
STATUTORY INSTRUMENTS

2008 No. 1082

**The Employment and Support Allowance
(Consequential Provisions) Regulations 2008**

PART 3

The Housing Benefit Regulations 2006

Amendment of regulation 83

19. In regulation 83 (time and manner in which claims are to be made)—

- (a) in paragraph (4) ^{M1}—
 - (i) in sub-paragraph (a) for “or a jobseeker's allowance” substitute “ , a jobseeker's allowance or an employment and support allowance ”;
 - (ii) in sub-paragraph (c) for “or a jobseeker's allowance” substitute “ , a jobseeker's allowance or an employment and support allowance ”;
- (b) in paragraph (5) ^{M2}—
 - (i) in sub-paragraph (a)—
 - (aa) 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 ”;
 - (bb) for “or jobseeker's allowance” substitute “ , jobseeker's allowance or employment and support allowance ”; and
 - (cc) omit “ and for the purposes of” to the end; and
 - (ii) in sub-paragraph (b) for “or an income-based jobseeker's allowance” substitute “ , an income-based jobseeker's allowance or an income-related employment and support allowance ”; and
- (c) after paragraph (5) insert—

“(5A) For the purposes only of sub-paragraph (5)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would have been entitled to that allowance but for regulations made under—

 - (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act (waiting days); or
 - (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act (waiting days).”

Changes to legislation: *There are currently no known outstanding effects for the The Employment and Support Allowance (Consequential Provisions) Regulations 2008, Section 19. (See end of Document for details)*

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Marginal Citations

- M1** Paragraph (4) was amended by [S.I. 2006/2967](#) and 2007/2911.
- M2** Paragraph (5) was amended by [S.I. 2007/2911](#).

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance (Consequential Provisions) Regulations 2008, Section 19.