
STATUTORY INSTRUMENTS

2008 No. 1879

**The Employment and Support Allowance
(Consequential Provisions) (No. 3) Regulations 2008**

PART 11

Scotland

Amendment of the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989

34.—(1) The Community Charges (Deductions from Income Support) (Scotland) Regulations 1989 ^{MI} are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) after the definition of “Commissioner” insert—

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

(b) after the definition of “debtor” insert—

““Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008;”;

(c) after the definition of “5 per cent of the personal allowance for a single claimant aged not less than 25” insert—

““income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act;”;

(d) in the definition of “personal allowance for a couple where both members are aged not less than 18”—

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

(ii) after sub-paragraph (b) add—

“or

(c) in the case of a person who is entitled to an income-related employment and support allowance, the amount for the time being specified in paragraph 1(3)(a) of column (2) of Schedule 4 to the Employment and Support Allowance Regulations;”;

(e) in the definition of “personal allowance for a single claimant aged not less than 25”—

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

(ii) after sub-paragraph (b) add—

“or

(c) in the case of a person who is entitled to an income-related employment and support allowance, the amount for the time being specified in

paragraph 1(1)(b) of column (2) of Schedule 4 to the Employment and Support Allowance Regulations;” and

- (f) after the definition of “unmarried couple” add—
 ““Welfare Reform Act” means the Welfare Reform Act 2007.”.
- (3) In regulation 2 (applications for deductions etc.)—
- (a) in the heading for “or jobseeker's allowance” substitute “, jobseeker's allowance or employment and support allowance”;
- (b) in paragraph (1) for “or jobseeker's allowance” substitute “, jobseeker's allowance or employment and support allowance”; and
- (c) in paragraph (2)(e) for “or jobseeker's allowance” substitute “, jobseeker's allowance or employment and support allowance”.
- (4) In regulation 3 (deductions from debtor's income support etc.)—
- (a) in the heading for “or jobseeker's allowance” substitute “, jobseeker's allowance or employment and support allowance”;
- (b) in paragraph (1) for “or income-based jobseeker's allowance” substitute “, income-based jobseeker's allowance or income-related employment and support allowance”;
- (c) in paragraph (2)—
- (i) in sub-paragraph (a) after “contribution-based jobseeker's allowance” add “or contributory employment and support allowance”; and
- (ii) for sub-paragraph (b) substitute—
- “(b) the amount payable, before any deductions under this paragraph, of—
- (i) contribution-based jobseeker's allowance is equal to or more than one-third of the age-related amount applicable to the debtor under section 4(1)(a) of the Jobseekers Act; or
- (ii) contributory employment and support allowance is equal to or more than one-third of the amount applicable to the debtor under section 2(1)(a) of the Welfare Reform Act,
- as the case may be;” and
- (iii) after “Jobseekers Act” the second time it occurs insert “or under section 2(1)(a) of the Welfare Reform Act”.
- (5) In regulation 4 (circumstances, time of making and termination of deductions)—
- (a) in paragraph (1)(a) for “or jobseeker's allowance” substitute “, jobseeker's allowance or employment and support allowance”; and
- (b) in paragraph (2) for “or jobseeker's allowance” each time it occurs substitute “, jobseeker's allowance or employment and support allowance”.

Marginal Citations

M1 [S.I. 1989/507](#). Amended by [S.I. 1990/113](#), 1996/2334, 1998/563, 1999/3178, 2002/3019 and 3197.

Amendment of the Advice and Assistance (Scotland) (Consolidation and Amendment) Regulations 1996

35.—(1) The Advice and Assistance (Scotland) (Consolidation and Amendment) Regulations 1996 ^{M2} are amended as follows.

- (2) In regulation 2 (interpretation)—
- (a) after the definition of “child” insert—
- ““contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);”;
- (b) after the definition of “employment tribunal” insert—
- ““income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);”.
- (3) In regulation 4(a) (applications for advice and assistance) after “income support” insert “, an income-related employment and support allowance”.
- (4) In regulation 16 (2) (payment of fees and outlays from property recovered or preserved)—
- (a) in sub-paragraph (a)(v) after “129 of the 1992 Act” insert “, an income-related employment and support allowance”;
- (b) in sub-paragraph (c) after “Schedule 7 to the 1992 Act” insert “, contributory employment and support allowance”.
- (5) In Schedule 2 (assessment of disposable capital and disposable income) after paragraph 5(j) insert—
- “(k) contributory employment and support allowance.”.

Marginal Citations

M2 [S.I. 1996/2447](#). Paragraph 5 of Schedule 2 was inserted by [S.S.I 2003/421](#).

Amendment of the Repayment of Student Loans (Scotland) Regulations 2000

36. In regulation 2 of the Repayment of Student Loans (Scotland) Regulations 2000 ^{M3} (interpretation) in the definition of “disability related benefit” after “Social Security Contributions and Benefits Act 1992,” add “an employment and support allowance payable under Part 1 of the Welfare Reform Act 2007”.

Marginal Citations

M3 [S.S.I. 2000/110](#).

Amendment of the Bus Service Operators Grant (Scotland) Regulations 2002

37. In regulation 3(4) of the Bus Service Operators Grant (Scotland) Regulations 2002 ^{M4} (eligibility for grant) after sub-paragraph (d) insert—

“(dd) persons in receipt of employment and support allowance payable under Part 1 of the Welfare Reform Act 2007;”.

Marginal Citations

M4 [S.S.I. 2002/289](#).

Amendment of the Civil Legal Aid (Scotland) Regulations 2002

38.—(1) The Civil Legal Aid (Scotland) Regulations 2002 ^{M5} are amended as follows.

(2) In regulation 2(1) (interpretation) after the definition of “income” insert—
 ““income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);”.

(3) In regulation 33(a)(v) (payments out of property recovered or preserved: exceptions) after “the 1992 Act” insert “, an income-related employment and support allowance”.

(4) In Schedule 2 (rules for computing disposable income) in paragraph 5 after sub-paragraph (e) add—

“(f) an income-related employment and support allowance.”.

(5) In Schedule 3 (rules for computing disposable capital) in paragraph 7 after “(payable under the Jobseekers Act 1995)” insert “or an income-related employment and support allowance”.

Marginal Citations

M5 [S.S.I. 2002/494](#). Regulation 33 was amended by [S.S.I. 2007/59](#).

Amendment of the Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003

39. In article 4(2) of the Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003 ^{M6} (the severely mentally impaired)—

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

(b) after sub-paragraph (k) insert—

“and

(l) employment and support allowance payable under Part 1 of the Welfare Reform Act 2007.”.

Marginal Citations

M6 [S.S.I. 2003/176](#).

Amendment of the Education Maintenance Allowances (Scotland) Regulations 2007

40. In paragraph 3(e) of Schedule 2 to the Education Maintenance Allowances (Scotland) Regulations 2007 ^{M7} (ordinary residence) after “income support” add “or income-related employment and support allowance payable under Part 1 of the Welfare Reform Act 2007”.

Marginal Citations

M7 [S.S.I. 2007/156](#).

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance (Consequential Provisions) (No. 3) Regulations 2008, PART 11.