
DRAFT STATUTORY INSTRUMENTS

2011 No.

The Employment and Support Allowance
(Work-Related Activity) Regulations 2011

PART 4

Amendments to the ESA Regulations

Amendment to regulation 64 of the ESA Regulations (cessation of reduction)

18.—(1) Regulation 64 of the ESA Regulations is amended as follows.

(2) For paragraph (1) substitute—

“(1) Any reduction imposed as a result of a failure determination which resulted from a failure to undertake work-related activity in accordance with the Employment and Support Allowance (Work-Related Activity) Regulations 2011 ceases to have effect if—

- (a) the claimant complies with a requirement to undertake the work-related activity specified in the action plan or, where permitted by the Secretary of State, an alternative activity;
- (b) the claimant subsequently ceases to be subject to a requirement to undertake work-related activity; or
- (c) the Secretary of State decides it is no longer appropriate to require the person to undertake work-related activity at that time.”.

(3) After paragraph (1) insert—

“(1A) The Secretary of State must notify the person in writing—

- (a) where an alternative activity is permitted under paragraph (1)(a), by inclusion of that activity in the action plan; and
- (b) of any decision under paragraph (1)(c).”.

(4) In paragraph (2)(a) for “attend” substitute “take part in”.