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STATUTORY INSTRUMENTS

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**2010 No. 2446**

**SOCIAL SECURITY**

**The Social Security (Contribution Conditions  
for Jobseeker's Allowance and Employment  
and Support Allowance) Regulations 2010**

*Made* - - - - *6th October 2010*  
*Laid before Parliament* *11th October 2010*  
*Coming into force* - - *1st November 2010*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers contained in sections 2(2A), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(1) and sections 24(1) and 25(2), (3) and (5) of, and paragraph 1(3) and (4) of Schedule 1 to, the Welfare Reform Act 2007(2).

This instrument contains only regulations made by virtue of, or consequential upon, sections 12 and 13 of the Welfare Reform Act 2009(3) and is made before the end of the period of 6 months beginning with the coming into force of these sections(4).

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Contribution Conditions for Jobseeker's Allowance and Employment and Support Allowance) Regulations 2010 and come into force on 1st November 2010.

**Amendment of the Jobseeker's Allowance Regulations 1996**

2. In the Jobseeker's Allowance Regulations 1996(5), at the beginning of Part 3 (after the heading "OTHER CONDITIONS OF ENTITLEMENT") insert the following new regulation—

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- (1) [1995 c.18](#). Subsection (2A) was inserted into section 2 by section 12(1) and (3) of the Welfare Reform Act 2009 ([c.24](#)). Section 36(4) was amended by paragraph 63 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 ([c.2](#)). Section 35(1) is an interpretation provision and is cited because of the meaning given to the word "regulations".
- (2) [2007 c.5](#). Paragraph 1(3) was substituted by section 13(1) and (4) of the Welfare Reform Act 2009. Section 24(1) is an interpretation provision and is cited because of the meaning given to the word "regulations".
- (3) [2009 c.24](#).
- (4) See section 173(5) of the Social Security Administration Act 1992 ([c.5](#)).
- (5) [S.I. 1996/207](#).

**“The contribution-based conditions and relevant earnings**

**45A.**—(1) A claimant’s relevant earnings for the purposes of section 2(2)(b) of the Act are the total amount of the claimant’s earnings at the lower earnings limit for the base year.

(2) For the purposes of paragraph (1), earnings which exceed the lower earnings limit are to be disregarded.”.

**Amendment of the Employment and Support Allowance Regulations 2008**

**3.**—(1) The Employment and Support Allowance Regulations 2008(6) are amended as follows.

(2) At the beginning of Part 3 (after the heading “CONDITIONS OF ENTITLEMENT — CONTRIBUTORY ALLOWANCE”) insert the following new regulation—

**“Conditions relating to national insurance and relevant earnings**

**7A.**—(1) A claimant’s relevant earnings for the purposes of paragraph 1(2)(a) of Schedule 1 to the Act (employment and support allowance: conditions relating to national insurance) are the total amount of the claimant’s earnings at the lower earnings limit for the base tax year.

(2) For the purposes of paragraph (1), earnings which exceed the lower earnings limit are to be disregarded.”.

(3) For regulation 8(1)(b) (relaxation of the first contribution condition) substitute—

“(b) the claimant has—

(i) earnings at the lower earnings limit in that tax year on which primary Class 1 contributions have been paid or treated as paid which in total, and disregarding any earnings which exceed the lower earnings limit for that year, are not less than that limit multiplied by 26; or

(ii) earnings factors in that tax year derived from Class 2 contributions multiplied by 26.”.

Signed by authority of the Secretary of State for Work and Pensions.

6th October 2010

*Freud*  
Parliamentary Under-Secretary of State  
Department for Work and Pensions

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the contribution conditions for jobseeker's allowance and employment and support allowance.

Regulation 2 amends the Jobseeker's Allowance Regulations 1996 to provide that for the purpose of the first contribution condition, a claimant's relevant earnings shall be the total amount of the claimant's earnings at the lower earnings limit for the base year (and disregarding earnings which exceed that limit).

Regulation 3(2) makes a similar amendment to the Employment and Support Allowance Regulations 2008 ("the 2008 Regulations").

Regulation 3(3) amends regulation 8 of the 2008 Regulations which relaxes the first contribution condition in certain circumstances so that, to qualify for the relaxation, a claimant must have: (a) earnings at the lower earnings limit in a tax year which are not less than 26 times that year's lower earnings limit (although disregarding any earnings which exceed that limit) and on which primary Class 1 contributions have been paid or treated as paid; or (b) earnings factors in that tax year derived from Class 2 contributions multiplied by 26.

The regulations contained in this instrument are either made by virtue of, or are consequential upon, sections 12 and 13 of the Welfare Reform Act 2009. This instrument is made before the expiry of the period of 6 months beginning with the coming into force of those provisions; the regulations in it are therefore exempt in accordance with section 173(5) of the Social Security Administration Act 1992 from the requirement in section 172(1) of that Act to refer proposals to make Regulations to the Social Security Advisory Committee and are made without reference to that Committee.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.