
STATUTORY INSTRUMENTS

2004 No. 1869

The Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2004

Amendment of the Jobseeker's Allowance Regulations 1996

3.—(1) The Jobseeker's Allowance Regulations 1996(1) shall be amended in accordance with this regulation.

(2) In regulation 14(1)(2) (circumstances in which a person is to be treated as available)—

(a) after sub-paragraph (l) insert the following sub-paragraph—

“(ll) if he is treated as capable of work in accordance with regulation 55A, for the period determined in accordance with that regulation;” and

(b) after sub-paragraph (p) add the following sub-paragraph—

“(q) if he is temporarily absent from Great Britain in the circumstances prescribed in regulation 50(6AA) or, as the case may be, (6C).”.

(3) In regulation 19(1)(3) (circumstances in which a person is to be treated as actively seeking employment)—

(a) after sub-paragraph (l) insert the following sub-paragraph—

“(ll) in any week during which he is for not less than 3 days treated as capable of work in accordance with regulation 55A;” and

(b) after sub-paragraph (t) add the following sub-paragraph—

“(u) if he is temporarily absent from Great Britain in the circumstances prescribed in regulation 50(6AA) or, as the case may be (6C).”.

(4) In regulation 50(4) (persons temporarily absent from Great Britain)—

(a) after paragraph (6) insert the following paragraph—

“(6AA) For the purposes of the Act a claimant shall be treated as being in Great Britain during any period of temporary absence from Great Britain if—

(a) he was entitled to a jobseeker's allowance immediately before the beginning of that period of temporary absence; and

(b) that period of temporary absence is for the purpose of the claimant receiving treatment at a hospital or other institution outside Great Britain where that treatment is being provided—

(i) under section 3 of the National Health Service Act 1977 (services generally);

(ii) pursuant to arrangements made under section 23 of that Act (voluntary organisations and other bodies); or

(1) S.I.1996/207.

(2) Regulation 14 was amended by S.I. 1996/1517, 1997/563, 1999/3087 and 2000/3336.

(3) Regulation 19 was amended by S.I. 1996/1517, 1997/563, 1998/1274, 1999/3087 and 2000/3336.

(4) Regulation 50 was amended by S.I. 2000/1978.

- (iii) pursuant to arrangements made under paragraph 13 of Schedule 2 to the National Health Service and Community Care Act 1990 (National Health Service Trusts – specific powers).”;
- (b) after paragraph (6B)(5) insert the following paragraph—
- “(6C) For the purposes of the Act a member of a joint-claim couple (“the first member”) shall be treated as being in Great Britain during any period of temporary absence if—
- (a) he and the other member of that couple were entitled to a joint-claim jobseeker’s allowance immediately before the beginning of that period of temporary absence; and
- (b) that period of temporary absence is for the purpose of the first member receiving treatment at a hospital or other institution outside Great Britain where that treatment is being provided—
- (i) under section 3 of the National Health Service Act 1977;
- (ii) pursuant to arrangements made under section 23 of that Act; or
- (iii) pursuant to arrangements made under paragraph 13 of Schedule 2 to the National Health Service and Community Care Act 1990.”.
- (5) In regulation 55(6) (short periods of sickness) after paragraph (4) add the following paragraph—
- “(5) The preceding provisions of this regulation shall not apply to a claimant who is temporarily absent from Great Britain in the circumstances prescribed by regulation 50(6AA) or, as the case may be, (6C).”.
- (6) After regulation 55 insert the following regulation—

“Periods of sickness and persons receiving treatment outside Great Britain

55A.—(1) A person—

- (a) who has been awarded a jobseeker’s allowance, a joint-claim jobseeker’s allowance or is a person to whom any of the circumstances mentioned in section 19(5) or (6) or 20A(2) apply; and
- (b) who is temporarily absent from Great Britain in the circumstances prescribed by regulation 50(6AA) or, as the case may be, (6C); and
- (c) who proves to the satisfaction of the Secretary of State that he is unable to work on account of some specific disease or disablement; and
- (d) but for his disease or disablement, would satisfy the requirements for entitlement to a jobseeker’s allowance other than those specified in section 1(2)(a), (c) and (f) (available for and actively seeking employment and capable of work),

shall be treated during that period of temporary absence abroad as capable of work, except where that person has stated in writing before that period of temporary absence abroad begins that immediately before the beginning of the period of that temporary absence abroad he has claimed incapacity benefit, severe disablement allowance or income support.

(2) The evidence which is required for the purposes of paragraph (1)(c) is a declaration made by that person in writing, in a form approved for the purposes by the Secretary of State, that he will be unfit for work from a date or for a period specified in the declaration..”

(5) Paragraph (6B) was inserted by S.I. 2000/1978.

(6) Regulation 55 was amended by S.I. 1996/1517, 1999/2860 and 2000/1978.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*
