

SCHEDULE 3

Applicable amounts

[^{F1}PART 5

The [^{F2}component]

Textual Amendments

- F1** Sch. 3 Pts. 5, 6 added (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **23(d)**
- F2** Word in Sch. 3 Pt. 5 heading substituted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), reg. 1, **Sch. 1 para. 6(7)(a)(i)** (with Sch. 2 paras. 1-7)

[^{F3}**21.**—(1) Subject to paragraph 22, the claimant is entitled to [^{F4}the component in paragraph] 24 if—

- (a) the claimant or the claimant's partner has made a claim for employment and support allowance;
 - (b) [^{F5}the Secretary of State has determined that the claimant or the claimant's partner has or is treated as having limited capability for work-related activity; and]
 - (c) one of the following applies—
 - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act (interpretation) has ended;
 - (ii) regulation 7 of the Employment and Support Allowance Regulations [^{F6}or regulation 7 of the Employment and Support Allowance Regulations 2013] (circumstances where the condition that the assessment phase has ended before entitlement to the support component ^{F7}... arises does not apply) applies; or
 - (iii) the conditions in sub-paragraph (2) apply.
- (2) The conditions referred to in sub-paragraph (1)(c)(iii) are—
- (a) neither the claimant nor the claimant's partner is entitled to an employment and support allowance;
 - (b) either is or both are entitled to be credited with earnings equal to the lower earnings limit then in force under regulation 8B(2)(a)(iv) of the Social Security (Credits) Regulations 1975 (credits for incapacity for work or limited capability for work); and
 - (c) paragraph (1)(c)(i) or (ii) would have applied to the claimant or the claimant's partner (or both) had they been entitled to an employment and support allowance.]

Textual Amendments

- F3** Sch. 3 para. 21 substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **7(4)(a)**
- F4** Words in Sch. 3 Pt. 5 para. 21(1) sums substituted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), reg. 1, **Sch. 1 para. 6(7)(a)(ii)**, (**aa**) (with Sch. 2 paras. 1-7)

Status: Point in time view as at 03/04/2017.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, PART5. (See end of Document for details)

- F5** Sch. 3 Pt. 5 para. 21(1)(b) sums substituted (3.4.2017) by [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), reg. 1, Sch. 1 para. 6(7)(a)(ii), **(bb)** (with Sch. 2 paras. 1-7)
- F6** Words in Sch. 3 para. 21(c)(ii) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **35(9)(a)**
- F7** Words in Sch. 3 Pt. 5 para. 21(1)(c)(ii) sums omitted (3.4.2017) by virtue of [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), reg. 1, Sch. 1 para. 6(7)(a)(ii), **(cc)** (with Sch. 2 paras. 1-7)

[
^{F8}**21A.** Subject to paragraph 22, the claimant is entitled to one, but not both, of the components in paragraphs 23 or 24 if the claimant or the claimant’s partner is entitled to a converted employment and support allowance^{F9}, or would be entitled but for the application of section 1A of the Welfare Reform Act (duration of contributory allowance)].]

- Textual Amendments**
- F8** Sch. 3 para. 21A inserted (1.10.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) Regulations 2010 \(S.I. 2010/1907\)](#), reg. 1(2), **Sch. 5 para. 69(5)(b)** (with reg. 3)
 - F9** Words in Sch. 3 para. 21A inserted (E.W.S.) (1.5.2012) by [The Employment and Support Allowance \(Duration of Contributory Allowance\) \(Consequential Amendments\) Regulations 2012 \(S.I. 2012/913\)](#), regs. 1(2), **7(1)(2)(b)**

22.—(1) The claimant has no entitlement under paragraph ^{F10}... 24 if the claimant is entitled to the disability premium under paragraphs 12 and 13.

(2) Where the claimant and the claimant’s partner each satisfies paragraph ^{F11}... 24, the component to be included in the claimant’s applicable amount is that which relates to the claimant.

- Textual Amendments**
- F10** Words in Sch. 3 Pt. 5 para. 22(1) sums omitted (3.4.2017) by virtue of [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), reg. 1, **Sch. 1 para. 6(7)(a)(iii)** (with Sch. 2 paras. 1-7)
 - F11** Words in Sch. 3 Pt. 5 para. 22(2) omitted (3.4.2017) by virtue of [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), reg. 1, **Sch. 1 para. 6(7)(a)(iii)** (with Sch. 2 paras. 1-7)

The work-related activity component

^{F12}**23.**

- Textual Amendments**
- F12** Sch. 3 Pt. 5 para. 23 omitted (3.4.2017) by virtue of [The Employment and Support Allowance and Universal Credit \(Miscellaneous Amendments and Transitional and Savings Provisions\) Regulations 2017 \(S.I. 2017/204\)](#), reg. 1, **Sch. 1 para. 6(7)(a)(iv)** (with Sch. 2 paras. 1-7)

The support component

24. The claimant is entitled to the support component if the Secretary of State has decided that the claimant or the claimant's partner has, or is to be treated as having, limited capability for work-related activity.]

Status:

Point in time view as at 03/04/2017.

Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, PART5.