
STATUTORY INSTRUMENTS

2013 No. 381

**The Universal Credit, Personal Independence Payment,
Jobseeker's Allowance and Employment and Support
Allowance (Decisions and Appeals) Regulations 2013**

PART 4

OTHER MATTERS RELATING TO DECISION- MAKING

Determinations as to limited capability for work

40.—(1) Where, in relation to an award of an employment and support allowance, the Secretary of State makes a determination (including a determination made following a change of circumstances) whether a person—

- (a) has or does not have limited capability for work; or
- (b) is to be treated as having or not having limited capability for work,

which is embodied in or necessary to a decision under Chapter 2 of Part 1 of the 1998 Act (decisions and appeals) or on which such a decision is based, that determination is to be conclusive for the purposes of any further decision relating to such an allowance.

(2) Paragraph (1) applies to determinations made in relation to universal credit as it applies in the case of an employment and support allowance.

(3) Where, in relation to any purpose for which Part 1 (employment and support allowance) of the 2007 Act or Part 1 (universal credit) of the 2012 Act applies, a determination falls to be made as to whether a person—

- (a) is, or is to be treated as, having or not having limited capability for work; or
- (b) is terminally ill,

that issue is to be determined by the Secretary of State, notwithstanding the fact that any other matter falls to be determined by another authority.

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 (Decisions and Appeals) Regulations 2013, Section 40.