
STATUTORY INSTRUMENTS

2008 No. 794

The Employment and Support Allowance Regulations 2008

PART 3

CONDITIONS OF ENTITLEMENT – CONTRIBUTORY ALLOWANCE

Relaxation of the first contribution condition

8.—(1) A claimant who satisfies any of the conditions in paragraph (2) is to be taken to satisfy the first contribution condition if—

(a) the claimant paid Class 1 or Class 2 contributions before the relevant benefit week in respect of any one tax year; and

[^{F1}(b) the claimant has—

(i) earnings at the lower earnings limit in that tax year on which primary Class 1 contributions have been paid or treated as paid which in total, and disregarding any earnings which exceed the lower earnings limit for that year, are not less than that limit multiplied by 26; or

(ii) earnings factors in that tax year derived from Class 2 contributions multiplied by 26.]

(2) The conditions referred to in paragraph (1) are that the claimant—

(a) was entitled to a carer's allowance in the last complete tax year immediately preceding the relevant benefit year;

(b) had been engaged in qualifying remunerative work for a period of more than 2 years immediately before the first day of the period of limited capability for work and who was entitled to working tax credit where the disability element or the severe disability element of working tax credit specified in regulation 20(1)(b) or (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 ^{F2} was included in the award;

(c) in respect of any week in any tax year preceding the relevant benefit year—

(i) is entitled to be credited with earnings or contributions in accordance with regulation 9D of the Social Security (Credits) Regulations 1975 ^{F3} (credits for certain periods of imprisonment or detention in legal custody); or

(ii) would have been so entitled had an application to the Secretary of State been made for the purpose of that regulation; [^{F4}or]

[^{F5}(ca) in respect of any week in the last complete tax year preceding the relevant benefit year, is entitled to be credited with earnings in accordance with regulation 9E of the Social Security (Credits) Regulations 1975 (credits for certain spouses and civil partners of members of Her Majesty's forces); ^{F6}...]

^{F7}(d)

Status: Point in time view as at 01/05/2012. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, Section 8. (See end of Document for details)

Textual Amendments

- F1** Reg. 8(1)(b) substituted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **23(3)**
- F2** [S.I. 2002/2005](#).
- F3** [S.I. 1975/556](#). Regulation 9D was inserted by [S.I.2001/573](#), **regulation 2**.
- F4** Word in reg. 8(2)(c) added (1.5.2012) by [The Social Security \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/757\)](#), regs. 1(3), **20(2)(a)**
- F5** Reg. 8(2)(ca) inserted (1.1.2012) by [The Social Security \(Contribution Conditions for Jobseeker s Allowance and Employment and Support Allowance\) Regulations 2011 \(S.I. 2011/2862\)](#), regs. 1(2), **3**
- F6** Word in reg. 8(2)(ca) omitted (1.5.2012) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/757\)](#), regs. 1(3), **20(2)(b)**
- F7** Reg. 8(2)(d) omitted (1.5.2012) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/757\)](#), regs. 1(3), **20(2)(c)**

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Changes to legislation:

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