
STATUTORY INSTRUMENTS

2008 No. 1554

The Employment and Support Allowance
(Consequential Provisions) (No. 2) Regulations 2008

PART 3

The Social Fund

Amendment of the Social Fund (Recovery by Deductions from Benefits) Regulations 1988

5. In regulation 3 of the Social Fund (Recovery by Deductions from Benefits) Regulations 1988(1) (benefits from which an award may be recovered) after sub-paragraph (d) insert—

“(dd) an employment and support allowance under section 1 of the Welfare Reform Act 2007;”.

Amendment of the Social Fund Cold Weather Payments (General) Regulations 1988

6.—(1) The Social Fund Cold Weather Payments (General) Regulations 1988(2) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) after the definition of “the Act” insert—

““the Welfare Reform Act” means the Welfare Reform Act 2007;”;

(b) in the definition of “claimant”(3) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or income-related employment and support allowance”; and

(c) after the definition of “income-based jobseeker’s allowance” insert—

““income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act (employment and support allowance);”.

(3) In regulation 1A(1)(4) (prescribed description of persons)—

(a) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or income-related employment and support allowance”; and

(b) after sub-paragraph (ic) insert—

“(id) whose applicable amount includes one or more of the premiums specified in paragraphs 5 to 8 of Schedule 4 to the Employment and Support Allowance Regulations 2008; or

(1) [S.I. 1988/35](#).

(2) [S.I. 1988/1724](#).

(3) Definition was substituted by [S.I. 1991/2238](#).

(4) Regulation 1A was inserted by [S.I. 1991/2448](#) and paragraph (1) was amended by [S.I. 2002/3019](#), [2003/1121](#) and [2005/2687](#).

- (ie) whose applicable amount includes an amount under section 4(2)(b) of the Welfare Reform Act; or”.

Amendment of the Social Fund Winter Fuel Payment Regulations 2000

- 7.—(1) The Social Fund Winter Fuel Payment Regulations 2000⁽⁵⁾ are amended as follows.
- (2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “free in-patient treatment” insert—
- ““income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);”.
- (3) In regulation 2(1)(b)(ii)⁽⁶⁾ (social fund winter fuel payments) for “or an income-based jobseeker’s allowance” substitute “, an income-based jobseeker’s allowance or an income-related employment and support allowance”.
- (4) In regulation 3(1)(a)(i) (persons not entitled to a social fund winter fuel payment) for “or an income-based jobseeker’s allowance” substitute “, an income-based jobseeker’s allowance or an income-related employment and support allowance”.
- (5) In regulation 4(2) (making a winter fuel payment without a claim) for “or state pension credit” substitute “, state pension credit or an income-related employment and support allowance”.

Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005

- 8.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations 2005⁽⁷⁾ are amended as follows.
- (2) In regulation 3 (interpretation)—
- (a) in paragraph (1)—
- (i) after the definition of “the Act” insert—
- ““the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008;”;
- (ii) after the definition of “income-based jobseeker’s allowance” insert—
- ““income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);”;
- (b) in paragraph (3) after “Regulations” add “or regulation 2(1) of the Employment and Support Allowance Regulations”; and
- (c) in paragraph (4)(a) after “Income Support Regulations” insert “, in regulation 156 of the Employment and Support Allowance Regulations”.
- (3) In regulation 5(1)(a) (entitlement)—
- (a) after paragraph (iv) omit “or”; and
- (b) after paragraph (v) for “; and” substitute—
- “or
- (vi) income-related employment and support allowance; and”.
- (4) In regulation 7(4)(a) (funeral payments: entitlement)—
- (a) after paragraph (vi) omit “or”; and

⁽⁵⁾ [S.I. 2000/729](#).

⁽⁶⁾ Regulation 2 was substituted by [S.I. 2003/1737](#).

⁽⁷⁾ [S.I. 2005/3061](#).

- (b) after paragraph (vii) insert—
 - “(viii) income-related employment and support allowance; or”.