
STATUTORY INSTRUMENTS

2008 No. 794

The Employment and Support Allowance Regulations 2008

PART 5

LIMITED CAPABILITY FOR WORK

Claimant may be called for a medical examination to determine whether the claimant has limited capability for work

23.—(1) Where it falls to be determined whether a claimant has limited capability for work, that claimant may be called by or on behalf of a health care professional approved by the Secretary of State to attend for a medical examination [^{F1}in person, by telephone or by video].

(2) Subject to paragraph (3), where a claimant fails without good cause to attend for or to submit to an examination [^{F2}mentioned] in paragraph (1), the claimant is to be treated as not having limited capability for work.

[^{F3}(3) Paragraph (2) does not apply unless—

- (a) written notice of the date, time and place for the examination was sent to the claimant at least seven days in advance; or
- (b) that claimant agreed to accept a shorter period of notice whether given in writing or otherwise.]

Textual Amendments

- F1** Words in reg. 23(1) inserted (25.3.2021) by [The Social Security \(Claims and Payments, Employment and Support Allowance, Personal Independence Payment and Universal Credit\) \(Telephone and Video Assessment\) \(Amendment\) Regulations 2021 \(S.I. 2021/230\)](#), regs. 1(1), **3(2)**
- F2** Word in reg. 23(2) substituted (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), **13(11)(a)**
- F3** Reg. 23(3) substituted (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), **13(11)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, Section 23.