

2022 No. 260

SOCIAL SECURITY

**The Universal Credit and Employment and Support Allowance
(Terminal Illness) (Amendment) Regulations 2022**

<i>Made</i>	- - - -	<i>8th March 2022</i>
<i>Laid before Parliament</i>		<i>10th March 2022</i>
<i>Coming into force</i>	- -	<i>4th April 2022</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 9(1), 10(3) and (6), 11(1), 79(1), (4) and (6) and 84 of the Social Security Act 1998(a), sections 2(4)(a), 4(6)(a), 24 and 25(1) to (3) and (5) and paragraphs 1, 2 and 9 of Schedule 2 of the Welfare Reform Act 2007(b) and sections 12(4)(b), 37(6), 40 and 42(1), (2) and (3) of the Welfare Reform Act 2012(c).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(d), the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Universal Credit and Employment and Support Allowance (Terminal Illness) (Amendment) Regulations 2022.

(2) These Regulations come into force on 4th April 2022.

(3) These Regulations extend to England and Wales and Scotland.

Amendments of the definition of when a person is “terminally ill”

2.—(1) In the definition of “terminally ill” in regulation 2(1) of the Employment and Support Allowance Regulations 2008(e), for “6 months” substitute “12 months”.

(2) In the definition of “terminally ill” in regulation 2 of the Universal Credit Regulations 2013(f), for “6 months” substitute “12 months”.

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- (a) 1998 c. 14. Section 9(1) has been amended by paragraph 1 of Part 8 of Schedule 14 to the Welfare Reform Act 2012 (c. 5) (“the 2012 Act”). Section 79 has been amended by paragraph 168 of Schedule 3 to the Transfer of Tribunal Functions Order 2008/2833. Section 79(1) is cited as it provides for the person who is to make regulations. Section 84 is cited for the meaning of “prescribe”.
- (b) 2007 c. 5. Section 2(4) is amended by section 15(2)(c) of the Welfare Reform and Work Act 2016 (c. 7). Section 4(6)(a) has been repealed in specified circumstances by paragraph 1 of Part 1 of Schedule 14 to the 2012 Act. Section 24 is cited for the meaning of “prescribed” and “regulations”. Section 25(1) has been amended by section 51(2)(b) of the 2012 Act.
- (c) 2012 c. 5. Section 40 is cited for the meaning of “prescribed” and section 42(1) is cited as it provides for the person who is to make regulations.
- (d) 1992 c. 5.
- (e) S.I. 2008/794.
- (f) S.I. 2013/376.

(3) In the definition of “terminally ill” in regulation 2 of the Employment and Support Allowance Regulations 2013(a), for “six months” substitute “12 months”.

(4) For the definition of “terminally ill” in regulation 2 of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013(b) substitute—

““terminally ill” in relation to a claimant, means that the claimant is suffering from a progressive disease and that death in consequence of that disease can reasonably be expected—

- (a) within 12 months in the case of universal credit or an employment and support allowance;
- (b) within 6 months in any other case;”.

Signed by authority of the Secretary of State for Work and Pensions

Chloe Smith

Minister of State

Department for Work and Pensions

8th March 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the definition of “terminally ill” for the purposes of universal credit and employment and support allowance. They amend the definition such that a person is “terminally ill” where their death, as a result of a progressive disease, can reasonably be expected within 12 months, as opposed to 6 months prior to the amendment.

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

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(b) S.I. 2013/381.

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