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STATUTORY INSTRUMENTS

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**2020 No. 1097**

**SOCIAL SECURITY**

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

<i>Made</i>	- - - -	<i>9th October 2020</i>
<i>Laid before Parliament</i>		<i>12th October 2020</i>
<i>Coming into force</i>	- -	<i>12th November 2020</i>

The Secretary of State makes the following Regulations in exercise of powers conferred by sections 10(3) and (6), 79(1), (4) and (6) and 84 of the Social Security Act 1998<sup>(1)</sup> and sections 24(1) and 25(2), (3) and (5) of, and paragraphs 1(a) and 2 of Schedule 2 to, the Welfare Reform Act 2007<sup>(2)</sup>.

In accordance with section 173(1)(b) of the Social Security Administration Act 1992<sup>(3)</sup>, the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

**Citation and commencement**

1. These Regulations may be cited as the Employment and Support Allowance and Universal Credit (Coronavirus Disease) (Amendment) Regulations 2020 and come into force on 12th November 2020.

**Amendment of the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020**

2. In regulation 5(2) of the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020<sup>(4)</sup> for “eight months” substitute “14 months”.

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(1) 1998 c. 14. Section 84 is cited for the meaning of “prescribe”.  
(2) 2007 c. 5. Section 24(1) is cited for the meaning of “prescribed” and “regulations”.  
(3) 1992 c. 5.  
(4) S.I. 2020/289. Regulations 3 and 4 ceased to have effect for the purposes of Universal Credit from 30th March 2020 by virtue of S.I. 2020/371.

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**Status:** This is the original version (as it was originally made).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

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

9th October 2020

*Justin Tomlinson*  
Minister for Disabled People  
Department for Work and Pensions

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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.