

*Status: Point in time view as at 08/09/1998.*

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## SCHEDULES

VALID FROM 12/11/2009

### SCHEDULE A1

Section 17C

#### PERSONS DEPENDENT ON DRUGS ETC.

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### SCHEDULE 1

Section 21.

#### SUPPLEMENTARY PROVISIONS

##### Commencement Information

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

##### *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 XIIA of the Benefits Act.
- (2) References in Part XIIA 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

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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.

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

C1 Sch. 1 para. 4 excluded (7.10.1996) by S.I. 1996/207, reg. 46(1)

*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.

*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—
- (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 [<sup>F1</sup>the Employment Rights Act 1996];
    - (ii) payable, by way of pay, under an order made under that Act for the continuation of a contract of employment;
    - (iii) payable, by way of remuneration, under a protective award made under section 189 of the <sup>M1</sup>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).

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#### Textual Amendments

**F1** Words in [Sch. 1 para. 6\(2\)\(a\)\(i\)](#) substituted (22.8.1996) by [1996 c. 18, s. 240, Sch. 1 para. 67\(3\)](#)

#### Marginal Citations

**M1** [1992 c. 52.](#)

#### *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.

VALID FROM 19/03/2001

- [<sup>F2</sup>8A (1) Regulations may prescribe circumstances in which a joint-claim couple may be entitled to a joint-claim jobseeker's allowance without each member of the couple satisfying all the conditions referred to in section 1(2B)(b).
- (2) Regulations may prescribe circumstances in which, and a period for which, a transitional case couple may be entitled to a joint-claim jobseeker's allowance without having jointly made a claim for it.
  - (3) In sub-paragraph (2)—

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- (a) “a transitional case couple” means a joint-claim couple a member of which is entitled to an income-based jobseeker’s allowance on the coming into force of Schedule 7 to the Welfare Reform and Pensions Act 1999; and
- (b) “period” shall be construed in accordance with section 3(3).]

#### Textual Amendments

**F2** Sch. 1 para. 8A inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(2)**; S.I. 2000/2958, **art. 2(2)**

VALID FROM 19/01/2012

- [<sup>F3</sup>8B (1) This paragraph applies if domestic violence has been inflicted on or threatened against a person (“V”) in prescribed circumstances.
- (2) The Secretary of State must exercise the powers to make regulations under sections 6(4) and 7(4) so as to secure that, for an exempt period, V is treated as—
- (a) being available for employment; and
  - (b) actively seeking employment.
- (3) If V has not entered into a jobseeker's agreement before the exempt period begins, the Secretary of State must also exercise the power to make regulations under section 9(10) so as to secure that V is treated as having entered into a jobseeker's agreement which is in force for the exempt period.
- (4) In this paragraph—
- “domestic violence” has such meaning as may be prescribed;
  - “exempt period” means a period of 13 weeks beginning no later than a prescribed period after the date (or last date) on which the domestic violence was inflicted or threatened.
- (5) Regulations may make provision for the purposes of this paragraph prescribing circumstances in which domestic violence is, or is not, to be regarded as being inflicted on or threatened against a person.]

#### Textual Amendments

**F3** Sch. 1 para. 8B inserted (19.1.2012) by Welfare Reform Act 2009 (c. 24), **ss. 29(1), 61(3)**; S.I. 2012/68, **art. 2**

- 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.

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VALID FROM 19/03/2001

*F<sup>4</sup> Continuity of claims and awards: persons ceasing to be a joint-claim couple*

**Textual Amendments**

**F4** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 16(4); S.I. 2000/2958, art. 2(2)

- F<sup>5</sup>9A** (1) Regulations may make provision about the entitlement to a jobseeker's allowance of persons ("ex-members") who cease to be members of a joint-claim couple.
- (2) Regulations under this paragraph may, in particular, provide—
- (a) for treating each or either of the ex-members as having made any claim made by the couple or, alternatively, for any such claim to lapse;
  - (b) for any award made in respect of the couple to be replaced by an award (a "replacement award") in respect of each or either of the ex-members of the couple or, alternatively, for any such award to lapse.]

**Textual Amendments**

**F5** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 16(4); S.I. 2000/2958, art. 2(2)

VALID FROM 19/03/2001

*F<sup>6</sup> Continuity of claims and awards: persons again becoming a joint-claim couple*

**Textual Amendments**

**F6** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 16(4); S.I. 2000/2958, art. 2(2)

- F<sup>7</sup>9B** (1) Regulations may make provision about the entitlement to a jobseeker's allowance of persons ("ex-members") who, having ceased to be members of a joint-claim couple, again become the members of a joint-claim couple.
- (2) Regulations under this paragraph may, in particular, provide—
- (a) for any claim made by the ex-members when they were previously a joint-claim couple to be revived or otherwise given effect as a claim made by the couple;
  - (b) for any award made in respect of the ex-members when they were previously a joint-claim couple to be restored;
  - (c) for any such award, or any replacement award (within the meaning of paragraph 9A) made in respect of either of them, to be replaced by an award (a "new award") in respect of the couple.

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#### Textual Amendments

- F7** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(4)**; S.I. 2000/2958, **art. 2(2)**

VALID FROM 19/03/2001

*F8 Continuity of claims and awards: couple becoming a joint-claim couple*

#### Textual Amendments

- F8** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(4)**; S.I. 2000/2958, **art. 2(2)**

- F9**9C (1) Regulations may make provision about the entitlement to a jobseeker's allowance of persons who become members of a joint-claim couple as a result of the married or unmarried couple of which they are members becoming a joint-claim couple.
- (2) Regulations under this paragraph may, in particular, provide—
- (a) for any claim made by either member of the couple before the couple became a joint-claim couple to be given effect as a claim made by the couple;
  - (b) for any award, or any replacement award (within the meaning of paragraph 9A), made in respect of either member of the couple before the couple became a joint-claim couple to be replaced by an award (a “new award”) in respect of the couple.

#### Textual Amendments

- F9** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(4)**; S.I. 2000/2958, **art. 2(2)**

VALID FROM 19/03/2001

*F10 Paragraphs 9A to 9C: supplementary*

#### Textual Amendments

- F10** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, **Sch. 7 para. 16(4)**; S.I. 2000/2958, **art. 2(2)**

- F11**9D (1) Regulations may provide, in relation to any replacement award (within the meaning of paragraph 9A) or new award (within the meaning of paragraph 9B or 9C)—
- (a) for the award to be of an amount determined in a prescribed manner;

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(b) for entitlement to the award to be subject to compliance with prescribed requirements as to the provision of information and evidence.

(2) In paragraphs 9A to 9C and this paragraph—

“award” means an award of a jobseeker’s allowance;

“claim” means a claim for a jobseeker’s allowance.

#### **Textual Amendments**

**F11** Sch. 1 paras. 9A-9D and cross-headings inserted (19.3.2001) by 1999 c. 30, s. 59, Sch. 7 para. 16(4); S.I. 2000/2958, art. 2(2)

#### *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.

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

**C2** S. 10(2) amended (*temp.*) by 1998 c. 14, ss. 83, 87(2), Sch. 6 para. 5(2)

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*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.

*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.

VALID FROM 10/06/2012

- [<sup>F12</sup>14AA For any purpose of this Act regulations may provide for—
- (a) circumstances in which a person is to be treated as having or not having a good reason for an act or omission;
  - (b) matters which are or are not to be taken into account in determining whether a person has a good reason for an act or omission.]

**Textual Amendments**

**F12** Sch. 1 para. 14AA inserted (10.6.2012 for specified purposes otherwise 22.10.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 46(3)(b)**, 150(3); S.I. 2012/1246, **art. 2(3)(c)(ii)** (as that S.I. is amended by S.I. 2012/2530, **art. 2(7)**); S.I. 2012/2530, **art. 2(2)(b)**

*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,



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- (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.

VALID FROM 12/01/2010

#### *<sup>F13</sup>Treatment of information supplied as information relating to social security*

##### **Textual Amendments**

**F13** Sch. 1 para. 19 and cross-heading inserted (12.1.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), ss. [34\(3\)](#), [61\(2\)](#)

- 19 Information supplied in pursuance of any provision made by or under this Act [<sup>F14</sup>(other than paragraph 8 of Schedule A1)] shall be taken for all purposes to be information relating to social security.]

##### **Textual Amendments**

**F14** Words in Sch. 1 para. 19 inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), ss. [11](#), [61\(1\)](#), [Sch. 3 para. 3\(4\)](#)

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## 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)*

F15<sup>2</sup> .....

#### **Textual Amendments**

**F15** Sch. 2 para. 2 repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, Sch. 3 Pt. I (with s. 38)

#### *The Education Act 1980 (c. 20)*

F16<sup>3</sup> .....

#### **Textual Amendments**

**F16** Sch. 2 para. 3 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), Sch. 38 Pt. I (with savings in ss. 1(4), 582(3), Sch. 39 Pt. I paras. 5, 6, 8, 30)

#### *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).”

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*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). ”

*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 <sup>M2</sup>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.”

**Marginal Citations**

M2 [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—

**“151A Jobseeker’s allowance.**

- (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.

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- (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.
- (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."

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- 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
- (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)*

*Status: Point in time view as at 08/09/1998.*

*Changes to legislation: Jobseekers Act 1995 is up to date with all changes known to be in force on or before 28 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

**F17** Sch. 2 para. 17 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), Sch. 38 Pt. I (with savings in ss. 1(4), 582(3), Sch. 39 Pt. I paras. 5, 6, 8)

*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,”.

<sup>F18</sup>(3) .....

(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;”.

*Status: Point in time view as at 08/09/1998.*

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

#### Textual Amendments

**F18** Sch. 2 para. 20(3) repealed (8.9.1998) by 1998 c. 14, s. 86(2), Sch. 8; S.I. 1998/2209, art. 2(a), Sch. Pt. I

#### *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

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- 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—  
 “(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.”

#### **Commencement Information**

- I2** Sch. 2 para. 30 wholly in force at 7.10.1996; Sch. 2 para. 30 not in force at Royal Assent, see s. 41(2); Sch. 2 para. 30(5) in force (12.12.1995) for the purpose of authorising the making of regulations by S.I.



*Status: Point in time view as at 08/09/1998.*

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1995/3228, art. 2(b), Sch.; Sch. 2 para. 30 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, art. 2(b)

- 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.”.

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*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
- (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.”

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- (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 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
- (l) 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”.

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(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”.

F1952 .....

**Textual Amendments**  
F19 Sch. 2 para. 52 repealed (6.10.1997) by 1997 c. 27, s. 33(2), Sch. 4 (with savings in ss. 1, 2, 28); S.I. 1997/2085, art. 2(2)

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—

“(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.”

F2054 .....

**Textual Amendments**  
F20 Sch. 2 para. 54 repealed (6.10.1997) by 1997 c. 27, s. 33(2), Sch. 4 (with savings in ss. 1, 2, 28); S.I. 1997/2085, art. 2(2) and expressed to be repealed (2.4.2001) by 2000 c. 19, s. 85, Sch. 9 Pt. VI (with s. 83(6)); S.I. 2001/1252, art. 2(1)(e)

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,”.

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(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”.

F21 58 .....

**Textual Amendments**

**F21** Sch. 2 para. 58 repealed (1.7.1997) by 1997 c. 47, s. 22, Sch. 2; S.I. 1997/1577, art. 2, Sch.

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”.

F22 62 .....

**Textual Amendments**

**F22** Sch. 2 para. 62 repealed (1.7.1997) by 1997 c. 47, s. 22, Sch. 2; S.I. 1997/1577, art. 2, Sch.

F23 63 .....

**Textual Amendments**

**F23** Sch. 2 para. 63 repealed (1.7.1997) by 1997 c. 47, s. 22, Sch. 2; S.I. 1997/1577, art. 2, Sch.

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—

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“—

- (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;”.

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—

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“(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 ”.

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## SCHEDULE 3

Section 41(5).

## REPEALS

**Commencement Information**

**I3** Sch. 3 wholly in force at 7.10.1996; Sch. 3 not in force at Royal Assent, see s. 41(2); the repeals in Sch. 3 relating to 1976 c. 71 in force (1.4.1996) by S.I. 1995/3228, art. 2(f); Sch. 3 in force (7.10.1996) in so far as not already in force by S.I. 1996/2208, art. 2(b)

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.



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		<p>In section 163(1), the definition of “period of interruption of employment”.</p> <p>In Schedule 3, paragraph 1.</p> <p>In Schedule 4, paragraph 1 of Part I and paragraph 1 of Part IV.</p> <p>In Schedule 11, in paragraph 2(g), the words “, within the meaning of section 27 above,”.</p> <p>In Schedule 12, in paragraph 1, the words “a period of interruption of employment for the purposes of unemployment benefit or”.</p>
1992 c. 5.	Social Security Administration Act 1992.	<p>In section 17(1)(g), the word “and” at the end.</p> <p>In section 20(1)(b), the word “and” at the end.</p> <p>In section 70(3)(i), the word “or”.</p> <p>In section 71(11)(b), the words “subject to section 72 below”.</p> <p>Section 72.</p>
1992 c. 14.	Local Government Finance Act 1992.	<p>In paragraph 6(1) of Schedule 4, the words “within the meaning of the Social Security Contributions and Benefits Act 1992.”.</p> <p>In paragraph 6(1) of Schedule 8, the words “within the meaning of the Social Security Contributions and Benefits Act 1992.”.</p>
1994 c. 18.	Social Security (Incapacity for Work) Act 1994.	<p>In Schedule 1, paragraphs 4, 5, 6, 19, 21, 24(2) and (3), 30, 35, 36, 37, sub-paragraph (b) of paragraph 39, 41(3), 45(2) and 47.</p>

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**Status:**

Point in time view as at 08/09/1998.

**Changes to legislation:**

Jobseekers Act 1995 is up to date with all changes known to be in force on or before 28 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.