
DRAFT STATUTORY INSTRUMENTS

2013 No.

The Employment and Support Allowance Regulations 2013

PART 13

Periods of less than a week

Entitlement for less than a week – amount of an employment and support allowance payable

98.—(1) This regulation applies where the claimant is entitled to an employment and support allowance for a part-week and this regulation is subject to the following provisions of this Part.

(2) The amount payable by way of an employment and support allowance in respect of a part-week is to be calculated by applying the formula—

$$(NX)/7$$

where—

X is the amount calculated in accordance with section 2(1) of the Act;

N is the number of days in the part-week.

(3) In this Part—

“part-week” means an entitlement to an employment and support allowance in respect of any period of less than a week; and

“relevant week” means the period of seven days determined in accordance with regulation 99.

Relevant week

99.—(1) Where a part-week—

(a) is the whole period for which an employment and support allowance is payable, or occurs at the beginning of an award, the relevant week is the period of seven days ending on the last day of that part-week; or

(b) occurs at the end of an award, the relevant week is the period of seven days beginning on the first day of the part-week.

(2) Where a claimant has an award of an employment and support allowance and that claimant’s benefit week changes, for the purpose of calculating the amounts of an employment and support allowance payable for the part-week beginning on the day after the last complete benefit week before the change and ending immediately before the change, the relevant week is the period of seven days beginning on the day after the last complete benefit week.

Modification in the calculation of income

100. For the purposes of regulation 98 (entitlement for less than a week – amount of an employment and support allowance payable), a claimant’s income is to be calculated in accordance with regulations 76 to 84 subject to the following changes—

- (a) any income which is due to be paid in the relevant week is to be treated as paid on the first day of that week;
- (b) any widow's benefit, training allowance, widowed parent's allowance, bereavement allowance, carer's allowance and any increase in disablement pension payable in accordance with Part 1 of Schedule 7 to the Contributions and Benefits Act (unemployability supplement) which is payable in the relevant week but not in respect of any day in the part-week is to be disregarded;
- (c) where the part-week occurs at the end of the claim—
 - (i) any income; or
 - (ii) any change in the amount of income of the same kind,which is first payable within the relevant week but not on any day in the part-week is to be disregarded;
- (d) where only part of the weekly balance of income is taken into account in the relevant week, the balance is to be disregarded.

Reduction in certain cases

101.—(1) Where a disqualification is to be made in accordance with regulation 93 in respect of a part-week, the amount referred to in paragraph (2) is to be payable by way of an employment and support allowance in respect of that part-week.

(2) The amount mentioned in paragraph (1) is—

- (a) one seventh of the employment and support allowance which would have been paid for the part-week if—
 - (i) there was no disqualification under regulation 93; and
 - (ii) it was not a part-week; multiplied by
- (b) the number of days in the part-week in respect of which no disqualification is to be made in accordance with regulation 93.

Payment of an employment and support allowance for days of certain treatment

102.—(1) Where a claimant is entitled to an employment and support allowance as a result of being treated as having limited capability for work in accordance with regulation 22, the amount payable is to be equal to one seventh of the amount of the employment and support allowance which would be payable in respect of a week in accordance with section 2(1) of the Act multiplied by N.

(2) In paragraph (1), N is the number of days in that week on which the claimant was receiving treatment referred to in regulation 22 or recovering from that treatment, but does not include any day during which the claimant does work.