

WELFARE REFORM ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Universal credit

Section 18: Work availability requirement

81. *Section 18* defines the work availability requirement. This is a requirement that the claimant is able and willing immediately to take up paid work, increase the number of hours they work or get work that is better paid. *Subsection (3)* allows for regulations to place limitations on the work a claimant must be available for. These may match any limitations imposed on the work search requirement under section 17. Again, limitations may be indefinite or for a particular period, and may be specified by the Secretary of State or imposed through regulations. *Subsection (5)* provides for regulations to define what is meant by being able and willing immediately to take up work, allowing the work availability requirement to be relaxed where it would not be possible for the claimant to take up work straight away. The first regulations under subsections (3) and (5) will be subject to the affirmative resolution procedure.
82. If a claimant moves from one group to another then any work-related requirements which may not be imposed on the group the claimant moves to automatically cease. For example, any work search, work availability and work preparation requirements would no longer apply if a claimant moves from the group subject to all work-related requirements to the group who may only be subject to work-focused interviews.