
STATUTORY INSTRUMENTS

2013 No. 378

The Jobseeker's Allowance Regulations 2013

PART 2

Claimant responsibilities

Work availability requirement: able and willing immediately to take up paid work

13.—(1) Subject to paragraph (2), a claimant is to be treated as not having complied with a work availability requirement if the claimant is—

- (a) not able and willing immediately to attend an interview offered to the claimant in connection with obtaining paid work;
- (b) a prisoner on temporary release in accordance with the provisions of the Prison Act 1952⁽¹⁾ or rules made under section 39(6) of the Prisons (Scotland) Act 1989⁽²⁾.

(2) A claimant is to be treated as having complied with a work availability requirement despite not being able immediately to take up paid work, if paragraph (3), (4) or (5) applies.

(3) This paragraph applies where—

- (a) a claimant is a responsible carer or a relevant carer;
- (b) the Secretary of State is satisfied that as a consequence the claimant needs a period of up to one month to take up paid work, or up to 48 hours to attend an interview in connection with obtaining paid work, taking into account alternative care arrangements; and
- (c) the claimant is able and willing to take up paid work, or attend such an interview, on being given notice for that period.

(4) This paragraph applies where—

- (a) a claimant is carrying out voluntary work;
- (b) the Secretary of State is satisfied that as a consequence the claimant needs a period of up to one week to take up paid work, or up to 48 hours to attend an interview in connection with obtaining paid work; and
- (c) the claimant is able and willing to take up paid work, or attend such an interview, on being given notice for that period.

(5) This paragraph applies where a claimant is—

- (a) employed under a contract of service;
- (b) required by section 86 of the Employment Rights Act 1996⁽³⁾, or by the contract of service, to give notice to terminate the contract;
- (c) able and willing to take up paid work once the notice period has expired; and

⁽¹⁾ 1952 c.52.

⁽²⁾ 1989 c.45.

⁽³⁾ 1996 c.18. Section 86 was amended by S.I. 2002/2034.

- (d) able and willing to attend an interview in connection with obtaining paid work on being given 48 hours notice.