
STATUTORY INSTRUMENTS

2013 No. 379

The Employment and Support Allowance Regulations 2013

PART 7

Claimant responsibilities

Claimants subject to no work-related requirements

47.—(1) A claimant falls within section 11D of the Act (persons subject to no work-related requirements) if they are a claimant who—

- (a) has caring responsibilities for one or more severely disabled persons for at least 35 hours a week but does not meet the conditions of entitlement to a carer's allowance;
- (b) is the responsible foster parent of a child under the age of one;
- (c) is an adopter and it is 52 weeks or less since—
 - (i) the date on which the child was placed with the claimant; or
 - (ii) if the claimant requested that the 52 weeks should run from a date within 14 days before the child was expected to be placed, that date;
- (d) has been enrolled on, been accepted for or is undertaking, a full-time course of study or training which is not a course of advanced education and—
 - (i) is under the age of 21, or is 21 and reached that age whilst undertaking the course; and
 - (ii) is without parental support;
- (e) is entitled to an employment and support allowance which is payable at a nil rate;
- (f) is pregnant and it is 11 weeks or less before her expected week of confinement; or
- (g) was pregnant and it is 15 weeks or less since the date of her confinement.

(2) Subject to paragraph (3), for the purposes of section 11D of the Act, a person has regular and substantial caring responsibilities for a severely disabled person if the person—

- (a) satisfies the conditions for entitlement to a carer's allowance; or
- (b) would satisfy those conditions but for the fact that their earnings have exceeded the limit prescribed for the purposes of that allowance.

(3) A person does not have regular and substantial caring responsibilities for a severely disabled person if the person derives earnings from those caring responsibilities.

(4) Paragraph (2) applies whether or not the person has made a claim for a carer's allowance.

(5) In this regulation—

“adopter” means a person who has been matched with a child for adoption and who is, or is intended to be, the responsible carer for the child, but excluding a person who is a foster parent or close relative of the child;

“matched with a child for adoption” means an adoption agency has decided that the person would be a suitable adoptive parent for the child;

- “severely disabled” has the meaning in section 70 of the Contributions and Benefits Act⁽¹⁾;
- “without parental support” means the person is not being looked after by a local authority and—
- (a) has no parent (in this definition, “parent” includes any person acting in the place of a parent);
 - (b) cannot live with their parents because the person is estranged from them or there is a serious risk—
 - (i) to the person’s physical or mental health; or
 - (ii) that the person would suffer significant harm if the person lived with them; or
 - (c) is living away from their parents, and neither parent is able to support the person financially because that parent—
 - (i) has a physical or mental impairment;
 - (ii) is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
 - (iii) is prohibited from entering or re-entering Great Britain.

⁽¹⁾ Section 70 was amended by S.I.s [1994/2556](#), [2002/1457](#) and [2011/2426](#).