2) Where each member of the couple is prevented by section 14 from being entitled to a jobseeker's allowance, the couple are not entitled to a joint-claim jobseeker's allowance.

(3) But where only one member of the couple is prevented by that section from being entitled to a jobseeker's allowance, the couple are not for that reason alone prevented from being entitled to a joint-claim jobseeker's allowance.

(4) Section 15(1) does not have effect in relation to the couple but, except in prescribed circumstances, section 15(2) applies for the purposes of calculating the couple's entitlement to a joint-claim jobseeker's allowance where—

(a) a member of the couple, or

(b) any other person who is a member of any family of which the couple are members,

is, or would be, prevented by section 14 from being entitled to a jobseeker's allowance.

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(5) Where section 15(2) applies in relation to the couple by virtue of subsection (4) above, that provision and section 15(4) apply with the following modifications—

(a) references to the claimant are to be taken as references to the couple;

(b) references to "A" are to the person mentioned in subsection (4)(a) or (b) above;

(c) section 15(2)(b) has effect as if for "where the claimant and A are a **[**[F87]couple**]**," there were substituted "where A is a member of the couple,"; and

(d) section 15(2)(c)(ii) has effect as if for "of his family" there were substituted "of any family of which the couple are members".**]]**

**Textual Amendments**

**F83** Ss. 15-17 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

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**F86** S. 15A inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 10**; S.I. 2000/2958, **art. 2(2)**
**F87** Words in s. 15A(5)(c) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 254(1), 263(8)(d), **Sch. 24 para. 121**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

*Persons under 18*

## 16 Severe hardship.

**[**F83(1) If it appears to the Secretary of State—

(a) that a person—

(i) has reached the age of 16 but not the age of 18,

(ii) is not entitled to a jobseeker's allowance or to income support, and

(iii) is registered for training but is not being provided with any training, and

(b) that severe hardship will result to him unless a jobseeker's allowance is paid to him,

the Secretary of State may direct that this section is to apply to him.

(2) A direction may be given so as to have effect for a specified period.

(3) The Secretary of State may revoke a direction if—

(a) it appears to him that there has been a change of circumstances as a result of which failure to receive a jobseeker's allowance need no longer result in severe hardship to the person concerned;

**[**F88(b) it appears to him that the person concerned has, without **[**F89a good reason**]**—

(i) neglected to avail himself of a reasonable opportunity of a place on a training scheme; or

(ii) after a place on such a scheme has been notified to him by an employment officer as vacant or about to become vacant, refused or failed to apply for it or to accept it when offered to him; or**]**

(c) he is satisfied that it was given in ignorance of some material fact or was based on a mistake as to some material fact and considers that, but for that ignorance or mistake, he would not have given the direction.

**[**F90(4) In this section—

"employment officer" means an officer of the Secretary of State or such other person as may be designated for the purposes of this section by an order made by the Secretary of State;

"period" includes—

(a) a period of a determinate length;

(b) a period defined by reference to the happening of a future event; and

(c) a period of a determinate length but subject to earlier determination upon the happening of a future event;

"training scheme" has such meaning as may be prescribed.**]]**

**Textual Amendments**

**F83** Ss. 15-17 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for

specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

**F88** S. 16(3)(b) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 139(1)**; 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)**)

**F89** Words in s. 16(3)(b) substituted (22.10.2012) by Welfare Reform Act 2012 (c. 5), ss. 48, 150(3), **Sch. 7 para. 3**; S.I. 2012/2530, **art. 2(2)(f)**

**F90** S. 16(4) substituted (18.10.1999 for specified purposes and otherwise *prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 139(2)**; 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)**)

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

**C23** S. 12 applied (with modifications) (1.4.2002) by S.I. 2001/4022, **reg. 11(f)**

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## 17 Reduced payments.

**[**F83(1) Regulations may provide for the amount of an income-based jobseeker's allowance **[**F91payable in respect of**]** any young person to whom this section applies to be reduced—

(a) in such circumstances,

(b) by such a percentage, and

(c) for such a period,

as may be prescribed.

**[**F92(1A) Regulations may provide for the amount of a joint-claim jobseeker's allowance payable in respect of any joint-claim couple where a member of the couple is a young person to whom this section applies to be reduced—

(a) in such circumstances,

(b) by such a percentage, and

(c) for such a period,

as may be prescribed.**]**

(2) This section applies to any young person in respect of whom—

(a) a direction is in force under section 16; and

(b) **[**F93any**]** of the conditions mentioned in subsection (3) is satisfied.

(3) The conditions are that—

(a) the young person was previously entitled to an income-based jobseeker's allowance and that entitlement ceased by virtue of the revocation of a direction under section 16;

**[**F94(b) he has given up a place on a training scheme, or failed to attend such a scheme on which he has been given a place, and no certificate has been issued to him under subsection (4);

(c) he has lost his place on such a scheme through misconduct.**]**

**[**F95(4) Where a young person who has given up a place on a training scheme, or failed to attend such a scheme on which he has been given a place—

(a) claims that there was **[**F96a good reason**]** for his doing so; and

(b) applies to the Secretary of State for a certificate under this subsection,

the Secretary of State shall, if he is satisfied that there was **[**F96a good reason**]**, issue a certificate to that effect and give a copy of it to the young person.

(5) In this section—

"training scheme" has such meaning as may be prescribed;

"young person" means a person who has reached the age of 16 but not the age of 18.**]]**

**Textual Amendments**

**F83** Ss. 15-17 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified

purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

**F91** Words in s. 17(1) substituted (11.11.1999) by 1999 c. 30, ss. 70, 89(4)(b), **Sch. 8 Pt. V para. 29(4)**

**F92** S. 17(1A) inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 11**; S.I. 2000/2958, **art. 2(2)**

**F93** Word in s. 17(2)(b) substituted (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 140(1)**; 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)**)

**F94** S. 17(3)(b)(c) substituted for s. 17(3)(b) (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 140(2)**; 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)**)

**F95** S. 17(4)(5) substituted (18.10.1999 for specified purposes and otherwise*prosp.*) by 1998 c. 14, ss. 86(1), 87(2), **Sch. 7 para. 140(3)**; (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)**)

**F96** Words in s. 17(4) substituted (22.10.2012) by Welfare Reform Act 2012 (c. 5), ss. 48, 150(3), **Sch. 7 para. 3**; S.I. 2012/2530, **art. 2(2)(f)**

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**Commencement Information**

**I14** S. 17 wholly in force at 7.10.1996; s. 17 not in force at Royal Assent, see s. 41(2); s. 17(1) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), **Sch.**; s. 17 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

*[F97 "Work for your benefit" schemes etc.*

**Textual Amendments**

**F97** Ss. 17A, 17B, and preceding cross-heading inserted (12.11.2009) by Welfare Reform Act 2009 (c. 24), **ss. 1(2)**, 61(1)

## 17A Schemes for assisting persons to obtain employment: "work for your benefit" schemes etc.

**[**F98(1) Regulations may make provision for or in connection with imposing on claimants in prescribed circumstances a requirement to participate in schemes of any prescribed description that are designed to assist them to obtain employment.

(2) Regulations under this section may, in particular, require participants to undertake work, or work-related activity, during any prescribed period with a view to improving their prospects of obtaining employment.

(3) In subsection (2) "work-related activity", in relation to any person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so.

(4) Regulations under this section may not require a person to participate in a scheme unless the person would (apart from the regulations) be required to meet the jobseeking conditions.

(5) Regulations under this section may, in particular, make provision—

(a) for notifying participants of the requirement to participate in a scheme within subsection (1);

(b) for securing that participants are not required to meet the jobseeking conditions or are not required to meet such of those conditions as are specified in the regulations;

(c) for suspending any jobseeker's agreement to which a person is a party for any period during which the person is a participant;

(d) F99 . . . . . .

(e) F99 . . . . . .

(f) F99 . . . . . .

(6) F100 . . . . . .

(7) F100 . . . . . .

(8) F100 . . . . . .

(9) F100 . . . . . .

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(10) In this section—

**[**[F101]"claimant", in relation to a joint-claim couple claiming a joint-claim jobseeker's allowance, means either or both of the members of the couple;**]**

"the jobseeking conditions" means the conditions set out in section 1(2)(a) to (c);

"participant", in relation to any time, means any person who is required at that time to participate in a scheme within subsection (1).**]**

**Textual Amendments**

**F98** S. 17A 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)

**F99** S. 17A(5)(d)-(f) 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)**

**F100** S. 17A(6)-(9) 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)**

**F101** Words in s. 17A(10) repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by

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S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

### 17B Section 17A: supplemental

**[**F102(1) For the purposes of, or in connection with, any scheme within section 17A(1) the Secretary of State may—

(a) make arrangements (whether or not with other persons) for the provision of facilities;

(b) provide support (by whatever means) for arrangements made by other persons for the provision of facilities;

(c) make payments (by way of fees, grants, loans or otherwise) to persons undertaking the provision of facilities under arrangements within paragraph (a) or (b);

(d) make payments (by way of grants, loans or otherwise) to persons participating in the scheme;

(e) make payments in respect of incidental expenses.

(2) For the purposes of, or in connection with, any scheme within section 17A(1)—

(a) the Scottish Ministers, and

(b) the Welsh Ministers,

may make payments (by way of fees, grants, loans or otherwise) to persons (including the Secretary of State) undertaking the provision of facilities under arrangements within subsection (1)(a) or (b) if the following condition is met.

(3) The condition is that the Scottish Ministers or the Welsh Ministers consider that the facilities are capable of supporting the training in Scotland or Wales of persons for employment.

(4) Unless the Scottish Ministers or Welsh Ministers otherwise specify, the payments may be used by the person to whom they are made for the provision of any of the facilities provided under the arrangements.

(5) In subsections (1) to (4) "facilities" includes services, and any reference to the provision of facilities includes the making of payments to persons participating in the scheme.

(6) The power of the Secretary of State to make an order under section 26 of the Employment Act 1988 (status of trainees etc) includes power to make, in relation to—

(a) persons participating in any scheme within section 17A(1), and

(b) payments received by them by virtue of subsection (1) above,

provision corresponding to any provision which (by virtue of section 26(1) or (2) of that Act) may be made in relation to persons using such facilities, and to such payments received by them, as are mentioned in section 26(1) of that Act.**]]**

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**Textual Amendments**

**F102** S. 17B 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)

*[F103 Persons dependent on drugs etc.*

**Textual Amendments**

**F103** 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**

### 17C Persons dependent on drugs etc.

F104 . . . . . .

**Textual Amendments**

**F104** S. 17C repealed (8.5.2012) by Welfare Reform Act 2012 (c. 5), **ss. 60(1)**, 150(2)(b)

### X2 18 Recovery of overpayments.

In the Administration Act, insert after section 71—

*" Jobseeker's allowance*

**Recovery of jobseeker's allowance: severe hardship cases.**

(1) Where—

(a) a severe hardship direction is revoked; and

(b) it is determined by an adjudication officer that—

(i) whether fraudulently or otherwise, any person has misrepresented, or failed to disclose, any material fact; and

(ii) in consequence of the failure or misrepresentation, payment of a jobseeker's allowance has been made during the relevant period to the person to whom the direction related,

an adjudication officer may determine that the Secretary of State is entitled to recover the amount of the payment.

(2) In this section—

"severe hardship direction" means a direction given under section 16 of the Jobseekers Act 1995; and

"the relevant period" means—

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(a) if the revocation is under section 16(3)(a) of that Act, the period beginning with the date of the change of circumstances and ending with the date of the revocation; and

(b) if the revocation is under section 16(3)(b) or (c) of that Act, the period during which the direction was in force.

(3) Where a severe hardship direction is revoked, the Secretary of State may certify whether there has been misrepresentation of a material fact or failure to disclose a material fact.

(4) If the Secretary of State certifies that there has been such misrepresentation or failure to disclose, he may certify—

(a) who made the misrepresentation or failed to make the disclosure; and

(b) whether or not a payment of jobseeker's allowance has been made in consequence of the misrepresentation or failure.

(5) If the Secretary of State certifies that a payment has been made, he may certify the period during which a jobseeker's allowance would not have been paid but for the misrepresentation or failure to disclose.

(6) A certificate under this section shall be conclusive as to any matter certified.

(7) Subsections (3) and (6) to (10) of section 71 above apply to a jobseeker's allowance recoverable under subsection (1) above as they apply to a jobseeker's allowance recoverable under section 71(1) above.

(8) The other provisions of section 71 above do not apply to a jobseeker's allowance recoverable under subsection (1) above."

**Editorial Information**

**X2** S. 18: with effect from 12.11.2009, as a consequence of the insertions of ss. 17A-17C and associated cross-headings, s. 18 falls under the inserted cross-heading "Persons dependent on drugs etc" instead of the cross-heading "Persons under 18" [a consequence which may not have been intended]

*Denial of jobseeker's allowance*

## [F105 19 Higher-level sanctions

[F106 (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;

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(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**

**F105** 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)**

**F106** 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)**

**C24** 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**

**C25** 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)**)

***Changes to legislation:*** *Jobseekers Act 1995, Part I is up to date with all changes known to be in force on or before 22 March 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) View outstanding changes*

**Commencement Information**

**I15** 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)**

## [F107 19A Other sanctions

[F106 (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—

***Changes to legislation:** Jobseekers Act 1995, Part I is up to date with all changes known to be in force on or before 22 March 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) View outstanding changes*

(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**

**F106** 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)

**F107** 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

**[**F106(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—

***Changes to legislation:** Jobseekers Act 1995, Part I is up to date with all changes known to be in force on or before 22 March 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) View outstanding changes*

(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**

**F106** 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)

**F107** 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

**[**F106(1) Regulations may make provision for the making of payments ("hardship payments") by way of a jobseeker's allowance to a claimant where—

***Changes to legislation:** Jobseekers Act 1995, Part I is up to date with all changes known to be in force on or before 22 March 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) View outstanding changes*

(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**

**F106** 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)

**F107** 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 [F108and 19A].

(1) **[**F109Nothing in section 19, or in regulations under that section, shall be taken to **[**F110authorise 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) **[**F109Section **[**F111**19A]** does not apply, in the circumstances mentioned in subsection **[**F112**(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 **[**F113the condition mentioned in section 17(3)(b) or (c) is satisfied**]**.**]**

(3) **[**F109Regulations 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 **[**F114**19(2)(b) or (d)]** should he leave that employment voluntarily and without **[**F115good reason**]** at any time during a trial period.**]**

(4) **[**F116In such circumstances as may be prescribed, an income-based jobseeker's allowance shall be **[**F117payable in respect of**]** a claimant even though section 19 prevents payment of a jobseeker's allowance to him.**]**

(5) F116 . . . . . .

***Changes to legislation:** Jobseekers Act 1995, Part I is up to date with all changes known to be in force on or before 22 March 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) View outstanding changes*

(6) **[**F116Regulations 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) **[**F118In subsection (3), "trial period" has such meaning as may be prescribed.**]**

(8) **[**F118Regulations 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**

**F108** 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)**

**F109** 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)

**F110** 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)**

**F111** 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)**

**F112** 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)**

**F113** 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)**)

**F114** 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)**

**F115** 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)**

**F116** 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)**

**F117** Words in s. 20 substituted (11.11.1999) by 1999 c. 30, ss. 70, 89(4)(b), **Sch. 8 Pt. V para. 29(5)**

**F118** 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)**

**C26** S. 20 modified (7.10.1996) by S.I. 1996/207, **reg. 159**

**Commencement Information**

**I16** 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)**

***Changes to legislation:** Jobseekers Act 1995, Part I is up to date with all changes known to be in force on or before 22 March 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) View outstanding changes*

**20A** . . . . . .

F119 . . . . . .]

**Textual Amendments**

**F119** 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** . . . . . .

F120 . . . . . .

**Textual Amendments**

**F120** 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)}

*Miscellaneous*

## [F121 20E Contracting out

[F122 (1) The following functions of the Secretary of State may be exercised by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose, namely—

(a) F123 . . . . . .
(b) F123 . . . . . .
(c) F123 . . . . . .
(d) F124 . . . . . .
(e) F124 . . . . . .
(f) F124 . . . . . .

(2) The following functions of officers of the Secretary of State may be exercised by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose, namely—

(a) specifying places and times, and being contacted, under section 8;
(b) entering into or varying any jobseeker's agreement under section 9 or 10 and referring any proposed agreement or variation to the Secretary of State under section 9 or 10;
(c) giving notifications under section 16 F125 . . . ;
(d) F126 . . . . . .

(3) Regulations may provide for any of the following functions of the Secretary of State to be exercisable by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose—

(a) any function under regulations under section 8, F127 . . . 17A F127 . . . F128 . . . , except the making of an excluded decision (see subsection (4));

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(b) the function under section 9(1) of the 1998 Act (revision of decisions) so far as relating to decisions (other than excluded decisions) that relate to any matter arising under any such regulations;

(c) the function under section 10(1) of the 1998 Act (superseding of decisions) so far as relating to decisions (other than excluded decisions) of the Secretary of State that relate to any matter arising under any such regulations;

(d) any function under Chapter 2 of Part 1 of the 1998 Act (social security decisions), except section 25(2) and (3) (decisions involving issues arising on appeal in other cases), which relates to the exercise of any of the functions within paragraphs (a) to (c).

(4) Each of the following is an "excluded decision" for the purposes of subsection (3)—

(a) a decision about whether a person has failed to comply with a requirement imposed by regulations under section 8, F129 . . . F130 . . . F128 . . . ;

(b) a decision about whether a person had good cause for failure to comply with such a requirement;

(c) a decision about not paying or reducing a jobseeker's allowance in consequence of a failure to comply with such a requirement.

(5) Regulations under subsection (3) may provide that a function to which that subsection applies may be exercised—

(a) either wholly or to such extent as the regulations may provide,

(b) either generally or in such cases as the regulations may provide, and

(c) either unconditionally or subject to the fulfilment of such conditions as the regulations may provide.

(6) An authorisation given by virtue of any provision made by or under this section may authorise the exercise of the function concerned—

(a) either wholly or to such extent as may be specified in the authorisation,

(b) either generally or in such cases as may be so specified, and

(c) either unconditionally or subject to the fulfilment of such conditions as may be so specified;

but, in the case of an authorisation given by virtue of regulations under subsection (3), this subsection is subject to the regulations.

(7) An authorisation given by virtue of any provision made by or under this section—

(a) may specify its duration,

(b) may be revoked at any time by the Secretary of State, and

(c) does not prevent the Secretary of State or any other person from exercising the function to which the authorisation relates.

(8) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Secretary of State or (as the case may be) an officer of the Secretary of State.

(9) But subsection (8) does not apply—

(a) for the purposes of so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function, or

(b) for the purposes of any criminal proceedings brought in respect of anything done by the authorised person (or an employee of that person).

***Changes to legislation:** Jobseekers Act 1995, Part I is up to date with all changes known to be in force on or before 22 March 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) View outstanding changes*

(10) Any decision which an authorised person makes in exercise of a function of the Secretary of State has effect as a decision of the Secretary of State under section 8 of the 1998 Act.

(11) Where—

(a) the authorisation of an authorised person is revoked at any time, and

(b) at the time of the revocation so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function is subsisting,

the authorised person is entitled to treat the contract as repudiated by the Secretary of State (and not as frustrated by reason of the revocation).

(12) In this section—

(a) "the 1998 Act" means the Social Security Act 1998;

(b) "authorised person" means a person authorised to exercise any function by virtue of any provision made by or under this section;

(c) references to functions of the Secretary of State under any enactment (including one comprised in regulations) include functions which the Secretary of State has by virtue of the application of section 8(1)(c) of the 1998 Act in relation to the enactment.**]]**

**Textual Amendments**

**F121** S. 20E inserted (9.3.2011 for specified purposes, otherwise prosp.) by Welfare Reform Act 2009 (c. 24), **ss. 32(2)**, 61(3); S.I. 2011/682, **art. 2(b)(c)**

**F122** S. 20E 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)

**F123** S. 20E(1)(a)-(c) repealed (8.5.2012) by virtue of Welfare Reform Act 2012 (c. 5), ss. 147, 150(2)(k), **Sch. 14 Pt. 2**

**F124** S. 20E(1)(d)-(f) repealed (8.5.2012) by virtue of Welfare Reform Act 2012 (c. 5), ss. 147, 150(2)(b), **Sch. 14 Pt. 6**

**F125** Words in s. 20E(2)(c) repealed (8.5.2012) by virtue of Welfare Reform Act 2012 (c. 5), ss. 147, 150(2)(k), **Sch. 14 Pt. 2**

**F126** S. 20E(2)(d) repealed (8.5.2012) by virtue of Welfare Reform Act 2012 (c. 5), ss. 147, 150(2)(k), **Sch. 14 Pt. 2**

**F127** Words in s. 20E(3)(a) repealed (8.5.2012) by virtue of Welfare Reform Act 2012 (c. 5), ss. 147, 150(2)(k), **Sch. 14 Pt. 2**

**F128** Words in s. 20E(3)(a)(4)(a) repealed (8.5.2012) by virtue of Welfare Reform Act 2012 (c. 5), ss. 147, 150(2)(b), **Sch. 14 Pt. 6**

**F129** Words in s. 20E(4)(a) repealed (8.5.2012) by virtue of Welfare Reform Act 2012 (c. 5), ss. 147, 150(2)(k), **Sch. 14 Pt. 2**

**F130** Words in s. 20E(4)(a) repealed (22.10.2012) by virtue of Welfare Reform Act 2012 (c. 5), ss. 147, 150(3), **Sch. 7 para. 16(2)(c)**; S.I. 2012/2530, **art. 2(2)(f)**

## 21 Supplementary provisions.

Further provisions in relation to a jobseeker's allowance are set out in Schedule 1.

***Changes to legislation:** Jobseekers Act 1995, Part I is up to date with all changes known to be in force on or before 22 March 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) View outstanding changes*

**Commencement Information**

**I17** S. 21 wholly in force at 7.10.1996; s. 21 not in force at Royal Assent, see s. 41(2); s. 21 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), **Sch.**; s. 21 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

## 22 Members of the forces.

(1) Regulations may modify any provision of this Act, in such manner as the Secretary of State thinks proper, in its application to persons who are or have been members of Her Majesty's forces.

(2) **[**F131The regulations may, in particular, provide for **[**F132section 19(2)(b)**]** not to apply in relation to a person who is discharged from Her Majesty's forces at his own request.**]**

(3) For the purposes of this section, Her Majesty's forces shall be taken to consist of such establishments and organisations in which persons serve under the control of the Defence Council as may be prescribed.

**Textual Amendments**

**F131** S. 22(2) 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)

**F132** Words in s. 22(2) substituted (22.10.2012) by Welfare Reform Act 2012 (c. 5), ss. 48, 150(3), **Sch. 7 para. 7**; S.I. 2012/2530, **art. 2(2)(f)**

**Commencement Information**

**I18** S. 22 wholly in force at 7.10.1996; s. 22 not in force at Royal Assent, see s. 41(2); s. 22 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), **Sch.**; s. 22 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

## 23 Recovery of sums in respect of maintenance.

**[**F133(1) Regulations may make provision for the court to have power to make a recovery order against any person where an award of income-based jobseeker's allowance has been made to that person's spouse **[**F134or civil partner**]**.

(2) In this section "recovery order" means an order requiring the person against whom it is made to make payments to the Secretary of State or to such other person or persons as the court may determine.

(3) Regulations under this section may make provision for the transfer by the Secretary of State of the right to receive payments under, and to exercise rights in relation to, a recovery order.

(4) Regulations made under this section may, in particular, include provision—

(a) as to the matters to which the court is, or is not, to have regard in determining any application under the regulations; and

(b) as to the enforcement of recovery orders.

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(5) In this section, "the court" means—

(a) in relation to England and Wales, **[**[F135]the family court**]**; and

(b) in relation to Scotland, the sheriff.**]**

**Textual Amendments**

**F133** S. 23 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167); S.I. 2013/1511, art. 4, Sch. (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4, Sch. (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4, Sch. (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4, Sch. (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4, Sch. (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); and (31.1.2019) by S.I. 2019/167); S.I. 2015/101, art. 4 (with art. 2(2)-(4)) (as amended: (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; (20.7.2015) by S.I. 2015/1537; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; and (31.1.2019) by S.I. 2019/167); S.I. 2015/1537, art. 4 (as modified: (23.11.2015) by S.I. 2015/1930; (14.1.2016) by S.I. 2016/33; and (21.3.2016) by S.I. 2016/407); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4, Sch.; S.I. 2016/407, art. 4, Sch.; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12))

**F134** Words in s. 23(1) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 254(1), 263(8)(d), **Sch. 24 para. 122**; S.I. 2005/3175, **art. 2(1)**, Sch. 1

**F135** Words in s. 23(5)(a) substituted (temp.) (22.4.2014) by The Crime and Courts Act 2013 (Family Court: Consequential Provision) Order 2014 (S.I. 2014/605), arts. 1, **21(1)**

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**Commencement Information**

**I19** S. 23 wholly in force at 7.10.1996; s. 23 not in force at Royal Assent, see s. 41(2); s. 23 in force (12.12.1995) for the purpose of authorising the making of regulations by S.I. 1995/3228, art. 2(b), **Sch.**; s. 23 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, **art. 2(b)**

## 24 Effect of alteration of rates.

In the Administration Act, insert after section 159—

### "159A Effect of alteration of rates of a jobseeker's allowance.

(1) This section applies where—

(a) an award of a jobseeker's allowance is in force in favour of any person ("the recipient"); and

(b) an alteration—

(i) in any component of the allowance, or

(ii) in the recipient's benefit income,

affects the amount of the jobseeker's allowance to which he is entitled.

(2) Subsection (3) applies where, as a result of the alteration, the amount of the jobseeker's allowance to which the recipient is entitled is increased or reduced.

(3) As from the commencing date, the amount of the jobseeker's allowance payable to or for the recipient under the award shall be the increased or reduced amount, without any further decision of an adjudication officer; and the award shall have effect accordingly.

(4) In any case where—

(a) there is an alteration of a kind mentioned in subsection (1)(b); and

(b) before the commencing date (but after that date is fixed) an award of a jobseeker's allowance is made in favour of a person,

the award may provide for the jobseeker's allowance to be paid as from the commencing date, in which case the amount of the jobseeker's allowance shall be determined by reference to the components applicable on that date, or may provide for an amount determined by reference to the components applicable at the date of the award.

(5) In this section—

"alteration" means-

(a) in relation to any component of a jobseeker's allowance, its alteration by or under any enactment; and

(b) in relation to a person's benefit income, the alteration of any of the sums referred to in section 150 above by any enactment or by an order under section 150 above, to the extent that any such alteration affects the amount of the recipient's benefit income;

"benefit income", in relation to a recipient, means so much of his income as consists of—

(a) benefit under the Contributions and Benefits Act; or

(b) a war disablement pension or war widow's pension;

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"the commencing date" in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

"component", in relation to a jobseeker's allowance, means any of the sums specified in regulations under the Jobseekers Act 1995 which are relevant in calculating the amount payable by way of a jobseeker's allowance."

**25 Age increases.**

In the Administration Act, insert after section 160—

"**160A Implementation of increases in income-based jobseeker's allowance due to attainment of particular ages.**

(1) This section applies where—

(a) an award of an income-based jobseeker's allowance is in force in favour of a person ("the recipient"); and

(b) a component has become applicable, or applicable at a particular rate, because he or some other person has reached a particular age ("the qualifying age").

(2) If, as a result of the recipient or other person reaching the qualifying age, the recipient becomes entitled to an income-based jobseeker's allowance of an increased amount, the amount payable to or for him under the award shall, as from the day on which he becomes so entitled, be that increased amount, without any further decision of an adjudication officer; and the award shall have effect accordingly.

(3) Subsection (2) above does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to—

(a) a benefit under the Contributions and Benefits Act; or

(b) a jobseeker's allowance.

(4) Subsection (3)(b) above does not apply to the question—

(a) whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in the recipient's case; and

(b) whether, in consequence, the amount of his income-based jobseeker's allowance falls to be varied.

(5) In this section "component", in relation to a recipient and his jobseeker's allowance, means any of the amounts determined in accordance with regulations made under section 4(5) of the Jobseekers Act 1995."

**Changes to legislation:**
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**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)