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*Status: Point in time view as at 01/07/2008. This version of this provision has been superseded.*  
*Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, Paragraph 3 is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 3

#### CONSEQUENTIAL AMENDMENTS RELATING TO PART 1

*The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

3.—(1) The Contributions and Benefits Act is amended as follows.

(2) In section 6A (notional payment of primary Class 1 contribution where earnings not less than lower earnings limit), in subsection (3) (purposes for which Class 1 contribution treated as paid), at the end add “; and

(e) any purposes relating to employment and support allowance.”.

(3) In section 22 (earnings factors)—

(a) in subsection (2) (purposes for which a person may be treated as having annual earnings factors), in paragraph (a), after “jobseeker's allowance” insert “, to a contributory employment and support allowance”;

(b) in subsection (5) (power to provide for crediting earnings or Class 2 contributions), after “jobseeker's allowance” insert “, to a contributory employment and support allowance”.

(4) At the end of section 22 add—

“(8) In this section, “contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance).”.

(5) Sections 30A to 30E (incapacity benefit) cease to have effect.

(6) In section 61A (contributions paid in error), in subsection (3), at the end of paragraph (c) insert “ and ”.

(7) In section 88 (increases of benefit to be in respect of only one adult dependant), for “86A” substitute “ 85 ”.

(8) In section 89(1) and (1A) (earnings to include occupational and personal pensions etc. for purposes of provisions relating to increases of benefits in respect of adult dependants), for “to 86A” substitute “ to 85 ”.

(9) In section 123 (income support), in subsection (1), after paragraph (g) add “; and

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- (h) he is not entitled to an employment and support allowance and, if he is a member of a couple, the other member of the couple is not entitled to an income-related employment and support allowance.”.
- (10) At the end of section 123 add—
- “(7) In this section, “income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance).”.
- (11) In section 146 (interpretation of Part 10: Christmas bonus)—
- (a) in subsection (1) (definition of “qualifying benefit”), after paragraph (b) insert—
- “(ba) a qualifying employment and support allowance;”;
- (b) in subsection (2), after the definition of “the qualifying age for state pension credit” insert—
- ““qualifying employment and support allowance” means an employment and support allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 the calculation of the amount of which includes an addition in respect of the support component or the work-related activity component;”.
- (12) Sections 167A to 167G (incapacity for work) cease to have effect.
- (13) In paragraph 5 of Schedule 3 (contribution conditions for widowed mother's allowance etc.), after sub-paragraph (6) insert—
- “(6A) The first condition shall be taken to be satisfied if the contributor concerned was entitled to main phase employment and support allowance at any time during—
- (a) the year in which he attained pensionable age or died under that age, or
- (b) the year immediately preceding that year.
- (6B) The reference in sub-paragraph (6A) above to main phase employment and support allowance is to an employment and support allowance in the case of which the calculation of the amount payable in respect of the claimant includes an addition under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act (Northern Ireland) 2007 (addition where conditions of entitlement to support component or work-related activity component satisfied).”.

#### Commencement Information

- II** Sch. 3 para. 3 partly in operation; Sch. 3 para. 3 not in operation at Royal Assent see s. 60(1); Sch. 3 para. 3(1)(3)(b)(4) in operation for certain purposes at 1.7.2008 and wholly in operation at 27.10.2008 by S.R. 2008/276, art. 2(2)(c), Sch. Pt. 1; Sch. 3 para. 3 (except sub-paras. (5) (12)) in operation at 27.10.2008 by S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

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