



# Jobseekers Act 1995

## 1995 CHAPTER 18

### PART III

#### MISCELLANEOUS AND SUPPLEMENTAL

#### **30 Grants for resettlement places**

- (1) The Secretary of State may pay such grants, to such persons, as he considers appropriate in relation to expenditure in connection with the provision or maintenance of resettlement places.
- (2) In this section “resettlement places” means places at which persons without a settled way of life are afforded temporary accommodation with a view to assisting them to lead a more settled life.
- (3) Any grant under this section may be made on such terms and subject to such conditions as the Secretary of State considers appropriate.
- (4) Section 30 of, and Schedule 5 to, the Supplementary Benefits Act 1976 (provision of resettlement units) shall cease to have effect.
- (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 Termination of awards**

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

person to whom it was made, or where he is a member of a married or unmarried couple his partner, will be entitled to income support if the award is brought to an end.

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

## **32 Insolvency**

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

“(10A) Where—

- (a) a jobseeker’s allowance is payable to a person from whom any amount is recoverable as mentioned in subsection (8) above; and
  - (b) that person is subject to a bankruptcy order,
- a sum deducted from that benefit under that subsection shall not be treated as income of his for the purposes of the Insolvency Act 1986.

(10B) Where—

- (a) a jobseeker’s allowance is payable to a person from whom any amount is recoverable as mentioned in subsection (8) above; and
  - (b) the estate of that person is sequestrated,
- a sum deducted from that benefit under that subsection shall not be treated as income of his for the purposes of the Bankruptcy (Scotland) Act 1985.”

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

“(3A) Where—

- (a) a jobseeker’s allowance is payable to a person from whom an award is recoverable under subsection (3) above; and
  - (b) that person is subject to a bankruptcy order,
- a sum deducted from that benefit under subsection (2) above shall not be treated as income of his for the purposes of the Insolvency Act 1986.

(3B) Where—

- (a) a jobseeker’s allowance is payable to a person from whom an award is recoverable under subsection (3) above; and
  - (b) the estate of that person is sequestrated,
- a sum deducted from that benefit under subsection (2) above shall not be treated as income of his for the purposes of the Bankruptcy (Scotland) Act 1985.”

## **33 Inspectors**

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

- (a) to enter at all reasonable times any premises liable to inspection under this section;
- (b) to make such examination and inquiry there as may be necessary for ascertaining whether the provisions of this Act are being, or have been, complied with;

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- (c) to examine, either alone or (if he thinks fit) in the presence of any other person, in relation to any matters arising under this Act on which he may reasonably require information, any person whom he finds there;
  - (d) to exercise such other powers as may be necessary for carrying this Act into effect.
- (2) The premises liable to inspection under this section are any where an inspector has reasonable grounds for supposing that—
  - (a) one or more persons are employed;
  - (b) a trade or business is being carried on;
  - (c) a personal or occupational pension scheme is being administered; or
  - (d) information relating to the carrying on of any trade or business is kept by the person carrying on that trade or business,but do not include a private dwelling-house unless the inspector has reasonable grounds for supposing that the dwelling-house is being used for the purposes of a trade or business.
- (3) An inspector applying for admission to any premises, in the exercise of his powers under this section, shall produce his certificate of appointment if asked to do so.
- (4) Where any premises—
  - (a) are liable to be inspected by an inspector or officer appointed or employed by another government department, or
  - (b) are under the control of another government department,the Secretary of State may make arrangements with that department for any of the powers or duties of inspectors under this section to be exercised or discharged by an inspector or officer employed by that department.
- (5) A person to whom this subsection applies shall—
  - (a) furnish to an inspector all such information, and
  - (b) produce for his inspection all such documents,as the inspector may reasonably require for purposes of this Act.
- (6) Subsection (5) applies to—
  - (a) any licensing authority;
  - (b) any person carrying on an agency or other business for the introduction or supply to persons requiring them of persons available to do work or to perform services.
- (7) Except where subsection (5) applies, subsections (6) and (7) of section 110 of the Administration Act (furnishing of information about contributions etc.) shall have effect as if this Act were among those mentioned in subsection (8) of that section.
- (8) In the application of subsection (7) of section 110 in relation to this Act, the reference in paragraph (a) to section 110 of that Act shall be read as a reference to this section.
- (9) No person shall be required under this section to answer any questions or to give evidence tending to incriminate himself, or in the case of a person who is married, his or her spouse.
- (10) In this section—
  - “licensing authority” means a local authority acting in its capacity as an authority responsible for granting any licence; and

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“local authority” means any of the following—

- (i) a county council;
- (ii) any county borough council;
- (iii) any district council;
- (iv) any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- (v) any London borough council;
- (vi) the Common Council of the City of London;
- (vii) the Council of the Isles of Scilly.

- (11) In this section, and in subsection (7) of section 110 of the Administration Act, as it applies in relation to this Act, “premises” includes any—
- (a) place;
  - (b) movable structure or tent;
  - (c) vehicle, vessel, aircraft or hovercraft;
  - (d) installation which is an offshore installation for the purposes of the Mineral Workings (Offshore Installations) Act 1971.

### **34 Offences**

- (1) A person is guilty of an offence if, for the purpose of obtaining a jobseeker’s allowance (whether for himself or for some other person) or for any other purpose connected with this Act, he—
- (a) makes a statement or representation which he knows to be false; or
  - (b) produces or furnishes, or knowingly causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular.
- (2) A person is guilty of an offence if he—
- (a) intentionally delays or obstructs an inspector in the exercise of any power under section 33; or
  - (b) refuses or neglects to answer any question or to furnish any information or to produce any document when required to do so under that section.
- (3) Regulations under section 27 may provide for contravention of, or failure to comply with, any of their provisions to be an offence.
- (4) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 3 months, or to both.
- (5) A person guilty of an offence under subsection (2), or under any regulations made under section 27, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) A person who is convicted of an offence under subsection (2)(b)—
- (a) is guilty of a further offence if the refusal or neglect is continued by him after his conviction; and
  - (b) shall be liable on summary conviction to a fine not exceeding £40 for each day on which it is continued.

- (7) A person who is convicted of an offence of contravening or failing to comply with any regulations under section 27 (“the original offence”)—
- (a) is guilty of a further offence if the contravention or failure is continued by him after his conviction, and
  - (b) shall be liable to a fine not exceeding £40 for each day on which the contravention or failure is continued,
- if regulations provide for this subsection to apply in relation to the original offence.

### **35 Interpretation**

- (1) In this Act—

“adjudication officer” means an adjudication officer appointed under section 38 of the Administration Act;

“the Administration Act” means the Social Security Administration Act 1992;

“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;

“continental shelf operations” has the same meaning as in section 120 of the Benefits Act;

“contribution-based conditions” means the conditions set out in section 2;

“contribution-based jobseeker’s allowance” has the meaning given in section 1(4);

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

“employment”, except in section 7, has the meaning prescribed for the purposes of this Act;

“entitled”, in relation to a jobseeker’s allowance, is to be construed in accordance with—

(a) the provisions of this Act relating to entitlement; and

(b) sections 1 and 68 of the Administration Act;

“family” means—

(a) a married or unmarried couple;

(b) a married or unmarried couple and a member of the same household for whom one of them is, or both are, responsible and who is a child or a person of a prescribed description;

(c) except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a person of a prescribed description;

“Great Britain” includes the territorial waters of the United Kingdom adjacent to Great Britain;

“income-based conditions” means the conditions set out in section 3;

“income-based jobseeker’s allowance” has the meaning given in section 1(4);

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“jobseeker’s agreement” has the meaning given by section 9(1);

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

“married couple” means a man and woman who are married to each other and are members of the same household;

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

“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;

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

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

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

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

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

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

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

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

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

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

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

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

- (2) The expressions “capable of work”, “linked period”, “relevant education” and “remunerative work” are to be read with paragraphs 2, 3, 14 and 1 of Schedule 1.
- (3) Subject to any regulations made for the purposes of this subsection, “earnings” is to be construed for the purposes of this Act in accordance with section 3 of the Benefits Act and paragraph 6 of Schedule 1 to this Act.

### **36 Regulations and orders**

- (1) Any power under this Act to make regulations or orders, other than an order under section 9(13) or 19(10)(a), shall be exercisable by statutory instrument.
- (2) Any such power may be exercised—
  - (a) either in relation to all cases to which it extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
  - (b) so as to make, as respects the cases in relation to which it is exercised—
    - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
    - (ii) the same provision for all cases in relation to which it is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act,
    - (iii) any such provision either unconditionally or subject to any specified condition.
- (3) Where any such power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes.
- (4) Any such power includes power—
  - (a) to make such incidental, supplemental, consequential or transitional provision as appears to the Secretary of State to be expedient; and
  - (b) to provide for a person to exercise a discretion in dealing with any matter.
- (5) Any power to make regulations or an order for the purposes of any provision of this Act is without prejudice to any power to make regulations or an order for the purposes of any other provision.

### **37 Parliamentary control**

- (1) Subsection (2) applies in relation to the following regulations (whether made alone or with other regulations)—
  - (a) regulations made under, or by virtue of, any provision of this Act other than—
    - (i) section 6, 7, 26, 29 or 40,
    - (ii) paragraph (b) of the definition of “pension payments” in section 35(1), or
    - (iii) paragraph 17 of Schedule 1,before the date on which jobseeker’s allowances first become payable;
  - (b) the first regulations to be made under section 26;
  - (c) regulations made under section 6, 7, 29, paragraph (b) of the definition of “pension payments” in section 35(1) or paragraph 17 of Schedule 1.
- (2) No regulations to which this subsection applies shall be made unless a draft of the statutory instrument containing the regulations has been laid before Parliament and approved by a resolution of each House.
- (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 General financial arrangements**

- (1) There shall be paid out of money provided by Parliament—
  - (a) any sums paid by the Secretary of State by way of jobseeker's allowance; and
  - (b) any expenditure incurred by the Secretary of State under or by virtue of this Act.
- (2) The expenditure mentioned in subsection (1)(b) includes expenditure incurred in connection with any inquiry undertaken on behalf of the Secretary of State with a view to obtaining statistics relating to the operation of any provision of this Act relating to a jobseeker's allowance.
- (3) There shall be paid out of the National Insurance Fund and into the Consolidated Fund sums estimated by the Secretary of State to balance payments made by him by way of contribution-based jobseeker's allowance.
- (4) The Secretary of State shall pay into the National Insurance Fund sums estimated by him to balance sums recovered by him in connection with payments of contribution-based jobseeker's allowance.
- (5) The Secretary of State shall pay into the National Insurance Fund sums estimated by him to be equal to the aggregate of the amounts deducted by employers in accordance with regulations under section 27.
- (6) The Secretary of State shall pay into the Consolidated Fund sums estimated by him to balance sums recovered by him in connection with payments made by way of income-based jobseeker's allowance.
- (7) Estimates under this section shall be made by the Secretary of State—
  - (a) in any manner which, after consulting the Government Actuary or the Deputy Government Actuary, he considers appropriate and the Treasury has approved; and
  - (b) at such times as he considers appropriate and the Treasury has approved.
- (8) Payments which are required to be made by this section shall be made at such times and in such manner as the Secretary of State considers appropriate and the Treasury has approved.

### **39 Provision for Northern Ireland**

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.

### **40 Transitional provisions**

- (1) The Secretary of State may by regulations make such transitional provision, consequential provision or savings as he considers necessary or expedient for the purposes of or in connection with—
  - (a) the coming into force of any provision of this Act; or



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

#### **41 Short title, commencement, extent etc**

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