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STATUTORY INSTRUMENTS

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**2015 No. 389**

**The Social Security (Members of the Reserve Forces) (Amendment) Regulations 2015**

**Amendment of the Employment and Support Allowance Regulations 2008**

- 4.—(1) The Employment and Support Allowance Regulations 2008<sup>(1)</sup> are amended as follows.
- (2) In regulation 2(1) (interpretation), after the definition of “First-tier tribunal ” insert—
- ““first year of training” means a period of one year beginning with a person’s first day of training.”
- (3) For regulation 91(4A) (calculation of earnings derived from employed earner’s employment and income other than earnings)<sup>(2)</sup> substitute —
- (a) “(4A) This paragraph applies where earnings are derived by a claimant as a member of a reserve force prescribed in Part 1 of Schedule 6 to the Contributions Regulations—
- (i) in respect of a period of annual continuous training for a maximum of 15 days in any calendar year; or
- (ii) in respect of training in the claimant’s first year of training as a member of a reserve force for a maximum of 43 days in that year.
- (b) Earnings, whether paid to the claimant alone or together with other earnings derived from the same source, are to be taken into account—
- (i) in the case of a period of training which lasts for the number of days listed in column 1 of the table in sub-paragraph (c), over a period of time which is equal to the number of days set out in the corresponding row in column 2 of that table; or
- (ii) in any other case, over a period which is equal to the duration of the training period.
- (c) This is the table referred to in sub-paragraph (b)(i)—

<i>Column 1</i>	<i>Column 2</i>
<i>Period of training in days</i>	<i>Period of time over which earnings are to be taken into account in days</i>
8 to 10	7
15 to 17	14
22 to 24	21
29 to 31	28

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(1) [S.I. 2008/794](#). Paragraph 11A was inserted by [S.I. 2012/2575](#).

(2) Regulation 91(4A) was inserted by [S.I. 2012/2575](#).

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**Status:** This is the original version (as it was originally made).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

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<i>Column 1</i>	<i>Column 2</i>
<i>Period of training in days</i>	<i>Period of time over which earnings are to be taken into account in days</i>
36 to 38	35
43	42”

- (4) In Schedule 7 (sums to be disregarded in the calculation of earnings)(3)—
- (a) in paragraph 11A—
- (i) in sub-paragraph (2), omit the words “territorial or”; and
- (ii) at the end of sub-paragraph (2), omit the full stop and insert—
- “or in respect of training in the claimant’s first year of training as a member of a reserve force for a maximum of 43 days in that year.”; and
- (b) in paragraph 12(a), omit the words “territorial or”.
- (5) In regulation 43(1)(e)(vi), omit the words “territorial or”.

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(3) Paragraph 11A of Schedule 7 was inserted by [S.I. 2012/2575](#). There are other amendments to Schedule 7 not relevant to these Regulations.