
STATUTORY INSTRUMENTS

2020 No. 289

The Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020

Treating a person as having limited capability for work

3.—(1) This regulation applies to a person who makes a claim for universal credit or employment and support allowance or who has an existing award of universal credit or employment and support allowance.

(2) Where this regulation applies the person is to be treated as having limited capability for work⁽¹⁾ if the person is—

- (a) infected or contaminated with Coronavirus disease;
- (b) in isolation; or
- (c) caring for a child or qualifying young person who is a member of the person's household and who falls within sub-paragraph (a) or (b),

where the Secretary of State is satisfied that the person should be treated as having limited capability for work.

(3) Regulations 26 and 35(6) to (9) of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013⁽²⁾ apply to a determination that the person is to be treated as having limited capability for work in accordance with this regulation as if such a determination had been made under regulation 16 of the Employment and Support Allowance Regulations 2013 or Part 5 of the Universal Credit Regulations 2013.

(4) Regulation 6(2)(r) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999⁽³⁾ applies to a determination that the person is to be treated as having limited capability for work in accordance with this regulation as if such a determination had been made under regulation 20 of the Employment and Support Allowance Regulations 2008⁽⁴⁾.

(1) See section 1(4) of the Welfare Reform Act 2007 and section 37(1) of the Welfare Reform Act 2012.

(2) S.I. 2013/381, amended by S.I. 2014/597 and 2015/339.

(3) S.I. 1999/991, amended by S.I. 2010/840.

(4) S.I. 2008/794, amended by S.I. 2011/228 and 2013/2536.