
STATUTORY INSTRUMENTS

2008 No. 794

The Employment and Support Allowance Regulations 2008

PART 12

DISQUALIFICATION

Disqualification for misconduct etc.

157.—(1) Subject to paragraph (3), paragraph (2) applies where a claimant—

- (a) has limited capability for work through the claimant's own misconduct, except in a case where the limited capability is due to pregnancy or a sexually transmitted disease; or
- (b) fails without good cause to attend for or submit to medical or other treatment (excluding vaccination, inoculation or major surgery) recommended by a doctor with whom, or a hospital or similar institution with which, the claimant is undergoing medical treatment, which would be likely to remove the limitation on the claimant's capability for work;
- (c) fails without good cause to refrain from behaviour calculated to retard the claimant's recovery; or
- (d) is, without good cause, absent from the claimant's place of residence without leaving word with the Secretary of State where the claimant may be found.

(2) A claimant referred to in paragraph (1) is to be disqualified for receiving an employment and support allowance for such period not exceeding 6 weeks as the Secretary of State may determine.

(3) Paragraph (1) does not apply where the claimant—

- (a) is disqualified for receiving an employment and support allowance by virtue of regulations made under section [F16B or] 7 of the Social Security Fraud Act 2001^{F2}; or
- (b) is a person in hardship.

Textual Amendments

F1 Words in reg. 157(3)(a) inserted (1.4.2010) by [The Social Security \(Loss of Benefit\) Amendment Regulations 2010 \(S.I. 2010/1160\)](#), regs. 1, **12(2)**

F2 2001 c. 11.

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, Section 157.