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DRAFT STATUTORY INSTRUMENTS

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**2013 No.**

**The Employment and Support Allowance Regulations 2013**

**PART 2**

**The assessment phase**

**The end of the assessment phase**

**5.—**(1) Subject to paragraphs (2) and (3) and regulation 6, the assessment phase in relation to a claimant ends on the last day of a period of 13 weeks beginning on the first day of the assessment phase as determined under section 24(2)(a) of the Act.

(2) Where paragraph (3) applies, the assessment phase is to end when it is determined whether the claimant has limited capability for work.

(3) This paragraph applies where, at the end of the 13 week period referred to in paragraph (1)—

- (a) the claimant has not been assessed in accordance with a limited capability for work assessment; and
- (b) the claimant has not been treated as having limited capability for work in accordance with regulation 16, 21, 22 or 25.