**Regulations removing work-related activity component of ESA finally published**

**Details**

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The DWP have today published regulations removing the work-related activity component of employment and support allowance (ESA) and the universal credit limited capability for work element for new claimants from 3 April 2017, little more than a month before they are due to come into effect.

New ESA claimants in the work-related activity group who are aged over 25 will receive only £73.10 a week. They will not receive the additional £29.05 component that current claimants receive.

Claimants who are placed in the support group will not be affected.

The regulations set out which claimant may still be eligible for the work-related activity component, provided they meet all the other qualifying conditions. Essentially this is claimants who made a claim for ESA before 3 April or who are deemed to have made a claim before that date, as well as claimants who are still waiting to be transferred from incapacity benefit to ESA.

The explanatory notes set out when the new regulations will not apply and the WRAC can still be paid:

*(a) where the claim for employment and support allowance was made before 3rd April 2017 and that claim results in an award;*

*(b) where the claim was made on or after 3rd April 2017 but the claimant had previously been entitled to employment and support allowance and their period of limited capability for work started before 3rd April 2017;*

*(c) where the claimant is or will become a notified person for the purposes of conversion from an incapacity benefit to employment and support allowance and is subsequently found to have limited capability for work or limited capability for work related activity;*

*(d) where the claim was made on or after 3rd April 2017 but the claimant’s employment and support allowance is payable before 3rd April 2017;*

*(e) where the claim was made on or after 3rd April 2017 but the claimant’s assessment phase is deemed to have started before 3rd April 2017;*

*(f) where a claimant (who was previously entitled to an employment and support allowance as part of a claim made before 3rd April 2017) having been in receipt of a maternity allowance (which because they were receiving contributory employment and support allowance terminated their award to an employment and support allowance) makes a new claim for an employment and support allowance within 12 weeks of the date that their maternity allowance ended.*

Similar rules apply to universal credit claimants.