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STATUTORY RULES OF NORTHERN IRELAND

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**2008 No. 286**

**The Employment and Support Allowance (Consequential Provisions) Regulations (Northern Ireland) 2008**

**Amendment of the Social Security (Claims and Payments) Regulations**

**13.**—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987<sup>(1)</sup> are amended in accordance with paragraphs (2) to (20).

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the 2002 Act”<sup>(2)</sup> insert—

““the Welfare Reform Act” means the Welfare Reform Act (Northern Ireland) 2007;”;

(b) in the definition of “benefit”<sup>(3)</sup> for “and a shared additional pension” substitute “, a shared additional pension or an employment and support allowance under Part 1 of the Welfare Reform Act”;

(c) after the definition of “electronic communication”<sup>(4)</sup> insert—

““the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations (Northern Ireland) 2008;”;

(d) after the definition of “joint-claim couple”<sup>(5)</sup> insert—

““limited capability for work” has the same meaning as in section 1(4) of the Welfare Reform Act;”.

(3) In regulation 3 (claims not required for entitlement to benefit in certain cases)—

(a) in paragraph (h)(ii)<sup>(6)</sup> after “allowance” insert “or an income-related employment and support allowance”; and

(b) after paragraph (i)<sup>(7)</sup> add—

“(j) in the case of an employment and support allowance where the beneficiary has made and is pursuing an appeal against the decision of the Department that he does not have limited capability for work.”.

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(1) S.R. 1987 No. 465; relevant amending Rules are S.R. 1988 Nos. 67, 141 and 369, S.R. 1989 No. 398, S.R. 1991 No. 488, S.R. 1992 Nos. 83 and 271, S.R. 1993 No. 149, S.R. 1994 No. 456, S.R. 1995 Nos. 301 and 367, S.R. 1996 Nos. 354, 432 and 622, S.R. 1997 Nos. 156, 165 and 435, S.R. 1999 Nos. 381 and 472 (C. 36), S.R. 2000 No. 365, S.R. 2001 Nos. 22 and 78, S.R. 2002 Nos. 132, 254, 327 and 412, S.R. 2003 Nos. 191, 367 and 412, S.R. 2004 No. 461, S.I. 2005/1551, S.R. 2005 Nos. 299, 458 and 536, S.R. 2006 Nos. 168 and 203, S.R. 2007 Nos. 206, 263 and 330 and S.R. 2008 No. 105

(2) The definition of “the 2002 Act” was inserted by regulation 3(a)(i) of S.R. 2003 No. 191

(3) The definition of “benefit” was amended by regulation 3(2)(a) of S.R. 1988 No. 369, regulation 7(2)(a)(i) of S.R. 1992 No. 83, regulation 2(2)(b) of S.R. 1996 No. 354, regulation 3(a)(ii) of S.R. 2003 No. 191 and regulation 2(2)(a) of S.R. 2005 No. 299

(4) The definition of “electronic communication” was inserted by Article 2(2) of S.R. 2006 No. 203

(5) The definition of “joint-claim couple” was inserted by regulation 2(1)(b) of S.R. 2000 No. 365

(6) Paragraph (h) was added by regulation 5 of S.R. 1999 No. 381 and amended by regulation 11(2) of S.R. 2001 No. 78 and regulation 4 of S.R. 2003 No. 367

(7) Paragraph (i) was added by regulation 2(3) of S.R. 2005 No. 299

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(4) In regulation 4(10)(8) (making a claim for benefit) after “state pension credit” add “or an employment and support allowance”.

(5) After regulation 4E(9) (making a claim after attaining the qualifying age: date of claim) insert—

**“Making a claim for employment and support allowance by telephone**

**4F.**—(1) A claim (“a telephone claim”) for an employment and support allowance may be made by telephone call to the telephone number specified by the Department.

(2) Where the Department, in any particular case, directs that the person making the claim approves a written statement of his circumstances, provided for the purpose by the Department, a telephone claim is not a valid claim unless the person complies with the direction.

(3) A telephone claim is defective unless the Department is provided, during that telephone call, with all the information it requires to determine the claim.

(4) Where a telephone claim is defective, the Department shall advise the person making it of the defect and of the relevant provisions of regulation 6(1D) relating to the date of claim.

(5) If the person corrects the defect within one month, or such longer period as the Department considers reasonable, of the date it last drew attention to the defect, the Department shall treat the claim as if it had been properly made in the first instance.

**Making a claim for employment and support allowance in writing**

**4G.**—(1) A claim (“a written claim”) for employment and support allowance need only be made in writing if the Department so directs in any particular case but a written claim may be made whether or not a direction is issued.

(2) A written claim must be made on a form approved for the purpose by the Department and be made in accordance with the instructions on the form.

(3) A claim in writing may also be made at an office of—

- (a) an authority administering housing benefit;
- (b) a person providing to such an authority services relating to housing benefit; or
- (c) a person authorised to exercise any function of such an authority relating to housing benefit,

if the Department has arranged with the authority or person specified in sub-paragraph (b) or (c) for them to receive claims in accordance with this paragraph.

(4) Where a written claim is made in accordance with paragraph (3), on receipt of that claim the authority or other person specified in that paragraph—

- (a) shall forward the claim to the Department as soon as reasonably practicable;
- (b) may receive information or evidence relating to the claim supplied by—
  - (i) the person making, or who has made, the claim, or
  - (ii) other persons in connection with the claim,
 and shall forward it to the Department as soon as reasonably practicable;
- (c) may obtain information or evidence relating to the claim from the person who has made the claim, but not any medical information or evidence except for that which the claimant must provide in accordance with instructions on the form, and

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(8) Paragraph (10) was added by regulation 4(1) of [S.R. 2003 No. 191](#)

(9) Regulation 4E was inserted by regulation 4(3) of [S.R. 2003 No. 191](#)

shall forward the information or evidence to the Department as soon as reasonably practicable;

- (d) may record information or evidence relating to the claim supplied or obtained in accordance with sub-paragraph (b) or (c) and may hold the information or evidence (whether as supplied or obtained or as recorded) for the purpose of forwarding it to the Department; and
- (e) may give information and advice with respect to the claim to the person who makes, or who has made, the claim.

(5) Paragraph (4)(b) to (e) applies in respect of information, evidence and advice relating to any claim whether the claim is made in accordance with paragraph (3) or otherwise.

(6) Where a written claim is defective when first received, the Department is to advise the person making it of the defect and of the provisions of regulation 6(1D) relating to the date of claim.

(7) If that person corrects the defect so that the claim then satisfies the requirements of paragraph (2) and does so within one month, or such longer period as the Department considers reasonable, of the date it last drew attention to the defect, the claim shall be treated as having been properly made in the first instance.

#### **Claims for employment and support allowance: supplemental**

**4H.**—(1) Where a person who is a member of a couple may be entitled to an income-related employment and support allowance the claim for an employment and support allowance shall be made by whichever member of the couple they agree should claim or, in default of agreement, by such one of them as the Department may choose.

(2) Where one member of a couple (“the former claimant”) is entitled to an income-related employment and support allowance under an award but a claim for an employment and support allowance is made by the other member of the couple and the Department considers that the other member is entitled to an income-related employment and support allowance, then, if both members of the couple confirm in writing that they wish the claimant to be the other member, the former claimant’s entitlement shall terminate on the day the partner’s claim is actually made or, if earlier, is treated as made.

(3) In calculating any period of one month for the purposes of regulations 4F and 4G, any period commencing on a day on which a person is first notified of a decision in connection with his failure to take part in a work-focused interview and ending on a day on which he was notified that that decision has been revised so that the decision as revised is that he did take part is to be disregarded.

(4) Employment and support allowance is a relevant benefit for the purposes of section 5A of the Administration Act.”.

(6) In regulation 6 (date of claim) after paragraph (1C)(10) insert—

“(1D) For employment and support allowance—

- (a) in the case of a telephone claim made in accordance with regulation 4F(1) the date of claim is the date of the telephone call or the first day in respect of which the claim is made, if later;
- (b) subject to sub-paragraph (c), in the case of a written claim which meets the requirements of regulation 4G(2) the date of claim is the date the claim form was received in an appropriate office or office mentioned in regulation 4G(3) or the first day in respect of which the claim is made, if later;

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(10) Paragraph (1C) was inserted by regulation 2(7)(a) of S.R. 2006 No. 168

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(c) where the claimant notifies the Department (by whatever means) of his intention of making a claim and, within one month of first notification or such longer period as the Department considers reasonable, a claim mentioned in sub-paragraph (b) is received, in an office mentioned in that sub-paragraph, the date of claim is the date notification was made or the first day in respect of which the claim is made, if later.”.

(7) In regulation 7(4)(11) (evidence and information) for “or state pension credit” substitute “, state pension credit or employment and support allowance”.

(8) In regulation 10(12) (claim for incapacity benefit or severe disablement allowance where no entitlement to statutory sick pay or statutory maternity pay)—

(a) in the heading for “or severe disablement allowance” substitute “, severe disablement allowance or employment and support allowance”; and

(b) after paragraph (1) insert—

“(1A) Paragraph (2) also applies to a claim for an employment and support allowance for a period of limited capability for work of which the claimant gave his employer a notice of incapacity under regulation 7 of the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982, and for which he has been informed in writing by his employer that there is no entitlement to statutory sick pay.”.

(9) In regulation 11(13) (special provisions where it is certified that a woman is expected to be confined or where she has been confined) for “or severe disablement allowance”, in both places where it occurs, substitute “, severe disablement allowance or an employment and support allowance”.

(10) In regulation 13(7)(14) (advance claims and awards)—

(a) omit “or” after sub-paragraph (a); and

(b) after sub-paragraph (b) add—

“and

(c) a claim for an employment and support allowance made by a person from abroad as defined in regulation 70 of the Employment and Support Allowance Regulations.”.

(11) In regulation 16(4)(15) (date of entitlement under an award for the purpose of determining the day from which benefit is to be payable and effective date of change of rate) after “incapacity benefit” insert “, employment and support allowance”.

(12) In regulation 16A(2)(a)(16) (date of entitlement under an award of state pension credit for the purpose of payability and effective date of change of rate) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or income-related employment and support allowance”.

(13) After regulation 26B(17) (state pension credit) insert—

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(11) Paragraph (4) was added by regulation 5(3) of S.R. 1995 No. 367 and amended by regulation 2(6)(b) of S.R. 1996 No. 354 and regulation 5(b) of S.R. 2003 No. 191

(12) Regulation 10 was amended by regulation 2(3) of S.R. 1994 No. 456 and regulation 3(5) of S.R. 1997 No. 156

(13) Regulation 11 was amended by regulation 2(4) of S.R. 1994 No. 456 and regulation 3(6) of S.R. 1997 No. 156

(14) Paragraph (7) was added by regulation 2(2) of S.R. 2007 No. 263

(15) Paragraph (4) was amended by regulation 3(c) of S.R. 1988 No. 141, regulation 2(7) of S.R. 1994 No. 456, regulation 2(9) of S.R. 1996 No. 354 and regulation 7(1) of S.R. 2003 No. 191

(16) Regulation 16A was inserted by regulation 7(2) of S.R. 2003 No. 191

(17) Regulation 26B was inserted by regulation 9 of S.R. 2003 No. 191

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**“Employment and support allowance**

**26C.**—(1) Subject to paragraphs (3) to (7), employment and support allowance shall be paid fortnightly in arrears on the day of the week determined in accordance with paragraph (2).

(2) The day specified for the purposes of paragraph (1) is the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the claimant’s national insurance number—

<i>Column (1)</i>	<i>Column (2)</i>
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday

(3) The Department may, in any particular case or class of case, arrange that the claimant be paid otherwise than fortnightly.

(4) The Department may, in any particular case arrange that employment and support allowance be paid on any day of the week and where it is in payment to any person and the day on which it is payable is changed, it shall be paid at a daily rate of one seventh of the weekly rate in respect of any of the days for which payment would have been made but for that change.

(5) Where the weekly amount of employment and support allowance is less than £1·00 it may be paid in arrears at intervals of not more than 13 weeks.

(6) Where the weekly amount of employment and support allowance is less than 10 pence that allowance is not payable.

(7) The provisions of paragraph 2A of Schedule 7 (payment of income support at time of office closure) apply for the purposes of payment of employment and support allowance as they apply for the purposes of payment of income support.”.

(14) In regulation 32(3)(**18**) (information to be given and changes to be notified) for “or a jobseeker’s allowance” substitute “, a jobseeker’s allowance or an employment and support allowance”.

(15) In regulation 35(2)(b)(**19**) (payment to a partner as alternative payee) for “or an income-based jobseeker’s allowance” substitute “, an income-based jobseeker’s allowance or an income-related employment and support allowance”.

(16) In Schedule 1(**20**) (benefit claimed and other benefit which may be treated as if claimed in addition or in the alternative)—

(a) after the entry relating to “Severe disablement allowance for a woman” insert—

“Employment and support allowance for a woman	Maternity allowance”;	and
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(b) in column (2) of the entry relating to “Maternity allowance” for “or severe disablement allowance” substitute “, severe disablement allowance or employment and support allowance”.

**(18)** Paragraph (3) was added by regulation 5(4) of [S.R. 1995 No. 367](#) and amended by regulation 2(16)(b) of [S.R. 1996 No. 354](#) and regulation 11(a) of [S.R. 2003 No. 191](#)

**(19)** Paragraph (2) was added by regulation 2(3) of [S.R. 2002 No. 327](#) and amended by paragraph 15(8) of Schedule 3 to [S.R. 2005 No. 536](#)

**(20)** The table in Part 1 was substituted by regulation 2(11) of [S.R. 1994 No. 456](#)

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(17) In Schedule 4 (prescribed times for claiming benefit) after paragraph 15(21) add—

“16. Employment and support allowance.	The day in respect of which the claim is made and the period of 3 months immediately following it.”.
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(18) In Schedule 8A(22) (deductions from benefits and direct payment to third parties)—

(a) in paragraph 1 (interpretation)—

(i) in the definition of “applicable amount”(23)—

(aa) for “or an income-based jobseeker’s allowance” substitute “, an income-based jobseeker’s allowance or an income-related employment and support allowance”, and

(bb) after “Jobseeker’s Allowance Regulations” insert “or regulation 67(1)(a) and (b) or 68(1)(a) to (c) of the Employment and Support Allowance Regulations”,

(ii) in the definition of “housing costs”(24) after paragraph (c) add—

“(d) Schedule 6 to the Employment and Support Allowance Regulations but—

(i) excludes costs under paragraph 18(1)(d) of that Schedule (tents and tent sites), and

(ii) includes costs under paragraph 18(1)(a) and (c) (ground rent and rentcharges) of that Schedule but only where they are paid with costs under paragraph 18(1)(b) of that Schedule (service charges);”,

(iii) in the definition of “mortgage payment”(25)—

(aa) omit “or” after paragraphs (a) and (b), and

(bb) after paragraph (c) insert—

“or

(d) Schedule 6 to the Employment and Support Allowance Regulations in accordance with paragraphs 8 to 11 of that Schedule on a loan which qualifies under paragraph 16 or 17 of that Schedule, but less any amount deducted under paragraph 19 of that Schedule (non- dependant deductions);”, and

<sup>F1</sup>(iv) .....

(b) in paragraph 3 (housing costs)—

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(21) Paragraph 15 was added by S.I. 2005/1551  
(22) Schedule 8A was inserted by regulation 2(3) of S.R. 1988 No. 67; relevant amending Rules are S.R. 1989 No. 398, S.R. 1991 No. 488, S.R. 1992 No. 271, S.R. 1993 No. 149, S.R. 1995 No. 301, S.R. 1996 Nos. 354 and 432, S.R. 1999 No. 472 (C. 36), S.R. 2002 Nos. 132 and 412, S.R. 2003 No. 191, S.R. 2005 No. 458, S.R. 2007 Nos. 206 and 330 and S.R. 2008 No. 105  
(23) The definition of “applicable amount” was amended by regulation 2(26)(a)(i) of S.R. 1996 No. 354  
(24) The definition of “housing costs” was substituted by regulation 2(26)(a)(ii) of S.R. 1996 No. 354 and amended by regulation 14(1)(a)(iii) of S.R. 2003 No. 191  
(25) The definition of “mortgage payment” was substituted by regulation 2(26)(a)(iii) of S.R. 1996 No. 354 and amended by regulation 14(1)(a)(iv) of S.R. 2003 No. 191

- (i) in sub-paragraph (1)(26)—
    - (aa) for “or state pension credit” substitute “, state pension credit or employment and support allowance”,
    - (bb) omit “or” after head (b), and
    - (cc) after head (c) insert—
      - “or
      - (d) regulation 67(1)(c) or 68(1)(d) of the Employment and Support Allowance Regulations,”, and
  - (ii) in sub-paragraph (2A)(27) for “or paragraph 5(9) or (12) or paragraph 14 of Schedule 2 to the State Pension Credit Regulations”, in both places where it occurs, substitute “, paragraph 5(9) or (12) or 14 of Schedule 2 to the State Pension Credit Regulations or paragraph 6(10) or (13) or 19 of Schedule 6 to the Employment and Support Allowance Regulations”;
  - (c) in paragraph 4(28) (miscellaneous accommodation costs)—
    - (i) in sub-paragraph (1)—
      - (aa) for “or state pension credit” substitute “, state pension credit or employment and support allowance”, and
      - (bb) for head (a) substitute—
        - “(a) is made to a person residing in a residential care home, a nursing home, an Abbeyfield Home or an independent hospital as defined in—
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- (i) in the case of income support, regulation 2(1) of the Income Support Regulations,
  - (ii) in the case of jobseeker’s allowance, regulation 1(2) of the Jobseeker’s Allowance Regulations, or
  - (iii) in the case of employment and support allowance, regulation 2(1) of the Employment and Support Allowance Regulations;”,
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- (ii) in sub-paragraph (2)(a)—
    - (aa) for “or guarantee credit” substitute “guarantee credit or employment and support allowance”, and
    - (bb) for “or regulation 17 of the State Pension Credit Regulations” substitute “, regulation 17 of the State Pension Credit Regulations or regulation 90 of the Employment and Support Allowance Regulations”,
  - (iii) in sub-paragraph (2)(b) for “or guarantee credit” substitute “, guarantee credit or employment and support allowance”, and
  - (iv) in sub-paragraph (3)—
    - (aa) omit “or” after heads (a) and (b), and

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(26) Sub-paragraph (1) was amended by regulation 2(26)(b) of S.R. 1996 No. 354, Article 9(2) of S.R. 1999 No. 472 (C. 36) and regulation 14(1)(b)(i) of S.R. 2003 No. 191

(27) Sub-paragraph (2A) was inserted by regulation 4(2) of S.R. 1992 No. 271 and amended by paragraph 1(3) of Schedule 3 to S.R. 1995 No. 301, regulation 2(26)(c) of S.R. 1996 No. 354 and regulation 14(1)(b)(ii) of S.R. 2003 No. 191

(28) Paragraph 4 was amended by regulation 8 of S.R. 1989 No. 398, paragraph 2(2) of Schedule 1 to S.R. 1993 No. 149, regulation 2(26)(d) of S.R. 1996 No. 354, Article 9(2) of S.R. 1999 No. 472 (C. 36), regulation 3(3) of S.R. 2002 No. 132, regulation 2 of S.R. 2003 No. 412, regulation 5(3)(b) of S.R. 2005 No. 458 and regulation 5 of S.R. 2008 No. 105

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(bb) after head (c) add—

“or

(d) employment and support allowance for a period of less than a week calculated in accordance with Part 14 of the Employment and Support Allowance Regulations (periods of less than a week).”;

(d) in paragraph 4A(29) (hostel payments)—

(i) in sub-paragraph (1)(30) for “or an income-based jobseeker’s allowance” substitute “, an income-based jobseeker’s allowance or income-related employment and support allowance”, and

(ii) in sub-paragraph (5)(31)—

(aa) omit “or” after head (a), and

(bb) after head (b) insert—

“or

(c) an award of employment and support allowance is calculated in accordance with regulation 165 of the Employment and Support Allowance Regulations (entitlement for less than a week - amount of an employment and support allowance payable);”, and

(iii) after “as the case may be, jobseeker’s allowance” insert “or employment and support allowance”;

(e) in paragraph 6A(32) (water charges)—

(i) in sub-paragraph (9)(a)—

(aa) omit “or” after sub-head (ii), and

(bb) after sub-head (iii) add—

“(iv) in the case of employment and support allowance the applicable amount for the family as determined under regulation 67(1)(a) and (b) or 68(1)(a) to (c) of the Employment and Support Allowance Regulations; or”,

(ii) in sub-paragraph (9)(b)(i) for “to (iii)” substitute “to (iv)”,

(iii) in sub-paragraph (11) in paragraph (b) of the definition of “specified benefit” after “jobseeker’s allowance” add “or employment and support allowance”, and

(iv) for sub-paragraph (12) substitute—

“(12) For the purposes of paragraph (b) of the definition of “specified benefit” in sub-paragraph (11)—

(a) “jobseeker’s allowance” means—

(i) income-based jobseeker’s allowance, and

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(29) Paragraph 4A was inserted by regulation 6(7)(d) of S.R. 1991 No. 488

(30) Sub-paragraph (1) was amended by regulation 2(26)(g) of S.R. 1996 No. 354

(31) Sub-paragraph (5) was substituted by regulation 2(26)(h) of S.R. 1996 No. 354

(32) Paragraph 6A was inserted by regulation 2(e) of S.R. 2007 No. 206



- (ii) in a case where, if there was no entitlement to contribution-based jobseeker's allowance, there would be entitlement to income-based jobseeker's allowance at the same rate, contribution-based jobseeker's allowance;
- (b) "employment and support allowance" means—
  - (i) income-related employment and support allowance, and
  - (ii) in a case where, if there was no entitlement to contributory employment and support allowance, there would be entitlement to income-related employment and support allowance at the same rate, contributory employment and support allowance.”; and
- (f) in paragraph 7B**(33)** (arrears of child support maintenance)—
  - (i) after “jobseeker’s allowance”, in each place where it occurs, insert “or contributory employment and support allowance”, and
  - (ii) in sub-paragraph (3) after “Jobseekers Order” insert “or, as the case may be, the amount applicable to the beneficiary under regulation 67(2) of the Employment and Support Allowance Regulations”.
- (19) In Schedule 8B**(34)** (deductions of mortgage interest from benefit and payment to qualifying lenders)—
  - (a) in paragraph 1 (interpretation) in the definition of “relevant benefits”**(35)**—
    - (i) omit “and” after paragraph (b), and
    - (ii) after paragraph (c) add—
      - “and
      - (d) income-related employment and support allowance.”;
  - (b) in paragraph 2(a)**(36)** (specified circumstances for the purposes of regulation 34ZA)—
    - (i) omit “or” after heads (i) and (ii), and
    - (ii) after head (iii) add—
      - “or
      - (iv) Schedule 6 to the Employment and Support Allowance Regulations.”;
  - (c) in paragraph 3**(37)** (specified part of relevant benefit)—
    - (i) in sub-paragraph (1) for “or, in the case of jobseeker’s allowance,” to the end substitute “, in the case of jobseeker’s allowance, a sum equal to the amount of mortgage interest to be met in accordance with paragraphs 6 to 9 of Schedule 2 to the Jobseeker’s Allowance Regulations or, in the case of employment and support allowance, a sum equal to the amount of mortgage interest to be met in accordance with paragraphs 8 to 11 of Schedule 6 to the Employment and Support Allowance Regulations.”, and

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**(33)** Paragraph 7B was inserted by regulation 2(8)(b) of S.R. 1996 No. 432 and amended by Article 9(2) of S.R. 1999 No. 472 (C.36)

**(34)** Schedule 8B was inserted by regulation 5 of S.R. 1992 No. 271; relevant amending Rules are S.R. 1995 No. 301, S.R. 1996 Nos. 354 and 622, S.R. 1997 Nos. 165 and 435, S.R. 2001 No. 78, S.R. 2003 No. 191 and S.R. 2004 No. 461

**(35)** The definition of “relevant benefits” was substituted by regulation 2(27)(a)(ii) of S.R. 1996 No. 354 and amended by regulation 16(2)(b) of S.R. 1996 No. 622 and regulation 14(2)(b) of S.R. 2003 No. 191

**(36)** Paragraph 2 was substituted by paragraph 3(2) of Schedule 2 to S.R. 1995 No. 301 and amended by regulation 2(27)(b) of S.R. 1996 No. 354, regulation 14(2)(c) and (d) of S.R. 2003 No. 191 and regulation 5(a) of S.R. 2004 No. 461

**(37)** Paragraph 3(1) was amended by paragraph 3(3) of Schedule 2 to S.R. 1995 No. 301, regulation 2(27) of S.R. 1996 No. 354, regulation 4(3)(b) of S.R. 1997 No. 165, Article 9(14) of S.R. 1999 No. 472 (C. 36), regulation 11(3) of S.R. 2001 No. 78 and regulation 14(2)(f) of S.R. 2003 No. 191

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- (ii) in sub-paragraph (3)—
- (aa) for “of jobseeker’s allowance” substitute “jobseeker’s allowance, employment and support allowance”,
  - (bb) in head (b) for “or paragraph 4(8) or (11) or 17 of Schedule 2 to the Jobseeker’s Allowance Regulations” substitute “, paragraph 4(8) or (11) or 17 of Schedule 2 to the Jobseeker’s Allowance Regulations or paragraph 6(10) or (13) or 19 of Schedule 6 to the Employment and Support Allowance Regulations”,
  - (cc) in the definition of “A” for “or paragraph 1 of Schedule 2 to the Jobseeker’s Allowance Regulations” substitute “, paragraph 1 of Schedule 2 to the Jobseeker’s Allowance Regulations or paragraph 1 of Schedule 6 to the Employment and Support Allowance Regulations”,
  - (dd) in the definition of “B” for “ or paragraphs 6 to 9 of Schedule 2 to the Jobseeker’s Allowance Regulations” substitute “, paragraphs 6 to 9 of Schedule 2 to the Jobseeker’s Allowance Regulations or paragraphs 8 to 11 of Schedule 6 to the Employment and Support Allowance Regulations”, and
  - (ee) in the definition of “C” for “or paragraph 4(8) or (11) or 17 of Schedule 2 to the Jobseeker’s Allowance Regulations” substitute “, paragraph 4(8) or (11) or 17 of Schedule 2 to the Jobseeker’s Allowance Regulations or paragraph 19 of Schedule 6 to the Employment and Support Allowance Regulations”;
- (d) in paragraph 4(1)(a)(38) (more than one loan) for “or paragraph 11 of Schedule 2 to the Jobseeker’s Allowance Regulations” substitute “, paragraph 11 of Schedule 2 to the Jobseeker’s Allowance Regulations or paragraph 13 of Schedule 6 to the Employment and Support Allowance Regulations”;
- (e) in paragraph 9(39) (provision of information)—
- (i) in sub-paragraphs (2)(a) and (3)(a) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or employment and support allowance”, and
  - (ii) in sub-paragraph (4) for “or paragraph 1A of Schedule 2 to the Jobseeker’s Allowance Regulations” substitute “, paragraph 1A of Schedule 2 to the Jobseeker’s Allowance Regulations or paragraph 3 of Schedule 6 to the Employment and Support Allowance Regulations”; and
- (f) in paragraph 10(2)(a)(40) (recovery of sums wrongly paid) for “or paragraph 9 of Schedule 2 to the State Pension Credit Regulations” substitute “, paragraph 9 of Schedule 2 to the State Pension Credit Regulations or paragraph 13 of Schedule 6 to the Employment and Support Allowance Regulations”.
- (20) In Schedule 8C(41) (deductions from benefit in respect of child support maintenance and payment to persons with care)—
- (a) in paragraph 2(1) (deductions) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or income-related employment and support allowance”;

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(38) Paragraph 4 was amended by paragraph 3(4) of Schedule 2 to S.R. 1995 No. 301, regulation 2(27)(e) of S.R. 1996 No. 354, regulation 4(3)(c) of S.R. 1997 No. 165 and regulation 14(2)(g) of S.R. 2003 No. 191

(39) Paragraph 9 was amended by regulation 2(27)(f) of S.R. 1996 No. 354, regulation 3 of S.R. 1997 No. 435 and regulation 14(2) of S.R. 2003 No. 191

(40) Paragraph 10 was amended by paragraph 3(5) of Schedule 2 to S.R. 1995 No. 301, regulation 2(27)(g) of S.R. 1996 No. 354, regulation 14(2)(k) of S.R. 2003 No. 191 and regulation 5(b) of S.R. 2004 No. 461

(41) Schedule 8C was inserted by regulation 2(3) of S.R. 2001 No. 22 and amended by regulation 2(3) of S.R. 2002 No. 254 and regulation 14(3) of S.R. 2003 No. 191

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- (b) in paragraph 3(1) (arrears) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or income-related employment and support allowance”;
- (c) in paragraph 5(1) (flat rate maintenance) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or income-related employment and support allowance”;
- (d) in paragraph 6(1) (flat rate maintenance (polygamous marriage)) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or income-related employment and support allowance”; and
- (e) in paragraph 8 (general) for “and regulation 15(3) of the State Pension Credit Regulations” insert “, regulation 15(3) of the State Pension Credit Regulations and regulation 104(3) of the Employment and Support Allowance Regulations”.

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#### **Textual Amendments**

- F1** [Reg. 13\(18\)\(a\)\(iv\)](#) revoked (27.10.2008) by [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/413\)](#), regs. 1(1), **8**
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#### **Commencement Information**

- I1** [Reg. 13\(1\)-\(12\)\(14\)-\(20\)](#) in operation at 27.7.2008, see [reg. 1\(a\)](#)
- I2** [Reg. 13\(13\)](#) in operation at 27.10.2008, see [reg. 1\(b\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- reg. 13(3)(b) revoked by [S.R. 2010/200 reg. 10](#)
- reg. 13(6) revoked by [S.R. 2009/240 reg. 4Sch.](#)