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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 Contributions and Benefits Act**

2.—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(1)</sup> is amended in accordance with paragraphs (2) and (3).

(2) In section 44A<sup>(2)</sup> (deemed earnings factors)—

(a) in subsection (2)(d)—

(i) after “incapacity benefit” insert “or qualifying employment and support allowance”, and

(ii) in sub-paragraph (i) after “Schedule 3” add “or, as the case may be, paragraph 1 of Schedule 1 to the Welfare Reform Act (Northern Ireland) 2007”.

(b) after subsection (6) add—

“(7) In subsection (2)(d) “qualifying employment and support allowance” means contributory employment and support allowance where—

(a) that allowance was payable for a continuous period of 52 weeks;

(b) that allowance included the support component under section 2(2) of the Welfare Reform Act (Northern Ireland) 2007; or

(c) in the case of—

(i) a man born between 6th April 1944 and 5th April 1947, or

(ii) a woman born between 6th April 1949 and 5th April 1951,

that allowance was payable for a continuous period of 13 weeks immediately following a period throughout which statutory sick pay was payable.”.

(3) In paragraph 2 of Schedule 11<sup>(3)</sup> (circumstances in which periods of entitlement to statutory sick pay do not arise) after sub-paragraph (d) insert—

“(dd) in the period of 85 days ending immediately before the relevant date the employee had at least one day on which he was entitled to an employment and support allowance (or would have been so entitled had he satisfied the requirements in section 1(2) of the Welfare Reform Act (Northern Ireland) 2007).”.

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<sup>(1)</sup> 1992 c. 7

<sup>(2)</sup> Section 44A was inserted by section 29(3) of the [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000 \(c. 4 \(N.I.\)\)](#) and amended by paragraph 30 of Schedule 1 to the [National Insurance Contributions Act 2002 \(c. 19\)](#), paragraph 31 of Schedule 1 to the [Pensions Act \(Northern Ireland\) 2008 \(c. 1 \(N.I.\)\)](#) and Article 2(2)(a)(i) of [S.R. 2002 No. 321](#)

<sup>(3)</sup> Paragraph 2 was amended by paragraph 42(2) of Schedule 1 to the [Social Security \(Incapacity for Work\) \(Northern Ireland\) Order 1994 \(S.I. 1994/1898 \(N.I. 12\)\)](#), paragraph 1(a) of Schedule 2 to [S.R. 2002 No. 298](#) and paragraph 1(9) of Schedule 1 to [S.R. 2006 No. 261](#)

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**Changes to legislation:** *There are currently no known outstanding effects for the The Employment and Support Allowance (Consequential Provisions) Regulations (Northern Ireland) 2008, Section 2. (See end of Document for details)*

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**Commencement Information**

**II** [Reg. 2](#) in operation at 27.10.2008, see [reg. 1\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Employment and Support Allowance (Consequential Provisions) Regulations (Northern Ireland) 2008, Section 2.