
STATUTORY INSTRUMENTS

2008 No. 1554

The Employment and Support Allowance
(Consequential Provisions) (No. 2) Regulations 2008

PART 5

Miscellaneous Amendments

CHAPTER 1

Statutory Payments

Amendment of the Social Security Contributions and Benefits Act 1992

44. After paragraph 2(d)(1) of Schedule 11 to the Social Security Contributions and Benefits Act 1992 (circumstances in which periods of entitlement to statutory sick pay do not arise) 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 2007.”.

Amendment of the Statutory Sick Pay (General) Regulations 1982

45.—(1) In regulation 3 of the Statutory Sick Pay (General) Regulations 1982(2) (period of entitlement ending or not arising) after paragraph (2B) insert—

“(2C) A period of entitlement in respect of an employee who was entitled to employment and support allowance shall not arise in relation to any day within a period of limited capability for work beginning with the first day on which paragraph 2(dd) of Schedule 11 to the Contributions and Benefits Act ceases to have effect where the employee in question is a person to whom regulation 148 of the Employment and Support Allowance Regulations 2008 (work and training beneficiaries) applies.”.

Amendment of the Statutory Maternity Pay (General) Regulations 1986

46. In regulation 25A(1) of the Statutory Maternity Pay (General) Regulations 1986(3) (provision of information relating to claims for certain other benefits) for “or incapacity benefit”, substitute “, incapacity benefit or an employment and support allowance”.

(1) 1992 c. 4. Paragraph (2) was amended by Social Security (Incapacity for Work) Act 1994 (c. 18) and the relevant amending Instruments are S.I. 2002/2034 and 2006/1031.
(2) S.I. 1982/894. Paragraph (2B) was inserted by S.I. 2007/825.
(3) S.I. 1986/1960. Regulation 25A was inserted by S.I. 1990/622 and amended by S.I. 1995/829 and 2002/2690.