

---

STATUTORY INSTRUMENTS

---

**2008 No. 1554**

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

PART 4

Administrative Provisions

CHAPTER 1

The Social Security (Claims and Payments) Regulations 1987

**Amendment of regulation 3**

**11.** In regulation 3 (claims not required for entitlement to benefit in certain cases)—

- (a) in paragraph (h)(ii)(1) after “allowance” insert “or an income-related employment and support allowance”; and
- (b) after paragraph (i)(2) add—
  - “(j) in the case of an employment and support allowance where the beneficiary has made and is pursuing an appeal against the decision of the Secretary of State that he does not have limited capability for work.”.