STATUTORY INSTRUMENTS

2016 No. 502

SOCIAL SECURITY

The Jobseeker's Allowance (Extended Period of Sickness) Amendment Regulations 2016

Made - - - -	*12th April 2016*
Laid before Parliament	*19th April 2016*
Coming into force - -	*23rd May 2016*

The Secretary of State for Work and Pensions, in exercise of the powers conferred by paragraph 2(1) of Schedule 1 to the Jobseekers Act 1995(**a**) and section 37(3) and (6) of the Welfare Reform Act 2012(**b**), makes the following Regulations.

The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it (**c**).

Citation and Commencement

1. These Regulations may be cited as the Jobseeker's Allowance (Extended Period of Sickness) Amendment Regulations 2016 and come into force on 23rd May 2016.

Amendment of the Jobseeker's Allowance Regulations 1996

2.—(1) The Jobseeker's Allowance Regulations 1996(**d**) are amended as follows.

(2) In regulation 55 (short periods of sickness) after paragraph (6)(**e**) insert—

"(7) For the purposes of calculating the number of occasions under paragraph (3), any occasion to which regulation 55ZA applies to the claimant is to be disregarded.".

(3) In regulation 55ZA(**f**) (extended period of sickness)—

(a) in paragraph (1)—

(i) in sub-paragraph (b) after "disablement" insert "("the initial condition")";

(ii) in sub-paragraph (c)(i)—

(aa) for the first "expect" substitute "expects";

(**a**) 1995 c.18. Paragraph 2(1) of Schedule 1 to the Jobseekers Act 1995 was amended by S.I. 2013/630. Paragraph 2(1) provides that questions about whether a person has limited capability for work are to be determined for the purposes of that Act in accordance with Part 1 of the 2007 Act or Part 1 of the 2012 Act, as the Secretary of State considers appropriate in the person's case.
(**b**) 2012 c.5.
(**c**) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c.5).
(**d**) S.I. 1996/207.
(**e**) Regulation 55(6) was inserted by S.I. 2015/339.
(**f**) Regulation 55ZA was inserted by S.I. 2015/339.

(bb) for the first "that disease or disablement" substitute "the initial condition or any other disease or disablement"; and

(cc) for "he does not expect to be unable to work on account of that disease or disablement for" substitute "not";

(iii) in sub-paragraph (c)(ii), after "that regulation" insert ", and declares that he has been unable to work or expects to be unable to work, on account of the initial condition or any other disease or disablement, for 2 weeks or less";

(b) in paragraph (3), at the beginning, insert "Subject to paragraph (3A),";

(c) after paragraph (3) insert—

"(3A) In a case where paragraph (1)(c)(ii) applies, but the period in which the person has been unable to work or expects to be unable to work in fact exceeds 2 weeks, the evidence that is required for the purposes of paragraph (1)(b) is the evidence that is required in a case where paragraph (1)(c)(i) applies."; and

(d) in paragraph (4) before "disease or disablement" omit "the".

Amendment of the Jobseeker's Allowance Regulations 2013

3.—(1) The Jobseeker's Allowance Regulations 2013(**a**) are amended as follows.

(2) In regulation 46 (short periods of sickness) after paragraph (6)(**b**) insert—

"(7) For the purposes of calculating the number of occasions under paragraph (3), any occasion to which regulation 46A applies to the claimant is to be disregarded.".

(3) In regulation 46A(**c**) (extended period of sickness)—

(a) in paragraph (1)—

(i) in sub-paragraph (b) after "disablement" insert "("the initial condition")";

(ii) in sub-paragraph (c)(i)—

(aa) for the first "that disease or disablement" substitute "the initial condition or any other disease or disablement"; and

(bb) for "they do not expect to be unable to work on account of that disease or disablement for" substitute "not";

(iii) in sub-paragraph (c)(ii), after "that regulation" insert ", and declares that he has been unable to work or expects to be unable to work, on account of the initial condition or any other disease or disablement, for 2 weeks or less";

(b) in paragraph (3), at the beginning, insert "Subject to paragraph (3A),";

(c) after paragraph (3) insert—

"(3A) In a case where paragraph (1)(c)(ii) applies, but the period in which the person has been unable to work or expects to be unable to work in fact exceeds 2 weeks, the evidence that is required for the purposes of paragraph (1)(b) is the evidence that is required in a case where paragraph (1)(c)(i) applies."; and

(d) in paragraph (4) before "disease or disablement" omit "the".

Signed by authority of the Secretary of State for Work and Pensions

Priti Patel
Minister of State,
Department for Work and Pensions

12th April 2016

(**a**) S.I.2013/378.
(**b**) Regulation 46A(6) was inserted by S.I. 2015/339.
(**c**) Regulation 46A was inserted by S.I. 2015/339.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations 1996 ("the 1996 Regulations") and the Jobseeker's Allowance Regulations 2013 ("the 2013 Regulations") concerning the circumstances in which a claimant is treated as capable of work (or as not having limited capability for work) on account of a period of disease or disablement.

Regulation 2(2) amends regulation 55 of the 1996 Regulations by inserting a new paragraph which provides that where a claimant satisfies the requirements for a short period of sickness, but goes on to satisfy the requirements for an extended period of sickness under regulation 55ZA of the 1996 Regulations in respect of the same period of sickness, the short period of sickness under regulation 55 is disregarded for the purpose of calculating the maximum number of short periods of sickness which a person may have under regulation 55(3).

Regulation 2(3) amends regulation 55ZA of the 1996 Regulations. It ensures that regulation 55ZA continues to apply where a claimant's original health condition changes (the period of sickness or disablement must still be continuous, in accordance with paragraph (4) of regulation 55ZA). It also ensures that where a period of sickness is initially expected to last for two weeks or less, but ends up lasting for more than two weeks, the claimant is required to provide the same supporting medical evidence as someone who expected to be unable to work for longer than two weeks at the outset.

Regulation 3 makes equivalent amendments to the 2013 Regulations.

An impact assessment has not been produced for this instrument as it has no impact on business and only a negligible impact on civil society organisations and the public sector.

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