## STATUTORY INSTRUMENTS

## 2013 No. 379

# SOCIAL SECURITY

# The Employment and Support Allowance Regulations 2013

Made - - - - 25th February 2013
Coming into force 29th April 2013

# THE EMPLOYMENT AND SUPPORT ALLOWANCE REGULATIONS 2013

### PART 1

#### General

- 1. Citation, commencement and application
- 2. Interpretation
- 3. Further interpretation
- 4. Rounding of fractions

## PART 2

## The assessment phase

- 5. The end of the assessment phase
- 6. The assessment phase previous claimants
- Circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arises does not apply

## PART 3

### Conditions of entitlement

- 8. Conditions relating to national insurance and relevant earnings
- 9. Relaxation of the first contribution condition
- 10. Condition relating to youth claimants aged 20 or over but under 25
- 11. Condition relating to youth previous claimants
- 12. Condition relating to youth residence or presence
- 13. Condition relating to youth full-time education
- 14. Modification of the relevant benefit year

Status: Point in time view as at 01/04/2017.

Changes to legislation: There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2013. (See end of Document for details)

#### PART 4

## Limited Capability for Work

- 15. Determination of limited capability for work
- 16. Certain claimants to be treated as having limited capability for work
- 17. Information required for determining capability for work
- 18. Failure to provide information in relation to limited capability for work
- 19. Claimant may be called for a medical examination to determine whether the claimant has limited capability for work
- 20. Matters to be taken into account in determining good cause in relation to regulations 18 or 19
- 21. Hospital patients
- 22. Claimants receiving certain treatment
- 23. Claimant to be treated as having limited capability for work throughout a day
- 24. Night workers
- 25. Exceptional circumstances
- 26. Conditions for treating a claimant as having limited capability for work until a determination about limited capability for work has been made
- 27. Certain claimants to be treated as not having limited capability for work
- 28. Claimants to be treated as not having limited capability for work at the end of the period covered by medical evidence
- 29. Additional circumstances where claimants are to be treated as having limited capability for work

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## Limited Capability for Work-related Activity

- 30. Determination of limited capability for work-related activity
- 31. Certain claimants to be treated as having, or not having, limited capability for work-related activity
- 32. Relevant linked cases limited capability for work-related activity
- 33. Information required for determining capability for work-related activity
- 34. Failure to provide information in relation to work-related activity
- 35. Claimant may be called for a medical examination to determine whether the claimant has limited capability for work-related activity
- 36. Matters to be taken into account in determining good cause in relation to regulations 34 or 35

#### PART 6

Effect of work on entitlement to an Employment and Support Allowance

- 37. A claimant who works to be treated as not entitled to an employment and support allowance
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- 39. Exempt work
- 40. Effect of work on entitlement to an employment and support allowance where claimant is receiving certain treatment

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#### PART 7

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- 51. General principles for calculating reduction periods
- 52. Low-level sanction
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- 54. Start of the reduction
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- 70. Date from which payments are to be taken into account
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- 75. Effect of additional statutory paternity pay on an employment and support allowance
- 75A Effect of statutory shared parental pay on an employment and support allowance

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#### PART 10

## Income and earnings

- 76. Calculation of earnings derived from employed earner's employment and income other than earnings
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- 86. Linking period
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- 90. Absence to receive medical treatment
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## PART 12

## Disqualification

- 93. Disqualification for misconduct etc
- 94. Meaning of "person in hardship"
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- 99. Relevant week
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  Signature

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SCHEDULE 1 — Her Majesty's Forces

PART 1 — Prescribed establishments and organisations

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- 1. Any of the regular naval, military or air forces of...
- 2. Royal Fleet Reserve.
- 3. Royal Navy Reserve.
- 4. Royal Marines Reserve.
- 5. Army Reserve.
- 6. Territorial Army.
- 7. Royal Air Force Reserve.
- 8. Royal Auxiliary Air Force.
- 9. The Royal Irish Regiment, to the extent that its members...
  - PART 2 Establishments and organisations of which Her Majesty's forces do not consist
- 10. Her Majesty's forces are not to be taken to consist...
  - SCHEDULE 2 Assessment of Whether a Claimant has Limited Capability for Work
    - PART 1 Physical Disabilities
    - PART 2 Mental, cognitive and intellectual function assessment
  - SCHEDULE 3 Assessment of whether a claimant has limited capability for work-related activity

**Explanatory Note** 

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