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STATUTORY INSTRUMENTS

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**2013 No. 379**

**SOCIAL SECURITY**

**The Employment and Support Allowance Regulations 2013**

*Made* - - - - *25th February 2013*

*Coming into force* *29th April 2013*

**THE EMPLOYMENT AND SUPPORT  
ALLOWANCE REGULATIONS 2013**

PART 1

General

1. Citation, commencement and application
2. Interpretation
3. Further interpretation
4. Rounding of fractions

PART 2

The assessment phase

5. The end of the assessment phase
6. The assessment phase – previous claimants
7. Circumstances where the condition that the assessment phase has ended before entitlement to the support component ... arises does not apply

PART 3

Conditions of entitlement

8. Conditions relating to national insurance and relevant earnings
9. Relaxation of the first contribution condition
10. Condition relating to youth – claimants aged 20 or over but under 25
11. Condition relating to youth – previous claimants
12. Condition relating to youth – residence or presence
13. Condition relating to youth – full-time education
14. Modification of the relevant benefit year

**Changes to legislation:** There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2013. (See end of Document for details)

## PART 4

### Limited Capability for Work

15. Determination of limited capability for work
16. Certain claimants to be treated as having limited capability for work
17. Information required for determining capability for work
18. Failure to provide information in relation to limited capability for work
19. Claimant may be called for a medical examination to determine whether the claimant has limited capability for work
20. Matters to be taken into account in determining good cause in relation to regulations 18 or 19
21. Hospital patients
22. Claimants receiving certain treatment
23. Claimant to be treated as having limited capability for work throughout a day
24. Night workers
25. Exceptional circumstances
26. Conditions for treating a claimant as having limited capability for work until a determination about limited capability for work has been made
27. Certain claimants to be treated as not having limited capability for work
28. Claimants to be treated as not having limited capability for work at the end of the period covered by medical evidence
29. Additional circumstances where claimants are to be treated as having limited capability for work

## PART 5

### Limited Capability for Work-related Activity

30. Determination of limited capability for work-related activity
31. Certain claimants to be treated as having, or not having, limited capability for work-related activity
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### Effect of work on entitlement to an Employment and Support Allowance

37. A claimant who works to be treated as not entitled to an employment and support allowance
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- 47. Claimants subject to no work-related requirements
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- 52. Low-level sanction
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- 73. Effect of statutory maternity pay on an employment and support allowance
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**Changes to legislation:** There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2013. (See end of Document for details)

## PART 10

### Income and earnings

- 76. Calculation of earnings derived from employed earner's employment and income other than earnings
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### Disqualification

- 93. Disqualification for misconduct etc
- 94. Meaning of "person in hardship"
- 95. Treating a claimant as not having limited capability for work
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SCHEDULE 1 — Her Majesty's Forces

PART 1 — Prescribed establishments and organisations

**Changes to legislation:** There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2013. (See end of Document for details)

1. Any of the regular naval, military or air forces of...
2. Royal Fleet Reserve.
3. Royal Navy Reserve.
4. Royal Marines Reserve.
5. Army Reserve.
6. Territorial Army.
7. Royal Air Force Reserve.
8. Royal Auxiliary Air Force.
9. The Royal Irish Regiment, to the extent that its members...  
PART 2 — Establishments and organisations of which Her Majesty's forces do not consist
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SCHEDULE 2 — Assessment of Whether a Claimant has Limited Capability for Work

PART 1 — Physical Disabilities

PART 2 — Mental, cognitive and intellectual function assessment

SCHEDULE 3 — Assessment of whether a claimant has limited capability for work-related activity

Explanatory Note

**Changes to legislation:**

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2013.