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STATUTORY INSTRUMENTS

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**2013 No. 378**

**The Jobseeker's Allowance Regulations 2013**

**PART 5**

Conditions of entitlement

**[<sup>F1</sup>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 [<sup>F2</sup>(“the initial condition”)];
- (c) either—
  - (i) declares that they have been unable to work, or expect to be unable to work, on account of [<sup>F3</sup>the initial condition or any other disease or disablement] for more than 2 weeks but [<sup>F4</sup>not] 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 [<sup>F5</sup>], 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];
- (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 (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) [<sup>F6</sup>Subject to paragraph (3A),] 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.

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<sup>F7</sup>(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.]

(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 <sup>F8</sup>... 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.]

#### **Textual Amendments**

- F1** Reg. 46A inserted (30.3.2015) by [The Jobseeker's Allowance \(Extended Period of Sickness\) Amendment Regulations 2015 \(S.I. 2015/339\)](#), regs. 1, **3(4)**
- F2** Words in reg. 46A(1)(b) inserted (23.5.2016) by [The Jobseekers Allowance \(Extended Period of Sickness\) Amendment Regulations 2016 \(S.I. 2016/502\)](#), regs. 1, **3(3)(a)(i)**
- F3** Words in reg. 46A(1)(c)(i) substituted (23.5.2016) by [The Jobseekers Allowance \(Extended Period of Sickness\) Amendment Regulations 2016 \(S.I. 2016/502\)](#), regs. 1, **3(3)(a)(ii)(aa)**
- F4** Word in reg. 46A(1)(c)(i) substituted (23.5.2016) by [The Jobseekers Allowance \(Extended Period of Sickness\) Amendment Regulations 2016 \(S.I. 2016/502\)](#), regs. 1, **3(3)(a)(ii)(bb)**
- F5** Words in reg. 46A(1)(c)(ii) inserted (23.5.2016) by [The Jobseekers Allowance \(Extended Period of Sickness\) Amendment Regulations 2016 \(S.I. 2016/502\)](#), regs. 1, **3(3)(a)(iii)**
- F6** Words in reg. 46A(3) inserted (23.5.2016) by [The Jobseekers Allowance \(Extended Period of Sickness\) Amendment Regulations 2016 \(S.I. 2016/502\)](#), regs. 1, **3(3)(b)**
- F7** Reg. 46A(3A) inserted (23.5.2016) by [The Jobseekers Allowance \(Extended Period of Sickness\) Amendment Regulations 2016 \(S.I. 2016/502\)](#), regs. 1, **3(3)(c)**
- F8** Word in reg. 46A(4) omitted (23.5.2016) by virtue of [The Jobseekers Allowance \(Extended Period of Sickness\) Amendment Regulations 2016 \(S.I. 2016/502\)](#), regs. 1, **3(3)(d)**

**Status:**

Point in time view as at 07/11/2017. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Jobseeker's Allowance Regulations 2013, Section 46A.