
STATUTORY INSTRUMENTS

2013 No. 379

The Employment and Support Allowance Regulations 2013

PART 7

Claimant responsibilities

Claimants subject to no work-related requirements

47.—(1) A claimant falls within section 11D of the Act (persons subject to no work-related requirements) if they are a claimant who—

- (a) has caring responsibilities for one or more severely disabled persons for at least 35 hours a week but does not meet the conditions of entitlement to a carer's allowance [^{F1}or have entitlement to carer support payment];
- (b) is the responsible foster parent of a child under the age of one;
- (c) is an adopter and it is 52 weeks or less since—
 - (i) the date on which the child was placed with the claimant; or
 - (ii) if the claimant requested that the 52 weeks should run from a date within 14 days before the child was expected to be placed, that date;
- (d) has been enrolled on, been accepted for or is undertaking, a full-time course of study or training which is not a course of advanced education and—
 - (i) is under the age of 21, or is 21 and reached that age whilst undertaking the course; and
 - (ii) is without parental support;
- (e) is entitled to an employment and support allowance which is payable at a nil rate;
- (f) is pregnant and it is 11 weeks or less before her expected week of confinement; or
- (g) was pregnant and it is 15 weeks or less since the date of her confinement.

(2) Subject to paragraph (3), for the purposes of section 11D of the Act, a person has regular and substantial caring responsibilities for a severely disabled person if the person—

- [^{F2}(a) satisfies the conditions for entitlement to a carer's allowance, or would do so but for the fact that—
 - (i) their earnings have exceeded the limit prescribed for the purposes of that allowance; or
 - (ii) they are—
 - (aa) resident, or treated as resident, in Scotland; or
 - (bb) resident outside of Great Britain and have a genuine and sufficient link to Scotland; or
- (b) is entitled to carer support payment.]

(3) A person does not have regular and substantial caring responsibilities for a severely disabled person if the person derives earnings from those caring responsibilities.

(4) Paragraph (2) applies whether or not the person has made a claim for a carer's allowance.

(5) In this regulation—

“adopter” means a person who has been matched with a child for adoption and who is, or is intended to be, the responsible carer for the child, but excluding a person who is a foster parent or close relative of the child;

“matched with a child for adoption” means an adoption agency has decided that the person would be a suitable adoptive parent for the child;

“severely disabled” has the meaning in section 70 of the Contributions and Benefits Act ^{M1};

[^{F3}“sufficient” has the meaning given in paragraph 3 of Schedule 1 to the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023;]

“without parental support” means the person is not being looked after by a local authority and—

- (a) has no parent (in this definition, “parent” includes any person acting in the place of a parent);
- (b) cannot live with their parents because the person is estranged from them or there is a serious risk—
 - (i) to the person's physical or mental health; or
 - (ii) that the person would suffer significant harm if the person lived with them; or
- (c) is living away from their parents, and neither parent is able to support the person financially because that parent—
 - (i) has a physical or mental impairment;
 - (ii) is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
 - (iii) is prohibited from entering or re-entering Great Britain.

Textual Amendments

- F1** Words in [reg. 47\(1\)\(a\)](#) inserted (19.11.2023) by [The Carer’s Assistance \(Carer Support Payment\) \(Scotland\) Regulations 2023 \(Consequential Amendments\) Order 2023 \(S.I. 2023/1218\)](#), arts. 1(2), [25\(4\)\(a\)](#)
- F2** [Reg. 47\(2\)\(a\)\(b\)](#) substituted (19.11.2023) by [The Carer’s Assistance \(Carer Support Payment\) \(Scotland\) Regulations 2023 \(Consequential Amendments\) Order 2023 \(S.I. 2023/1218\)](#), arts. 1(2), [25\(4\)\(b\)](#)
- F3** Words in [reg. 47\(5\)](#) inserted (19.11.2023) by [The Carer’s Assistance \(Carer Support Payment\) \(Scotland\) Regulations 2023 \(Consequential Amendments\) Order 2023 \(S.I. 2023/1218\)](#), arts. 1(2), [25\(4\)\(c\)](#)
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Marginal Citations

- M1** Section 70 was amended by S.I.s 1994/2556, 2002/1457 and 2011/2426.

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2013, Section 47.