
STATUTORY INSTRUMENTS

2013 No. 379

The Employment and Support Allowance Regulations 2013

PART 9

Amounts of Allowance

Effect of statutory adoption pay on an employment and support allowance

74.—(1) This regulation applies where—

- (a) a claimant is entitled to statutory adoption pay and, on the day immediately preceding the first day in the adoption pay period, she—
 - (i) is in a period of limited capability for work; and
 - (ii) satisfies the conditions of entitlement to an employment and support allowance in accordance with section 1(2)(a) of the Act; and
- (b) on any day during the adoption pay period—
 - (i) that claimant is in a period of limited capability for work; and
 - (ii) that day is not a day where that claimant is treated as not having limited capability for work.

(2) Where this regulation applies, notwithstanding section 20(4) of the Act, a claimant who is entitled to statutory adoption pay is to be entitled to an employment and support allowance in respect of any day that falls within the adoption pay period.

(3) Where by virtue of paragraph (2) a claimant is entitled to an employment and support allowance for any week (including part of a week), the total amount of employment and support allowance payable to that claimant for that week is to be reduced by an amount equivalent to any statutory adoption pay to which that claimant is entitled in accordance with Part 12ZB of the Contributions and Benefits Act^{M1} for the same week (or equivalent part of a week where entitlement to an employment and support allowance is for part of a week), and only the balance, if any, of the employment and support allowance is to be payable to that claimant.

Marginal Citations

M1 Part 12ZB was inserted by section 4 of the [Employment Act 2002 \(c.22\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2013, Section 74.