
STATUTORY INSTRUMENTS

2008 No. 1082

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

PART 5

Council Tax Benefit Regulations 2006

Amendment of regulation 40

53. In regulation 40 (diminishing notional capital rule)—

(a) in paragraph (3)—

(i) at the end of sub-paragraph (c) omit “and”; and

(ii) after sub-paragraph (d) add—

“and

(e) where the claimant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of benefit week to which paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations (notional capital).”;

(b) in paragraph (4)—

(i) at the end of sub-paragraph (c) omit “and”; and

(ii) after sub-paragraph (d) add—

“and

(e) if the claimant would, but for regulation 115 of the Employment and Support Allowance Regulations, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7.”; and

(c) in paragraph (8)(a)(iii)—

(i) for “and (d)” substitute “, (d) and (e)”; and

(ii) in paragraph (aa) after “income support” insert “, an income-related employment and support allowance”.

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance (Consequential Provisions) Regulations 2008, Section 53.