
STATUTORY INSTRUMENTS

2012 No. 913

**The Employment and Support Allowance
(Duration of Contributory Allowance)
(Consequential Amendments) Regulations 2012**

Amendments to the Employment and Support Allowance Regulations 2008

9.—(1) The Employment and Support Allowance Regulations 2008⁽¹⁾ are amended as follows.

(2) In regulation 7⁽²⁾ (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arises does not apply)—

(a) in paragraph (1)(b) omit “or” where it appears at the end of that paragraph; and

(b) after paragraph (1)(c) add—

“; or

(d) a claimant is entitled to an employment and support allowance by virtue of section 1B of the Act⁽³⁾ (further entitlement after time-limiting).”

(3) In regulation 144⁽⁴⁾ (waiting days) after paragraph (2)(d) add—

“; or

(e) the claimant is entitled to an employment and support allowance by virtue of section 1B of the Act (further entitlement after time-limiting).”

(4) For paragraph 1(3)(a) of Schedule 6⁽⁵⁾ (housing costs) substitute—

“(a) (i) in respect of whom the main phase employment and support allowance is payable to the claimant or to a person living with the claimant; or

(ii) where they are the claimant or a person living with the claimant, in respect of whom there would be entitlement to an employment and support allowance including a work-related activity component under section 2(3) of the Act (amount of contributory allowance: work-related activity component), but for the application of section 1A of the Act (duration of contributory allowance);”

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

(2) Regulation 7 was amended by regulation 12(2) of [S.I. 2008/3051](#) and by regulation 9(6) of [S.I. 2010/840](#).

(3) Section 1B was inserted by section 52 of the Welfare Reform Act 2012.

(4) Regulation 144 was amended by regulation 9(1)(a) and (b) of [S.I. 2008/2428](#) and by regulation 25(2) of [S.I. 2010/1907](#).

(5) Schedule 6 has been amended but not in a way material to these Regulations.