

WELFARE REFORM ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Working-age benefits

Section 61: Entitlement to work: jobseeker's allowance

316. *Section 61* introduces a requirement for claimants of JSA to have an entitlement to work in the United Kingdom. The intention is to prevent people from accessing contributory benefits if they do not have a current entitlement to work in the United Kingdom. This requirement will apply after the introduction of the universal credit, once JSA is a contributions-based benefit.
317. *Section 61* amends the JA 1995 to create a new condition of entitlement for JSA, requiring a claimant to be entitled to be in employment in the United Kingdom. *Subsection (2)* inserts this requirement into the conditions of entitlement for JSA set out in section 1(2) of JA 1995.
318. *Subsection (3)* inserts new *subsection (3A)* into JA 1995 which provides that a person is entitled to be in employment if they are either not subject to immigration controls or have leave to enter or remain in the United Kingdom which is not subject to any restrictions preventing them from taking up work.
319. *Subsection (4)* allows for regulations to prescribe circumstances in which exceptions may be made to this condition.