

SCHEDULES

SCHEDULE 1

Section 21.

SUPPLEMENTARY PROVISIONS

Remunerative work

- 1 (1) For the purposes of this Act, “remunerative work” has such meaning as may be prescribed.
- (2) Regulations may prescribe circumstances in which, for the purposes of this Act—
- (a) a person who is not engaged in remunerative work is to be treated as engaged in remunerative work; or
 - (b) a person who is engaged in remunerative work is to be treated as not engaged in remunerative work.

Capacity for work

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

Status: This is the original version (as it was originally enacted).

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 the Employment Protection (Consolidation) Act 1978;
 - (ii) payable, by way of pay, under an order made under that Act for the continuation of a contract of employment;
 - (iii) payable, by way of remuneration, under a protective award made under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992; and
 - (b) any prescribed sum which the regulations provide is to be treated as related to any sum within paragraph (a).

Pension payments

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

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- (d) for the method of determining whether pension payments are made to a person for any week and their amount.

Exemptions

- 8 Regulations may prescribe circumstances in which a person may be entitled to an income-based jobseeker's allowance without—
 - (a) being available for employment;
 - (b) having entered into a jobseeker's agreement; or
 - (c) actively seeking employment.
- 9 Regulations may provide—
 - (a) for an income-based jobseeker's allowance to which a person is entitled by virtue of regulations under paragraph 8 to be payable at a prescribed rate;
 - (b) for it to be payable for a prescribed period.

Claims yet to be determined and suspended payments

- 10 (1) In such circumstances as may be prescribed, a claimant may be treated as being entitled to an income-based jobseeker's allowance before his claim for a jobseeker's allowance has been determined.
- (2) In such circumstances as may be prescribed, an income-based jobseeker's allowance shall be payable to a claimant even though payment to him of a jobseeker's allowance has been suspended by virtue of regulations under section 5(1)(n) of the Administration Act.
- (3) A jobseeker's allowance shall be payable by virtue of sub-paragraph (1) or (2) only if the claimant has complied with such requirements as to the provision of information as may be prescribed for the purposes of this paragraph.
- (4) Regulations may make provision for a jobseeker's allowance payable by virtue of sub-paragraph (1) or (2) to be—
 - (a) payable at a prescribed rate;
 - (b) payable for a prescribed period;
 - (c) treated as being a contribution-based jobseeker's allowance for the purposes of section 5 of this Act.
- (5) Regulations may make provision—
 - (a) for the recovery, by prescribed means and in prescribed circumstances, of the whole or part of any amount paid by virtue of sub-paragraph (1) or (2);
 - (b) for the whole or part of any amount paid by virtue of sub-paragraph (1) to be treated, if an award is made on the claim referred to there, as having been paid on account of the jobseeker's allowance awarded;
 - (c) for the whole or part of any amount paid by virtue of sub-paragraph (2) to be treated, if the suspension referred to there is lifted, as having been paid on account of the suspended allowance.

Presence in and absence from Great Britain

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

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- (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.

Calculation of periods

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

Employment on ships etc.

- 16 (1) Regulations may modify any provision of this Act in its application to any person who is, has been, or is to be—
- (a) employed on board any ship, vessel, hovercraft or aircraft,
 - (b) outside Great Britain at any prescribed time or in any prescribed circumstances, or
 - (c) in prescribed employment in connection with continental shelf operations, so far as that provision relates to a contribution-based jobseeker's allowance.
- (2) The regulations may in particular provide—
- (a) for any such provision to apply even though it would not otherwise apply;
 - (b) for any such provision not to apply even though it would otherwise apply;
 - (c) for the taking of evidence, in a country or territory outside Great Britain, by a British consular official or other prescribed person;
 - (d) for enabling payment of the whole, or any part of a contribution-based jobseeker's allowance to be paid to such of the claimant's dependants as may be prescribed.

Additional conditions

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

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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.