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(**1**) and section 37(3) and (6) of the Welfare Reform Act 2012(**2**), 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 (**3**).

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(**4**) are amended as follows.

(2) In regulation 55 (short periods of sickness) after paragraph (6)(**5**) 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(**6**) (extended period of sickness)—

(a) in paragraph (1)—

(**1**) 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.

(**2**) 2012 c.5.

(**3**) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c.5).

(**4**) S.I. 1996/207.

(**5**) Regulation 55(6) was inserted by S.I. 2015/339.

(**6**) Regulation 55ZA was inserted by S.I. 2015/339.

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

(ii) in sub-paragraph (c)(i)—

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

(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(**7**) are amended as follows.

(2) In regulation 46 (short periods of sickness) after paragraph (6)(**8**) 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(**9**) (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".

(**7**) S.I.2013/378.
(**8**) Regulation 46A(6) was inserted by S.I. 2015/339.
(**9**) Regulation 46A was inserted by S.I. 2015/339.