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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020 ([S.I. 2020/289](#)) in response to the continuing outbreak of Coronavirus disease in Great Britain.

Regulation 2 of the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020 gives the Secretary of State discretion to disapply the seven waiting days that would otherwise apply to a person who has made a claim for an employment and support allowance. Regulation 3 of those Regulations gives the Secretary of State discretion to decide that a person who makes a claim for, or is entitled to, employment and support allowance may be treated as a person having limited capability for work. Both provisions apply where a person is infected or contaminated with Coronavirus disease, is isolating to prevent the spread of Coronavirus disease, or is caring for a child (or qualifying young person) who falls into either of those categories. Both provisions no longer have effect in relation to Universal Credit by virtue of the Social Security (Coronavirus) (Further Measures) Regulations 2020 ([S.I. 2020/371](#)).

Following a review by the Secretary of State of the operation of the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020, regulation 2 amends the provision by which those Regulations expire after eight months so that they now expire after 14 months beginning with the date that [S.I. 2020/289](#) came into force.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.