
STATUTORY INSTRUMENTS

2008 No. 794

The Employment and Support Allowance Regulations 2008

PART 11

SUPPLEMENTARY PROVISIONS

CHAPTER 2

Work or training beneficiaries

Linking rules – limited capability for work

149.—(1) Where the circumstances in paragraph (2) apply, a work or training beneficiary is to be treated as having limited capability for work for a period of 13 weeks beginning on the day within the linking term on which the work or training beneficiary claims an employment and support allowance.

(2) The circumstances are that—

- (a) the work or training beneficiary provides evidence of limited capability for work in accordance with the Medical Evidence Regulations (which prescribe the form of the doctor's statement or other evidence required in each case); and
- (b) in the most recent past period of limited capability for work, it had been determined that the work or training beneficiary had limited capability for work—
 - (i) the claimant having been assessed in accordance with a limited capability for work assessment; or
 - (ii) as a result of the claimant being treated as having limited capability for work in accordance with regulation 20, 25, 26, 29 or 33(2) (persons to be treated as having limited capability for work).