

SCHEDULES

SCHEDULE 7

Section 59.

JOINT CLAIMS FOR JOBSEEKER’S ALLOWANCE

Jobseekers Act 1995 (c. 18)

- 1 The Jobseekers Act 1995 has effect subject to the following amendments.
- 2 (1) Section 1 (entitlement to jobseeker’s allowance) is amended as follows.
- (2) In subsection (2) (conditions of entitlement), for paragraph (d) (claimant must satisfy conditions set out in section 2 or 3) substitute—
- “(d) satisfies the conditions set out in section 2;”.
- (3) After subsection (2) insert—
- “(2A) Subject to the provisions of this Act, a claimant who is not a member of a joint-claim couple is entitled to a jobseeker’s allowance if he satisfies—
- (a) the conditions set out in paragraphs (a) to (c) and (e) to (i) of subsection (2); and
- (b) the conditions set out in section 3.
- (2B) Subject to the provisions of this Act, a joint-claim couple are entitled to a jobseeker’s allowance if—
- (a) a claim for the allowance is made jointly by the couple;
- (b) each member of the couple satisfies the conditions set out in paragraphs (a) to (c) and (e) to (i) of subsection (2); and
- (c) the conditions set out in section 3A are satisfied in relation to the couple.
- (2C) Regulations may prescribe circumstances in which subsection (2A) is to apply to a claimant who is a member of a joint-claim couple.
- (2D) Regulations may, in respect of cases where a person would (but for the regulations) be a member of two or more joint-claim couples, make provision for only one of those couples to be a joint-claim couple; and the provision which may be so made includes provision for the couple which is to be the joint-claim couple to be nominated—
- (a) by the persons who are the members of the couples, or
- (b) in default of one of the couples being so nominated, by the Secretary of State.”
- (4) In subsection (4)—
- (a) in the definition of “an income-based jobseeker’s allowance”, at the end insert “or a joint-claim jobseeker’s allowance;” and
- (b) after that definition insert—

Status: This is the original version (as it was originally enacted).

““a joint-claim couple” means a married or unmarried couple who—

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

“a joint-claim jobseeker’s allowance” means a jobseeker’s allowance entitlement to which arises by virtue of subsection (2B).”

3 In section 2(1) (the contribution-based conditions), for “section 1(2)(d)(i)” substitute “section 1(2)(d)”.

4 (1) In subsection (1) of section 3 (the income-based conditions), for “section 1(2)(d)(ii)” substitute “section 1(2A)(b)”.

(2) After that section insert—

“3A The conditions for claims by joint-claim couples

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

- (a) that the income of the joint-claim couple does not exceed the applicable amount (determined in accordance with regulations under section 4) or the couple have no income;
- (b) that no member of a family of which the couple are members is entitled to income support;
- (c) that no member of any such family (other than the couple) is entitled to an income-based jobseeker’s allowance;
- (d) that at least one member of the couple has reached the age of 18; and
- (e) that if only one member of the couple has reached the age of 18, the other member of the couple is a person—
 - (i) in respect of whom a direction under section 16 is in force; or
 - (ii) who has, in prescribed circumstances to be taken into account for a prescribed period, reached the age of 16.

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

(3) In subsection (1)(e)(ii) above “period” shall be construed in accordance with section 3(3).

3B Joint-claim couples: the nominated member

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

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

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

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

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

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

5 (1) Section 4 (amount of jobseeker’s allowance) is amended as follows.

(2) In subsection (3) (amount payable in respect of an income-based jobseeker’s allowance), after “allowance” insert “(other than a joint-claim jobseeker’s allowance)”.

(3) After subsection (3) insert—

“(3A) In the case of a joint-claim jobseeker’s allowance, the amount payable in respect of a joint-claim couple shall be—

- (a) if the couple have no income, the applicable amount;
- (b) if the couple have an income, the amount by which the applicable amount exceeds the couple’s income.”

(4) After subsection (11) insert—

“(11A) In subsections (6) to (11) “claimant” does not include—

- (a) a joint-claim couple, or
- (b) a member of such a couple (other than a person to whom regulations under section 1(2C) apply);

but section 4A, which contains corresponding provisions relating to joint-claim couples, applies instead.”

6 After section 4 insert—

“4A Amount payable in respect of joint-claim couple

(1) This section applies where—

- (a) a joint-claim couple are entitled to a joint-claim jobseeker’s allowance, and
- (b) one or each of the members of the couple is in addition entitled to a contribution-based jobseeker’s allowance;

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

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

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

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

- (3) Where the amount payable in accordance with subsection (2) is the applicable amount, the amount payable in respect of the couple by way of a jobseeker's allowance shall be taken to consist of two elements—
- (a) one being an amount equal to the couple's personal rate; and
 - (b) the other being an amount equal to the excess of the applicable amount over the couple's personal rate.
- (4) Where the amount payable in accordance with subsection (2) is the couple's personal rate, then—
- (a) if each member of the couple is entitled to a contribution-based jobseeker's allowance, an amount equal to the member's own personal rate shall be payable in respect of the member by way of such an allowance;
 - (b) if only one of them is so entitled, an amount equal to that member's personal rate shall be payable in respect of the member by way of such an allowance;
- and in either case nothing shall be payable in respect of the couple by way of a joint-claim jobseeker's allowance.
- (5) If a joint-claim couple falling within subsection (1) have an income, the amount payable in respect of the couple by way of a jobseeker's allowance shall be—
- (a) the amount by which the applicable amount exceeds the couple's income, if the amount of that excess is greater than the couple's personal rate; and
 - (b) the couple's personal rate, if it is not.
- (6) Where the amount payable in accordance with subsection (5) is the amount by which the applicable amount exceeds the couple's income, the amount payable in respect of the couple by way of a jobseeker's allowance shall be taken to consist of two elements—
- (a) one being an amount equal to the couple's personal rate; and
 - (b) the other being an amount equal to the amount by which the difference between the applicable amount and the couple's income exceeds the couple's personal rate.
- (7) Where the amount payable in accordance with subsection (5) is the couple's personal rate, subsection (4) shall apply as it applies in a case where the amount payable in accordance with subsection (2) is that rate.
- (8) The element of a jobseeker's allowance mentioned in subsection (3)(a) and that mentioned in subsection (6)(a) shall be treated, for the purpose of identifying the source of the allowance, as attributable—
- (a) in a case where only one member of the joint-claim couple is entitled to a contribution-based jobseeker's allowance, to that member's entitlement to such an allowance; and
 - (b) in a case where each member of the couple is entitled to a contribution-based jobseeker's allowance, rateably according to their individual entitlements to such an allowance.
- (9) The element of a jobseeker's allowance mentioned in subsection (3)(b) and that mentioned in subsection (6)(b) shall be treated, for the purpose

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

of identifying the source of the allowance, as attributable to the couple’s entitlement to a joint-claim jobseeker’s allowance.

- (10) In this section “the couple’s personal rate”, in relation to a joint-claim couple, means—
- (a) where only one member of the couple is entitled to a contribution-based jobseeker’s allowance, that member’s personal rate;
 - (b) where each member of the couple is entitled to such an allowance, the aggregate of their personal rates.”

7 (1) Section 8 (power to make regulations requiring attendance etc.) is amended as follows.

(2) In subsection (1), after “claimant” insert “(other than a joint-claim couple claiming a joint-claim jobseeker’s allowance)”.

(3) After subsection (1) insert—

“(1A) Regulations may make provision—

- (a) for requiring each member of a joint-claim couple claiming a joint-claim jobseeker’s allowance to attend at such place and such time as the Secretary of State may specify;
- (b) for requiring a member of such a couple to provide information and such evidence as may be prescribed as to his circumstances, his availability for employment and the extent to which he is actively seeking employment;
- (c) for requiring such a couple to jointly provide information and such evidence as may be prescribed as to the circumstances of each or either member of the couple, the availability for employment of each or either member of the couple and the extent to which each or either member of the couple is actively seeking employment;
- (d) where any requirement to provide information or evidence is imposed on such a couple by virtue of paragraph (c), for the joint obligation of the couple to be capable of being discharged by the provision of the information or evidence by one member of the couple.”

(4) In subsection (2), after “Regulations under subsection (1)” insert “or (1A)”.

(5) In subsection (2)(a) (cases where entitlement to allowance may cease on account of non-compliance), after “in the case of a claimant who” insert “, or (as the case may be) a joint-claim couple claiming a joint-claim jobseeker’s allowance a member of which,”.

(6) In subsection (2)(b) (cases where entitlement to allowance may cease by reference to the time expired since the claimant’s last attendance)—

- (a) after “he” insert “or, as the case may be, a member of the joint-claim couple”; and
- (b) after “subsection (1)(a)” insert “or (1A)(a)”.

(7) For paragraph (c) of subsection (2) (provision for entitlement not to cease where good cause shown) substitute—

- “(c) provide for entitlement not to cease if the claimant or (as the case may be) either member of the joint-claim couple shows, within a

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

prescribed period of the failure to comply on the part of the claimant or (as the case may be) a member of the couple, that the claimant or (as the case may be) the defaulting member of the couple had good cause for that failure; and”.

8 In section 9(12) (jobseeker’s agreement ends when allowance ends), at the end insert “or to a joint-claim couple of which he is a member.”

9 (1) Section 13 (income and capital for the purposes of an income-based allowance) is amended as follows.

(2) After subsection (2) insert—

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

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

- (a) the couple’s income and capital includes the separate income and capital of each of them; and
- (b) the income and capital of any other person who is a member of any family of which the couple are members shall, except in prescribed circumstances, be treated as income and capital of the couple.”

(3) In subsection (3) (treating capital as income), after “subsection (1)” insert “or (2A)”.

10 After section 15 (effect on family of one member being involved in a trade dispute) insert—

“15A Trade disputes: joint-claim couples

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

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

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

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

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

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

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

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

- (a) references to the claimant are to be taken as references to the couple;
 - (b) references to “A” are to the person mentioned in subsection (4)(a) or (b) above;
 - (c) section 15(2)(b) has effect as if for “where the claimant and A are a married or unmarried couple,” there were substituted “where A is a member of the couple,”; and
 - (d) section 15(2)(c)(ii) has effect as if for “of his family” there were substituted “of any family of which the couple are members”.
- 11 In section 17 (reduction of allowance payable to young persons), after subsection (1) insert—
- “(1A) Regulations may provide for the amount of a joint-claim jobseeker’s allowance payable in respect of any joint-claim couple where a member of the couple is a young person to whom this section applies to be reduced—
- (a) in such circumstances,
 - (b) by such a percentage, and
 - (c) for such a period,
- as may be prescribed.”
- 12 In section 19 (allowance not payable though conditions for entitlement are satisfied), after subsection (1) insert—
- “(1A) Subject to section 20A(9), this section does not apply as regards a joint-claim jobseeker’s allowance (but sections 20A and 20B make, in relation to such an allowance, provision corresponding to that made by this section and section 20).”
- 13 After section 20 insert—

“20A Denial or reduction of joint-claim jobseeker’s allowance

- (1) Where this section applies to a member of a joint-claim couple, that member of the couple shall be subject to sanctions for the purposes of this section.
- (2) This section applies to a member of a joint-claim couple if that member of the couple—
 - (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;
 - (c) has lost his place on such a scheme or programme through misconduct;
 - (d) has lost his employment as an employed earner through misconduct;

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

- (e) has voluntarily left such employment without just cause;
 - (f) 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
 - (g) has, without good cause, neglected to avail himself of a reasonable opportunity of employment.
- (3) Where this section applies to a member of a joint-claim couple by virtue of any of paragraphs (a) to (c) of subsection (2), the period for which he is to be subject to sanctions shall be such period (of at least one week but not more than 26 weeks) as may be prescribed.
- (4) Where this section applies to a member of a joint-claim couple by virtue only of any of paragraphs (d) to (g) of subsection (2), the period for which he is to be subject to sanctions shall be such period (of at least one week but not more than 26 weeks) as may be determined by the Secretary of State.
- (5) Even though the conditions for entitlement to a joint-claim jobseeker’s allowance are satisfied in relation to a joint-claim couple—
- (a) the allowance shall not be payable for any period during which both members of the couple are subject to sanctions; and
 - (b) the amount of the allowance payable in respect of the couple for any period during which only one member of the couple is subject to sanctions shall be reduced to an amount calculated by the prescribed method (“the reduced amount”).
- (6) The method prescribed for calculating the reduced amount may, in particular, involve—
- (a) deducting amounts from, or making percentage reductions of, the amount which would be the amount of the allowance if neither member of the couple were subject to sanctions;
 - (b) disregarding portions of the applicable amount;
 - (c) treating amounts as being income or capital of the couple.
- (7) During any period for which the amount of a joint-claim jobseeker’s allowance payable in respect of a joint-claim couple is the reduced amount, the allowance shall be payable to the member of the couple who is not subject to sanctions.
- (8) Regulations may prescribe—
- (a) circumstances which the Secretary of State is to take into account, and
 - (b) circumstances which he is not to take into account, in determining a period under subsection (4).
- (9) Subsections (7) to (10) of section 19 apply for the purposes of this section as for those of that section but as if references in subsection (10)(b) of that section to the claimant were to the member of the joint-claim couple to whom subsection (2)(a) above applies.
- (1) Section 20A shall not be taken to apply to a member of a joint-claim couple merely because he has refused to seek or accept employment in a situation which is vacant in consequence of a stoppage of work due to a trade dispute.

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

- (2) Section 20A does not apply to a member of a joint-claim couple by virtue of any of paragraphs (a) to (c) of subsection (2) of that section if—
 - (a) a direction is in force under section 16 with respect to that member of the couple; 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 the couple’s entitlement to a joint-claim jobseeker’s allowance reduced by virtue of section 17 because the condition in section 17(3)(b) or (c) is established.
 - (3) Regulations shall make provision for the purpose of enabling any person of a prescribed description to accept any employed earner’s employment without section 20A applying to him by virtue of paragraph (e) or (g) of subsection (2) of that section 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, a joint-claim jobseeker’s allowance shall be payable in respect of a joint-claim couple even though section 20A(5)(a) prevents payment of such a jobseeker’s allowance to the couple.
 - (5) A jobseeker’s allowance shall be payable by virtue of subsection (4) only if the couple have 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 during which both members of the couple are subject to sanctions for the purposes of section 20A).
 - (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.”
- 14 (1) Section 31 (termination of awards where another entitlement exists) is amended as follows.
- (2) In subsection (1) (termination of award of income support where there will be an entitlement to a jobseeker’s allowance), after “or where he is a member of a married or unmarried couple his partner” insert “or the couple”.
 - (3) In subsection (2) (termination of award of a jobseeker’s allowance where there will be an entitlement to income support), after “or where he is a member of a married or unmarried couple his partner,” insert “or where the award was made to a couple a member of the couple,”.
- 15 (1) Section 35 (interpretation) is amended as follows.

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

- (2) In the definition of “claimant”, at the end insert “except that in relation to a joint-claim couple claiming a joint-claim jobseeker’s allowance it means the couple, or each member of the couple, as the context requires;”.
- (3) After the definition of “job-seeking period” insert—
- ““joint-claim couple” and “joint-claim jobseeker’s allowance” have the meanings given by section 1(4);”.
- (4) After the definition of “married couple” insert—
- ““the nominated member”, in relation to a joint-claim couple, shall be construed in accordance with section 3B(4);”.
- 16 (1) Schedule 1 (jobseeker’s allowance: supplementary provisions) is amended as follows.
- (2) After paragraph 8 (entitlement without satisfying conditions) insert—
- “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)—
- (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).”
- (3) In paragraph 9(a) (rate of allowance payable under paragraph 8), after “paragraph 8” insert “or 8A”.
- (4) After paragraph 9 insert—

“Continuity of claims and awards: persons ceasing to be a joint-claim couple

- 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.

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

Continuity of claims and awards: persons again becoming a joint-claim couple

- 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.

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

- 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.

Paragraphs 9A to 9C: supplementary

- 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;
 - (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.”
- (5) For paragraph 10(1) (entitlement before claim determined) substitute—
“(1) In such circumstances as may be prescribed—

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

- (a) a claimant for a jobseeker’s allowance other than a joint-claim jobseeker’s allowance,
- (b) a joint-claim couple claiming a joint-claim jobseeker’s allowance, or
- (c) a member of such a couple,

may be treated as being entitled to an income-based jobseeker’s allowance before his or (as the case may be) the couple’s claim for the allowance has been determined.”

(6) In paragraph 10(2) (allowance where payment suspended), for “to a claimant even though payment to him” substitute “to—

- (a) a claimant for a jobseeker’s allowance other than a joint-claim jobseeker’s allowance,
- (b) a joint-claim couple claiming a joint-claim jobseeker’s allowance, or
- (c) a member of such a couple,

even though payment to him or (as the case may be) the couple”.

(7) In paragraph 10(3) (information to be supplied to obtain payments under subparagraph (1) or (2)), after “the claimant” insert “or (as the case may be) the couple or the member of the couple”.

Social Security Act 1998 (c. 14)

17 In section 39(1) of the Social Security Act 1998 (interpretation of Chapter II of Part I), after the definition of “appeal tribunal” insert—

““claimant”, in relation to a joint-claim couple claiming a joint-claim jobseeker’s allowance (within the meaning of the Jobseekers Act 1995), means the couple or either member of the couple;”.