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STATUTORY INSTRUMENTS

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**2013 No. 379**

**The Employment and Support Allowance Regulations 2013**

**PART 5**

Limited Capability for Work-related Activity

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

**35.**—(1) Where it falls to be determined whether a claimant has limited capability for work-related activity, 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 [<sup>F1</sup>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 mentioned in paragraph (1), the claimant is to be treated as not having limited capability for work-related activity.

(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) the claimant agreed to accept a shorter period of notice whether given in writing or otherwise.

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**Textual Amendments**

- F1** Words in [reg. 35\(1\)](#) 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), **6(3)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2013, Section 35.