
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), the Social Security (Coronavirus) (Further Measures) Regulations 2020 (S.I. 2020/371) (“the Further Measures Regulations”) and the Social Security (Coronavirus) (Prisoners) Regulations 2020 (S.I. 2020/409) 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 Further Measures Regulations.

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 14 months so that they now expire after 20 months beginning on 13th March 2020, namely 12th November 2021.

Regulation 8 of the Further Measures Regulations enables any period during which a person is infected or contaminated with coronavirus disease, in isolation or caring for a child or qualifying young person in their household who is so infected or contaminated or is in isolation, to not be counted towards a period of sickness under regulation 55 or 55ZA of the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207) or regulation 46 or 46A of the Jobseeker’s Allowance Regulations 2013 (S.I. 2013/378). This means that a person will not lose entitlement to jobseeker’s allowance because of coronavirus disease. Regulation 9 of the Further Measures Regulations allows carers to retain their entitlement to carer’s allowance if they have a temporary break in caring as a result of isolation due to, or infection or contamination with, coronavirus disease of either the carer or the person cared for.

Following a review by the Secretary of State of the operation of the Further Measures Regulations, regulation 3 amends the provision by which the Further Measures Regulations expire on 12th May 2021 so that regulations 8 and 9 now expire on 31st August 2021.

The Social Security (Coronavirus) (Prisoners) Regulations 2020 made provision to enable individuals on temporary release from prison to access means tested benefits during the period of that release.

Following a review by the Secretary of State of the operation of the Social Security (Coronavirus) (Prisoners) Regulations 2020, regulation 4 amends the provision by which those Regulations expire after 14 months so that they now expire on 31st August 2021. Regulation 4 also requires the Secretary of State to now determine whether the easements for a prisoner on temporary release should be applied in any individual case. As the need to manage the potential impacts of coronavirus within the prison estate will hopefully reduce in the coming months prisoners may be temporarily released for non-coronavirus related reasons, but the easement was never intended to enable such prisoners to access means-tested benefits since their living costs are already met.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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.