



# Jobseekers Act 1995

CHAPTER 18

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# Jobseekers Act 1995

## CHAPTER 18

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# Jobseekers Act 1995

## 1995 CHAPTER 18

An Act to provide for a jobseeker's allowance and to make other provision to promote the employment of the unemployed and the assistance of persons without a settled way of life. [28th June 1995]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### THE JOBSEEKER'S ALLOWANCE

##### *Entitlement*

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

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

- (a) is available for employment;
- (b) has entered into a jobseeker's agreement which remains in force;
- (c) is actively seeking employment;
- (d) satisfies either—
  - (i) the conditions set out in section 2; or
  - (ii) the conditions set out in section 3;
- (e) is not engaged in remunerative work;
- (f) is capable of work;
- (g) is not receiving relevant education;
- (h) is under pensionable age; and
- (i) is in Great Britain.

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

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## (4) 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; and

“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.

## The contribution-based conditions.

## 2.—(1) The conditions referred to in section 1(2)(d)(i) 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;
- (b) the earnings factor derived from earnings upon which primary Class 1 contributions have been paid or treated as paid is not less than the base year’s lower earnings limit multiplied by 25.

(3) The additional condition mentioned in subsection (1)(b) is that the earnings factor derived from earnings 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.

## (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.

## The income-based conditions.

## 3.—(1) The conditions referred to in section 1(2)(d)(ii) 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;

## PART I

- (b) is not entitled to income support;
- (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;
- (e) is not a member of a married or unmarried couple 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.

4.—(1) In the case of a contribution-based jobseeker's allowance, the amount payable in respect of a claimant ("his personal rate") shall be calculated by—

- (a) determining the age-related amount applicable to him; and
- (b) making prescribed deductions in respect of earnings and pension payments.

Amount payable  
by way of a  
jobseeker's  
allowance.

(2) The age-related amount applicable to a claimant, for the purposes of subsection (1)(a), shall be determined in accordance with regulations.

(3) In the case of an income-based jobseeker's allowance, 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.

(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.

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(6) Where a claimant satisfies both the contribution-based conditions and the income-based conditions but has no income, the amount payable shall be—

- (a) the applicable amount, if that is greater than his personal rate; and
- (b) his personal rate, if it is not.

(7) Where the amount payable to a claimant to whom subsection (6) applies is the applicable amount, the amount payable to him by way of a jobseeker's allowance shall be taken to consist of two elements—

- (a) one being an amount equal to his personal rate; and
- (b) the other being an amount equal to the excess of the applicable amount over his personal rate.

(8) Where a claimant satisfies both the contribution-based conditions and the income-based conditions and has an income, the amount payable shall be—

- (a) the amount by which the applicable amount exceeds his income, if the amount of that excess is greater than his personal rate; and
- (b) his personal rate, if it is not.

(9) Where the amount payable to a claimant to whom subsection (8) applies is the amount by which the applicable amount exceeds his income, the amount payable to him by way of a jobseeker's allowance shall be taken to consist of two elements—

- (a) one being an amount equal to his personal rate; and
- (b) the other being an amount equal to the amount by which the difference between the applicable amount and his income exceeds his personal rate.

(10) The element of a jobseeker's allowance mentioned in subsection (7)(a) and that mentioned in subsection (9)(a) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the claimant's entitlement to a contribution-based jobseeker's allowance.

(11) The element of a jobseeker's allowance mentioned in subsection (7)(b) and that mentioned in subsection (9)(b) shall be treated, for the purpose of identifying the source of the allowance, as attributable to the claimant's entitlement to an income-based jobseeker's allowance.

(12) Regulations under subsection (5) may provide that, in prescribed cases, an applicable amount is to be nil.

**Duration of a contribution-based jobseeker's allowance.**

5.—(1) The period for which a person is entitled to a contribution-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 contribution-based jobseeker's allowance ("his previous entitlement") has ceased as a result of subsection (1), does not prevent his being entitled to a further contribution-based jobseeker's allowance if—

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

## PART I

- (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 contribution-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.

*Jobseeking*

6.—(1) For the purposes of this Act, a person is available for employment if he is willing and able to take up immediately any employed earner's employment. Availability for employment.

(2) Subsection (1) is subject to such provisions as may be made by regulations; and those regulations may, in particular, provide that a person—

- (a) may restrict his availability for employment in any week in such ways as may be prescribed; or
- (b) may restrict his availability for employment in any week in such circumstances as may be prescribed (for example, on grounds of conscience, religious conviction or physical or mental condition or because he is caring for another person) and in such ways as may be prescribed.

(3) The following are examples of restrictions for which provision may be made by the regulations—

- (a) restrictions on the nature of the employment for which a person is available;
- (b) restrictions on the periods for which he is available;
- (c) restrictions on the terms or conditions of employment for which he is available;
- (d) restrictions on the locality or localities within which he is available.

(4) Regulations may prescribe circumstances in which, for the purposes of this Act, a person is or is not to be treated as available for employment.

(5) Regulations under subsection (4) may, in particular, provide for a person who is available for 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 a permitted period, as available for employment.

(6) Where it has been determined ("the first determination") that a person is to be treated, for the purposes of this Act, as available for employment in any week, the question whether he is available for employment in that week may be subsequently determined on a review of the first determination.

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(7) In this section “permitted period”, in relation to any person, means such period as may be determined in accordance with the regulations made under subsection (4).

(8) Regulations under subsection (4) may prescribe, in relation to permitted periods—

- (a) the day on which any such period is to be regarded as having begun in any case;
- (b) the shortest and longest periods which may be determined in any case;
- (c) factors which an adjudication officer may take into account in determining the period in any case.

(9) For the purposes of this section “employed earner’s employment” has the same meaning as in the Benefits Act.

Actively seeking employment.

7.—(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.

(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 (“the first determination”) that a person is to be treated, for the purposes of this Act, as actively seeking

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employment in any week, the question whether he is actively seeking employment in that week may subsequently be determined on a review of the first determination.

(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.

8.—(1) Regulations may make provision for requiring a claimant—

- (a) to attend at such place and at such time as the Secretary of State 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.

Attendance,  
information and  
evidence.

(2) Regulations under subsection (1) may, in particular—

- (a) prescribe circumstances in which entitlement to a jobseeker’s allowance is to cease in the case of a claimant who fails to comply with any regulations made under that subsection;
- (b) provide for entitlement to cease at such time (after he last attended in compliance with requirements of the kind mentioned in subsection (1)(a)) as may be determined in accordance with any such regulations;
- (c) provide for entitlement not to cease if the claimant shows, within a prescribed period of his failure to comply, that he had good cause for that failure; and
- (d) prescribe—
  - (i) matters which are, or are not, to be taken into account in determining whether a person has, or does not have, good cause for failing to comply with any such regulations; and
  - (ii) circumstances in which a person is, or is not, to be regarded as having, or not having, good cause for failing to comply with any such regulations.

9.—(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”.

The 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.

(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

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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 an adjudication officer 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) An adjudication officer to whom a reference is made under subsection (6)—

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

(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.

(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.

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Variation of  
jobseeker's  
agreement.

10.—(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.

(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 an adjudication officer 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) An adjudication officer to whom a reference is made under subsection (5)—

(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—

(a) for such matters as may be prescribed to be taken into account by an adjudication officer 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 an adjudication officer under this section;
- (ii) any direction given by an adjudication officer under this section.

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Jobseeker's  
agreement:  
reviews and  
appeals.

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

11.—(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.

(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.

*Income and capital*

Income and  
capital: general.

12.—(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;

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- (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.

13.—(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.

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

(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.

(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.

*Trade disputes*

14.—(1) Where—

Trade disputes.

- (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 section 81(2) of the Employment Protection (Consolidation) Act 1978, or
- (c) he bona fide resumed employment with his employer but subsequently left for a reason other than the trade dispute,

1978 c. 44.

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.

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Effect on other claimants.

**15.—(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 married or unmarried couple, 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 emoluments in pursuance of section 203 of the Income and Corporation Taxes Act 1988 (PAYE); 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.

1988 c. 1.

**(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 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.

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- (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.

*Persons under 18*

- 16.—**(1) If it appears to the Secretary of State— Severe hardship.
- (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;
  - (b) it appears to him that the person concerned has—
    - (i) failed to pursue an opportunity of obtaining training; or
    - (ii) rejected an offer of training, and has not shown good cause for doing so; 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.
- (4) In this section "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.
- 17.—**(1) Regulations may provide for the amount of an income-based jobseeker's allowance payable to any young person to whom this section applies to be reduced— Reduced payments.
- (a) in such circumstances,
  - (b) by such a percentage, and

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(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) either 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;
- (b) he has failed to complete a course of training and no certificate has been issued to him under subsection (4) with respect to that failure.

(4) Where a young person who has failed to complete a course of training—

- (a) claims that there was good cause for the failure, 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 good cause for the failure, issue a certificate to that effect and give a copy of it to the young person.

(5) In this section “young person” means a person who has reached the age of 16 but not the age of 18.

Recovery of  
overpayments.

18. In the Administration Act, insert after section 71—

*“Jobseeker's allowance*

Recovery of  
jobseeker's  
allowance:  
severe hardship  
cases.

71A.—(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."

*Denial of jobseeker's allowance*

19.—(1) Even though the conditions for entitlement to a jobseeker's allowance are satisfied with respect to a person, the allowance shall not be payable in any of the circumstances mentioned in subsection (5) or (6).

Circumstances in which a jobseeker's allowance is not payable.

(2) If the circumstances are any of those mentioned in subsection (5), the period for which the allowance is not to be payable shall be such period (of at least one week but not more than 26 weeks) as may be prescribed.

(3) If the circumstances are any of those mentioned in subsection (6), the period for which the allowance is not to be payable shall be such period (of at least one week but not more than 26 weeks) as may be determined by the adjudication officer.

(4) Regulations may prescribe—

(a) circumstances which an adjudication officer is to take into account, and

## PART I

(b) circumstances which he is not to take into account, in determining a period under subsection (3).

(5) The circumstances referred to in subsections (1) and (2) are that the claimant—

- (a) has, without good cause, refused or failed to carry out any jobseeker's direction which was reasonable, having regard to his circumstances;
- (b) has, without good cause—
  - (i) neglected to avail himself of a reasonable opportunity of a place on a training scheme or employment programme;
  - (ii) after a place on such a scheme or programme 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;
  - (iii) given up a place on such a scheme or programme; or
  - (iv) failed to attend such a scheme or programme on which he has been given a place; or
- (c) has lost his place on such a scheme or programme through misconduct.

(6) The circumstances referred to in subsections (1) and (3) are that the claimant—

- (a) has lost his employment as an employed earner through misconduct;
- (b) has voluntarily left such employment without just cause;
- (c) has, without good cause, after a situation in any employment 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
- (d) has, without good cause, neglected to avail himself of a reasonable opportunity of employment.

(7) In such circumstances as may be prescribed, including in particular where he has been dismissed by his employer by reason of redundancy within the meaning of section 81(2) of the Employment Protection (Consolidation) Act 1978 after volunteering or agreeing to be so dismissed, a person who might otherwise be regarded as having left his employment voluntarily is to be treated as not having left voluntarily.

1978 c. 44.

(8) Regulations may—

- (a) prescribe matters which are, or are not, to be taken into account in determining whether a person—
  - (i) has, or does not have, good cause for any act or omission; or
  - (ii) has, or does not have, just cause for any act or omission; or
- (b) prescribe circumstances in which a person—
  - (i) is, or is not, to be regarded as having, or not having, good cause for any act or omission; or
  - (ii) is, or is not, to be regarded as having, or not having, just cause for any act or omission.

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(9) Subject to any regulations under subsection (8), in determining whether a person has, or does not have, good cause or (as the case may be) just cause for any act or omission, any matter relating to the level of remuneration in the employment in question shall be disregarded.

(10) In this section—

- (a) “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;
- (b) “jobseeker’s direction” means a direction in writing given by an employment officer 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; and
- (c) “training scheme” and “employment programme” have such meaning as may be prescribed.

20.—(1) Nothing in section 19, or in regulations under that section, shall be taken to prevent payment 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. Exemptions from section 19.

(2) Section 19 does not apply, in the circumstances mentioned in subsection (5) 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 he has failed to complete a course of training.

(3) Regulations 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 19(6)(b) or (d) should he leave that employment voluntarily and without just cause at any time during a trial period.

(4) In such circumstances as may be prescribed, an income-based jobseeker’s allowance shall be payable to a claimant even though section 19 prevents payment of a jobseeker’s allowance to him.

(5) A jobseeker’s allowance shall be payable by virtue of subsection (4) only if the claimant has complied with such requirements as to the provision of information as may be prescribed for the purposes of this subsection.

(6) Regulations 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)).

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(7) In subsection (3), “trial period” has such meaning as may be prescribed.

(8) Regulations 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.

*Miscellaneous*

Supplementary provisions.

**21.** Further provisions in relation to a jobseeker’s allowance are set out in Schedule 1.

Members of the forces.

**22.—**(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) The regulations may, in particular, provide for section 19(6)(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.

Recovery of sums in respect of maintenance.

**23.—**(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.

(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.

(5) In this section, “the court” means—

- (a) in relation to England and Wales, a magistrates’ court; and
- (b) in relation to Scotland, the sheriff.

Effect of alteration of rates.

**24.** In the Administration Act, insert after section 159—

“Effect of alteration of rates of a jobseeker’s allowance.

159A.—(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.

**PART I**

(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;

“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.”

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Age increases.

**25. In the Administration Act, insert after section 160—**

“Implementa-  
tion of increases  
in income-based  
jobseeker’s  
allowance due to  
attainment of  
particular ages.

160A.—(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.”

**PART II**

**BACK TO WORK SCHEMES**

The back to work  
bonus.

**26.—(1)** Regulations may make provision for the payment, in prescribed circumstances, of sums to or in respect of persons who are or have been entitled to a jobseeker’s allowance or to income support.

(2) A sum payable under the regulations shall be known as “a back to work bonus”.

1988 c. 1.

(3) Subject to section 617 of the Income and Corporation Taxes Act 1988 (which, as amended by paragraph 16 of Schedule 2, provides for a

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back to work bonus not to be taxable), a back to work bonus shall be treated for all purposes as payable by way of a jobseeker's allowance or (as the case may be) income support.

- (4) The regulations may, in particular, provide for—
- (a) a back to work bonus to be payable only on the occurrence of a prescribed event;
  - (b) a bonus not to be payable unless a claim is made before the end of the prescribed period;
  - (c) the amount of a bonus (subject to any maximum prescribed by virtue of paragraph (g)) to be determined in accordance with the regulations;
  - (d) enabling amounts to be calculated by reference to periods of entitlement to a jobseeker's allowance and periods of entitlement to income support;
  - (e) treating a bonus as payable wholly by way of income support or wholly by way of a jobseeker's allowance, in a case where amounts have been calculated in accordance with provision made by virtue of paragraph (d);
  - (f) keeping persons who may be entitled to a bonus informed of the amounts calculated in accordance with any provision of the regulations made by virtue of paragraph (c);
  - (g) the amount of a bonus not to exceed a prescribed maximum;
  - (h) a bonus not to be payable if the amount of the bonus which would otherwise be payable is less than the prescribed minimum;
  - (i) prescribed periods to be disregarded for prescribed purposes;
  - (j) a bonus which has been paid to a person to be treated, in prescribed circumstances and for prescribed purposes, as income or capital of his or of any other member of his family;
  - (k) treating the whole or a prescribed part of an amount which has accrued towards a person's bonus—
    - (i) as not having accrued towards his bonus; but
    - (ii) as having accrued towards the bonus of another person;
  - (l) the whole or a prescribed part of a back to work bonus to be payable, in such circumstances as may be prescribed, to such person, other than the person who is or had been entitled to a jobseeker's allowance or to income support, as may be determined in accordance with the regulations.

27.—(1) An employee is a “qualifying employee” in relation to his employer for the purposes of this section if, immediately before beginning his employment with that employer, he had been entitled to a jobseeker's allowance for a continuous period of not less than two years.

Employment of long-term unemployed: deductions by employers.

(2) An employee is also a “qualifying employee” in relation to his employer for the purposes of this section if—

- (a) immediately before beginning his employment with that employer, he had been unemployed for a continuous period of not less than two years;
- (b) he is under pensionable age; and

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(c) he falls within a prescribed description of person.

(3) Regulations may make provision for any employer who employs a person who is a qualifying employee in relation to him, to make deductions from the employer's contributions payments in accordance with the regulations and in prescribed circumstances.

(4) Those regulations may, in particular, make provision as to the period for which deductions may be made by an employer.

(5) Regulations may provide, in relation to cases where an employee is a qualifying employee in relation to more than one employer at the same time, for the right to make deductions to be confined to one employer—

- (a) determined in accordance with the regulations; and
- (b) certified by the Secretary of State, in accordance with the regulations, to be the employer entitled to make those deductions.

(6) Regulations may—

- (a) provide that, in prescribed circumstances, a person who would not otherwise satisfy the condition in subsection (1) is to be treated as satisfying it;
- (b) provide that, in prescribed circumstances, a person who would not otherwise satisfy the condition in subsection (2)(a) is to be treated as satisfying it;
- (c) prescribe circumstances in which, for prescribed purposes, two or more employers are to be treated as one;
- (d) make provision for the payment, in prescribed circumstances, by the Secretary of State or by the Commissioners of Inland Revenue on behalf of the Secretary of State, of sums to employers who are unable to make the whole or part of any deductions which they are entitled to make;
- (e) require persons to maintain such records in connection with deductions made by them as may be prescribed;
- (f) require persons who have made deductions to furnish to the Secretary of State such documents and information, at such time, as may be prescribed.

(7) Where, in accordance with any provision of regulations made under this section, an amount has been deducted from an employer's contributions payments, the amount so deducted shall (except in such cases as may be prescribed) be treated for the purposes of any provision made by or under any enactment in relation to primary or secondary Class 1 contributions as having been—

- (a) paid (on such date as may be determined in accordance with the regulations); and
- (b) received by the Secretary of State,

towards discharging the employer's liability in respect of such contributions.

(8) In this section—

“contributions payments”, in relation to an employer, means the aggregate of the payments which he is required to make by way of primary or secondary Class 1 contributions;

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“deductions” means deductions made in accordance with regulations under subsection (3); and

“employee” and “employer” have such meaning as may be prescribed.

28.—(1) This section provides for the making of regulations to enable—

- (a) information to be passed between authorities, and
- (b) priority to be given to certain persons,

with a view to claims for housing or council tax benefit made by or in respect of persons who cease to be entitled to a jobseeker’s allowance or income support being dealt with quickly.

(2) In the Administration Act, insert after section 128—

*“Expedited claims for housing and council tax benefit*

Disclosure of information by authorities.

128A.—(1) Regulations may make provision requiring the disclosure by one authority (“the disclosing authority”) to another authority (“the receiving authority”), in prescribed circumstances, of information of a prescribed description obtained by the disclosing authority in respect of persons who have been entitled to a jobseeker’s allowance or to income support.

(2) The regulations may in particular provide for—

- (a) information to be disclosed—
  - (i) at the request of the receiving authority;
  - (ii) at the request of any person who falls within a prescribed category; or
  - (iii) otherwise than in response to such a request;
- (b) the period within which information is to be disclosed; and
- (c) information to be disclosed only if it has been obtained by the disclosing authority in the exercise of any of their functions in relation to housing benefit or council tax benefit.”

(3) In section 63 of the Administration Act (adjudication of claims for housing benefit or council tax benefit), insert after subsection (2)—

“(2A) Regulations may make provision requiring authorities to whom claims for housing benefit or council tax benefit are made by, or in respect of, persons who have been entitled to a jobseeker’s allowance or to income support to give priority, in prescribed circumstances, to those claims over other claims for any such benefit.”

29.—(1) Any regulations to which this subsection applies may be made so as to have effect for a specified period not exceeding 12 months.

Expedited claims for housing benefit and council tax benefit.

Pilot schemes.

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(2) Any regulations which, by virtue of subsection (1), are to have effect for a limited period are referred to in this section as “a pilot scheme”.

(3) A pilot scheme may provide that its provisions are to apply only in relation to—

- (a) one or more specified areas or localities;
- (b) one or more specified classes of person;
- (c) persons selected—
  - (i) by reference to prescribed criteria; or
  - (ii) on a sampling basis.

(4) A pilot scheme may make consequential or transitional provision with respect to the cessation of the scheme on the expiry of the specified period.

(5) A pilot scheme (“the previous scheme”) may be replaced by a further pilot scheme making the same, or similar, provision (apart from the specified period) to that made by the previous scheme.

(6) Subject to subsection (8), subsection (1) applies to—

- (a) regulations made under this Act, other than—
  - (i) regulations made under section 4(2) or (5) which have the effect of reducing any age-related amount or applicable amount; or
  - (ii) regulations made under section 27;
- (b) regulations made under the Administration Act, so far as they relate to a jobseeker’s allowance;
- (c) regulations made under Part VII of the Benefits Act (income-related benefits), other than any mentioned in subsection (7); and
- (d) regulations made under the Administration Act, so far as they relate to income-related benefits payable under Part VII of the Benefits Act.

(7) The regulations referred to in subsection (6)(c) are—

- (a) regulations under section 128(5) of the Benefits Act which have the effect of reducing the appropriate maximum family credit;
- (b) regulations under section 129(8) of that Act which have the effect of reducing the appropriate maximum disability working allowance;
- (c) regulations under section 130(4) of that Act which have the effect of reducing the appropriate maximum housing benefit;
- (d) regulations under section 131(10)(a) of that Act which have the effect of reducing the appropriate maximum council tax benefit; and
- (e) regulations reducing any of the sums prescribed under section 135(1) of that Act.

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(8) Subsection (1) applies only if the regulations are made with a view to ascertaining whether their provisions will, or will be likely to, encourage persons to obtain or remain in work or will, or will be likely to, facilitate the obtaining by persons of work or their remaining in work.

## PART III

## MISCELLANEOUS AND SUPPLEMENTAL

30.—(1) The Secretary of State may pay such grants, to such persons, as he considers appropriate in relation to expenditure in connection with the provision or maintenance of resettlement places. Grants for resettlement places.

(2) In this section “resettlement places” means places at which persons without a settled way of life are afforded temporary accommodation with a view to assisting them to lead a more settled life.

(3) Any grant under this section may be made on such terms and subject to such conditions as the Secretary of State considers appropriate.

(4) Section 30 of, and Schedule 5 to, the Supplementary Benefits Act 1976 (provision of resettlement units) shall cease to have effect. 1976 c. 71.

(5) Any grants made by the Secretary of State under this section shall be paid out of money provided by Parliament.

(6) Any sums received by the Secretary of State by way of the repayment of any such grant shall be paid by him into the Consolidated Fund.

31.—(1) Regulations may make provision allowing, in prescribed circumstances, an award of income support to be brought to an end by an adjudication officer where the person to whom it was made, or where he is a member of a married or unmarried couple his partner, will be entitled to a jobseeker’s allowance if the award is brought to an end. Termination of awards.

(2) Regulations may make provision allowing, in prescribed circumstances, an award of a jobseeker’s allowance to be brought to an end by an adjudication officer where the person to whom it was made, or where he is a member of a married or unmarried couple his partner, will be entitled to income support if the award is brought to an end.

(3) In this section “partner” means the other member of the couple concerned.

32.—(1) In section 71 of the Administration Act (overpayments), after subsection (10) insert— Insolvency.

“(10A) Where—

(a) a jobseeker’s allowance is payable to a person from whom any amount is recoverable as mentioned in subsection (8) above; and

(b) that person is subject to a bankruptcy order,

a sum deducted from that benefit under that subsection shall not be treated as income of his for the purposes of the Insolvency Act 1986. 1986 c. 45.

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## (10B) Where—

(a) a jobseeker's allowance is payable to a person from whom any amount is recoverable as mentioned in subsection (8) above; and

(b) the estate of that person is sequestrated,

a sum deducted from that benefit under that subsection shall not be treated as income of his for the purposes of the Bankruptcy (Scotland) Act 1985.”

1985 c. 66.

(2) In section 78 of the Administration Act (recovery of social fund awards), after subsection (3) insert—

## “(3A) Where—

(a) a jobseeker's allowance is payable to a person from whom an award is recoverable under subsection (3) above; and

(b) that person is subject to a bankruptcy order,

a sum deducted from that benefit under subsection (2) above shall not be treated as income of his for the purposes of the Insolvency Act 1986.

1986 c. 45.

## (3B) Where—

(a) a jobseeker's allowance is payable to a person from whom an award is recoverable under subsection (3) above; and

(b) the estate of that person is sequestrated,

a sum deducted from that benefit under subsection (2) above shall not be treated as income of his for the purposes of the Bankruptcy (Scotland) Act 1985.”

Inspectors.

33.—(1) An inspector appointed under section 110 of the Administration Act (appointment and powers of inspectors) shall have power, for purposes of this Act—

(a) to enter at all reasonable times any premises liable to inspection under this section;

(b) to make such examination and inquiry there as may be necessary for ascertaining whether the provisions of this Act are being, or have been, complied with;

(c) to examine, either alone or (if he thinks fit) in the presence of any other person, in relation to any matters arising under this Act on which he may reasonably require information, any person whom he finds there;

(d) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) The premises liable to inspection under this section are any where an inspector has reasonable grounds for supposing that—

(a) one or more persons are employed;

(b) a trade or business is being carried on;

(c) a personal or occupational pension scheme is being administered; or

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(d) information relating to the carrying on of any trade or business is kept by the person carrying on that trade or business, but do not include a private dwelling-house unless the inspector has reasonable grounds for supposing that the dwelling-house is being used for the purposes of a trade or business.

(3) An inspector applying for admission to any premises, in the exercise of his powers under this section, shall produce his certificate of appointment if asked to do so.

(4) Where any premises—

(a) are liable to be inspected by an inspector or officer appointed or employed by another government department, or

(b) are under the control of another government department, the Secretary of State may make arrangements with that department for any of the powers or duties of inspectors under this section to be exercised or discharged by an inspector or officer employed by that department.

(5) A person to whom this subsection applies shall—

(a) furnish to an inspector all such information, and

(b) produce for his inspection all such documents,

as the inspector may reasonably require for purposes of this Act.

(6) Subsection (5) applies to—

(a) any licensing authority;

(b) any person carrying on an agency or other business for the introduction or supply to persons requiring them of persons available to do work or to perform services.

(7) Except where subsection (5) applies, subsections (6) and (7) of section 110 of the Administration Act (furnishing of information about contributions etc.) shall have effect as if this Act were among those mentioned in subsection (8) of that section.

(8) In the application of subsection (7) of section 110 in relation to this Act, the reference in paragraph (a) to section 110 of that Act shall be read as a reference to this section.

(9) No person shall be required under this section to answer any questions or to give evidence tending to incriminate himself, or in the case of a person who is married, his or her spouse.

(10) In this section—

“licensing authority” means a local authority acting in its capacity as an authority responsible for granting any licence; and

“local authority” means any of the following—

(i) a county council;

(ii) any county borough council;

(iii) any district council;

(iv) any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

(v) any London borough council;

(vi) the Common Council of the City of London;

(vii) the Council of the Isles of Scilly.

## PART III

(11) In this section, and in subsection (7) of section 110 of the Administration Act, as it applies in relation to this Act, “premises” includes any—

- (a) place;
- (b) movable structure or tent;
- (c) vehicle, vessel, aircraft or hovercraft;
- (d) installation which is an offshore installation for the purposes of the Mineral Workings (Offshore Installations) Act 1971.

1971 c. 61.

## Offences.

34.—(1) A person is guilty of an offence if, for the purpose of obtaining a jobseeker’s allowance (whether for himself or for some other person) or for any other purpose connected with this Act, he—

- (a) makes a statement or representation which he knows to be false; or
- (b) produces or furnishes, or knowingly causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular.

(2) A person is guilty of an offence if he—

- (a) intentionally delays or obstructs an inspector in the exercise of any power under section 33; or
- (b) refuses or neglects to answer any question or to furnish any information or to produce any document when required to do so under that section.

(3) Regulations under section 27 may provide for contravention of, or failure to comply with, any of their provisions to be an offence.

(4) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 3 months, or to both.

(5) A person guilty of an offence under subsection (2), or under any regulations made under section 27, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) A person who is convicted of an offence under subsection (2)(b)—

- (a) is guilty of a further offence if the refusal or neglect is continued by him after his conviction; and
- (b) shall be liable on summary conviction to a fine not exceeding £40 for each day on which it is continued.

(7) A person who is convicted of an offence of contravening or failing to comply with any regulations under section 27 (“the original offence”)—

- (a) is guilty of a further offence if the contravention or failure is continued by him after his conviction, and
- (b) shall be liable to a fine not exceeding £40 for each day on which the contravention or failure is continued,

if regulations provide for this subsection to apply in relation to the original offence.

PART III  
Interpretation.

35.—(1) In this Act—

- “adjudication officer” means an adjudication officer appointed under section 38 of the Administration Act;
- “the Administration Act” means the Social Security Administration Act 1992; 1992 c. 5.
- “applicable amount” means the applicable amount determined in accordance with regulations under section 4;
- “benefit year” has the meaning given by section 2(4);
- “the Benefits Act” means the Social Security Contributions and Benefits Act 1992; 1992 c. 4.
- “child” means a person under the age of 16;
- “claimant” means a person who claims a jobseeker’s allowance;
- “continental shelf operations” has the same meaning as in section 120 of the Benefits Act;
- “contribution-based conditions” means the conditions set out in section 2;
- “contribution-based jobseeker’s allowance” has the meaning given in section 1(4);
- “employed earner” has the meaning prescribed for the purposes of this Act;
- “employment”, except in section 7, has the meaning prescribed for the purposes of this Act;
- “entitled”, in relation to a jobseeker’s allowance, is to be construed in accordance with—
- (a) the provisions of this Act relating to entitlement; and
  - (b) sections 1 and 68 of the Administration Act;
- “family” means—
- (a) a married or unmarried couple;
  - (b) a married or unmarried couple and a member of the same household for whom one of them is, or both are, responsible and who is a child or a person of a prescribed description;
  - (c) except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a person of a prescribed description;
- “Great Britain” includes the territorial waters of the United Kingdom adjacent to Great Britain;
- “income-based conditions” means the conditions set out in section 3;
- “income-based jobseeker’s allowance” has the meaning given in section 1(4);
- “jobseeker’s agreement” has the meaning given by section 9(1);
- “jobseeking period” has the meaning prescribed for the purposes of this Act;
- “married couple” means a man and woman who are married to each other and are members of the same household;
- “occupational pension scheme” has the same meaning as it has in the Pension Schemes Act 1993 by virtue of section 1 of that Act; 1993 c. 48.

## PART III

“pensionable age” has the meaning prescribed for the purposes of this Act;

“pension payments” means—

(a) periodical payments made in relation to a person, under a personal pension scheme or, in connection with the coming to an end of an employment of his, under an occupational pension scheme or a public service pension scheme; and

(b) such other payments as may be prescribed;

“personal pension scheme” means—

1993 c. 48.

(a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;

1988 c. 1.

(b) a contract or trust scheme approved under Chapter III of Part XIV of the Income and Corporation Taxes Act 1988; and

(c) a personal pension scheme approved under Chapter IV of that Part of that Act;

“prescribed” means specified in or determined in accordance with regulations;

“public service pension scheme” has the same meaning as it has in the Pension Schemes Act 1993 by virtue of section 1 of that Act;

“regulations” means regulations made by the Secretary of State;

“tax year” means the 12 months beginning with 6th April in any year;

“trade dispute” means any dispute between employers and employees, or between employees and employees, which is connected with the employment or non-employment or the terms of employment or the conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises, or not;

“training” has the meaning prescribed for the purposes of this Act and, in relation to prescribed provisions of this Act, if regulations so provide, includes assistance to find training or employment, or to improve a person’s prospects of being employed, of such a kind as may be prescribed;

“unmarried couple” means a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;

“week” means a period of 7 days beginning with a Sunday or such other period of 7 days as may be prescribed;

“work” has the meaning prescribed for the purposes of this Act;

“year”, except in the expression “benefit year”, means a tax year.

(2) The expressions “capable of work”, “linked period”, “relevant education” and “remunerative work” are to be read with paragraphs 2, 3, 14 and 1 of Schedule 1.

(3) Subject to any regulations made for the purposes of this subsection, “earnings” is to be construed for the purposes of this Act in accordance with section 3 of the Benefits Act and paragraph 6 of Schedule 1 to this Act.

**PART III**  
Regulations and  
orders.

**36.—(1)** Any power under this Act to make regulations or orders, other than an order under section 9(13) or 19(10)(a), shall be exercisable by statutory instrument.

(2) Any such power may be exercised—

- (a) either in relation to all cases to which it extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
- (b) so as to make, as respects the cases in relation to which it is exercised—
  - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
  - (ii) the same provision for all cases in relation to which it is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act,
  - (iii) any such provision either unconditionally or subject to any specified condition.

(3) Where any such power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes.

(4) Any such power includes power—

- (a) to make such incidental, supplemental, consequential or transitional provision as appears to the Secretary of State to be expedient; and
- (b) to provide for a person to exercise a discretion in dealing with any matter.

(5) Any power to make regulations or an order for the purposes of any provision of this Act is without prejudice to any power to make regulations or an order for the purposes of any other provision.

**37.—(1)** Subsection (2) applies in relation to the following regulations (whether made alone or with other regulations)—

Parliamentary  
control.

- (a) regulations made under, or by virtue of, any provision of this Act other than—
  - (i) section 6, 7, 26, 29 or 40,
  - (ii) paragraph (b) of the definition of “pension payments” in section 35(1), or
  - (iii) paragraph 17 of Schedule 1,
 before the date on which jobseeker’s allowances first become payable;
- (b) the first regulations to be made under section 26;
- (c) regulations made under section 6, 7, 29, paragraph (b) of the definition of “pension payments” in section 35(1) or paragraph 17 of Schedule 1.

(2) No regulations to which this subsection applies shall be made unless a draft of the statutory instrument containing the regulations has been laid before Parliament and approved by a resolution of each House.

**PART III**

(3) Any other statutory instrument made under this Act, other than one made under section 41(2), shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**General financial arrangements.**

**38.**—(1) There shall be paid out of money provided by Parliament—

- (a) any sums paid by the Secretary of State by way of jobseeker's allowance; and
- (b) any expenditure incurred by the Secretary of State under or by virtue of this Act.

(2) The expenditure mentioned in subsection (1)(b) includes expenditure incurred in connection with any inquiry undertaken on behalf of the Secretary of State with a view to obtaining statistics relating to the operation of any provision of this Act relating to a jobseeker's allowance.

(3) There shall be paid out of the National Insurance Fund and into the Consolidated Fund sums estimated by the Secretary of State to balance payments made by him by way of contribution-based jobseeker's allowance.

(4) The Secretary of State shall pay into the National Insurance Fund sums estimated by him to balance sums recovered by him in connection with payments of contribution-based jobseeker's allowance.

(5) The Secretary of State shall pay into the National Insurance Fund sums estimated by him to be equal to the aggregate of the amounts deducted by employers in accordance with regulations under section 27.

(6) The Secretary of State shall pay into the Consolidated Fund sums estimated by him to balance sums recovered by him in connection with payments made by way of income-based jobseeker's allowance.

(7) Estimates under this section shall be made by the Secretary of State—

- (a) in any manner which, after consulting the Government Actuary or the Deputy Government Actuary, he considers appropriate and the Treasury has approved; and
- (b) at such times as he considers appropriate and the Treasury has approved.

(8) Payments which are required to be made by this section shall be made at such times and in such manner as the Secretary of State considers appropriate and the Treasury has approved.

**Provision for Northern Ireland. 1974 c. 28.**

**39.** An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of this Act—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Transitional provisions.**

**40.**—(1) The Secretary of State may by regulations make such transitional provision, consequential provision or savings as he considers necessary or expedient for the purposes of or in connection with—

## PART III

- (a) the coming into force of any provision of this Act; or
  - (b) the operation of any enactment repealed or amended by any such provision during any period when the repeal or amendment is not wholly in force.
- (2) Regulations under this section may in particular make provision—
- (a) for the termination or cancellation of awards of unemployment benefit or income support;
  - (b) for a person whose award of unemployment benefit or income support has been terminated or cancelled under regulations made by virtue of paragraph (a) to be treated as having been awarded a jobseeker's allowance (a "transitional allowance")—
    - (i) of such a kind,
    - (ii) for such period,
    - (iii) of such an amount, and
    - (iv) subject to such conditions,
 as may be determined in accordance with the regulations;
  - (c) for a person's continuing entitlement to a transitional allowance to be determined by reference to such provision as may be made by the regulations;
  - (d) for the termination of an award of a transitional allowance;
  - (e) for the review of an award of a transitional allowance;
  - (f) for a contribution-based jobseeker's allowance not to be payable for a prescribed period where a person is disqualified for receiving unemployment benefit;
  - (g) that days which were days of unemployment for the purposes of entitlement to unemployment benefit, and such other days as may be prescribed, are to be treated as having been days during which a person was, or would have been, entitled to a jobseeker's allowance;
  - (h) that days which were days of entitlement to unemployment benefit, and such other days as may be prescribed, are to be treated as having been days of entitlement to a contribution-based jobseeker's allowance;
  - (i) that the rate of a contribution-based transitional allowance is to be calculated by reference to the rate of unemployment benefit paid or payable.

41.—(1) This Act may be cited as the Jobseekers Act 1995.

Short title,  
commencement,  
extent etc.

(2) Section 39 and this section (apart from subsections (4) and (5)) come into force on the passing of this Act, but otherwise the provisions of this Act come into force on such day as the Secretary of State may by order appoint.

(3) Different days may be appointed for different purposes.

(4) Schedule 2 makes consequential amendments.

(5) The repeals set out in Schedule 3 shall have effect.

**PART III**

(6) Apart from this section, section 39 and paragraphs 11 to 16, 28, 67 and 68 of Schedule 2, this Act does not extend to Northern Ireland.

## SCHEDULES

### SCHEDULE 1

Section 21.

#### SUPPLEMENTARY PROVISIONS

##### *Remunerative work*

1.—(1) For the purposes of this Act, “remunerative work” has such meaning as may be prescribed.

(2) Regulations may prescribe circumstances in which, for the purposes of this Act—

- (a) a person who is not engaged in remunerative work is to be treated as engaged in remunerative work; or
- (b) a person who is engaged in remunerative work is to be treated as not engaged in remunerative work.

##### *Capacity for work*

2.—(1) The question whether a person is capable or incapable of work shall be determined, for the purposes of this Act, in accordance with the provisions of Part XIIIA of the Benefits Act.

(2) References in Part XIIIA of the Benefits Act to the purposes of that Act shall be construed, where those provisions have effect for the purposes of this Act by virtue of sub-paragraph (1), as references to the purposes of this Act.

(3) Section 171B of the Benefits Act (incapacity for work: the own occupation test) shall have effect, as applied by sub-paragraph (1) for the purposes of this Act, as if for the references in subsections (3) and (4)(a) to any purpose of the Benefits Act there were substituted references to any purpose of this Act.

##### *Linking periods*

3. Regulations may provide—

- (a) for jobseeking periods which are separated by not more than a prescribed number of weeks to be treated, for purposes of this Act, as one jobseeking period;
- (b) for prescribed periods (“linked periods”) to be linked, for purposes of this Act, to any jobseeking period.

##### *Waiting days*

4. Except in prescribed circumstances, a person is not entitled to a jobseeker’s allowance in respect of a prescribed number of days at the beginning of a jobseeking period.

##### *Periods of less than a week*

5. Regulations may make provision in relation to—

- (a) entitlement to a jobseeker’s allowance, or
  - (b) the amount payable by way of such an allowance,
- in respect of any period of less than a week.

## SCH. 1

*Employment protection sums*

6.—(1) In relation to any contribution-based jobseeker's allowance, regulations may make provision—

- (a) for any employment protection sum to be treated as earnings payable by such person, to such person and for such period as may be determined in accordance with the regulations; and
- (b) for any such period, so far as it is not a period of employment, to be treated as a period of employment.

(2) In this paragraph "employment protection sum" means—

1978 c. 44.

- (a) any sum, or a prescribed part of any sum—

- (i) payable, in respect of arrears of pay, under an order for reinstatement or re-engagement made under the Employment Protection (Consolidation) Act 1978;

- (ii) payable, by way of pay, under an order made under that Act for the continuation of a contract of employment;

1992 c. 52.

- (iii) payable, by way of remuneration, under a protective award made under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992; and

- (b) any prescribed sum which the regulations provide is to be treated as related to any sum within paragraph (a).

*Pension payments*

7. Regulations may make provision, for the purposes of any provision of, or made under, this Act—

- (a) for such sums by way of pension payments to be disregarded for prescribed purposes;
- (b) as to the week in which any pension payments are to be treated as having begun;
- (c) for treating, in a case where—
  - (i) a lump sum is paid to a person in connection with a former employment of his or arrangements are made for a lump sum to be so paid; or
  - (ii) benefits of any description are made available to a person in connection with a former employment of his or arrangements are made for them to be made so available; or
  - (iii) pension payments to a person are assigned, reduced or postponed or are made otherwise than weekly,
 such payments as being made to that person by way of weekly pension payments as are specified in or determined under the regulations;
- (d) for the method of determining whether pension payments are made to a person for any week and their amount.

*Exemptions*

8. Regulations may prescribe circumstances in which a person may be entitled to an income-based jobseeker's allowance without—

- (a) being available for employment;
- (b) having entered into a jobseeker's agreement; or
- (c) actively seeking employment.

## 9. Regulations may provide—

- (a) for an income-based jobseeker's allowance to which a person is entitled by virtue of regulations under paragraph 8 to be payable at a prescribed rate;
- (b) for it to be payable for a prescribed period.

*Claims yet to be determined and suspended payments*

10.—(1) In such circumstances as may be prescribed, a claimant may be treated as being entitled to an income-based jobseeker's allowance before his claim for a jobseeker's allowance has been determined.

(2) In such circumstances as may be prescribed, an income-based jobseeker's allowance shall be payable to a claimant even though payment to him of a jobseeker's allowance has been suspended by virtue of regulations under section 5(1)(n) of the Administration Act.

(3) A jobseeker's allowance shall be payable by virtue of sub-paragraph (1) or (2) only if the claimant has complied with such requirements as to the provision of information as may be prescribed for the purposes of this paragraph.

(4) Regulations may make provision for a jobseeker's allowance payable by virtue of sub-paragraph (1) or (2) to be—

- (a) payable at a prescribed rate;
- (b) payable for a prescribed period;
- (c) treated as being a contribution-based jobseeker's allowance for the purposes of section 5 of this Act.

(5) Regulations may make provision—

- (a) for the recovery, by prescribed means and in prescribed circumstances, of the whole or part of any amount paid by virtue of sub-paragraph (1) or (2);
- (b) for the whole or part of any amount paid by virtue of sub-paragraph (1) to be treated, if an award is made on the claim referred to there, as having been paid on account of the jobseeker's allowance awarded;
- (c) for the whole or part of any amount paid by virtue of sub-paragraph (2) to be treated, if the suspension referred to there is lifted, as having been paid on account of the suspended allowance.

*Presence in and absence from Great Britain*

11.—(1) Regulations may provide that in prescribed circumstances a claimant who is not in Great Britain may nevertheless be entitled to a contribution-based jobseeker's allowance.

(2) Regulations may make provision for the purposes of this Act as to the circumstances in which a person is to be treated as being or not being in Great Britain.

*Households*

12. Regulations may make provision for the purposes of this Act as to the circumstances in which persons are to be treated as being or not being members of the same household.

*Responsibility for another person*

13. Regulations may make provision for the purposes of this Act as to the circumstances in which one person is to be treated as responsible or not responsible for another.

## SCH. 1

*Relevant education*

14. Regulations may make provision for the purposes of this Act—
- (a) as to what is or is not to be treated as relevant education; and
  - (b) as to the circumstances in which a person is or is not to be treated as receiving relevant education.

*Calculation of periods*

15. Regulations may make provision for calculating periods for any purpose of this Act.

*Employment on ships etc.*

- 16.—(1) Regulations may modify any provision of this Act in its application to any person who is, has been, or is to be—

- (a) employed on board any ship, vessel, hovercraft or aircraft,
- (b) outside Great Britain at any prescribed time or in any prescribed circumstances, or
- (c) in prescribed employment in connection with continental shelf operations,

so far as that provision relates to a contribution-based jobseeker's allowance.

- (2) The regulations may in particular provide—

- (a) for any such provision to apply even though it would not otherwise apply;
- (b) for any such provision not to apply even though it would otherwise apply;
- (c) for the taking of evidence, in a country or territory outside Great Britain, by a British consular official or other prescribed person;
- (d) for enabling payment of the whole, or any part of a contribution-based jobseeker's allowance to be paid to such of the claimant's dependants as may be prescribed.

*Additional conditions*

17. Regulations may require additional conditions to be satisfied with respect to the payment of a jobseeker's allowance to any person who is, has been, or is to be, in employment which falls within a prescribed description.

*Benefits Act purposes*

18. Regulations may provide for—

- (a) a jobseeker's allowance;
- (b) a contribution-based jobseeker's allowance; or
- (c) an income-based jobseeker's allowance,

to be treated, for prescribed purposes of the Benefits Act, as a benefit, or a benefit of a prescribed description.

## SCHEDULE 2

Section 41(4).

## CONSEQUENTIAL AMENDMENTS

*The Social Work (Scotland) Act 1968 (c. 49)*

1. In section 78(2A) of the Social Work (Scotland) Act 1968 (relief from payment of contributions in respect of children subject to supervision requirements etc.), after “income support” insert “, an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995)”.

*The Employment Protection (Consolidation) Act 1978 (c. 44)*

2.—(1) Section 132 of the Employment Protection (Consolidation) Act 1978 (recoupment of certain benefits) is amended as follows.

(2) For “unemployment benefit”, in each case, substitute “jobseeker’s allowance”.

(3) In subsection (3)(e), after “recoupment of” insert “an income-based jobseeker’s allowance or of”.

(4) In subsection (4), after “reference to the” insert “jobseeker’s allowance or”.

(5) In subsection (6), in the appropriate place insert—

“ “income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;”.

*The Education Act 1980 (c. 20)*

3. In section 22(3) of the Education Act 1980 (school meals), after “income support” insert “or of an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995)” and for “it” substitute “that benefit”.

*The Magistrates’ Courts Act 1980 (c. 43)*

4. In Part I of Schedule 6 to the Magistrates’ Courts Act 1980 (fees to be taken by clerks to justices), in paragraph (a) of the Note at the end, after “1992” insert “or of an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995)”.

*The Education (Scotland) Act 1980 (c. 44)*

5. In section 53(3) of the Education (Scotland) Act 1980 (school meals), after “income support” insert “or of an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995)” and for “it” substitute “that benefit”.

*The Administration of Justice Act 1982 (c. 53)*

6. In section 10 of the Administration of Justice Act 1982 (assessment of damages for personal injuries), in paragraph (ii), for “unemployment benefit” substitute “contribution-based jobseeker’s allowance (payable under the Jobseekers Act 1995)”.

*The Transport Act 1982 (c. 49)*

7. In section 70(2)(b) of the Transport Act 1982 (payments in relation to exemption from wearing seat belts), after “income support” insert “or an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995)”.

*The Bankruptcy (Scotland) Act 1985 (c. 66)*

8. In section 31(8) of the Bankruptcy (Scotland) Act 1985 (definition of “whole estate of the debtor”), for “section 89(2)” substitute “sections 71(10B), 78(3B) and 89(2)”.

## SCH. 2

*The Legal Aid (Scotland) Act 1986 (c.47)*

9.—(1) The Legal Aid (Scotland) Act 1986 is amended as follows.

(2) In section 8(b) (availability of advice and assistance), after “income support” insert “, an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995)”.

(3) In section 11(2)(b) (contributions in respect of advice and assistance), after “income support” insert “, an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995)”.

*The Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47)*

10. Paragraph 7A of Schedule 2 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (recovery of outstanding community charge by deduction from income support) shall, so far as it continues to have effect by virtue of Article 2 of the Local Government Finance Act 1992 (Recovery of Community Charge) Saving Order 1993, apply as if there were inserted at the end—

“(3) This paragraph applies to a jobseeker’s allowance as it applies to income support.”

S.I. 1993/1780.

*The Income and Corporation Taxes Act 1988 (c. 1)*

11. The Income and Corporation Taxes Act 1988 is amended as follows.

12. After section 151, insert—

“Jobseeker’s allowance.

151A.—(1) Subject to the following provisions of this section, payments to any person of a jobseeker’s allowance in respect of any period shall be charged to income tax under Schedule E.

(2) Where the amount of a jobseeker’s allowance paid to any person in respect of any week or part of a week exceeds the taxable maximum for that period as defined below, the excess shall not be taxable.

(3) For the purposes of subsection (2) above, the taxable maximum in respect of a week shall be determined in accordance with subsections (4) to (8) below and the taxable maximum in respect of part of a week shall be equal to one-seventh of the taxable maximum in respect of a week multiplied by the number of days in the part.

(4) Where an income-based jobseeker’s allowance is paid to one of a married or unmarried couple, in a case which does not fall within subsection (8) below, the taxable maximum in respect of a week shall be equal to the portion of the applicable amount which is included in respect of them for that week.

(5) Where a contribution-based jobseeker’s allowance is paid to a person (“the claimant”) who is a member of a married or unmarried couple, the taxable maximum in respect of a week shall be equal to the portion of the applicable amount which would be included in respect of them if an income-based jobseeker’s allowance was payable to the claimant for that week.

(6) Where an income-based jobseeker’s allowance is paid to a person who is not a member of a married or unmarried couple, the taxable maximum in respect of a week shall be equal to the age-related amount which would be applicable to him if a contribution-based jobseeker’s allowance was payable to him for that week.

## SCH. 2

(7) Where a contribution-based jobseeker's allowance is paid to a person who is not a member of a married or unmarried couple, the taxable maximum in respect of a week shall be equal to the age-related amount which is applicable to him for that week.

(8) Where an income-based jobseeker's allowance is paid to a person ("the claimant") who is a member of a married or unmarried couple, the other member of which is prevented by section 14 of the Jobseekers Act 1995 (trade disputes) or any corresponding enactment in Northern Ireland from being entitled to a jobseeker's allowance, the taxable maximum in respect of a week shall be equal to half the portion of the applicable amount which is included in respect of them for that week.

(9) In this section—

"age-related amount" and "applicable amount" mean the amounts determined as such in accordance with regulations made under section 4 of the Jobseekers Act 1995 or, for Northern Ireland, regulations made under any corresponding enactment in Northern Ireland; and

"contribution-based jobseeker's allowance", "income-based jobseeker's allowance", "married couple" and "unmarried couple" have the same meanings as in the Jobseekers Act 1995 or, for Northern Ireland, the same meanings as in any corresponding enactment in Northern Ireland."

13. In section 152 (notification of amount taxable), in subsection (1), after "unemployment benefit" insert ", jobseeker's allowance".

14.—(1) Section 204 (PAYE repayments) is amended as follows.

(2) After paragraph (a) insert—

"(aa) he has claimed a jobseeker's allowance in respect of a period including that time; or".

(3) After paragraph (c) insert—

"or

(d) he is prevented at the time from being entitled to a jobseeker's allowance by section 14 of the Jobseekers Act 1995 (trade disputes) or any corresponding enactment in Northern Ireland or would be so prevented if he otherwise satisfied the conditions for entitlement;".

(4) After "paragraph (c)" insert "or (d)".

15.—(1) Section 347B (qualifying maintenance payments) is amended as follows.

(2) For subsection (12)(b) substitute—

"(b) under an order—

(i) made under section 106 of the Social Security Administration Act 1992 or section 101 of the Social Security Administration (Northern Ireland) Act 1992 (recovery of expenditure on benefit from person liable for maintenance) in respect of income support claimed by the other party to the marriage; or

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(ii) made by virtue of section 23 of the Jobseekers Act 1995 (recovery of sums in respect of maintenance), or any corresponding enactment in Northern Ireland, in respect of an income-based jobseeker's allowance claimed by the other party to the marriage.”.

(3) After subsection (12) insert—

“(13) In subsection (12) above, “income-based jobseeker's allowance” has the same meaning as in the Jobseekers Act 1995 or, for Northern Ireland, the same meaning as in any corresponding enactment in Northern Ireland.”

16. In section 617 (social security benefits and contributions), in subsection (2) insert after paragraph (aa)—

“(ab) payments of a jobseeker's allowance, other than payments which are taxable by virtue of section 151A;

(ac) payments of a back to work bonus;”.

*The Education Reform Act 1988 (c. 40)*

17. In section 110(3)(b) of the Education Reform Act 1988 (charges and remissions: parents receiving benefit), after “family credit” insert “or an income-based jobseeker's allowance (payable under the Jobseekers Act 1995)”.

*The Local Government Finance Act 1988 (c. 41)*

18. In paragraph 6 of Schedule 4 to the Local Government Finance Act 1988 (recovery of outstanding community charge by deduction from income support), insert at the end—

“(3) This paragraph applies to a jobseeker's allowance as it applies to income support.”

*The Children Act 1989 (c. 41)*

19.—(1) The Children Act 1989 is amended as follows.

(2) In section 17(9) (person receiving benefit not to be liable to repay assistance), add at the end “or of an income-based jobseeker's allowance”.

(3) In section 29(3) (person receiving benefit not to be liable to pay charges), add at the end “or of an income-based jobseeker's allowance”.

(4) In section 105 (interpretation), after the definition of “ill-treatment” insert—

““income-based jobseeker's allowance” has the same meaning as in the Jobseekers Act 1995;”.

(5) In paragraph 21(4) of Schedule 2 (person receiving benefit not to be liable to pay contributions), add at the end “or of an income-based jobseeker's allowance”.

*The Child Support Act 1991 (c. 48)*

20.—(1) The Child Support Act 1991 is amended as follows.

(2) In section 6(1) (applications by those receiving benefit), after “income support,” insert “an income-based jobseeker's allowance,”.

(3) In section 14(2) (use by Secretary of State of information acquired under other enactments), after “benefit Acts” insert “or the Jobseekers Act 1995”.

(4) In section 46(11) (definitions), in the definition of “relevant benefit”, after “income support,” insert “an income-based jobseeker's allowance,”.

(5) In section 47(3) (regulations about fees), after “income support,” insert “an income-based jobseeker’s allowance.”

(6) In section 54 (interpretation), after the definition of “income support” insert—

““income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;”.

(7) In paragraph 5(4) of Schedule 1 (assessable income), after “income support” insert “, an income-based jobseeker’s allowance”.

*The Criminal Justice Act 1991 (c. 53)*

21.—(1) Section 24 of the Criminal Justice Act 1991 (recovery of fines etc. by deductions from income support) is amended as follows.

(2) In subsection (1), before paragraph (a), after “income support” insert “or a jobseeker’s allowance”.

(3) In subsection (1)(a), for “income support” substitute “that benefit”.

(4) In subsection (2)(d), after “income support” insert “or a jobseeker’s allowance”.

*The Social Security Contributions and Benefits Act 1992 (c.4)*

22. In section 22 of the Benefits Act (earnings factors), in subsections (2)(a) and (5), after “entitlement to” insert, in each case, “a contribution-based jobseeker’s allowance or to”.

23. In section 61 of the Benefits Act (exclusion of increase of benefit for failure to satisfy contribution condition), for subsection (2) substitute—

“(2) Where a person is entitled to short-term incapacity benefit at a rate determined under section 30B(3) above and the retirement pension by reference to which the rate of the benefit is determined—

(a) would have been payable only by virtue of section 60 above, and

(b) would, in consequence of a failure to satisfy a contribution condition, have contained no basic pension,

the benefit shall not be increased under section 47(1) above or under Part IV below on account of a child or an adult”.

24. In section 82 of the Benefits Act (short-term benefit: increase for adult dependants), for subsection (2) substitute—

“(2) Subject, in particular, to subsection (5) and section 87 below, the weekly rate of a maternity allowance shall be increased by the amount specified in relation to that benefit in Schedule 4, Part IV, column (3) (“the amount of the relevant increase”) for any period to which this subsection applies by virtue of subsection (3) or (4) below.”

25. In section 84 of the Benefits Act (pension increase for dependent husband), for subsection (1)(a) substitute—

“(a) which began immediately on the termination of a period for which the pensioner was entitled to an increase in incapacity benefit by virtue of any provision of regulations under section 86A below prescribed for the purposes of this paragraph, and”.

26. In section 87 of the Benefits Act (rate of increase where associated retirement pension is attributable to reduced contributions), for subsection (1)(a) substitute—

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“(a) is entitled to short-term incapacity benefit under section 30A(2)(b) above; and”.

27. In section 91 of the Benefits Act (effect of trade disputes on entitlement to dependency increases), for subsection (2) substitute—

“(2) A person falls within this subsection if—

- (a) he is prevented from being entitled to a jobseeker’s allowance by section 14 of the Jobseekers Act 1995 (trade disputes); or
- (b) he would be so prevented if he were otherwise entitled to that benefit.”

28. In section 116 (application to Her Majesty’s forces), in subsection (2), for the words following “provide” substitute—

“, in the case of persons who are employed earners in respect of their membership of those forces, for reducing the rate of the contributions payable in respect of their employment and for determining—

- (a) the amounts payable on account of those contributions by the Secretary of State and the time and manner of payment, and
- (b) the deduction (if any) to be made on account of those contributions from the pay of those persons.”

29. In section 122(1) of the Benefits Act (interpretation of Parts I to VI of that Act), after the definition of “contract of service” insert—

““contribution-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;”

30.—(1) Section 124 of the Benefits Act (entitlement to income support) is amended as follows.

(2) For subsection (1)(a) substitute—

“(a) he is of or over the age of 16;”.

(3) Omit “and” at the end of subsection (1)(c).

(4) For subsection (1)(d) substitute—

“(d) except in such circumstances as may be prescribed, he is not receiving relevant education;”.

(5) In subsection (1), after paragraph (d) insert—

“(e) he falls within a prescribed category of person; and

(f) he is not entitled to a jobseeker’s allowance and, if he is a member of a married or unmarried couple, the other member of the couple is not entitled to an income-based jobseeker’s allowance.”

31. In section 126 of the Benefits Act (income support: trade disputes)—

(a) in subsection (1)(a), for “is disqualified under section 27 above for receiving unemployment benefit” substitute “is prevented from being entitled to a jobseeker’s allowance by section 14 of the Jobseekers Act 1995 (trade disputes)”; and

(b) in subsection (1)(b), for “disqualified” substitute “prevented”.

32. In section 127 of the Benefits Act (effect of return to work), for “disqualified for receiving unemployment benefit” substitute “prevented from being entitled to a jobseeker’s allowance”.

33. In section 128 of the Benefits Act (family credit), in subsection (4)(b), after “income support” insert “, an income-based jobseeker’s allowance”.

34. In section 129 of the Benefits Act (disability working allowance), in subsections (2)(a)(iii) and (7)(b), in each case after “income support” insert “, an income-based jobseeker’s allowance”.

35.—(1) Section 137 of the Benefits Act (interpretation of Part VII and supplementary provisions) is amended as follows.

(2) In subsection (1), after the definition of “family” insert—

““income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;”.

(3) In subsection (2), for paragraph (d) substitute—

“(d) as to circumstances in which a person is or is not to be treated as engaged or normally engaged in remunerative work;”.

36.—(1) Schedule 7 to the Benefits Act (industrial injuries benefits) is amended as follows.

(2) In paragraph 3(10), for “it has for the purposes of unemployment benefit” substitute “a jobseeking period and any period linked to such a period has for the purposes of the Jobseekers Act 1995.”.

(3) For paragraph 13(10) substitute—

“(10) “Day of interruption of employment” means a day which forms part of—

(a) a jobseeking period (as defined by the Jobseekers Act 1995), or

(b) a linked period (as defined by that Act).”.

37. In Schedule 13 to the Benefits Act (relationship of statutory maternity pay with benefits and other payments), for paragraph 1 substitute—

“1. Except as may be prescribed, a day which falls within the maternity pay period shall not be treated as a day of incapacity for work for the purposes of determining, for this Act, whether it forms part of a period of incapacity for work for the purposes of incapacity benefit.”.

*The Social Security Administration Act 1992 (c.5)*

38. In section 1 of the Administration Act (entitlement to benefit dependent on claim), in the definition of “benefit” in subsection (4), after “Benefits Act;” insert—

“(aa) a jobseeker’s allowance;”.

39. In section 5 of the Administration Act (claims and payments regulations), in subsection (2) after paragraph (a) insert—

“(aa) a jobseeker’s allowance;”.

40.—(1) Section 15A of the Administration Act (payment out of benefit of sums in respect of mortgage interest etc.) is amended as follows.

(2) In subsection (1) after “income support” insert (in each place) “or an income-based jobseeker’s allowance”.

(3) In the definition of “qualifying associate”, in subsection (4)—

(a) after “support” insert “or an income-based jobseeker’s allowance”; and

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(b) after "Act" insert "or (as the case may be) under the Jobseekers Act 1995,".

(4) In the definition of "relevant benefits" in subsection (4), after "Act;" insert—

"(aa) a jobseeker's allowance;".

41. In section 17(1) of the Administration Act (questions for adjudication by the Secretary of State), omit "and" at the end of paragraph (g) and after paragraph (h) insert—

"; and

(i) any question arising under section 27 of the Jobseekers Act 1995, or under any provision of regulations under that section, as to—

(i) whether a person is, or was, an employee or employer of another;

(ii) whether an employer is entitled to make any deduction from his contributions payments in accordance with regulations under section 27 of that Act;

(iii) whether a payment falls to be made to an employer in accordance with those regulations;

(iv) the amount that falls to be so deducted or paid; or

(v) whether two or more employers are, by virtue of regulations under section 27 of that Act, to be treated as one."

42.—(1) Section 20 of the Administration Act (claims and questions to be submitted to adjudication officer) is amended as follows.

(2) In subsection (1), omit "and" at the end of paragraph (b) and after paragraph (c) insert—

"; and

(d) any question whether a jobseeker's allowance is not payable to a person by virtue of section 19 of the Jobseekers Act 1995."

(3) In subsection (2), after "which", insert—

"—

(a) may be determined by an adjudication officer under section 9(6) or 10(5) of the Jobseekers Act 1995; or

(b)".

(4) In subsection (6), after paragraph (a) insert—

"(aa) a jobseeker's allowance;".

43. In section 25 of the Administration Act (review of decisions), in subsection (1)(e), for "25A(4) or (5) of the Contributions and Benefits Act" substitute "6(6) or 7(7) of the Jobseekers Act 1995".

44.—(1) In section 58 of the Administration Act (determination of questions and matters arising out of, or pending, reviews and appeals)—

(a) in subsection (1), after "Benefits Act" insert ", the Jobseekers Act 1995"; and

(b) in subsection (4), after "unemployment benefit" insert "or a jobseeker's allowance".

45. In section 61 of the Administration Act (supplementary matters relating to determinations), in subsection (4), after paragraph (a) insert—

“(aa) to a jobseeker’s allowance;”.

46. In section 68 of the Administration Act (restrictions on entitlement to benefit in certain cases of error), in the definition of “benefit” in subsection (4), after “Act;” insert—

“(aa) a jobseeker’s allowance;”.

47. In section 70 of the Administration Act (correction of errors and setting aside of decisions), in subsection (3), omit “or” at the end of paragraph (i) and after paragraph (j) insert—

“; or

(k) the Jobseekers Act 1995.”.

48. In section 71 of the Administration Act (recovery of overpayments), in subsection (11), after paragraph (a) insert—

“(aa) subject to section 71A below, a jobseeker’s allowance;”.

49.—(1) Section 73 of the Administration Act (adjustment of benefits) is amended as follows.

(2) In subsection (1)—

(a) after “Act” insert “, or a contribution-based jobseeker’s allowance;”, and

(b) for “its receipt” substitute “receipt of that benefit”.

(3) For subsection (4) substitute—

“(4) Regulations may provide for adjusting—

(a) benefit as defined in section 122 of the Contributions and Benefits Act; or

(b) a contribution-based jobseeker’s allowance,  
payable to or in respect of any person where there is payable in his case any such benefit as is described in subsection (5) below.”.

50. In section 74 (recovery and abatement of income support), in subsections (1), (2) and (3) after “support” insert, in each place, “or an income-based jobseeker’s allowance”.

51. In section 78 of the Administration Act (recovery of social fund awards), in subsection (6)(d), after “support” insert “or an income-based jobseeker’s allowance”.

52. In section 81(1) of the Administration Act (interpretation of Part IV), in the definition of “benefit” after “means” insert “a jobseeker’s allowance or,”.

53.—(1) Section 105 of the Administration Act (failure to maintain) is amended as follows.

(2) In subsection (1)(b), after “support” insert “or an income-based jobseeker’s allowance”.

(3) In subsection (3), at the beginning insert “Subject to subsection (4) below,”.

(4) After subsection (3) insert—

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“(4) For the purposes of this section, in its application to an income-based jobseeker’s allowance, a person is liable to maintain another if that other person is his or her spouse.”

54. In section 110 of the Administration Act (appointment and powers of inspectors), add at the end of subsection (9) “; but “relevant benefit” does not include a jobseeker’s allowance”.

55. In section 115 of the Administration Act (offences by bodies corporate), in subsection (1), after “Act” insert “, or under the Jobseekers Act 1995,”.

56.—(1) Section 116 of the Administration Act (legal proceedings) is amended as follows.

(2) In subsection (1), after “Act” insert “or the Jobseekers Act 1995”.

(3) In subsection (2)(a), after “council tax benefit” insert “, or for an offence under the Jobseekers Act 1995,”.

(4) In subsection (7)(a), after “this Act” insert “or the Jobseekers Act 1995”.

57. In section 117 of the Administration Act (questions arising in proceedings), in subsection (1)(a), after “Act” insert “or the Jobseekers Act 1995”.

58.—(1) Section 122 of the Administration Act (disclosure of information by Inland Revenue) is amended as follows.

(2) In subsection (1)(c)—

(a) after “Benefits Act” insert “, the Jobseekers Act 1995”; and

(b) for “to either of them” substitute “to any of those Acts”.

(3) In subsection (3)(b)—

(a) after “Benefits Act” insert “, the Jobseekers Act 1995”; and

(b) for “either of them” substitute “any of those Acts”.

59. In section 124 of the Administration Act (provisions relating to age, death and marriage), in subsection (1), after “applies;” insert—

“(aa) of the provisions of Parts I and II of the Jobseekers Act 1995;”.

60. In section 125 of the Administration Act (notifications of deaths), in subsection (1)—

(a) after “Benefits Act” insert “, the Jobseekers Act 1995”; and

(b) for “either of them” substitute “any of those Acts”.

61. In section 126 of the Administration Act (information to be provided by personal representatives in certain cases), in subsection (1), after “support” insert “, an income-based jobseeker’s allowance”.

62. In section 127 of the Administration Act (information for purposes of housing benefit), in subsections (1) and (2), after “Benefits Act” insert, in each case, “, the Jobseekers Act 1995”.

63. In section 128 of the Administration Act (information for purposes of council tax benefits), in subsection (1), after “Benefits Act” insert “, the Jobseekers Act 1995”.

64.—(1) Section 150 of the Administration Act (annual up-rating of benefits) is amended as follows.

(2) In subsection (1), after paragraph (j) insert—

“(k) specified in regulations under section 4(2) or (5) of the Jobseekers Act 1995;”.

(3) In subsection (7), after “Benefits Act” insert “or under the Jobseekers Act 1995;”.

65. In section 164(1) of the Administration Act (destination of repayments), after “Subject to” insert “section 38 of the Jobseekers Act 1995 and to”.

66.—(1) Section 166 of the Administration Act (financial review and report) is amended as follows.

(2) In subsection (1), for the words from “the 1975 Act” to the end substitute—

“—

- (a) the 1975 Act;
- (b) Parts I to VI of the Contributions and Benefits Act (except Part I of Schedule 8);
- (c) the provisions of the Jobseekers Act 1995 relating to a contribution-based jobseeker’s allowance; and
- (d) this Act so far as it relates to the provisions specified in paragraphs (b) and (c) above.”.

(3) In subsection (2), for the words from “Parts I” to the end substitute—

“—

- (a) Parts I to VI of the Contributions and Benefits Act (except Part I of Schedule 8);
- (b) the provisions of the Jobseekers Act 1995 relating to a contribution-based jobseeker’s allowance; and
- (c) this Act so far as it relates to the provisions specified in paragraphs (a) and (b) above.”.

67. In section 170 of the Administration Act (the Social Security Advisory Committee), in subsection (5)—

(a) in the definition of “the relevant enactments”, after “payments;” insert—

“(aa) the provisions of the Jobseekers Act 1995;” and

(b) in the definition of “the relevant Northern Ireland enactments”, after paragraph (a) insert—

“(aa) any provisions in Northern Ireland which correspond to provisions of the Jobseekers Act 1995; and”.

68.—(1) Section 177(5) of the Administration Act (co-ordination with Northern Ireland) is amended as follows.

(2) In paragraph (a), after “Benefits Act” insert “, the Jobseekers Act 1995”.

(3) In paragraph (b), after “Benefits Act” insert “, any enactment in Northern Ireland corresponding to the Jobseekers Act 1995”.

(4) After “income support;” insert—

“(ia) income-based jobseeker’s allowance;”.

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69.—(1) Section 178 of the Administration Act (reciprocal arrangements with Northern Ireland) is amended as follows.

(2) In subsection (1), after “Benefits Act” insert “, the Jobseekers Act 1995”.

(3) In subsection (2), after paragraph (a) insert—

“(aa) income-based jobseeker’s allowance;”.

(4) In subsection (3), after “this Act” insert (in each place) “, the Jobseekers Act 1995”.

70.—(1) Section 179 of the Administration Act (reciprocal agreements with countries outside the United Kingdom) is amended as follows.

(2) In subsection (3), after “this Act” insert “, the Jobseekers Act 1995”.

(3) In subsection (4), after “Benefits Act;” insert—

“(aa) to the Jobseekers Act 1995;”.

(4) In subsection (5), after paragraph (a) insert—

“(aa) jobseeker’s allowance;”.

71. In section 180 of the Administration Act (payment of travelling expenses by Secretary of State), after “Benefits Act” (in both places) insert “, the Jobseekers Act 1995”.

72. In section 187 of the Administration Act (certain benefit to be inalienable), in subsection (1), after paragraph (a) insert—

“(aa) a jobseeker’s allowance;”.

73.—(1) Section 191 of the Administration Act (interpretation) is amended as follows.

(2) In the definition of “benefit”, after “Act” insert “and includes a jobseeker’s allowance”.

(3) After the definition of “the Consequential Provisions Act” insert—

““contribution-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;”.

(4) After the definition of “housing benefit scheme” insert—

““income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;”.

74. In Schedule 4 to the Administration Act (persons employed in social security administration or adjudication), in paragraph 2 of Part II, after “relate to” insert “a jobseeker’s allowance or to”.

*The Local Government Finance Act 1992 (c.14)*

75.—(1) Paragraph 6 of Schedule 4 to the Local Government Finance Act 1992 (deductions from income support) is amended as follows.

(2) In sub-paragraph (1)—

(a) after first “income support” insert “or a jobseeker’s allowance”;

(b) omit “within the meaning of the Social Security Contributions and Benefits Act 1992”; and

(c) in paragraph (a), for “income support” substitute “that benefit”.

(3) In sub-paragraph (2)(b) after “income support” insert “or a jobseeker’s allowance”.

76.—(1) Paragraph 6 of Schedule 8 to the Local Government Finance Act 1992 (enforcement in Scotland) is amended as follows.

(2) In sub-paragraph (1)—

- (a) after first “income support” insert “or a jobseeker’s allowance”;
- (b) omit “within the meaning of the Social Security Contributions and Benefits Act 1992”; and
- (c) in paragraph (a), for “income support” substitute “that benefit”.

(3) In sub-paragraph (2)(b) after “income support” insert “or a jobseeker’s allowance”.

SCHEDULE 3

Section 41(5).

REPEALS

Chapter	Short title	Extent of repeal
1976 c. 71.	Supplementary Benefits Act 1976.	Section 30. Schedule 5.
1991 c. 53.	Criminal Justice Act 1991.	In section 24(4), in the definition of “income support”, the words “unemployment, or”.
1992 c. 4.	Social Security Contributions and Benefits Act 1992.	In section 20, subsection (1)(a) and in the definition of “short-term benefit”, in subsection (2), paragraph (a). In section 21(2), in the Table relating to short-term benefits, the entry relating to unemployment benefit. Section 25. Section 25A. Section 25B. Section 26. Section 27. Section 28. Section 29. Section 30. Section 80(2)(a). Section 82(1). In section 124, the word “and”, at the end of subsection (1)(c) and subsections (2) and (3). Section 125. In section 163(1), the definition of “period of interruption of employment”. In Schedule 3, paragraph 1. In Schedule 4, paragraph 1 of Part I and paragraph 1 of Part IV.

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Chapter	Short title	Extent of repeal
1992 c. 5.	Social Security Administration Act 1992.	In Schedule 11, in paragraph 2(g), the words “, within the meaning of section 27 above,”. In Schedule 12, in paragraph 1, the words “a period of interruption of employment for the purposes of unemployment benefit or”.
1992 c. 14.	Local Government Finance Act 1992.	In section 17(1)(g), the word “and” at the end. In section 20(1)(b), the word “and” at the end. In section 70(3)(i), the word “or”. In section 71(11)(b), the words “subject to section 72 below”. Section 72.
1994 c. 18.	Social Security (Incapacity for Work) Act 1994.	In paragraph 6(1) of Schedule 4, the words “within the meaning of the Social Security Contributions and Benefits Act 1992.”. In paragraph 6(1) of Schedule 8, the words “within the meaning of the Social Security Contributions and Benefits Act 1992.”.
		In Schedule 1, paragraphs 4, 5, 6, 19, 21, 24(2) and (3), 30, 35, 36, 37, subparagraph (b) of paragraph 39, 41(3), 45(2) and 47.

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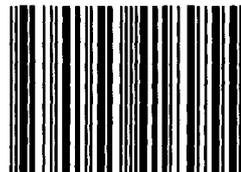
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