
STATUTORY INSTRUMENTS

2008 No. 1554

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

PART 5

Miscellaneous Amendments

CHAPTER 2

National Insurance

Amendment of the Social Security (Credits) Regulations 1975

48.—(1) The Social Security (Credits) Regulations 1975⁽¹⁾ are amended as follows.

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

(a) in the definition of “benefit”⁽²⁾ after “income-based jobseeker’s allowance” insert “and includes a contributory employment and support allowance but not an income-related employment and support allowance”;

(b) after the definition of “contribution-based jobseeker’s allowance”⁽³⁾ insert—

““contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act (employment and support allowance);”;

(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);”;

(d) in the definition of “reckonable year”⁽⁴⁾—

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

(ii) after sub-paragraph (b) add—

“or

(c) in relation to a contributory employment and support allowance, the condition specified in paragraph 2(1) of Schedule 1 to the Welfare Reform Act (conditions relating to national insurance).”;

(e) in the definition of “relevant benefit year”⁽⁵⁾—

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

(ii) after sub-paragraph (b) add—

(1) [S.I. 1975/556](#).

(2) Definition inserted by [S.I. 1996/2367](#) and amended by [S.I. 2000/1483](#).

(3) Definition inserted by [S.I. 1996/2367](#).

(4) Definition was substituted by [S.I. 1996/2367](#) and amended by [S.I. 2007/1749](#).

(5) Definition was substituted by [S.I. 1996/2367](#).

“and

(c) in relation to a contributory employment and support allowance, in paragraph 3(1)(f) of Schedule 1 to the Welfare Reform Act (conditions relating to national insurance);” and

(f) after the definition of “relevant past year” **(6)** insert—

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

(3) In regulation 3(1)**(7)** (general provisions relating to the crediting of contributions and earnings)—

(a) after sub-paragraph (a) omit “or”; and

(b) after sub-paragraph (b) add—

“or

(c) in relation to a contributory employment and support allowance, the condition specified in paragraph 2(1) of Schedule 1 to the Welfare Reform Act.”.

(4) In regulation 8(1)**(8)** (credits on termination of full-time education, training or apprenticeship) for “or short-term incapacity benefit” substitute “, short-term incapacity benefit or a contributory employment and support allowance”.

(5) In regulation 8A(2)(c)**(9)** (credits for unemployment) after “incapable of work” insert “or had limited capability for work”.

(6) In regulation 8B**(10)** (credits for incapacity for work)—

(a) in the heading, after “incapacity for work” insert “or limited capability for work”; and

(b) in paragraph (2) after sub-paragraph (a) omit “or” and substitute—

“(aa) a week in which, in relation to the person concerned, each of the days—

(i) was a day of limited capability for work for the purposes of Part 1 of the Welfare Reform Act (limited capability for work) or would have been such a day had that person been entitled to an employment and support allowance by virtue of section 1 of the Welfare Reform Act; or

(ii) would have been such a day had the person concerned claimed an employment and support allowance or maternity allowance within the prescribed time; or”.

(7) In regulation 8C(1)**(11)** (credits on termination of bereavement benefits)—

(a) after sub-paragraph (a) omit “or”; and

(b) after sub-paragraph (b) add—

(c) after sub-paragraph (b) add—

“or

(c) paragraph 2(1) of Schedule 1 to the Welfare Reform Act in relation to a contributory employment and support allowance.”.

(6) Definition was amended by [S.I. 1988/1545](#).

(7) Paragraph 1 was substituted by [S.I. 1996/2367](#) and amended by [S.I. 2000/1483](#).

(8) Paragraph 1 was substituted by [S.I. 1989/1627](#) and amended by [S.I. 1991/387](#), [1995/829](#) and [1996/2367](#).

(9) Regulation 8A was inserted by [S.I. 1996/2367](#) and paragraph 2 was amended by [S.I. 2002/490](#).

(10) Regulation 8B was inserted by [S.I. 1996/2367](#) and amended by [S.I. 2003/521](#), [2007/1749](#).

(11) Regulation 8C was inserted by [S.I. 2000/1483](#).