

**2022 No. 60**

**SOCIAL SECURITY**

**The Universal Credit and Employment and Support Allowance  
(Claimant Commitment Exceptions) (Amendment) Regulations  
2022**

<i>Made</i> - - - -	<i>20th January 2022</i>
<i>Laid before Parliament</i>	<i>24th January 2022</i>
<i>Coming into force</i> - -	<i>15th February 2022</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 24 and 25(2), (3) and (5) of, and paragraph 4A of Schedule 2 to, the Welfare Reform Act 2007(a) and sections 4(2), 40 and 42(1) to (3) of the Welfare Reform Act 2012(b).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(c), 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 (Claimant Commitment Exceptions) (Amendment) Regulations 2022 and come into force on 15th February 2022.

(2) Any amendment made by these Regulations has the same extent as the provision amended.

**Amendment to the Universal Credit Regulations 2013**

**2.** In regulation 16 of the Universal Credit Regulations 2013 (claimant commitment-exceptions)(d)—

(a) regulation 16 shall stand as paragraph (1);

(b) after paragraph (1), insert—

“(2) A person does not have to meet the basic condition to have accepted a claimant commitment if the person is terminally ill.”.

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(a) 2007 c. 5. Section 24 is cited for the meaning of the words “prescribed” and “regulations”. Paragraph 4A of Schedule 2 was inserted by section 54(1) and (6) of the Welfare Reform Act 2012 (c. 5).  
(b) 2012 c. 5. Section 40 is cited for the meaning of the word “prescribed”.  
(c) 1992 c. 5.  
(d) S.I. 2013/376.

### **Amendment to the Employment and Support Allowance Regulations 2013**

3. In regulation 45 of the Employment and Support Allowance Regulations 2013 (claimant commitment - exceptions)(a)—

(a) regulation 45 shall stand as paragraph (1);

(b) after paragraph (1), insert—

“(2) A claimant may be entitled to an employment and support allowance without having accepted a claimant commitment if the claimant is terminally ill.”.

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

*Chloe Smith*

Minister of State

Department for Work and Pensions

20th January 2022

#### **EXPLANATORY NOTE**

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

These Regulations amend the Universal Credit Regulations 2013 (S.I. 2013/376) (“the UC Regulations”) and the Employment and Support Allowance Regulations 2013 (S.I. 2013/379) (“the ESA Regulations”) by setting out an additional exception to the requirement to accept a claimant commitment which is a condition of entitlement.

Regulation 16 of the UC Regulations and regulation 45 of the ESA Regulations contain two exceptions to the requirement to accept a claimant commitment, that is, where the Secretary of State considers that a person lacks capacity to accept a claimant commitment and where there are exceptional circumstances in which it would be unreasonable to expect a person to accept a claimant commitment. These Regulations provide an additional exception which exempts terminally ill claimants from the requirement to accept a claimant commitment. “Terminally ill” is defined in regulation 2 of the UC Regulations and regulation 2 of the ESA Regulations and means suffering from a progressive disease where death in consequence of that disease can reasonably be expected within 6 months.

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.

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(a) S.I. 2013/379.



£4.90

<http://www.legislation.gov.uk/id/uksi/2022/60>

ISBN 978-0-34-823141-0



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