
STATUTORY INSTRUMENTS

2013 No. 378

The Jobseeker's Allowance Regulations 2013

PART 5

Conditions of entitlement

Persons temporarily absent from Great Britain

41.—(1) For the purposes of the Act, a claimant must be treated as being in Great Britain during any period of temporary absence from Great Britain—

- (a) not exceeding four weeks in the circumstances specified in paragraph (2);
- (b) not exceeding eight weeks in the circumstances specified in paragraph (3).

(2) The circumstances specified in this paragraph are that—

- (a) the claimant is in Northern Ireland and satisfies the conditions of entitlement to a jobseeker's allowance;
- (b) immediately preceding the period of absence from Great Britain, the claimant was entitled to a jobseeker's allowance; and
- (c) the period of absence is unlikely to exceed 52 weeks.

(3) The circumstances specified in this paragraph are that—

- (a) immediately preceding the period of absence from Great Britain, the claimant was entitled to a jobseeker's allowance;
- (b) the period of absence is unlikely to exceed 52 weeks;
- (c) the claimant continues to satisfy or be treated as satisfying the other conditions of entitlement to a jobseeker's allowance;
- (d) the claimant is, or the claimant and any other member of their family are, accompanying a member of the claimant's family who is a child or young person solely in connection with arrangements made for the treatment of that child or young person for a disease or bodily or mental disablement; and
- (e) those arrangements relate to treatment—
 - (i) outside Great Britain;
 - (ii) during the period whilst the claimant is, or the claimant and any member of their family are, temporarily absent from Great Britain; and
 - (iii) by, or under the supervision of, a person appropriately qualified to carry out that treatment.

(4) A person must also be treated, for the purposes of the Act, as being in Great Britain during any period of temporary absence from Great Britain where—

- (a) the absence is for the purpose of attending an interview for employment;
- (b) the absence is for seven consecutive days or less;

- (c) notice of the proposed absence is given to the Secretary of State before departure, and is given in writing if so required by the Secretary of State; and
- (d) on their return to Great Britain the person satisfies the Secretary of State that they attended for the interview in accordance with their notice.
- (5) For the purposes of the Act a claimant must be treated as being in Great Britain during any period of temporary absence from Great Britain if—
- (a) the claimant 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 the treatment is being provided—
- (i) under section 6(2) of the Health Service Act (performance of functions outside England)⁽¹⁾ or section 6(2) of the Health Service (Wales) Act (performance of functions outside Wales);
- (ii) pursuant to arrangements made under section 12(1) of the Health Service Act (Secretary of State’s arrangements with other bodies)⁽²⁾, section 10(1) of the Health Service (Wales) Act (Welsh Minister’s arrangements with other bodies), paragraph 18 of Schedule 4 to the Health Service Act (joint exercise of functions)⁽³⁾ or paragraph 18 of Schedule 3 to the Health Service (Wales) Act (joint exercise of functions)⁽⁴⁾; or
- (iii) under any equivalent provision in Scotland or pursuant to arrangements made under such provision.
- (6) For the purposes of the Act, a person must be treated as being in Great Britain during any period of temporary absence from Great Britain not exceeding 15 days where—
- (a) the absence is for the purpose of taking part in annual continuous training as a member of any territorial or reserve force prescribed in Part 1 of Schedule 6 to the Social Security (Contributions) Regulations 2001⁽⁵⁾; and
- (b) the person was entitled to a jobseeker’s allowance immediately before the period of absence.
- (7) In this regulation, “appropriately qualified” means qualified to provide medical treatment, physiotherapy or a form of treatment which is similar to, or related to, either of those forms of treatment.

(1) Section 6(2) was amended by paragraph 2 of Schedule 4 to the Health and Social Care Act 2012 (c.7).

(2) Section 12(1) was amended by paragraph 8 of Schedule 4 to the Health and Social Care Act 2012.

(3) Paragraph 18 of Schedule 4 was amended by paragraph 22 of Schedule 4 to the Health and Social Care Act 2012.

(4) Paragraph 18 of Schedule 3 was amended by paragraph 40 of Schedule 21 to the Health and Social Care Act 2012.

(5) S.I. 2001/1004.