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STATUTORY INSTRUMENTS

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**2008 No. 1082**

The Employment and Support Allowance  
(Consequential Provisions) Regulations 2008

PART 5

Council Tax Benefit Regulations 2006

**Amendment of regulation 45**

- 54.** In regulation 45(3)(1) (students excluded from entitlement to council tax benefit)—
- (a) in sub-paragraph (a) for “or an income-based jobseeker’s allowance” substitute “, an income-based jobseeker’s allowance or an income-related employment and support allowance”; and
  - (b) after sub-paragraph (e) insert—
    - “(ea) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.”.