

Chapter R1: JSPs & JSA contribution conditions

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JSA contribution conditions

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Chapter R1: JSPs & JSA contribution conditions

Jobseeking periods

Introduction

R1001 To determine waiting days¹ and whether the contribution conditions are satisfied the DM has to determine whether the claimant's current claim to JSA starts a new JSP, or whether it can link with a former JSP.

1 JS Act 95, Sch 1, para 4; JSA Regs 13, reg 36

R1002 The DM will need to determine

1. which days are part of a JSP¹ (see R1008 – R1018) **and**
2. whether separate JSPs can be treated as one JSP (linking periods)² (see R1021 – R1036).

1 JS Act 95, s 35(1); JSA Regs 13, reg 37; 2 JS Act 95, Sch 1, para 3; JSA Regs 13, reg 39

R1003 – R1007

Which days are part of a jobseeking period

R1008 Days will be part of a JSP if they are days on which the claimant satisfies, or is treated as satisfying, **all** the following conditions¹

1. has accepted a claimant commitment²
2. not being in remunerative work³
3. does not have LCW⁴
4. not receiving relevant education⁵
5. being under pension age⁶
6. being in GB⁷ (see ADM Chapter C3).

Waiting days are part of a JSP.

1 JSA Regs 13, reg 37(1); 2 JS Act 95, s 1(2)(b); 3 s 1(2)(e); 4 s 1(2)(f); 5 s 1(2)(g); 6 s 1(2)(h); 7 s 1(2)(i)

R1009

Linking with periods of interruption of employment

R1010 There may be cases where a claimant's JSP may link with a period of interruption of employment (PIE). Appendix 2 to this chapter provides guidance on this.

R1011 – R1017

Days which are not part of a jobseeking period

R1018 Days will not be part of a JSP if they are

1. days for which no claim for JSA has been made or treated as made¹ **or**
2. days that are before the day on which a claim for JSA was made or treated as made² **or**
3. days for which the claimant is not entitled to JSA because they are more than twelve months before the date on which the claim to JSA was made or treated as made³ **or**
4. in any week (Sunday to Saturday) for which a claimant is not entitled to JSA because of a TD⁴ **or**
5. any days falling on or after 6.9.99 for which a claimant is not entitled to JSA under certain legislation⁵ because the required information or evidence about an NI number is not provided⁶.

*1 JSA Regs 13, reg 37(2)(a); 2 reg 37(2)(b); 3 reg 37(2)(c); SSA Act 92, s 1(2)(b) & 1(4)(aa);
4 reg 37(2)(d); JS Act 95, s 14; 5 SSA Act 92, s 1(1A); 6 JSA Regs 13, reg 37(2)(e).*

R1019 – R1020

Linking periods

R1021 Two or more JSPs are treated as one JSP where they are separated only by¹

1. twelve weeks or less **or**
2. one linked period (see R1027 – R1036) or more than one linked period where one follows immediately after the other **or**
3. any linked periods that are separated by a period of twelve weeks or less **or**
4. linked periods immediately followed by a period of twelve weeks or less **or**
5. linked periods immediately preceded by a period of twelve weeks or less **or**
6. any combination of **3.**, **4.** and **5.** **or**
7. one or more periods for which the claimant has been called to serve on a jury and is required to attend court. But such periods should follow immediately one after the other.

Week means a period of seven days².

1 JSA Regs 13, reg 39(1); 2 reg 2(2)

Example 1

Ruby claims JSA for four weeks, then does jury service for four weeks. Ruby waits for ten weeks before claiming JSA again. The current JSP will not link with the four week JSP.

Example 2

JSA	(2 years)
Training (Linked period)	(1 year)
Gap	(1 week)
ESA (Linked period)	(20 weeks)
Gap	(1 week)
MA (Linked period)	(18 weeks)

JSA

The two periods of JSA link and can be treated as one JSP as they are separated by linked periods that are separated by a period of twelve weeks or less (see R1021 3.).

Example 3

JSA	(2 months)
Gap	(2 days)
JSA	(6 months)
ESA (Linked period)	(13 weeks)
JSA	(4 months)
ESA (Linked period)	(20 weeks)

JSA

All the periods on JSA link and are treated as one JSP.

Example 4

JSA	(2 years)
ESA (Linked period)	(14 weeks)
Training (Linked period)	(6 months)

JSA

The two periods of JSA link and can be treated as one JSP. They are separated by two linked periods which follow immediately one after the other (see R1021 2.).

Example 5

JSA	(1 year)
ESA (Linked period)	(13 weeks)
Gap	(10 weeks)

Training (Linked period) (3 months)

Gap (2 days)

JSA

The two periods on JSA link and can be treated as one JSP. They are separated by linked periods that are separated by a period of twelve weeks or less (see R1021 3.) and by a linked period immediately followed by a period of twelve weeks or less (see R1021 4. and R1021 5.).

Linking - calculation of eight and twelve week periods

R1022 When calculating whether PIEs or linked periods fall within eight weeks (56 consecutive days) or twelve weeks (84 consecutive days) of the start of a JSP or linked period (see Appendix 2 and R1053), DMs should disregard the first day of the JSP or later linked period.

Example

Last day of PIE = 18.7.96

First day of current JSP = 10.10.96

18.7.96 is within the twelve weeks (84 days) (18.7.96 - 9.10.96) before the start of the JSP. The DM does not include 10.10.96 in this calculation. The PIE and the JSP are treated as one JSP.

R1023 To calculate whether linked periods or JSPs are separated by twelve weeks (84 consecutive days) (see R1021), DMs should disregard the¹

1. last day of the first period **and**
2. first day of the second period.

1 JSA Regs 13, reg 39(1)(a) & (1)(c)

Example 1

Last day of previous JSP = 16.2.13

First day of current JSP = 12.5.13

There are twelve weeks (84 days) between the two JSPs. The DM does not include 16.2.13 and 12.5.13 in this calculation. The two JSPs are treated as one JSP.

Example 2

JSP ends 6.1.13.

ESA period from 1.4.13 to 13.5.13.

Current JSP starts 6.8.13.

There are twelve weeks (84 days) between the first JSP and the beginning of the ESA period. The DM does not include 6.1.13 and 1.4.13 in this calculation.

There are twelve weeks (84 days) between the end of the ESA period and the current JSP. The DM does not include 13.5.13 and 6.8.13 in this calculation.

The two JSPs are treated as one JSP.

R1024 – R1026

Linked periods

R1027 Linked periods are¹ any period when the claimant

1. is entitled to CA² (see R1036) **or**
2. is incapable of work or is treated as incapable of work³ **or**
3. has LCW or is treated as having LCW⁴ **or**
4. is entitled to MA⁵ **or**
5. is doing training for which a training allowance is payable⁶ **or**
6. a period that includes 6.10.96
 - 6.1 during which the claimant attends court because of a summons for jury service **and**
 - 6.2 immediately preceded by a period of entitlement to UB⁷.

1 JSA Regs 13, reg 39(2); 2 reg 39(2)(a); SS CB Act 92, s 70; 3 JSA Regs 13, reg 39(2)(b); SS CB Act 92, Part XIA; 4 JSA Regs 13, reg 39(2)(c); WR Act 07, Part 1; 5 JSA Regs 13, reg 39(2)(d); SS CB Act 92, s 35; 6 JSA Regs 13, reg 39(2)(d) & 1(3); 7 reg 39(2)(f)

R1028 – R1035

CA

R1036 CA only becomes a linked period if it allows the claimant to satisfy the contribution conditions for entitlement to JSA and the claimant would otherwise be unable to satisfy them¹. The linked period of CA has to end within 12 weeks or less of the starting of a JSP or some other linked period².

1 JSA Regs 13, reg 39(4); 2 reg 39(3)

Example 1

Josie claims and receives JSA from and including 14.10.13. JSA stops and CA is payable from 16.12.13. Caring ends on 11.10.15 and Josie claims JSA on 12.10.15. If 12.10.15 was the start of the JSP, she would not be entitled to JSA. As Josie cannot satisfy the contribution conditions for JSA, then the period of CA **does** become a linked period, and the JSP begins on 14.10.13.

Example 2

Meg claims and receives JSA from and including 14.10.13. JSA stops and CA is payable from 16.12.13. Caring ends on 21.12.14 and Meg claims JSA on 22.12.14.

If 22.12.14 was the start of the JSP, she would be entitled to JSA. As Meg can satisfy the contribution conditions for JSA, then the period of CA **does not** become a linked period, and the JSP begins on 22.12.14.

R1037 – R1043

Claimants approaching retirement

R1044 The guidance on claimants approaching retirement only applies to claimants who are not receiving JSA, for example because entitlement has been exhausted¹.

1 JSA Regs 13, reg 40(1)

R1045 Claimants are treated as satisfying the conditions (for the purposes **only** of forming a JSP) in R1008 **1.** to **6.**¹, for days

1. that fall after 6.10.96 **and**
2. that fall within a tax year (6th April to 5th April) in which the claimant has reached the qualifying age for SPC, but is under pension age (see ADM Chapter R2) **and**
3. for which JSA is not payable because the claimant
 - 3.1 has exhausted entitlement to 182 days JSA² **or**
 - 3.2 does not satisfy one or both of the contribution conditions for JSA³ **or**
 - 3.3 is entitled to JSA, but nothing is payable because of pension payments that the claimant receives⁴ **and**
4. on which the claimant has not accepted a claimant commitment⁵.

1 JSA Regs 13, reg 40(1) & (2); 2 JS Act 95, s 5(1); 3 s 2(1)(a) & (b); 4 JSA Regs 13, reg 51; 5 JS Act 95, s 1(2)(b)

R1046 The qualifying age for SPC is¹

1. for a woman – pension age **or**
2. for a man – the age which is pension age for a woman born on the same date as the man.

1 JSA Regs 13, reg 40(1)(a)

Claimants who are incapable of work or have limited capability for work

R1047 Any day of

1. IfW that falls within a PIW (see DMG Chapter 56)¹ **or**
2. LCW that falls within a PLCW (see DMG Chapter 42)²

cannot be treated as a day on which a claimant satisfies the conditions at R1008 **1.** to **6.**

1 JSA Regs 13, reg 40(4); SS CB Act 92, s 30C; 2 JSA Regs, reg 40(5); WR Act 07, Part 1

Claimants who work

R1048 Where claimants work as employed earners or S/E earners for more than twelve continuous weeks, they cannot be treated as satisfying the conditions at R1008 1. to 6. for any days within the twelve weeks or following the twelve weeks. But if claimants stop work and claim JSA, they can again be treated as satisfying the conditions at R1008 1. to 6., as long as they satisfy the requirements of R1045¹. Week means a period of seven days².

1 JSA Regs 13, reg 40(3); 2 reg 2(2)

R1049 – R1050

JSA contribution conditions

Definitions

Benefit year

R1051 A benefit year is the period that¹

1. begins with the first Sunday in January in any calendar year **and**
2. ends with the Saturday immediately before the first Sunday in January in the next calendar year.

1 JS Act 95, s 2(4)(a); SS CB Act 92, s 21(6)

Class 2 contributions and volunteer development workers

R1052 A person who works abroad as a volunteer development worker¹ (for example, for an organization such as Voluntary Service Overseas) may be entitled to pay special Class 2 contributions under specific legislation². HMRC decides whether a person is entitled to pay the special Class 2 contributions. But this only applies if that person is³

1. ordinarily resident in GB (see ADM Chapter C3) **and**
2. employed outside GB (see ADM Chapter C3).

1 JSA Regs 13, reg 75; SS (Contributions) Regs 79, reg 123A(1); 2 reg 123C; 3 reg 123A(2)

Relevant benefit year

R1053 The relevant benefit year¹ is the benefit year that includes the beginning of

1. the current JSP **or**
2. any linked period that ends within twelve weeks of the start of a
 - 2.1 JSP **or**
 - 2.2 linked period²

whichever is earlier.

Note: See R1022 for guidance on calculating the twelve weeks.

1 JS Act 95, s 2(4)(b); 2 JSA Regs 13, reg 39(3)

Special Class 2 contributions

R1054 Special Class 2 contributions are¹ any Class 2 contributions paid by a share fisherman².

1 JSA Regs 13, reg 69(3); 2 SS (Contributions) Regs 79, reg 98(c)

Tax year

R1055 A tax year is a period of twelve months beginning with 6 April of any year¹. For example, the tax year beginning April 2012 is the period 6.4.12 - 5.4.13.

1 JS Act 95, s 35(1)

R1056 – R1059

General

R1060 The contribution-based conditions for entitlement to JSA are that the claimant must¹

1. satisfy the first contribution condition (see R1067 - R1071) **and**
2. satisfy the second contribution condition (see R1074 – R1076) **and**
3. not have earnings higher than the prescribed amount (see R1081 – R1082) **and**
4. not be entitled to IS.

Note: Claimants who do not make a claim for IS cannot be entitled to IS.

1 JS Act 95, s 2(1)

HM Revenue and Customs questions

R1061 HMRC decide whether Class 1 or Class 2 contributions have been paid or credited in any year¹.

1 SSC (ToF) Act 99, s 8(1)(e); R(JSA) 8/02

What the DM decides

R1062 The DM determines whether the contribution conditions are satisfied¹, including

1. the earnings factor derived from Class 1 or Class 2 contributions **and**
2. the beginning of the relevant benefit year **and**
3. which are the relevant income tax years **and**
4. the years in which the contributions must have been paid or credited.

1 SS Act 98, s 8(1)

Reference to HMRC

R1063 Entitlement to JSA depends on the contribution conditions being satisfied. In practice the NI contribution record is usually obtained and any decision is based on the assumption that the record is factually correct. However, where there is a dispute about the record, the matter must be referred by the DM to HMRC for a formal decision¹.

Note 1: See ADM Chapters A3, A4 and A5 for guidance on how decisions and appeals are handled after a reference to HMRC.

Note 2: See ADM Chapter A1 where the dispute is about whether credits should be awarded.

1 SS CS (D&A) Regs, reg 11A and 38A

R1064 – R1066

First contribution condition

General

R1067 To satisfy the first contribution condition¹

1. the claimant must have paid Class 1 contributions in respect of one (“the base year”) of the last two complete tax years before the beginning of the relevant benefit year **and**
2. Class 1 contributions must have been paid before the week that the claimant claims JSA **and**
3. the claimant must have had relevant earnings for the base year on which the Class 1 contributions have been paid or treated as paid of at least 26 times the LEL for that tax year (see Appendix 1 to this Chapter).

1 JS Act 95, s 2(1)(a), 2(2) & 35(1)

Share fishermen

R1068 For share fisherman R1067 **1.** can include Class 1 or special Class 2 contributions¹.

1 JS Act 95, s 2(1)(a), 2(2) & 35(1); JSA Regs 13, reg 69(2)

Volunteer development workers

R1069 For volunteer development workers R1067 **1.** can include¹ Class 1 contributions or Class 2 contributions².

1 JS Act 95, s 2(1)(a), 2(2) & 35(1); JSA Regs 13, reg 75; 2 SS (Contributions) Regs 79, Part VIII, Case G

Determining relevant earnings

R1070 Relevant earnings are determined by the number of weeks worked in the base year. The relevant earnings are the total amount of earnings at the level of LEL¹.

1 JS Act 95, s 2(2A); JSA Regs 13, reg 34(1)

R1071 When working out the relevant earnings, any earnings in excess of LEL are ignored¹.

1 JSA Regs 13, reg 34(2)

Relaxation of the first contribution condition

Spouses and civil partners of service personnel

R1072 The first contribution condition is taken to be satisfied¹ where the claimant is entitled to be credited with earnings equal to LEL on the grounds that they

1. are a spouse or civil partner of a member of HMF **and**
2. accompanied that member of HMF on an assignment outside the UK or treated as such by the Secretary of State

in respect of any week during the last complete tax year before the relevant benefit year.

1 JSA Regs 13, reg 35(2); Social Security (Credits) Regulations 1975, reg 9E

R1073 In addition to satisfying R1072, the claimant must also¹

1. have paid Class 1 contributions before the relevant benefit week in respect of **any previous tax year and**
2. have earnings at the level of LEL in that tax year on which Class 1 contributions have
 - 2.1 been paid **or**
 - 2.2 treated as paid

of at least 26 times the LEL for that tax year, disregarding any earnings which exceed LEL.

1 JSA Regs 13, reg 35(1)

Example

Jessica's husband is in the army and she accompanied him when he served overseas in various spells during 2012 and 2013. Prior to 2012, Jessica had worked intermittently but most frequently in 2009 and 2010. Whilst overseas Jessica did not work but was credited with earnings equal to LEL on the grounds that she accompanied her husband on overseas postings. When they arrived back in the UK, Jessica made a claim for JSA with a date of claim of 10.1.14.

The DM decides that Jessica satisfies the first contribution condition for JSA. This is based on her relevant benefit year being 2014. Ordinarily, the two tax years to be used to determine the first contribution condition would be 2012/2013 or 2011/2012. However, because of Jessica's time overseas as a spouse of a member of HMF, the DM decides to use the tax year 2009/2010 where Jessica's earnings were such that the first contribution condition can be taken to have been satisfied.

Jessica will still need to satisfy the second contribution condition for the two tax years 2012/13 and 2011/12.

Second contribution condition

General

R1074 To satisfy the second contribution condition¹

1. the claimant must have
 - 1.1 paid Class 1 contributions **or**
 - 1.2 been credited with earnings

for the last two complete tax years before the beginning of the relevant benefit year
and

2. the earnings factor from the earnings
 - 2.1 on which primary Class 1 contributions have been paid or treated as being paid **or**
 - 2.2 credited

must be at least 50 times the LEL for each of those last two complete tax years (see Appendix 1 to this Chapter).

1 JS Act 95, s 2(1)(b), 2(3) & 35(1)

Share fishermen

R1075 For share fishermen R1074 **1.1** and **2.1** can include Class 1 or special Class 2 contributions¹.

1 JS Act 95, s 2(1)(b), 2(3) & 35(1); JSA Regs 13, reg 75

Volunteer development workers

R1076 For volunteer development workers R1074 **1.1** and **2.1** can include¹ Class 1 contributions or Class 2 contributions for volunteer development workers².

*1 JS Act 95, s 2(1)(b), 2(3) & 35(1); JSA Regs 13, reg 75;
2 SS (Contributions) Regs 79, Part VIII, Case G*

Earnings at or below the LEL

R1077 People who have earnings at or below the LEL and people who have earnings above the LEL do not have to pay any contributions on earnings at or below the LEL¹.

1 SS CB Act 92, s 6A

R1078 The earnings

1. on which primary Class 1 contributions have been paid or treated as paid, that did not exceed the UEL **and**

2. at or below the LEL

count towards satisfying the second contribution condition¹.

1 JS Act 95, s 2(3A)

R1079 – R1080

Prescribed amount of earnings

R1081 Claimants are not entitled to JSA for any week that they have earnings that are higher than the prescribed amount (see R1060 3.)¹.

1 JS Act 95, s 2(1)(c)

R1082 The prescribed amount of the claimant's earnings is calculated by using the formula¹
(A + D) - £0.01 where

1. A is the age-related amount that is appropriate to the claimant's age **and**
2. D is any earnings disregard appropriate to the claimant².

1 JSA Regs 13, reg 48; 2 reg 59(2) & 61(2) & Sch

Example

Dale is entitled to an age-related amount of £71.70 a week.

He is entitled to a disregard of £5.00 a week.

Applying the formula - (£71.70 + £5.00) - £0.01 = £76.69.

If Dale has earnings of more than £76.69 a week he is not entitled to JSA.

Late payment of contributions

R1083 The DM determines whether the contribution conditions for JSA are satisfied. Contributions paid after the due date are generally treated as paid on the date of payment. However there are circumstances in which the DM may accept that contributions are treated as having been paid on an earlier date¹. The DM will need to liaise with HMRC.

1 SS (Conts) Regs, reg 60-65; SS (Crediting etc) Regs, reg 4

R1084

Class 2 NI contributions

Contributions paid by due date

R1085 The deadline for the payment of Class 2 NI contributions from the 2015/16 tax year onwards is 31 January of the following calendar year; for example, Class 2 NI contributions due in the 2015/2016 tax year are due to be paid by 31.1.2017. This date falls after the start of the benefit year for JSA, which means there is a possibility of a claim for these benefits being made in circumstances where

entitlement relies on as yet unpaid contributions, and consequently being disallowed.

Note: Class 2 NI Contributions are only relevant to JSA claims from share fishermen and volunteer development workers. See R1067 - R1069 for further details.

R1086 A decision to disallow claims to JSA may be revised¹ at any time where

1. on or after the date of the decision a contribution that is paid by the due date is treated as paid² before the relevant benefit week **and**
2. as a result, the person now satisfies the contribution conditions.

1 UC, PIP, JSA & ESA (D&A) Regs, reg 17(3); 2 Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001, reg 7A

Contributions refunded

R1087 A decision to award JSA may be revised¹ at any time where contributions are repaid or returned to the contributor where this means the person no longer satisfies the contribution conditions of entitlement to the benefit.

1 UC, PIP, JSA & ESA (D&A) Regs, reg 17(4) & 17(5)

Duration of JSA

Maximum entitlement

R1088 The DM calculates when claimants have had 182 days JSA. Claimants who are entitled to JSA cannot have more than 182 days JSA¹ for any period using the same two tax years (see R1090 – R1091). Each day for which

1. JSA is paid **or**
2. JSA is treated as paid (see R1097) **or**
3. the claimant is entitled to JSA but it is not payable (see R1098)

counts towards the 182 day total.

1 JS Act 95, s 5(1)

R1089

More than one period of entitlement to JSA

R1090 If a claimant has two or more separate claims to JSA on which entitlement to JSA is decided using the same two tax years, the days of entitlement in each of those awards are added together, up to a maximum of 182 days¹.

1 JS Act 95, s 5(1)

R1091 If a claimant has two or more separate claims to JSA, the days of entitlement to JSA in each of those awards are **not** added together for any claims where

1. the claimant's entitlement to JSA is decided using at least one different tax year to the earlier award¹ **and**
2. the separate periods do not link.

In these cases claimant's can start their 182 day maximum entitlement again if they satisfy R1067 – R1082.

1 JS Act 95, s 5(1) & 35(1)

Example 1

Fred claims JSA from 4.11.13.

The two complete tax years used for calculating whether he satisfies the second contribution condition, for this claim, are

1. 6.4.10 - 5.4.11 **and**
2. 6.4.11 - 5.4.12.

JSA is paid from 7.11.13 (4.11.13 - 6.11.13 are waiting days).

The award ends on 25.11.13.

He has had 19 days JSA.

He is employed on a short-term contract that ends on 2.12.13.

He then makes a new claim to JSA from 3.12.13.

The two complete tax years used for calculating whether he satisfies the second contribution condition, for this second claim, are the same as for the previous claim.

The days of entitlement on the second claim are added to those of the first claim, so 3.12.13 is Fred's 20th day of entitlement JSA.

Example 2

Emma claims JSA from 4.11.13.

The two complete tax years used for calculating whether she satisfies the second contribution condition, for this claim, are

1. 6.4.10 - 5.4.11 **and**
2. 6.4.11 - 5.4.12.

JSA is paid from 7.11.13 (4.11.13 - 6.11.13 are waiting days).

The award ends on 25.11.13. She has had 19 days JSA.

She is employed on a short-term contract that ends on 17.1.14.

She makes a new claim to JSA from 20.1.14.

As the second claim is made within twelve weeks of the first award ending the linking period rules apply and the two complete tax years used for calculating

whether Emma satisfies the second contribution condition are the same as for the first claim.

The days of entitlement on the second claim are added to those of the first claim, so 20.1.14 is Emma's 20th day of entitlement JSA.

Example 3

Terry claims JSA from 13.1.14.

The two complete tax years used for calculating whether Terry satisfies the second contribution condition, for this claim, are

1. 6.4.11 - 5.4.12 **and**
2. 6.4.12 - 5.4.13.

JSA is paid from 16.1.14 (13.1.14 - 15.1.14 are waiting days).

The award ends on 4.2.14. Terry has had 20 days JSA.

He is employed from 5.2.14 - 9.5.14.

He then makes a new claim to JSA from 12.5.14.

As the second claim is made more than twelve weeks after the end of the first award

1. the linking period rules do not apply **and**
2. 12.5.14 - 14.5.14 are waiting days.

But the two complete tax years used for calculating whether he satisfies the second contribution condition, for the second claim, are the same as for the first claim.

The days of entitlement on the second claim are added to those of the first claim, so 15.5.14 is Terry's 21st day of entitlement to JSA.

Example 4

Sandra claims JSA from 4.11.13.

The two complete tax years used for calculating whether Sandra satisfies the second contribution condition, for this claim, are

1. 6.4.10 - 5.4.11 **and**
2. 6.4.11 - 5.4.12.

JSA is paid from 7.11.13 (4.11.13 - 6.11.13 are waiting days).

The award ends on 25.11.13. Sandra has had 19 days JSA.

She is employed on a fixed term contract that ends on 27.2.14.

She then makes a new claim to JSA from 28.2.14.

As the second claim is not made within twelve weeks of the end of the first claim

1. the linking period rules do not apply **and**

2. 28.2.14 - 2.3.14 are waiting days.

The two complete tax years used for calculating whether she satisfies the second contribution condition for this second claim are

1. 6.4.11 - 5.4.12 **and**
2. 6.4.12 - 5.4.13.

The days of entitlement on the second claim are **not** added to those of the first claim because her entitlement to JSA is calculated using one different tax year (6.4.12 - 5.4.13).

Sandra is entitled to a maximum of 182 days JSA on the later claim.

R1092 – R1095

Days that count as days of entitlement to JSA

R1096 Days can be

1. treated as days of entitlement to JSA **and**
2. count towards the maximum of 182 days¹.

even though no JSA is payable.

1 JS Act 95, s 5(3); JSA Regs 13, reg 37(3)

R1097 The days that are treated as counting towards the maximum of 182 days¹

1. are days that fall in a JSP² **and**
2. are days
 - 2.1 on which
 - 2.1.a the claimant satisfies the contribution conditions except R1060 **3. and 4.**³ **and**
 - 2.1.b JSA is not payable because of a sanction or disqualification for benefit fraud offences⁴

1 JS Act 95, s 5(3); JSA Regs 13, reg 37(3); 2 reg 37(3)(a); 3 reg 37(3)(b)(i); 4 reg 37(3)(b)(ii)

Example

Nora is entitled to JSA.

JSA is paid to her for 100 days.

Nora refuses employment without good reason.

The DM imposes a sanction. Any days that

1. fall in the JSP **and**
2. the sanction is imposed for

count towards Nora's remaining 82 days of entitlement.

R1098 Days where

1. claimants are entitled to JSA **but**
2. JSA is not payable for whatever reason will count towards the maximum of 182 days.

Example 1

Dan is entitled to JSA.

Due to the amount of his occupational pension no JSA is payable.

Each day in the JSP counts towards the maximum of 182 days.

Example 2

Alex, a share fisherman, who is entitled to JSA is paid JSA for 100 days.

In a particular week

1. he does not work as a share fisherman **and**
2. he fails to prove that he had not neglected to avail himself of a reasonable opportunity of employment as a share fisherman.

The DM decides that JSA is not payable for the week.

Any of the days in the week that are in the JSP count towards Alex's remaining 82 days entitlement.

R1099 – R1104

Claimants who have had their full entitlement of JSA

R1105 The DM decides whether the claimant can have another period of entitlement to JSA.

R1106 Claimants who have had their full 182 days entitlement to JSA can have another period of JSA if¹

1. they satisfy the contribution-based conditions **and**
2. at least one of the two complete tax years that are used to decide whether they have satisfied the contribution-based conditions is later than both the tax years used to decide entitlement to the first 182 days.

1 JS Act 95, s 5(2) & 35(1)

Example 1

Harry claims JSA and the award totals 182 days on 25.11.13. The two complete tax years used for calculating whether he satisfies the contribution-based conditions, for this claim, are 6.4.10 - 5.4.11, **and** 6.4.11 - 5.4.12. The award of JSA ends on 26.11.13. Harry is employed from 27.11.13 - 17.1.14. He then makes a new claim to JSA from 20.1.14. The two complete tax years used for calculating whether he

satisfies the contribution-based conditions, for this claim, are the same as for the previous claim. This is due to the linking period rules. He is not entitled to another period of 182 days JSA.

Example 2

Al claims JSA from 13.1.14. The two complete tax years used for calculating whether he satisfies the second contribution condition, for this claim, are 6.4.11 - 5.4.12 **and** 6.4.12 - 5.4.13. JSA is paid from 16.1.14 (13.1.14 - 15.1.14 are waiting days). 16.7.14 is Al's 182nd day of JSA. His award of JSA ends on 17.7.14. He is employed from 18.7.14 - 17.10.14. He then makes a new claim to JSA from 20.10.14. As the second claim is made more than twelve weeks after the end of the first award, the linking period rules do not apply. But the two complete tax years used for calculating whether Al satisfies the second contribution condition, for the second claim, are the same as for the previous claim. Al is not entitled to another period of 182 days JSA.

Example 3

Freda's award of JSA totals 182 days on 25.11.13. The two complete tax years used for calculating whether she satisfies the contribution-based conditions, for this claim, are 6.4.10 - 5.4.11 **and** 6.4.11 - 5.4.12. The award of JSA ends on 26.11.13. Freda is employed from 27.11.13 - 27.2.14. She then makes a new claim to JSA from 28.2.14. This claim does not link to the previous award. The 2 complete tax years used for calculating whether she satisfies the contribution-based conditions, for this second claim, are 6.4.11 - 5.4.12 **and** 6.4.12 - 5.4.13. She is entitled to another period of 182 days JSA because one of these tax years (6.4.12 - 5.4.13) is later than the tax years used for the earlier claim.

R1107 – R1108

Arrears of JSA or UB due; JSA overpaid

R1109 The guidance in R1110 – R1118 can only be applied if

1. the DM's decision is made on or after 28.10.96 **and**
2. some of the later JSA that would have been overpaid as in
 - 2.1 R1110 3. **and**
 - 2.2 R1112 3.

is for days on or after 28.10.96.

Arrears of JSA due - claimant had full entitlement of JSA

R1110 Where

1. claimants become entitled to arrears of JSA **and**

2. they have already received JSA for a later day or days in one or more periods of entitlement to JSA **and**
3. because of the 182 days limit on JSA, payment of the arrears would cause any of the later JSA to be overpaid

the overpaid JSA is treated as paid on account of the arrears. The arrears due should be reduced accordingly¹.

1 SS (Gen Ben) Regs, reg 9(5A)

R1111 No overpayment arises even if the JSA that would become overpaid was paid at a higher weekly rate than the JSA that later becomes payable (for example due to benefit up-rating). But if the amount of arrears due is higher than the amount that would become overpaid, the claimant should be paid the balance.

Arrears of UB due - claimant had full entitlement of JSA

R1112 Where

1. claimants become entitled to arrears of UB for one or more days that were before 7.10.96 or in the benefit week that includes 7.10.96 **and**
2. they have already received JSA for a later day or days in one or more periods of entitlement to JSA **and**
3. because of the
 - 3.1 182 days limit on JSA **or**
 - 3.2 156 or 312 days limit under transitional protectionpayment of the arrears would cause any of the later JSA to be overpaid

the overpaid JSA is treated as paid on account of the arrears of UB. The arrears due should be reduced accordingly¹.

1 SS (Gen Ben) Regs, reg 9(5B)

R1113 No overpayment arises even if the JSA that would become overpaid was paid at a higher weekly rate than the UB that later becomes payable (for example due to benefit up-rating). But if the amount of arrears due is higher than the amount that would become overpaid, the claimant should be paid the balance.

JSA overpaid

R1114 Where

1. a decision is changed on appeal or review **and**
2. JSA has been paid for days for which there was no entitlement, due to that changed decision

the days in **2.** are treated as days for which the claimant has entitlement to JSA.

R1115 R1114 only applies in deciding whether

1. the claimant has had the maximum number of days entitlement to JSA **and**
2. the date on which the claimant has reached the maximum number of days entitlement to JSA.

But it does not apply where R1116 applies¹.

1 SS (Gen Ben) Regs, reg 9(5C)

R1116 If any part of the sum overpaid is **recovered**, the amount recovered reduces the number of days entitlement for the purposes of calculating the date on which the claimant reaches the maximum number of days entitlement to JSA. The number of days is calculated¹

1. by dividing the amount recovered by 1/7 of the weekly rate at which the benefit was paid **and**
2. rounding up or down to the nearest whole number.

1 SS (Gen Ben) Regs, reg 9(5C)(b)

R1117 If

1. an award continues after the claimant has reached the maximum number of days entitlement to JSA **and**
2. the DM then determines that some or all of the JSA paid before the claimant reached the maximum number of days entitlement to JSA was overpaid and recoverable

then the benefit to which there would have been entitlement, if the claimant had not reached the maximum number of days entitlement, cannot be awarded and then used to reduce the overpayment and postpone the date on which the claimant reaches the maximum number of days entitlement to JSA. For R1116 to apply the overpayment must first actually be repaid¹.

1 R(S) 14/53

R1118 R1114 – R1117 do not apply to days for which¹

1. there would have been entitlement to JSA but for the payment by the Secretary of State to certain employees of insolvent businesses² **and**
2. in calculating that payment, the Secretary of State made a deduction on account of JSA received.

Such days are not treated as days of entitlement to JSA when calculating when the claimant has reached the maximum number of days of entitlement to JSA, even though the overpayment resulting from any revised decision has not been recovered to the NI Fund.

1 SS (Gen Ben) Regs, reg 9(5D); 2 ER Act 96, sec 182

R1119 - R1999

Appendix 1

Lower earnings limit

From	To	Amount (£)
6.4.93	5.4.94	56
6.4.94	5.4.95	57
6.4.95	5.4.96	58
6.4.96	5.4.97	61
6.4.97	5.4.98	62
6.4.98	5.4.99	64
6.4.99	5.4.00	66
6.4.00	5.4.01	67
6.4.01	5.4.02	72
6.4.02	5.4.03	75
6.4.03	5.4.04	77
6.4.04	5.4.05	79
6.4.05	5.4.06	82
6.4.06	5.4.07	84
6.4.07	5.4.08	87
6.4.08	5.4.09	90
6.4.09	5.4.10	95
6.4.10	5.4.11	97
6.4.11	5.4.12	102
6.4.12	5.4.13	107
6.4.13	5.4.14	109
6.4.14	5.4.15	111
6.4.15	5.4.16	112
6.4.16	5.4.17	112
6.4.17	5.4.18	113
6.4.18	5.4.19	116

Appendix 2

Linking with periods of interruption of employment

A period of interruption of employment treated as a jobseeking period

- 1 A PIE (see DMG Chapter 37 for guidance on the meaning of PIE)¹ that ends in
 1. the eight weeks before
 - 1.1 a JSP **or**
 - 1.2 linked periodthat begins on 7.10.96 **or**
 2. the twelve weeks before
 - 2.1 a JSP **or**
 - 2.2 linked periodthat begins after 7.10.96

is treated as a JSP². This does not apply when the days of claim the DM is considering fall in the period 7.10.96 to 27.10.96. When working out eight or twelve weeks before a date, the date itself is excluded.

1 JSA Regs 13, reg 38(2); 2 reg 38(1)

Example

Stuart has been claiming and receiving either UB or IB throughout the period 2.1.95 to 17.8.96. He works from 19.8.96 until 8.11.96 when he is made redundant. Stuart claims JSA on 9.11.96. Stuart's PIE ended on 17.8.96, which is within twelve weeks of a JSP (which began on 9.11.96). The PIE is treated as a JSP, so Stuart's JSP begins on 2.1.95.

Linking with periods of interruption of employment - linked period spans 7.10.96

- 2 For any days of a JSA claim up to and including 30.11.97 a PIE can only be treated as a JSP if
 1. the PIE ends within twelve or eight weeks of a JSP or linked period **and**
 2. that JSP or linked period starts on or after 7.10.96.

1 JSA Regs 13, reg 38(1)

- 3 If the conditions in 2 are not satisfied, part of the PIE under consideration may also be a linked period. Such a linked period should be treated in the normal way. If the

linked period is a period for which a training allowance was payable see DMG 37126.

- 4 A PIE must end on 6.10.96 at the latest. Legislation for PIEs does not exist after this date¹.

1 SS CB Act 92, s 25A; JS Act 95, Sch 3

Example 1

Oliver has

UB from 11.8.93 to 16.3.94.

IB from 17.3.94 to 6.11.96.

Then claims JSA from 7.11.96.

The claims to UB and IB form a PIE. This PIE is treated as a JSP as 6.10.96 (the end of the PIE) is within twelve weeks of the start of the Oliver's JSP.

Oliver's JSP starts on 11.8.93.

Oliver's relevant benefit year is the benefit year that includes 11.8.93 (that is 1993). Oliver does not have to serve waiting days (see ADM Chapter R2).

Example 2

Faye has

UB from 11.8.93 to 16.3.94.

IB from 17.3.94 to 19.3.97.

Then claims JSA from 20.3.97.

The claims to UB and IB form a PIE. That PIE ends on 6.10.96.

The period on IB is a linked period - but it starts before 7.10.96 (on 17.3.94).

The end of the PIE (6.10.96) and the start of the JSP (20.3.97) are more than twelve weeks apart. The PIE cannot be treated as a JSP.

But the IB period is also a linked period and ends within twelve weeks of the start of the JSP. Faye's relevant benefit year (see R1053) is the benefit year that includes 17.3.94 (that is 1994). Faye does not have to serve waiting days (see ADM Chapter R2).

Changes to regulations from 1.12.97

- 5 For any days of a JSA claim from 1.12.97 to 31.3.98 inclusive any days of unemployment that form part of a PIE can be treated as a JSP where¹

1. the last day of unemployment in the PIE is within eight weeks of a linked period **and**
2. the linked period began before 7.10.96 and is still current on 1.12.97.

Note: Guidance on days that cannot be days of unemployment is at DMG 37010 et seq. Guidance on PIEs is in DMG Chapter 37.

1 JSA Regs 13, reg 38(1)(a)

Example

Pete claims and receives UB 11.8.93 to 16.3.94.

Pete then claims IB 17.3.94 to 9.3.97 and from 14.4.97 to 7.12.97.

On 8.12.97 the Pete claims JSA.

The linked period that began before 7.10.96 is not still current on 1.12.97 so the days of unemployment (11.8.93 to 16.3.94) cannot be treated as a JSP.

Pete's JSP starts on 17.3.94.

Pete's relevant benefit year (see R1053) is the benefit year that includes 17.3.94 (that is 1994). Pete does not have to serve waiting days (see ADM Chapter R2).

Changes to regulations from 1.4.98

6 For any days of a JSA claim from and including 1.4.98 any days of unemployment that form part of a PIE can be treated as a JSP where¹

1. the last day of unemployment in the PIE is within eight weeks of a linked period **and**
2. the linked period began before 7.10.96.

Note: Guidance on days that cannot be days of unemployment is in DMG Chapter 37. Guidance on PIEs is also in DMG Chapter 37.

1 JSA Regs 13, reg 38(1)(a)

Example 1

Sophie claims and receives UB 11.8.93 to 16.3.94.

Sophie then claims IB 17.3.94 to 9.3.97 and from 14.4.97 to 1.4.98.

On 2.4.98 Sophie claims JSA.

16.3.94 is within eight weeks of 17.3.94, so the days of unemployment (11.8.93 to 16.3.94) can be treated as a JSP.

Sophie's JSP starts on 11.8.93.

Sophie's relevant benefit year (see R1053) is the benefit year that includes 11.8.93 (that is 1993). Sophie does not have to serve waiting days (see ADM Chapter R2).

Example 2

Iain claims and receives UB 11.8.93 to 16.3.94.

Iain then claims IB 17.3.94 to 9.3.97 and from 14.4.97 to 13.3.98.

On 14.3.98 the Iain claims JSA.

In respect of the period 14.3.98 to 31.3.98: the days of unemployment (11.8.93 to 16.3.94) cannot be treated as JSP because the linked period that began before 7.10.96 is not still current on 1.12.97; Iain's JSP starts on 17.3.94 and his relevant benefit year is 1994. Iain does not have to serve waiting days.

In respect of the period 1.4.98 onwards; the days of unemployment (11.8.93 to 16.3.94) can be treated as a JSP; Iain's JSP starts on 11.8.93 and his relevant benefit year is 1993. Iain does not have to serve waiting days.

Linking with periods of interruption of employment - linked period and jobseeking period start after 7.10.96

7

Where a claimant has a

1. PIE that ends before 7.10.96 **and**
2. linked period that begins after 7.10.96 **and**
3. JSP that begins after 7.10.96

the PIE, linked period and JSP are treated as one JSP as long as each period is separated by no more than twelve weeks.

Example

Rick has a PIE that ends on 6.10.96. On 14.12.96 Rick claims IB. The claim to IB ends on 14.2.97. On 15.2.97 Rick claims JSA.

The linked period begins on 14.12.96 and ends on 14.2.97. The JSP begins on 15.2.97. Rick has a JSP and a linked period that begin after 7.10.96.

The PIE is treated as a JSP because it ends within twelve weeks of the start of the linked period. The two JSPs (the PIE that is treated as a JSP and the JSP that begins on 15.2.97) are treated as one JSP (see R1021).

The content of the examples in this document (including use of imagery) is for illustrative purposes only