
STATUTORY INSTRUMENTS

2009 No. 2206

The Social Security (State Pension and National Insurance Credits) Regulations 2009

PART 3

State pension reform - amendment of secondary legislation

Amendment of the Additional Pension and Social Security Pensions (Home Responsibilities) (Amendment) Regulations 2001

27. After regulation 5 insert—

“Earnings factor credits eligibility for pensioners to whom employment and support allowance was payable

5A.—(1) For the purposes of subsection (3) of section 44C (earnings factor credits) of the Contributions and Benefits Act(1), a pensioner is eligible for earnings factor enhancement in respect of a week if that pensioner satisfies one or more of the conditions in paragraph (2) and was—

- (a) a person to whom employment and support allowance was payable for any part of that week;
 - (b) a person to whom that allowance would have been payable but for the fact that that person did not satisfy the contribution condition in paragraph 1 or paragraph 2 of Schedule 1 to the 2007 Act; or
 - (c) a person to whom that allowance would have been payable but for the fact that under regulations the amount was reduced to nil because of—
 - (i) receipt of other benefits; or
 - (ii) receipt of payments from an occupational pension scheme or personal pension scheme.
- (2) The conditions are—
- (a) immediately prior to that week, employment and support allowance was payable or would have been payable for—
 - (i) a continuous period of 52 weeks; or
 - (ii) a period of 52 weeks treated as continuous by virtue of regulations made under paragraph 4 of Schedule 2 to the 2007 Act;
 - (b) that allowance included or would have included the support component under section 2(2) of the 2007 Act; or
 - (c) immediately prior to that week, in the case of—

(1) Section 44C was inserted by section 9 of the Pensions Act 2007 (c. 22).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) a man born in the period beginning with 6th April 1946 and ending with 5th April 1947; or
- (ii) a woman born in the period beginning with 6th October 1950 and ending with 5th April 1951,

that allowance was payable or would have been payable for a continuous period of 13 weeks immediately following a period throughout which statutory sick pay was payable.

(3) In this regulation, “employment and support allowance” means an employment and support allowance under Part 1 (employment and support allowance) of the 2007 Act.”.