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STATUTORY INSTRUMENTS

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**2011 No. 228**

**The Employment and Support Allowance (Limited Capability for Work and Limited Capability for Work-Related Activity) (Amendment) Regulations 2011**

**Amendment of the ESA Regulations**

- 3.—(1) The ESA Regulations are amended as follows.
- (2) In regulation 20 (certain claimants to be treated as having limited capability for work):—
- (a) at the end of sub-paragraph (b)(i), after “chemotherapy”, insert “, or is likely to receive such treatment within 6 months after the date of the determination under this sub-paragraph”; and
- (b) after paragraph (f) insert:—
- “(g) any of the descriptors at paragraph 15 or 16 of Schedule 3 apply to the claimant.”.
- (3) In regulation 25 (hospital in-patients), after paragraph (1) insert:—
- “(1A) The circumstances in which a claimant is to be regarded as undergoing treatment falling within paragraph (1) include where the claimant is attending a residential programme of rehabilitation for the treatment of drug or alcohol addiction.”.
- (4) In regulation 35(1) (certain claimants to be treated as having limited capability for work-related activity) at the end of sub-paragraph (b)(i), after “chemotherapy”, insert “, or is likely to receive such treatment within 6 months after the date of the determination under this sub-paragraph”.