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## STATUTORY INSTRUMENTS

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# 2008 No. 1082

## The Employment and Support Allowance (Consequential Provisions) Regulations 2008

### PART 5

#### Council Tax Benefit Regulations 2006

##### Amendment of Schedule 1

**59.** In Schedule 1 (applicable amounts)—

(a) in Part 1 (personal allowances) for sub-paragraph 1(1) <sup>M1</sup> substitute—

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“(1) A single claimant who—	(1)
(a) is entitled to main phase employment and support allowance;	(a) £60.50;
(b) is aged not less than 25;	(b) £60.50;
(c) is aged not less than 18 but less than 25.	(c) £47.95.”

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(b) in Part 3 (premiums) after sub-paragraph (9) <sup>M2</sup> of paragraph 13 (additional conditions for the Disability Premium) add—

“(10) The claimant is not entitled to the disability premium if the claimant has, or is treated as having, limited capability for work<sup>F1</sup>....”;

(c) in paragraph 15 (enhanced disability premium) for sub-paragraph (1) substitute—

“(1) Subject to sub-paragraph (2), the condition is that—

[<sup>F2</sup>(a) the Secretary of State has decided that the claimant has, or is to be treated as having, limited capability for work-related activity; or]

(b) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations made under section 113(2) of the Act or but for an abatement as a consequence of hospitalisation be payable at the highest rate prescribed under section 72(3) of the Act in respect of—

(i) the claimant; or

(ii) a member of the claimant's family,

who is aged less than 60.”.

(d) after Part 4 (amount of premiums specified in Part 3) add—

## [<sup>F3</sup>“PART 5

### The components

**21.** Subject to paragraph 22 the claimant is entitled to one, but not both, of the components in paragraph 23 or 24 if—

- (a) the claimant or the claimant’s partner has made a claim for employment and support allowance;
- (b) the Secretary of State has decided that the claimant or the claimant’s partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and
- (c) either—
  - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
  - (ii) regulation 7 of the Employment and Support Allowance Regulations (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.

**22.—(1)** The claimant has no entitlement under paragraph 23 or 24 if the claimant is entitled to the disability premium under paragraphs 12 and 13.

(2) Where the claimant and the claimant’s partner each satisfies paragraph 23 or 24, the component to be included in the claimant’s applicable amount is that which relates to the claimant.

### **The work-related activity component**

**23.** The claimant is entitled to the work-related activity component if the Secretary of State has decided that the claimant or the claimant’s partner has, or is to be treated as having, limited capability for work.

### **The support component**

**24.** The claimant is entitled to the support component if the Secretary of State has decided that the claimant or the claimant’s partner has, or is to be treated as having, limited capability for work-related activity.

## PART 6

### Amount of components

**25.** The amount of the work-related activity component is £24.00.

**26.** The amount of the support component is £29.00.”]

**F1** Words in [reg. 59\(b\)](#) omitted (27.10.2008) by virtue of [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/2428\)](#), regs. 1(2), **39(a)**

**F2** Words in [reg. 59\(c\)](#) substituted (27.10.2008) by [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/2428\)](#), regs. 1(2), **39(b)**

**F3** Reg. 59(d) substituted (27.10.2008) by The Employment and Support Allowance (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/2428), regs. 1(2), **39(c)**

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**Marginal Citations**

**M1** Paragraph 1 was amended by [S.I.2007/688](#).

**M2** Paragraph (9) was amended by [S.I. 2008/1042](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Employment and Support Allowance (Consequential Provisions) Regulations 2008, Section 59.