
STATUTORY INSTRUMENTS

2013 No. 378

The Jobseeker's Allowance Regulations 2013

PART 2

Claimant responsibilities

Circumstances in which requirements must not be imposed

- 16.**—(1) Where paragraph (3), [F¹(4), (5) or (5B)] applies—
- (a) the Secretary of State must not impose a work search requirement on a claimant; and
 - (b) “able and willing immediately to take up work” under a work availability requirement means able and willing to take up paid work, or attend an interview, immediately once the circumstances set out in paragraph (3), [F¹(4), (5) or (5B)] no longer apply.
- (2) A work search requirement previously applying to the claimant ceases to have effect from the date on which the circumstances set out in paragraph (3), [F²(4), (5) or (5B)] apply.
- (3) This paragraph applies where—
- (a) the claimant is attending a court or tribunal as a party to any proceedings or as a witness;
 - (b) the claimant is temporarily absent from Great Britain because they are—
 - (i) taking their child outside Great Britain for medical treatment;
 - (ii) attending a job interview outside Great Britain; or
 - (iii) receiving medical treatment outside Great Britain;
 - (c) it is within six months of the death of—
 - (i) where the claimant is a member of a couple, the other member;
 - (ii) a child for whom the claimant or, where the claimant is a member of a couple, the other member, is responsible; or
 - (iii) a child, where the claimant is the child's parent;
 - (d) the claimant is receiving and participating in a structured, recovery-orientated, course of alcohol or drug dependency treatment, for a period of up to six months (where the course is for more than six months, this sub-paragraph only applies for the first six months);
 - (e) the claimant is a person for whom arrangements have been made by a protection provider under section 82 of the Serious Organised Crime and Police Act 2005 ^{M1}, for a period of up to three months (where the arrangements are for more than three months, this sub-paragraph only applies for the first three months).
- (4) This paragraph applies where the Secretary of State is satisfied that it would be unreasonable to require the claimant to comply with a work search requirement, including if such a requirement were limited in accordance with section 6D(4) of the Act, because the claimant—
- (a) has temporary child care responsibilities;
 - (b) is subject to temporary circumstances;

- (c) is carrying out a public duty; or
 - (d) is carrying out a work preparation requirement or voluntary work preparation.
- (5) This paragraph applies where the claimant—
- (a) is unfit for work—
 - (i) for a maximum of 14 consecutive days after the date on which the evidence referred to in sub-paragraph (b) is provided; and
 - (ii) on no more than two such periods in any period of 12 months; and
 - (b) provides to the Secretary of State the following evidence—
 - (i) for the first seven days when they are unfit for work, a declaration made by the claimant in such manner and form as the Secretary of State approves that the claimant is unfit for work; and
 - (ii) for any further days when they are unfit for work, a statement given ^{F3}... in accordance with the rules set out in Part 1 of Schedule 1 to the Social Security (Medical Evidence) Regulations 1976 ^{M2} which advises that the person is not fit for work.

[^{F4}(5A) Paragraph (5) does not apply to a claimant—

- (a) if it has previously been determined on the basis of an assessment under Part 5 of the Universal Credit Regulations 2013 or Part 4 or 5 of the Employment and Support Allowance Regulations 2013 that the claimant does not have limited capability for work; and
- (b) the condition specified in the evidence provided by the claimant in accordance with paragraph (5)(b) is in the opinion of the Secretary of State the same, or substantially the same, as the condition specified in the evidence provided by the claimant before the date of the determination that the claimant does not have limited capability for work.

(5B) This paragraph applies where the Secretary of State is satisfied that it would be unreasonable to require the claimant to comply with a work search requirement or a work availability requirement, including if such a requirement were limited in accordance with section 6D(4) of the Act, because paragraph (5) would apply to the claimant but for paragraph (5A).]

(6) In this regulation, “tribunal” means any tribunal listed in Schedule 1 to the Tribunal and Inquiries Act 1992 ^{M3}.

Textual Amendments

- F1** Words in [reg. 16\(1\)](#) substituted (11.4.2018) by [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(4), **4(a)**
- F2** Words in [reg. 16\(2\)](#) substituted (11.4.2018) by [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(4), **4(b)**
- F3** Words in [reg. 16\(5\)\(b\)\(ii\)](#) omitted (1.7.2022) by virtue of [The Social Security \(Medical Evidence\) and Statutory Sick Pay \(Medical Evidence\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/630\)](#), regs. 1(2), **4(4)(a)**
- F4** [Reg. 16\(5A\)\(5B\)](#) inserted (11.4.2018) by [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(4), **4(c)**

Marginal Citations

- M1** [2005 c.15](#). Section 82 was amended by paragraph 13 of Schedule 6 to the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#) and [S.I. 2010/976](#).
- M2** [S.I. 1976/615](#).

M3 1992 c.53.

Changes to legislation:

There are currently no known outstanding effects for the The Jobseeker's Allowance Regulations 2013, Section 16.