
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 286

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

Amendment of the State Pension Credit Regulations

30.—(1) The State Pension Credit Regulations (Northern Ireland) 2003⁽¹⁾ are amended in accordance with paragraphs (2) to (10).

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

(a) after the definition of “the 1972 Order” insert—

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

(b) after the definition of “the Computation of Earnings Regulations”⁽²⁾ insert—

““contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act (employment and support allowance);”;

(c) after the definition of “the Eileen Trust” insert—

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

(d) after the definition of “the Housing Benefit (State Pension Credit) Regulations”⁽³⁾ insert—

““income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act (employment and support allowance);”.

(3) In regulation 9 (qualifying income for the purposes of savings credit) after paragraph (f) add—

“(g) contributory employment and support allowance.”.

(4) In regulation 13A(1)(a)⁽⁴⁾ (part-weeks) after “income support” insert “, an income-related employment and support allowance”.

(5) In regulation 13B(1) (date on which benefits are treated as paid) after sub-paragraph (d) add—

“(e) contributory employment and support allowance.”.

(6) In regulation 15(4)⁽⁵⁾ (income for the purposes of the Act) after sub-paragraph (c) add—

“(d) section 3 of the Welfare Reform Act (deductions from contributory allowance).”.

(7) In paragraph 6⁽⁶⁾ of Schedule 1 (amount applicable for former claimants of income support or income-based jobseeker’s allowance)—

(1) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2003 Nos. 191 and 421, S.I. 2003/2175, S.R. 2004 No. 394, S.R. 2005 No. 580, S.R. 2006 Nos. 97, 128 and 407, S.R. 2007 No. 196 and S.R. 2008 No. 112

(2) The definition was inserted by regulation 4 of S.I. 2003/2175

(3) The definition was inserted by regulation 5 of, and paragraph 11(2) of Schedule 2 to S.R. 2006 No. 407

(4) Regulations 13A and 13B were inserted by regulation 23(3) of S.R. 2003 No. 191

(5) Regulation 15(4) was amended by regulation 7(3) of S.R. 2005 No. 580

(6) Paragraph 6 was amended by regulation 23(6) of S.R. 2003 No. 191 and regulation 5(3) of S.R. 2006 No. 97

- (a) in the heading for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or income-related employment and support allowance”;
- (b) in sub-paragraph (2) for “or an income-based jobseeker’s allowance” substitute “, an income-based jobseeker’s allowance or an income-related employment and support allowance”;
- (c) in sub-paragraph (5)—
 - (i) omit “or” after head (a),
 - (ii) after head (b) insert—
 - “or
 - (c) for the purposes of determining his entitlement to income-related employment and support allowance,”, and
 - (iii) in head (v) after “Income Support Regulations” insert “, paragraph 7 of Schedule 4 to the Employment and Support Allowance Regulations”; and
- (d) in sub-paragraph (10)(a)(7) after “Jobseeker’s Allowance Regulations” insert “or paragraph 20(2) of Schedule 6 to the Employment and Support Allowance Regulations”.
- (8) In Schedule 2 (housing costs)—
 - (a) in paragraph 1 (housing costs)—
 - (i) in sub-paragraph (2) in paragraph (b) of the definition of “disabled person”(8) after head (iii) add—
 - “or
 - (iv) who is in receipt of an employment and support allowance which includes an amount under section 2(2) or (3) or 4(4) or (5) of the Welfare Reform Act (components);”, and
 - (ii) in sub-paragraph (3)(9) after “disqualification etc.)” add “or disqualified for receiving employment and support allowance or treated as not having limited capability for work in accordance with regulations made under section 18 of the Welfare Reform Act (disqualification)”;
 - (b) in paragraph 5 (housing costs not met)—
 - (i) in sub-paragraph (4) after “income-based jobseeker’s allowance” in each place where it occurs insert “, income-related employment and support allowance”, and
 - (ii) in sub-paragraph (5)(10) for “or state pension credit” substitute “, state pension credit or income-related employment and support allowance”;
 - (c) in paragraph 7 (the calculation for loans)—
 - (i) in sub-paragraph (4A)(a)(11) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or income-related employment and support allowance”,
 - (ii) in sub-paragraph (4B)—
 - (aa) omit “or” after head (a), and
 - (bb) after head (b) for “and” substitute—

(7) Sub-paragraph (10) was added by regulation 23(6) of [S.R. 2003 No. 191](#)

(8) The definition of “disabled person” was amended by regulation 7(4)(a) of [S.R. 2005 No. 580](#), regulation 5(4)(a) of [S.R. 2006 No. 97](#) and regulation 5(4)(a) of [S.R. 2006 No. 128](#)

(9) Sub-paragraph (3) was amended by regulation 5(4)(b) of [S.R. 2006 No. 97](#)

(10) Sub-paragraph (5) was amended by regulation 5 of [S.R. 2008 No. 112](#)

(11) Sub-paragraphs (4A) and (4B) were inserted by regulation 23(7)(b)(iii) of [S.R. 2003 No. 191](#)

- “or
- (c) where the earlier entitlement was to an income-related employment and support allowance, if their applicable amount included an amount determined in accordance with Schedule 6 to the Employment and Support Allowance Regulations as applicable to them in respect of a loan which qualifies under paragraph 16 to 18 of that Schedule, and”;
 - (d) in paragraph 10(10) (excessive housing costs) for “and income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance and income-related employment and support allowance”; and
 - (e) in paragraph 14(7) (persons residing with the claimant) after head (f)(12) add—
 - “(g) if he is aged less than 25 and is in receipt of employment and support allowance which does not include an amount under section ^{F1}... 4(4) or (5) of the Welfare Reform Act (components).”.
 - (9) In Schedule 5 (income from capital)—
 - (a) in paragraph 20(2)(13) after head (n) add—
 - “(o) income-related employment and support allowance.”;
 - (b) in paragraph 20A(2)(14)—
 - (i) omit “or” after head (b), and
 - (ii) after head (c) add—
 - “or
 - (d) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations.”.
 - (10) In paragraph 4 of Schedule 6 (sums disregarded from claimant’s earnings)—
 - (a) in sub-paragraph (1)(a)—
 - (i) omit “or” after sub-head (vi), and
 - (ii) after sub-head (vi) add—
 - “(vii) employment and support allowance, or”;
 - (b) in sub-paragraph (2) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or income-related employment and support allowance”.

F1 Words in [reg. 30\(8\)\(e\)](#) omitted (27.10.2008) by virtue of [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/413\)](#), [regs. 1\(2\)](#), [5\(5\)](#)

Commencement Information

II [Reg. 30](#) in operation at 27.10.2008, see [reg. 1\(b\)](#)

(12) Head (f) was added by regulation 6(5)(b)(ii)(bb) of [S.R. 2004 No. 394](#)

(13) Paragraph 20(2) was amended by regulation 2(11)(e) of [S.R. 2003 No. 421](#)

(14) Paragraph 20A was inserted by regulation 23(9)(b) of [S.R. 2003 No. 191](#), substituted by regulation 2(11) of [S.R. 2003 No. 421](#) and amended by paragraph 11(6) of Schedule 2 to [S.R. 2006 No. 407](#)

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance (Consequential Provisions) Regulations (Northern Ireland) 2008, Section 30.