
STATUTORY INSTRUMENTS

2017 No. 204

The Employment and Support Allowance and
Universal Credit (Miscellaneous Amendments and
Transitional and Savings Provisions) Regulations 2017

PART 2

Universal Credit: limited capability for work element

Amendments to the Universal Credit Regulations 2013

4.—(1) The Universal Credit Regulations 2013(1) are amended as follows.

(2) In regulation 2 (interpretation), for the definition of ““LCW element” and “LCWRA element”” substitute—

““LCWRA element” has the meaning in regulation 27;”.

(3) In regulation 23 (introduction), in paragraph (2)(a) omit “the LCW element and”.

(4) In regulation 27 (award to include LCW and LCWRA elements)—

(a) in the heading, for “LCW and LCWRA elements” substitute “LCWRA element”;

(b) for paragraph (1) substitute—

“(1) An award of universal credit is to include an amount in respect of the fact that a claimant has limited capability for work and work-related activity (“the LCWRA element”).”;

(c) in paragraph (2), for “amounts of those elements are” substitute “amount of that element is”;

(d) in paragraph (3), omit “work or for”;

(e) for paragraph (4), substitute—

“(4) In the case of joint claimants, where each of them has limited capability for work and work-related activity, the award is only to include one LCWRA element.”.

(5) In regulation 28 (period for which the LCW or LCWRA element is not to be included)—

(a) in the heading and in paragraphs (1), (2)(a) and (3)(a), omit “LCW or”;

(b) in paragraph (5)(b)(i), omit “or the work-related activity component”;

(c) omit paragraph (6).

(6) In regulation 29 (award to include the carer element), for paragraph (4) substitute—

“(4) Where an amount would, apart from this paragraph, be included in an award in relation to a claimant by virtue of paragraphs (1) to (3), and the claimant has limited capability for work and work-related activity (and, in the case of joint claimants, the

(1) [S.I. 2013/376](#); relevant amending instruments are [S.I. 2015/30](#), [2015/457](#) and [2015/1754](#). Regulation 36 is also amended by section 14(5)(b) of the Welfare Reform and Work Act 2016 from a date to be appointed.

LCWRA element has not been included in respect of the other claimant), only the LCWRA element may be included in respect of the claimant.”.

- (7) In regulation 36 (table showing amounts of elements)—
- (a) in paragraph (1), for “LCW and LCWRA elements” substitute “LCWRA element”;
 - (b) in the table—
 - (i) for the row “LCW and LCWRA elements” substitute “LCWRA element”;
 - (ii) omit the row under “LCWRA element” (as amended by paragraph (i)) showing the amount for limited capability for work.

Amendments to the Universal Credit (Transitional Provisions) Regulations 2014

5.—(1) The Universal Credit (Transitional Provisions) Regulations 2014(2) are amended as follows.

- (2) In regulation 19 (transition from old style ESA)—
- (a) in paragraph (1), for sub-paragraph (b) substitute—
 - “(b) on or before the relevant date it had been determined that the claimant had limited capability for work or limited capability for work-related activity (within the meaning of Part 1 of the 2007 Act).”;
 - (b) in paragraph (2)—
 - (i) for “was entitled to the work-related activity component” substitute “had limited capability for work (within the meaning of Part 1 of the 2007 Act)”;
 - (ii) omit sub-paragraph (a);
 - (iii) in sub-paragraph (b) omit “regulation 27(1)(a) of those Regulations and”;
 - (c) omit paragraph (3);
 - (d) in paragraph (4), for “was entitled to the support component” substitute “had limited capability for work-related activity (within the meaning of Part 1 of the 2007 Act) or was treated as having limited capability for work-related activity”;
 - (e) in paragraph (6), for “was entitled to the work-related activity component or, as the case may be, the support component” substitute “had limited capability for work or, as the case may be, limited capability for work-related activity (within the meaning of Part 1 of the 2007 Act)”;
 - (f) in paragraph (8)—
 - (i) for the definition of ““assessment phase”, “support component” and “work-related activity component”” substitute—
 - ““assessment phase” has the same meaning as in the 2007 Act.”;
 - (ii) for the definition of ““LCW element” and “LCWRA element”” substitute—
 - ““LCWRA element” has the same meaning as in the Universal Credit Regulations.”;
 - (g) in paragraph (9) for “, 2(3)(a), 4(4)(a) and 4(5)(a)” substitute “and 4(4)(a)”;
 - (h) after paragraph (9) insert—
 - “(10) For the purposes of this regulation, references to a determination that the claimant had limited capability for work do not include a determination made under regulation 30 of the Employment and Support Allowance Regulations 2008 (conditions for treating

(2) [S.I. 2014/1230](#); relevant amending instruments are [S.I. 2014/1626](#) and [2015/339](#).

a claimant as having limited capability for work until a determination about limited capability for work has been made).”.

- (3) In regulation 20 (transition from old style ESA before the end of the assessment phase)—
 - (a) in paragraph (2), in sub-paragraph (a) omit “LCW or”;
 - (b) in paragraph (3), omit sub-paragraph (b).
- (4) In regulation 20A (transition from jobseeker’s allowance following an extended period of sickness), in paragraph (2)(a) omit “LCW or”.
- (5) In regulation 21 (other claimants with limited capability for work: credits only cases)—
 - (a) in paragraph (2)—
 - (i) omit sub-paragraph (a);
 - (ii) in sub-paragraph (b) omit “regulation 27(1)(a) of those Regulations and”;
 - (b) omit paragraph (3);
 - (c) in paragraph (7), omit sub-paragraph (b);
 - (d) in paragraph (9), in sub-paragraphs (d) and (e) for “, 2(3)(a), 4(4)(a) and 4(5)(a)” substitute “and 4(4)(a)”.

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, PART 2.