
STATUTORY INSTRUMENTS

2013 No. 380

The Universal Credit, Personal Independence Payment,
Jobseeker's Allowance and Employment and Support
Allowance (Claims and Payments) Regulations 2013

PART 2

Claims

Claims not required for entitlement to an employment and support allowance in certain cases

[^{F17}—(1) It is not to be a condition of entitlement to an employment and support allowance that a claim be made for it where—

- (a) the claimant has made and is pursuing an appeal against a relevant decision of the Secretary of State, and
- (b) the appeal relates to a decision to terminate or not to award an employment and support allowance for which a claim was made.

(2) In this regulation—

“appellate authority” means the First-tier Tribunal, the Upper Tribunal, the Court of Appeal, the Court of Session, or the Supreme Court; and

“relevant decision” means—

- (a) a decision that embodies the first determination by the Secretary of State that the claimant does not have limited capability for work; or
- (b) a decision that embodies the first determination by the Secretary of State that the claimant does not have limited capability for work since a previous determination by the Secretary of State or appellate authority that the claimant does have limited capability for work.]

Textual Amendments

- F1** Reg. 7 substituted (with application in accordance with reg. 2 of the commencing S.I.) by [The Employment and Support Allowance \(Repeat Assessments and Pending Appeal Awards\) \(Amendment\) Regulations 2015 \(S.I. 2015/437\)](#), regs. 1, **6(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013, Section 7.