

SCHEDULE 2

Transitional and savings provisions

PART 1

Employment and Support Allowance: transitional and savings provisions

Claimants on Incapacity Benefits who have or will become notified persons

4. The third circumstance is where the claimant [^{F1}has been,] is or becomes a notified person within the meaning of regulation 4 of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010⁽¹⁾ and a determination is effective as to whether that person—

- (a) has or is to be treated as having limited capability for work under Part 5 of the ESA Regulations 2008;
- (b) has or is to be treated as having limited capability for work under Part 5 of the ESA Regulations 2013;
- (c) has or is to be treated as having limited capability for work-related activity under Part 6 of the ESA Regulations 2008; or
- (d) has or is to be treated as having limited capability for work-related activity under Part 6 of the ESA Regulations 2013.

Textual Amendments

- F1** Words in Sch. 2 para. 4 inserted (23.6.2017) by [The Employment and Support Allowance \(Miscellaneous Amendments and Transitional and Savings Provision\) Regulations 2017 \(S.I. 2017/581\)](#), regs. 1, **9(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017, Paragraph 4.