STATUTORY INSTRUMENTS

2021 No. 1158

SOCIAL SECURITY

The Employment and Support Allowance and Universal Credit (Coronavirus Disease) (Amendment) Regulations 2021

Made - - - -	*18th October 2021*
Laid before Parliament	*21st October 2021*
Coming into force - -	*12th November 2021*

The Secretary of State makes the following Regulations in exercise of powers conferred by sections 10(3) and (6), 79(1) and (4) and 84 of the Social Security Act 1998(**a**) 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(**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 Employment and Support Allowance and Universal Credit (Coronavirus Disease) (Amendment) Regulations 2021 and come into force on 12th November 2021.

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

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

2. For regulation 5(2) of the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020(**d**) substitute—

"(2) These Regulations cease to have effect on 24th March 2022.".

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

Chloe Smith
Minister of State
18th October 2021 Department for Work and Pensions

(**a**) 1998 c. 14. Section 84 is cited for the meaning of "prescribe".
(**b**) 2007 c. 5. Section 24(1) is cited for the meaning of "prescribed" and "regulations".
(**c**) 1992 c. 5.
(**d**) 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. Regulation 5(2) was amended by S.I. 2020/1097 and 2021/476.

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).

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. Regulation 3 no longer has 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 expiry date of the Regulations so that they now expire on 24th March 2022.

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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