
STATUTORY INSTRUMENTS

2008 No. 1082

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

PART 3

The Housing Benefit Regulations 2006

Amendment of regulation 2

- 5.—(1) Regulation 2 (interpretation) is amended as follows.
- (2) In paragraph (1)—
- (a) in the definition of “appropriate DWP office” for “or a jobseeker's allowance” substitute “, a jobseeker's allowance or an employment and support allowance ”;
 - (b) in the definition of “the benefit Acts” for “and the Jobseekers Act” substitute “, the Jobseekers Act and the Welfare Reform Act ”;
 - (c) after the definition of “the Consequential Provisions Regulations” insert—
““contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act;”;
 - (d) after the definition of “employed earner” insert—
““Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008 ^{M1};”;
 - (e) after the definition of “an 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;”;
 - [^{F1}(ee) after the definition of “Jobseeker’s Allowance Regulations” insert—
““limited capability for work” has the meaning given in section 1(4) of the Welfare Reform Act;
“limited capability for work-related activity” has the meaning given in section 2(5) of the Welfare Reform Act;”];
 - (f) after the definition of “the Macfarlane Trust” insert—
““main phase employment and support allowance” means an employment and support allowance where the calculation of the amount payable in respect of the claimant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act;”;
 - (g) in the definition of “qualifying contributory benefit”^{M2} after sub-paragraph (b) add—
“(c) contributory employment and support allowance;”;
 - (h) in the definition of “qualifying income-related benefit” after sub-paragraph (b) add—
“(c) income-related employment and support allowance;”;

- (i) after the definition of “water charges” insert—
 - ““Welfare Reform Act” means the Welfare Reform Act 2007;”.
- (3) After paragraph (3) insert—
 - “(3A) For the purposes of these Regulations, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day—
 - (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act (disqualification); or
 - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.”.

F1 [Reg. 5\(2\)\(ee\)](#) inserted (27.10.2008) by [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/2428\)](#), regs. 1(2), **27**

Marginal Citations

M1 [S.I. 2008/794](#).

M2 Definitions of “qualifying contributory benefit” and “qualifying income-related benefit” were inserted by [S.I. 2008/959](#).

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance (Consequential Provisions) Regulations 2008, Section 5.