
STATUTORY INSTRUMENTS

2008 No. 1554

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

PART 5

Miscellaneous Amendments

CHAPTER 4

Child Support

Amendment of the Child Support (Maintenance Assessment Procedure) Regulations 1992

57.—(1) The Child Support (Maintenance Assessment Procedure) Regulations 1992 ^{M1} are amended as follows.

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

- (a) in the definition of “benefit week” after “Jobseeker's Allowance Regulations,” insert “ in relation to employment and support allowance has the same meaning as in the Employment and Support Allowance Regulations 2008, ”;
- (b) after the definition of “family credit” insert—
““income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007;” and
- (c) in the definition of “relevant benefit” after “income-based jobseeker's allowance,” insert “ income-related employment and support allowance ”.

(3) In paragraph (3)(c) for “or income-based jobseeker's allowance” substitute “ , income-based jobseeker's allowance or income-related employment and support allowance ”.

(4) In regulation 8D(8) ^{M2} (miscellaneous provisions in relation to interim maintenance assessments) “income support” each time it occurs insert “ , an income-related employment and support allowance ”.

(5) In regulation 30A(5) ^{M3} (effective dates of new maintenance assessments in particular cases) for “or an income-based jobseeker's allowance” each time it occurs substitute “ , an income-based jobseeker's allowance or an income-related employment and support allowance ”.

Marginal Citations

M1 [S.I. 1992/1813](#) which was revoked with savings by [S.I. 2000/157](#).

M2 [Regulation 8D](#) was inserted by [S.I. 1995/3261](#) and paragraph (8) was amended by [S.I. 1996/3196](#) and [2003/2779](#).

M3 [Regulation 30A](#) was inserted by [S.I. 1995/3261](#) and paragraph (5) was inserted by [S.I. 1996/3196](#) and amended by [S.I. 1996/3196](#), [1999/1047](#) and [2003/2779](#).

Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992

58.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations 1992 ^{M4} are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “weekly council tax” insert—

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

(3) In regulation 7(1)(b) (net income: calculation or estimation of N) for “or the Jobseekers Act” substitute “, the Jobseekers Act or the Welfare Reform Act ”.

(4) In regulation 28(1) (amount payable where absent parent is in receipt of income support or other prescribed benefit) after “income-based jobseeker's allowance” insert “, income-related employment and support allowance under Part 1 of the Welfare Reform Act, ”.

(5) In Schedule 1 (calculation of N and M) in paragraph 6(2) of Part II (benefit payments) for “or the Jobseekers Act” substitute “, the Jobseekers Act or the Welfare Reform Act ”.

Marginal Citations

M4 [S.I. 1992/1815](#) which is revoked with savings by [S.I. 2001/155](#).

Amendment of the Social Security Benefits (Maintenance Payments and Consequential Amendments) Regulations 1996

59.—(1) The Social Security Benefits (Maintenance Payments and Consequential Amendments) Regulations 1996 ^{M5} are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation) after the definition of “the Act” insert—

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

(3) In regulation 2(c) (interpretation for the purposes of section 74A of the Act) after (ii) add—
“or

(iii) any income which is taken into account under Part 10 of the Employment and Support Allowance Regulations for the purposes of calculating the amount of employment and support allowance to which the claimant is entitled.”.

(4) In regulation 3 (persons of a prescribed description) after sub-paragraph (b) add—
“or

(c) is referred to as a “young person” in the Employment and Support Allowance Regulations by virtue of regulation 2(1) of those Regulations.”;

(5) In regulation 5 (circumstances in which persons are to be treated as being members of the same household)—

(a) omit “either”; and

(b) after “Jobseeker's Allowance Regulations” insert “ or regulation 156 of the Employment and Support Allowance Regulations ”.

Marginal Citations

M5 [S.I. 1996/940](#).

Amendment of the Child Support Departure Direction and Consequential Amendments Regulations 1996

60.—(1) The Child Support Departure Direction and Consequential Amendments Regulations 1996^{M6} are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “effective date” 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 9^{M7} (departure directions and persons in receipt of income support, state pension credit, income-based jobseeker's allowance, or working tax credit)—

(a) in the heading after “state pension credit ” insert “ , income-related employment and support allowance, ”; and

(b) after “state pension credit” each time it occurs insert “ , income-related employment and support allowance ”.

(4) In regulation 12 (meaning of “benefit” for the purposes of section 28E of the Act) after “income-based jobseeker's allowance” insert “ , income-related employment and support allowance, ”.

Marginal Citations

M6 [S.I. 1996/2907](#) which is revoked with savings by [S.I. 2001/156](#)..

M7 [Regulation 9](#) was substituted by [S.I. 1998/58](#).

Amendment of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000

61.—(1) The Child Support (Maintenance Calculations and Special Cases) Regulations 2000^{M8} are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “war widower's pension”^{M9} insert—

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

(3) In regulation 4 (flat rate)—

(a) in paragraph (1)^{M10}—

(i) after sub-paragraph (f) omit “and”; and

(ii) after sub-paragraph (g) add—

“and

(h) contributory employment and support allowance under section 2 of the Welfare Reform Act.”;

(b) in paragraph (2)^{M11} after sub paragraph (c) add—

“and

(d) income-related employment and support allowance under section 4 of the Welfare Reform Act.”.

(4) In regulation 5(d)^{M12} (nil rate) for “or income-based jobseeker's allowance” each time it occurs substitute “ , income-based jobseeker's allowance or income-related employment and support allowance ”.

Marginal Citations

M8 [S.I. 2001/155](#).

M9 Definition was inserted by [S.I. 2003/2779](#) and amended by [S.I. 2005/2877](#).

M10 Paragraph (1) was amended by [S.I. 2002/2497](#), [2003/2779](#), [2005/785](#) and [2005/2877](#).

M11 Paragraph (2) was amended by [S.I. 2002/3019](#).

M12 [Regulation 5\(d\)](#) was amended by [S.I. 2002/3019](#), [2003/1195](#), [2003/2779](#), [2004/2415](#) and [2005/785](#).

Amendment of the Child Support (Variations) Regulations 2000

62. In regulation 32 of the Child Support (Variations) Regulations 2000^{M13} (meaning of “benefit” for the purposes of section 28E^{M14} of the Act) after “income-based jobseeker's allowance,” insert “ income-related employment and support allowance under Part 1 of the Welfare Reform Act 2007 ”.

Marginal Citations

M13 [S.I. 2001/156](#).

M14 Section 28E of the Child Support Act 1991 was substituted by the [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#).

Amendment of the Child Support (Maintenance Calculation Procedure) Regulations 2000

63. In Schedule 1 (meaning of “child” for the purposes of the Act) in paragraph 1(3)(b) (persons of 16 or 17 years of age who are not in full-time non-advanced education) of the Child Support (Maintenance Calculation Procedure) Regulations 2000^{M15} for “or an income-based jobseeker's allowance” substitute “ , an income-based jobseeker's allowance or income-related employment and support allowance ” .

Marginal Citations

M15 [S.I. 2001/157](#).

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008, CHAPTER 4.