
STATUTORY INSTRUMENTS

2015 No. 339

The Jobseeker's Allowance (Extended Period of Sickness) Amendment Regulations 2015

Amendment of the Jobseeker's Allowance Regulations 2013

- 3.—(1) The Jobseeker's Allowance Regulations 2013⁽¹⁾ are amended as follows.
- (2) After regulation 16 (circumstances in which requirements must not be imposed) insert—

“Further circumstances in which requirements must not be imposed

16A.—(1) This regulation applies in the case of a claimant who is treated as capable of work or as not having limited capability for work under regulation 46A (extended period of sickness).

(2) Where the Secretary of State is satisfied that it would be unreasonable to require the claimant to comply with a work search requirement—

- (a) the Secretary of State must not impose a work search requirement on the claimant; and
- (b) a work search requirement previously applying to the claimant ceases to have effect from the date on which the claimant is first treated as capable of work or as not having limited capability for work under regulation 46A.

(3) Paragraph (4) applies where the Secretary of State is satisfied that it would be unreasonable to require the claimant to comply with a work availability requirement to be able and willing to—

- (a) take up work; and
- (b) attend an interview.

(4) Where this paragraph applies, “able and willing to take up work” under a work availability requirement means able and willing to take up paid work and to attend an interview, immediately once the claimant ceases to be treated as capable of work or as not having limited capability for work under regulation 46A.

(5) Paragraph (6) applies where the Secretary of State is satisfied that it would be—

- (a) unreasonable to require the claimant to comply with a work availability requirement to be able and willing to take up work; and
- (b) reasonable to require the claimant to comply with a work availability requirement to be able and willing to attend an interview.

(6) Where this paragraph applies, “able and willing to take up work” under a work availability requirement means—

- (a) able and willing to take up paid work immediately once the claimant ceases to be treated as capable of work or as not having limited capability for work under regulation 46A; and

- (b) able and willing to attend an interview before the claimant ceases to be so treated.”.
- (3) In regulation 46 (short periods of sickness)—
 - (a) in paragraph (1)—
 - (i) in sub-paragraph (a) omit “satisfies the requirements for entitlement to a jobseeker’s allowance or”;
 - (ii) in sub-paragraph (c) for “but for their disease or disablement, would satisfy” substitute “during the period of their disease or disablement, satisfies”;
 - (iii) at the end insert “or universal credit”;
 - (b) in paragraphs (3), (4) and (5) for “The preceding provisions of this regulation do” substitute “Paragraph (1) does”;
 - (c) after paragraph (5) insert—
 - “(6) Paragraph (1) does not apply to any person—
 - (a) during any period where the person is treated as capable of work or as not having limited capability for work under regulation 46A (extended period of sickness);
or
 - (b) where the first day in respect of which that person would, apart from this sub-paragraph, have been treated as capable of work or as not having limited capability for work under this regulation falls immediately after the last day on which the person is so treated under regulation 46A.”.
- (4) After regulation 46 insert—

“Extended period of sickness

- 46A.—**(1) This regulation applies to a person who—
- (a) has been awarded a jobseeker’s allowance or is a person to whom any of the circumstances mentioned in section 6J(2) or (3) or 6K(2) of the Act apply;
 - (b) proves to the satisfaction of the Secretary of State that they are unable to work on account of some specific disease or disablement;
 - (c) either—
 - (i) declares that they have been unable to work, or expect to be unable to work, on account of that disease or disablement for more than 2 weeks but they do not expect to be unable to work on account of that disease or disablement for more than 13 weeks; or
 - (ii) is not a person to whom regulation 46(1) (short periods of sickness) applies by virtue of paragraph (3) of that regulation;
 - (d) during the period of their disease or disablement, satisfies the requirements for entitlement to a jobseeker’s allowance except those specified in section 1(2)(f) (capable of work or not having limited capability for work); and
 - (e) has not stated in writing that for the period of the disease or disablement they propose to claim or have claimed an employment and support allowance or universal credit.
- (2) The evidence which is required for the purposes of paragraph (1)(b) in a case where paragraph (1)(c)(i) applies is—

- (a) evidence of incapacity for work or limited capability for work in accordance with the Social Security (Medical Evidence) Regulations 1976(2) (which prescribe the form of a doctor's statement or other evidence required in each case); and
- (b) any such additional information as the Secretary of State may request.

(3) The evidence which is required for the purposes of paragraph (1)(b) in a case where paragraph (1)(c)(ii) applies is a declaration made by the person in writing, in a form approved for the purposes by the Secretary of State, that the person has been unfit for work from a date or for a period specified in the declaration.

(4) Subject to the following paragraphs, a person to whom this regulation applies is to be treated as capable of work or as not having limited capability for work for the continuous period beginning on the first day on which the person is unable to work on account of the disease or disablement ("the first day") and ending on—

- (a) the last such day; or
- (b) if that period would otherwise exceed thirteen weeks, the day which is thirteen weeks after the first day.

(5) This regulation does not apply to a person on more than one occasion in any one period of twelve months starting on the first day applying for the purpose of paragraph (4).

(6) Paragraphs (4) and (5) of regulation 46 apply for the purposes of this regulation as they apply for the purposes of paragraph (1) of regulation 46."