

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2008 No. 286**

**The Employment and Support Allowance (Consequential Provisions) Regulations (Northern Ireland) 2008**

**Amendment of the Social Security (Payments on account, Overpayments and Recovery) Regulations**

**15.**—(1) The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988(1) are amended in accordance with paragraphs (2) to (12).

(2) In regulation 1(2) (interpretation)—

(a) in the definition of “benefit”(2) after “state pension credit” insert “, an employment and support allowance”;

(b) after the definition of “disability working allowance”(3) insert—

““the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008;” and

(c) after the definition of “the State Pension Credit Regulations”(4) add—

““the Welfare Reform Act” means the Welfare Reform Act (Northern Ireland) 2007.”.

(3) In regulation 2(4)(5) (making of interim payments) after “income support” insert “or income-related employment and support allowance”.

(4) In regulation 4(3)(c)(6) (recovery of overpaid interim payments) after “income support” insert “or income-related employment and support allowance”.

(5) In regulation 5(3)(7) (offsetting prior payment against subsequent award) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or an income-related employment and support allowance”.

(6) In regulation 7(1)(8) (duplication and prescribed income)—

(a) in sub-paragraph (a) for “or Part III of the State Pension Credit Regulations” substitute “, Part III of the State Pension Credit Regulations or Part 10 of the Employment and Support Allowance Regulations”; and

(b) in sub-paragraph (b) after “Jobseeker’s Allowance Regulations” insert “or Chapter 9 of Part 10 to the Employment and Support Allowance Regulations”.

(7) In regulation 8 (duplication and prescribed payments)—

---

(1) [S.R. 1988 No. 142](#); relevant amending Rules are [S.R. 1988 No. 369](#), [S.R. 1992 No. 6](#), [S.R. 1993 No. 175](#), [S.R. 1995 No. 150](#), [S.R. 1996 Nos. 289, 464 and 622](#), [S.R. 1999 No. 472 \(C. 36\)](#), [S.R. 2003 No. 191](#) and [S.R. 2005 Nos. 536 and 582](#)

(2) The definition of “benefit” was amended by regulation 4(2) of [S.R. 1988 No. 369](#), regulation 21(2)(b) of [S.R. 1995 No. 150](#), regulation 15(2)(a) of [S.R. 1996 No. 289](#) and regulation 26(2)(a) of [S.R. 2003 No. 191](#)

(3) The definition of “disability working allowance” was inserted by regulation 14(2)(b) of [S.R. 1992 No. 6](#)

(4) The definition of “the State Pension Credit Regulations” was inserted by regulation 26(2)(b) of [S.R. 2003 No. 191](#)

(5) Paragraph (4) was added by regulation 2(3) of [S.R. 1993 No. 175](#)

(6) Sub-paragraph (c) was added by regulation 2(4)(b)(ii) of [S.R. 1993 No. 175](#)

(7) Paragraph (3) was amended by regulation 15(3) of [S.R. 1996 No. 289](#) and regulation 26(5) of [S.R. 2003 No. 191](#)

(8) Paragraph (1) was substituted by regulation 2(5)(a) of [S.R. 1993 No. 175](#) and amended by regulation 15(4) of [S.R. 1996 No. 289](#) and regulation 26(3) of [S.R. 2003 No. 191](#)

- (a) in paragraph (1) after sub-paragraph (j)(9) add—
- “(k) a contributory employment and support allowance.”; and
- (b) in paragraph (2)(10) for “or income-based jobseekers allowance” substitute “, income-based jobseekers allowance or income-related employment and support allowance”.
- (8) In regulation 13(b)(11) (sums to be deducted in calculating recoverable amounts) for “or income-based jobseeker’s allowance” insert “, income-based jobseeker’s allowance or income related employment and support allowance”.
- (9) In regulation 14(12) (quarterly diminution of capital)—
- (a) in paragraph (1) after “income-based jobseeker’s allowance”, in both places where it occurs, insert “, income-related employment and support allowance”; and
- (b) in paragraph (3) in the definition of “overpayment period” for “or an income-based jobseeker’s allowance” substitute “, income based jobseeker’s allowance or income-related employment and support allowance”.
- (10) In regulation 15(2)(d)(13) (recovery by deduction from prescribed benefits) for “or a jobseeker’s allowance” substitute “, a jobseeker’s allowance or an employment and support allowance”.
- (11) In regulation 16 (limitations on deductions from prescribed benefits)—
- (a) in paragraph (4A)(14) after sub-paragraph (d) add—
- “(e) an income-related employment and support allowance;
- (f) where, if there was no entitlement to a contributory employment and support allowance, there would be entitlement to an income-related employment and support allowance at the same rate, a contributory employment and support allowance.”;
- (b) in paragraph (6)(15) after sub-paragraph (c) add—
- “or
- (d) in the calculation of the income of a person to whom income-related employment and support allowance is payable, the amount of earnings or other income falling to be taken into account is reduced by paragraph 7 of Schedule 7 to the Employment and Support Allowance Regulations (sums to be disregarded in the calculation of earnings) or paragraphs 15 and 16 of Schedule 8 to those Regulations (sums to be disregarded in the calculation of income other than earnings).”; and
- (c) in paragraph (8)—
- (i) in paragraph (a) of the definition of “personal allowance for a single claimant aged not less than 25”(16) after “entitled to” insert “employment and support allowance,” and

---

(9) Sub-paragraph (j) was added by regulation 2 of S.R. 2005 No. 582

(10) Paragraph (2) was amended by regulation 15(3) of S.R. 1996 No. 289, Article 11(5) of S.R. 1999 No. 472 (C. 36) and regulation 26(5) of S.R. 2003 No. 191

(11) Regulation 13 was amended by regulation 15(3) of S.R. 1996 No. 289 and regulation 26(6) of S.R. 2003 No. 191

(12) Regulation 14 was amended by regulation 14(5) of S.R. 1992 No. 6, regulation 15(5) of S.R. 1996 No. 289, regulation 3(2) of S.R. 1996 No. 464 and regulation 26(5) of S.R. 2003 No. 191

(13) Paragraph (2)(d) was amended by regulation 3(3) of S.R. 1996 No. 464 and regulation 26(5) of S.R. 2003 No. 191

(14) Paragraph (4A) was inserted by regulation 3(4)(b) of S.R. 1996 No. 464 and amended by regulation 26(4)(a) of S.R. 2003 No. 191

(15) Paragraph (6) was amended by regulation 15(6)(b) of S.R. 1996 No. 289 and regulation 26(4)(b) of S.R. 2003 No. 191

(16) The definition of “personal allowance for a single claimant aged not less than 25” was substituted by regulation 26(4)(c)(i) of S.R. 2003 No. 191

(ii) in the definition of “specified benefit”(17) after “income support” insert “an employment and support allowance,”.

(12) In regulation 17(18) (recovery from couples) after “income-based jobseeker’s allowance”, in both places where it occurs, insert “, income-related employment and support allowance”.

---

(17) The definition of “specified benefit” was amended by regulation 21(4) of [S.R. 1995 No. 150](#), regulation 15(6)(c)(ii) of [S.R. 1996 No. 289](#), regulation 16(3) of [S.R. 1996 No. 622](#) and regulation 26(4)(c)(ii) of [S.R. 2003 No. 191](#)

(18) Regulation 17 was amended by regulation 14(8) of [S.R. 1992 No. 6](#), regulation 15(5) of [S.R. 1996 No. 289](#), regulation 26(5) of [S.R. 2003 No. 191](#) and paragraph 17 of Schedule 3 to [S.R. 2005 No. 536](#)