
DRAFT STATUTORY INSTRUMENTS

2013 No.

The Employment and Support Allowance Regulations 2013

PART 3

Conditions of entitlement

Condition relating to youth – previous claimants

- 11.**—(1) Paragraph 4(1)(a) of Schedule 1 to the Act does not apply to a claimant—
- (a) who has previously ceased to be entitled to an employment and support allowance to which the claimant was entitled by virtue of satisfying the condition set out in paragraph 4(1) of Schedule 1 to the Act;
 - (b) whose previous entitlement had not been ended by a decision which embodied a determination (other than a determination in the circumstances applicable to a claimant under paragraph (2)(a)) that the claimant did not have limited capability for work;
 - (c) in relation to whom regulation 86 (linking rules) does not apply;
 - (d) who is aged 20 or over or, where regulation 10 would otherwise apply to the person, aged 25 or over; and
 - (e) to whom paragraph (2) applies.
- (2) This paragraph applies to a claimant—
- (a) whose previous entitlement to an employment and support allowance ended only with a view to that person taking up employment or training;
 - (b) whose earnings factor from an employment or series of employments pursued in the period from the end of the previous entitlement to the beginning of the period of limited capability for work, was below the lower earnings limit multiplied by 25 in any of the last three complete tax years before the beginning of the relevant benefit year; and
 - (c) who—
 - (i) in respect of the last two complete tax years before the beginning of the relevant benefit year has either paid or been credited with earnings equivalent in each of those years to the year's lower earnings limit multiplied by 50, of which at least one such payment or credit, in the last complete tax year, was in respect of the disability element or severe disability element of working tax credit; or
 - (ii) makes a claim for an employment and support allowance within the period of 12 weeks after the day on which the last employment referred to in sub-paragraph (b) ceased.