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STATUTORY INSTRUMENTS

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**2015 No. 339**

**The Jobseeker's Allowance (Extended Period of Sickness) Amendment Regulations 2015**

**Amendment of the Employment and Support Allowance Regulations 2013**

5.—(1) The Employment and Support Allowance Regulations 2013<sup>(1)</sup> are amended as follows.

(2) In regulation 5 (the end of the assessment phase)—

- (a) in paragraph (1) for the words from “a period of 13 weeks” to the end substitute “the relevant period”;
- (b) in paragraph (3) for “the 13 week period referred to in paragraph (1)” substitute “the relevant period”;
- (c) after paragraph (3) insert—

“(4) In this regulation, “the relevant period” means the period of 13 weeks beginning with—

- (a) the first day of the assessment phase as determined under section 24(2)(a) of the Act; or
- (b) where that day immediately follows an extended period of sickness, the first day of the extended period of sickness.

(5) In paragraph (4), “extended period of sickness” means a period in which the claimant was—

- (a) entitled to a jobseeker's allowance; and
- (b) treated as capable of work or as not having limited capability for work under regulation 55ZA of the Jobseeker's Allowance Regulations 1996 or regulation 46A of the Jobseeker's Allowance Regulations 2013 (extended period of sickness).”.

(3) In regulation 6 (the assessment phase-previous claimants), after paragraph (1) insert—

“(1A) For the purposes of paragraph (1), any period when the claimant was—

- (a) entitled to a jobseeker's allowance; and
- (b) treated as capable of work or as not having limited capability for work under regulation 55ZA of the Jobseeker's Allowance Regulations 1996 or regulation 46A of the Jobseeker's Allowance Regulations 2013,

is to be treated as a period when the claimant was previously entitled to an employment and support allowance.”.