

Jobseekers Act 1995

CHAPTER 18

Only Parts II and III of, and Schedules 2 and 3 to, this Act are reproduced (or annotated) in this volume. The whole Act is reproduced in volume 11 (jobseeker's allowance).

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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]

**PART II
BACK TO WORK SCHEMES**

The back to work bonus.

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

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

(3) [¹Subject to section 677 of the Income Tax (Earnings and Pensions) Act 2003 (which provides for a back to work bonus not to be taxable).]

(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 period 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 provision 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 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 of 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.

Employment of long-term unemployed; deductions by employers.

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.

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

¹ Words in s. 26(3) substituted (6.4.03) by the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6, para. 230.

- (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
- (c) he falls within a prescribed description of a 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 [¹Commissioners of Inland Revenue] 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 [¹Commissioners 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 [¹Commissioners of Inland Revenue] 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—

[...²]

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;

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

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

¹ Words in s. 27(5) to (7) substituted (1.4.99) by Transfer of Functions Act 1999 (c. 11) Sch. 1, para. 65.

² S. 27(a) & (b) repealed (8.4.08) by the Tax Credits Act 2002 (c. 21), Sch. 6.

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[¹“prescribed” means specified in or determined in accordance with regulations; and
“regulations” means regulations made by the Treasury.]

Expedited claims for housing benefit and council tax benefit.

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

(a) [²...]

(b) [³...]

Pilot schemes.

29.—(1) Any regulations to which this subsection applies may be made so as to have effect for a specified period not exceeding [⁴36 months].

(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;

(b) 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)-(b) [⁵...]

(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(1)(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.

(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, [⁶make it more likely that persons will obtain or remain in work or be able to do so].

¹ Defns. in s. 27(8) inserted (1.4.99) by Transfer of Functions Act 1999 (c. 11), Sch. 3, para. 61.

² Subsection 28(1)(a) and (2) repealed (1.7.97) by Sch. 2 to Social Security Administration (Fraud) Act 1997 (c. 47).

³ S. 28(1)(b) & (3) repealed (18.10.99) by s. 82 & Sch. 8 to the Social Security Act 1998 (c. 75).

⁴ Words substituted in s. 29(1) by the Welfare Reform Act 2009 (c. 24), s. 28(1)(a).

⁵ S. 29(7)(a) & (b) repealed by Sch. 6 to the Tax Credits Act 2002 (c. 21).

⁶ Words substituted in s. 29(8) (12.11.09) by s. 28(1)(b) of the Welfare Reform Act 2009 (c. 24).

PART III
MISCELLANEOUS AND SUPPLEMENTAL

30.—(1) The Secretary of State may pay such grants, to such persons, as he considered 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 (provisions 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 [¹the Secretary of State] where the person to whom it was made, or where he is a member of a [²couple] his partner [³or the couple], 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 [¹the Secretary of State] where the person to whom it was made, or where he is a member of a [²couple] his partner [³or where the award was made to a couple a member of the couple], 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. amends 1992 c. 5, see Annex 1, page 6811. Insolvency.

33. [⁴...]

34.—(1) [⁵...]

(2)—(3) [⁴...]

(4) [⁵...]

(5)—(7) [⁴...]

35.—(1) In this Act—
[...⁶]
“the Administration Act” means the Social Security Administration Act 1992; Interpretation.
1992 c. 5.

¹ Words substituted in s. 31(1) & (2) (18.10.99) by s. 86(1) of and para. 143 of Sch. 7 to SS. Act 1998 (c. 75).
² Words substituted in s. 31(1) & (2) (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 33, para. 123.
³ Words inserted in s. 31(1) & (2) (19.3.01) by s. 59 of the Welfare Reform & Pensions Act 1999 (c. 30).
⁴ S. 33 & S. 34(2)-(3) & (5)-(7) repealed (2.4.01) by s. 85 & Sch. 9, Part VI of the Child Support, Pensions & Social Security Act 1999 (c. 30).
⁵ Subsection 34(1) & (4) repealed (1.7.97) by Sch. 2 to Social Security Administration (Fraud) Act 1997 (c. 47).
⁶ Defn. of “adjudication officer” repealed (18.10.99) by the S.S. Act 1998 (c. 75), Sch. 7, para. 144.

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1992 c. 4.

“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;

“child” means a person under the age of 16;

“claimant” means a person who claims a jobseeker’s allowance [¹except 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];

“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);

[²“couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners otherwise than in prescribed circumstances;]

“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) [³section 1 of the Administration Act and section 27 of the Social Security Act 1998];

“family” means—

- (a) a [²couple];
- (b) a [²couple] 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 [²couple] 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;

See reg. 76 of Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207) for “person of a prescribed description” in the above defn. of “family”.

[³“FAS payments” means payments made under the Financial Assistance Scheme Regulations 2005;]

“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);

[⁵“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);]

¹ Words inserted in s. 35(1), defn. of “claimant” (19.3.01) by Sch. 7, para. 15 of the Welfare Reform and Pensions Act 1999 (c. 30).

² In s. 35 defn. of “couple” inserted, words substituted in defn. of “family” & defn. of “married couple” omitted (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 24, para. 124.

³ Words substituted in defn. of “entitled” (18.10.99) by the S.S. Act 1998 (c. 75), Sch. 7, para. 144.

⁴ Defn. of “FAS payments” inserted (14.2.06) by para. 2 of Sch. to S.I. 2006/343.

⁵ Defns. of “income-related employment and support allowance” inserted in s. 35 (27.10.08) by para. (5)(a) of Sch. 3 of the Welfare Reform and Pensions Act 2007 (c. 5).

“jobseeker’s agreement” has the meaning given by section 9(1);
 “jobseeking period” has the meaning prescribed for the purposes of this Act;
 [“joint-claim couple” and “joint-claim jobseeker’s allowance” have the meanings
 given by section 1(4);]

[...²]

[¹“the nominated member”, in relation to a joint-claim couple, shall be construed
 in accordance with section 3B(4);]

“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.

“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—

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

[³(b) an annuity contract or trust scheme approved under section 620 or 621
 of the Income and Corporation Taxes Act 1988 or a substituted contract
 within the meaning of section 622(3) of that Act which is treated as
 having become a registered pension scheme by virtue of paragraph 1(1)(f)
 of Schedule 36 to the Finance Act 2004; and

1988 c. 1.

(c) a personal pension scheme approved under Chapter 4 of Part 14 of the
 Income and Corporation Taxes Act 1988 which is treated as having
 become a registered pension scheme by virtue of paragraph 1(1)(g) of
 Schedule 36 to the Finance Act 2004;]

[⁴PPF payments” means any payments made in relation to a person—

(a) payable under the pension compensation provisions as specified in section
 162(2) of the Pensions Act 2004 or Article 146(2) of the Pensions (Northern
 Ireland) Order 2005 (the pension compensation provisions); or

(b) payable under section 166 of the Pensions Act 2004 or Article 150 of the
 Pensions (Northern Ireland) Order 2005 (duty to pay scheme benefits unpaid
 at assessment date etc.);]

“prescribed” [⁵, except in section 27 (and in section 36 so far as relating to
 regulations under section 27),] 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” [⁶, except in section 27 (and in section 36 so far as relating to regulations
 under section 27),] means the 12 months beginning with 6th April in any year;

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

*In respect of the defn. of “trade dispute” in relation to share fisherman,
 See reg. 160 of the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/
 207).*

¹ Defns. inserted (19.3.01) in s. 35(1) by the Welfare Reform & Pensions Act 1999 (c. 30), s. 59.

² In s. 35 defn. of “couple” inserted, words substituted in defn. of “family” & defn. of “married
 couple” omitted (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 24, para. 124.

³ Paras. (b) & (c) substituted in defn. of “personal pension scheme” (6.4.06) by art. 12 of S.I.
 2006/745.

⁴ Defn. of “PPF payments” inserted (14.2.06) by para. 2 of Sch. to S.I. 2006/434.

⁵ Words inserted (1.4.99) by Transfer of Functions Act 1999 (c. 11), Sch. 3, para. 62.

⁶ In s. 35 defn. of “unmarried couple” omitted & sub para. (1A) inserted (5.12.05) by the Civil
 Partnership Act 2004 (c. 33), Sch. 24, para. 124.

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“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;

[¹...]

“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.

[¹(1A) For the purposes of this Act, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.]

(2) The expressions [²“limited capability for 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 2 of the Benefits Act and paragraph 6 of Schedule 1 to this Act.

Regulations and orders.

36.—(1) Any power under this Act to make regulations or orders, other than an order under section [³8(3),] [⁴9(13), 16(4) 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 State⁵, or (in the case of regulations made by the Treasury) to the Treasury, to be expedient; and
- (b) to provide for a person to exercise a discretion in dealing with any matter.

[⁶(4A) Without prejudice to the generality of the provisions of this section—

¹ In s. 35 defn. of “unmarried couple” omitted & sub para. (1A) inserted (5.12.05) by the Civil Partnership Act 2004 (c. 33), Sch. 24, para. 124.

² Words substituted in s. 35(2) (27.10.08) by the Welfare Reform Act 2007 (c. 5), para. 12(5)(b) of Sch. 3.

³ Words inserted (11.11.99) by Welfare Reform & Pensions Act 1999 (c. 30), Sch. 8, para. 62.

⁴ Words substituted (18.10.99) by S.S. Act 1998 (c. 75), Sch. 7, para. 145.

⁵ Words inserted (1.4.99) in s. 36(4)(a) by Transfer of Functions Act 1999 (c. 11), Sch. 1, para. 66 & Sch. 3, paras. 63 & 64.

⁶ S. 36(4A) inserted (12.11.09) by s. 1(2) of the Welfare Reform Act 2009 (c. 24).

- (a) regulations under section 17A [¹or Schedule A1] may make different provision for different areas;
- (b) regulations under section 17A [¹or Schedule A1] may make provision which applies only in relation to an area or areas specified in the regulations.]

(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 and 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 16;
- (c) regulations made under section 6, 7, 29, paragraph (b) of the definition of “pension payments” in section 35(1) [¹, any paragraph of Schedule A1] 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.

(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.

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

- (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 [², or the Commissioners of Inland Revenue] 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 [², or the Commissioners of Inland Revenue] 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 [³them] 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 [³Commissioners of Inland Revenue] shall pay into the National Insurance Fund sums estimated by [³them] to be equal to the aggregate of the amounts deducted by employers in accordance with regulations under section 27.

¹ Words inserted in s. 36(4A)(a) & (b) & s. 37(1)(c) (12.11.09) by the Welfare Reform Act 2009 (c. 24), para. 3(2) & (3) of Sch. 3.

² Words inserted (1.4.99) in s. 38(1)(b) & (2) by Transfer of Functions Act 1999 (c. 11), Sch. 1, para. 66 & Sch. 3, paras. 63 & 64.

³ Words in s. 38(5), (7) & (8) substituted (1.4.99) by Transfer of Functions Act 1999 (c. 11), Sch. 1, para. 66 & Sch. 3, para. 64.

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

(7) Estimates under this section shall be made by the [²relevant authority]–

- (a) in any manner which, after consulting the Government Actuary or the Deputy Government Actuary, [¹the authority consider] appropriate and the Treasury has approved; and
- (b) at such times as [¹the authority consider] 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 [²relevant authority] considers appropriate and the Treasury has approved.

[²(9) In subsections (7) and (8) “the relevant authority” means–

- (a) the Secretary of State, in relation to any estimate or payment to be made by him, or
- (b) the Commissioners of Inland Revenue, in relation to any estimate or payment to be made by them.]

Provision for Northern Ireland.
1974 c. 28.

39.—(1) 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 made such transitional provision, consequential provision or savings as he considers necessary or expedient for the purposes of or in connection with–

- (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;

¹ Words in s. 38(5), (7) & (8) substituted (1.4.99) by Transfer of Functions Act 1999 (c. 11), Sch. 1, para. 66 & Sch. 3, para. 64.

² Subsection (9) inserted in s. 38 (1.4.99) by Transfer of Functions Act 1999 (c. 11), Sch. 1, para. 66(6).

- (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 Jobseeker's 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.

(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 2

Section 41(4)

CONSEQUENTIAL AMENDMENTS

1. makes textual amendments, see Annex 1, page 6.811.

Paras. 24 & 27¹[...]

¹ Paras. 24 & 27 repealed (12.1.10) by the Welfare Reform Act 2009 (c. 24), s. 61(2) & Sch. 7, part 2.

SCHEDULE 3

REPEALS

..... *effects repeals, see Annex 1, page 6.811*

**Jobseekers Act 1995
LIST OF OMISSIONS**

The following provisions have been omitted from the text for the reasons stated:-

- | | | |
|----------------------------|--------|--|
| s. 28(2) | | inserts (12.12.95 for regulation-making purposes, 1.4.96 for other purposes) s. 128A into S.S. Admin. Act 1992 (c. 5) |
| s. 28(3) | | inserts (12.12.95 for regulation-making purposes, 1.4.96 for other purposes) s. 63(2A) into S.S. Admin. Act 1992 (c. 5) |
| s. 32(1) | | inserts (7.10.96) c. 71(10A) and (10B) into S.S. Admin Act 1992 (c. 5) |
| s. 32(2) | | inserts (7.10.96) c. 78(3A) and (3B) into S.S. Admin Act 1992 (c. 5) |
| s. 33 | | repealed (2.4.01) by the Child Support, Pensions and Social Security Act 2000 (c. 19), s. 85. |
| s. 34(2), (3) & (5)-(7)... | | repealed (2.4.01) by the Child Support, Pensions and Social Security Act 2000 (c. 19), s. 85. |
| Sch.2, | | |
| para. 1 | | textually amends Social Work (Scotland) Act 1968 (c. 49) |
| para. 2 | | repealed (22.8.96) by Sch. 3 to Industrial Tribunals Act 1996 (c. 17) |
| paras. 3-19 | | textually amend:-
Education Act 1980 (c. 20)
Magistrates' Courts Act 1980 (c. 43)
Education (Scotland) Act 1980 (c. 44)
Administration of Justice Act 1982 (c. 53)
Transport Act 1982 (c. 49)
Bankruptcy (Scotland) Act 1985 (c. 66)
Legal Aid (Scotland) Act 1986 (c. 47)
Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47)
Income and Corporation Taxes Act 1988 (c. 1)
Education Reform Act 1988 (c. 40)
Local Government Finance Act 1988 (c. 41)
Children Act 1989 (c. 41) |
| para. 20 | | amends (7.10.96) ss. 6(1), 14(2), 46(11), 47(3) and 54 of, and para. 5(4) of Sch. 1 to, and the Child Support Act 1991 (c. 48) |
| para. 21 | | amends (11.6.96) s. 24 of the Criminal Justice Act 1991 (c. 48) |
| paras. 22-37 | | makes textual amendments (12.2.95) for regulatioi making purposes for para. 30(1) and (5), otherwise (7.10.96) to S.S. Conts & Bens Act 1992 (c. 4) |
| [Paras. 24 & 27 | | repealed (12.1.10) by the Welfare Reform Act 2009 (c. 24) Sch. 7] |
| para. 38-74 | | S.S Administration Act 1992 (c. 5) [Sch. 2, para. 54 repealed (2.4.01) by the Child Support, Pensions and Social Security] Act 2000 (c. 19), s. 85. |
| para. 75-76 | | amends (22.4.96) respectively Schs. 4 and 8 to Local Government Finance Act (c. 14) |
| Sch. 3 | | repeals (1.4.96 for repeals to 1976 c. 71. 7.10.96 for all other repeals) specified provisions in the following Acts:- |

Supplementary Benefits Act 1976 (c. 71)

Criminal Justice Act 1991 (c. 53)

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

Social Security Administration Act 1992 (c. 5), viz:–

word “and” at end of s. 17(1)(g);

word “and” at end of s. 20(1)(b);

word “or” in s. 70(3)(i);

words “subject to section 72 below” in s.
71(11)(b); and s. 72

Local Government Finance Act 1992 (c. 14)

Social Security (Incapacity for Work) Act 1994 (c. 18),
viz:–

Sch. 1, paras. 4–6, 19, 21, 24(2) & (3), 30, 35–
37, 39(b), 41(3), 45(2) and 47

JOBSEEKERS ACT 1995 (c. 18)