

STATUTORY RULES OF NORTHERN IRELAND

2013 No. 2

**The Employment and Support Allowance
(Amendment) Regulations (Northern Ireland) 2013**

Amendment of Part 6 of the Employment and Support Allowance Regulations

4.—(1) Part 6 of the Employment and Support Allowance Regulations (limited capability for work-related activity) is amended in accordance with paragraphs (2) and (3).

(2) In regulation 34 (determination of limited capability for work-related activity)—

(a) for paragraph (3) substitute—

“(3) In determining whether a descriptor applies to the claimant, the claimant is to be assessed as if—

(a) the claimant were fitted with or wearing any prosthesis with which the claimant is normally fitted or normally wears; or, as the case may be,

(b) wearing or using any aid or appliance which is normally, or could reasonably be expected to be, worn or used.”; and

^{F1}(b)

(3) In regulation 35(1) ^{M1} (certain claimants to be treated as having limited capability for work-related activity) for sub-paragraph (b) substitute—

“(b) the claimant is—

(i) receiving treatment for cancer by way of chemotherapy or radiotherapy,

(ii) likely to receive such treatment within 6 months after the date of the determination of capability for work-related activity, or

(iii) recovering from such treatment,

and the Department is satisfied that the claimant should be treated as having limited capability for work-related activity; or”.

F1 Reg. 4(2)(b) revoked (29.10.2013) by [The Social Security \(Miscellaneous Amendments No. 2\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/246\)](#), regs. 1(1), 12, [Sch.](#)

Marginal Citations

M1 Regulation 35(1) was amended by regulation 3(4) of S.R. [2011 No. 76](#)

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance (Amendment) Regulations (Northern Ireland) 2013, Section 4.