
STATUTORY INSTRUMENTS

2017 No. 204

The Employment and Support Allowance and
Universal Credit (Miscellaneous Amendments and
Transitional and Savings Provisions) Regulations 2017

PART 2

Universal Credit: limited capability for work element

Amendments to the Universal Credit (Transitional Provisions) Regulations 2014

5.—(1) The Universal Credit (Transitional Provisions) Regulations 2014⁽¹⁾ are amended as follows.

- (2) In regulation 19 (transition from old style ESA)—
- (a) in paragraph (1), for sub-paragraph (b) substitute—
 - “(b) on or before the relevant date it had been determined that the claimant had limited capability for work or limited capability for work-related activity (within the meaning of Part 1 of the 2007 Act).”;
 - (b) in paragraph (2)—
 - (i) for “was entitled to the work-related activity component” substitute “had limited capability for work (within the meaning of Part 1 of the 2007 Act)”;
 - (ii) omit sub-paragraph (a);
 - (iii) in sub-paragraph (b) omit “regulation 27(1)(a) of those Regulations and”;
 - (c) omit paragraph (3);
 - (d) in paragraph (4), for “was entitled to the support component” substitute “had limited capability for work-related activity (within the meaning of Part 1 of the 2007 Act) or was treated as having limited capability for work-related activity”;
 - (e) in paragraph (6), for “was entitled to the work-related activity component or, as the case may be, the support component” substitute “had limited capability for work or, as the case may be, limited capability for work-related activity (within the meaning of Part 1 of the 2007 Act)”;
 - (f) in paragraph (8)—
 - (i) for the definition of ““assessment phase”, “support component” and “work-related activity component”” substitute—
 - ““assessment phase” has the same meaning as in the 2007 Act.”;
 - (ii) for the definition of ““LCW element” and “LCWRA element”” substitute—

⁽¹⁾ S.I. 2014/1230; relevant amending instruments are S.I. 2014/1626 and 2015/339.

““LCWRA element” has the same meaning as in the Universal Credit Regulations.”;

(g) in paragraph (9) for “, 2(3)(a), 4(4)(a) and 4(5)(a)” substitute “and 4(4)(a)”;

(h) after paragraph (9) insert—

“(10) For the purposes of this regulation, references to a determination that the claimant had limited capability for work do not include a determination made under regulation 30 of the Employment and Support Allowance Regulations 2008 (conditions for treating a claimant as having limited capability for work until a determination about limited capability for work has been made).”.

(3) In regulation 20 (transition from old style ESA before the end of the assessment phase)—

(a) in paragraph (2), in sub-paragraph (a) omit “LCW or”;

(b) in paragraph (3), omit sub-paragraph (b).

(4) In regulation 20A (transition from jobseeker’s allowance following an extended period of sickness), in paragraph (2)(a) omit “LCW or”.

(5) In regulation 21 (other claimants with limited capability for work: credits only cases)—

(a) in paragraph (2)—

(i) omit sub-paragraph (a);

(ii) in sub-paragraph (b) omit “regulation 27(1)(a) of those Regulations and”;

(b) omit paragraph (3);

(c) in paragraph (7), omit sub-paragraph (b);

(d) in paragraph (9), in sub-paragraphs (d) and (e) for “, 2(3)(a), 4(4)(a) and 4(5)(a)” substitute “and 4(4)(a)”.

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017, Section 5.