
STATUTORY INSTRUMENTS

2008 No. 1554

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

PART 5

Miscellaneous Amendments

CHAPTER 2

National Insurance

Amendment of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001

49.—(1) The Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001 ^{M1} are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) in the definition of “contributory benefit” after “income-based jobseeker's allowance” insert “ and includes a contributory employment and support allowance but not an income-related employment and support allowance ”;

(b) after the definition of “contributory benefit” 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 “earnings factor” insert—

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

(d) in the definition of “relevant benefit year” after sub-paragraph (b) add—

“(c) paragraph 3(1)(f) of Schedule 1 to the Welfare Reform Act (conditions relating to national insurance), in relation to a contributory employment and support allowance.”; and

(e) after the definition of “relevant time” insert—

““the Welfare Reform Act” means the Welfare Reform Act 2007;”.

(3) In regulation 4 (treatment for the purpose of any contributory benefit of late paid contributions)—

(a) in paragraph (8) for “or short-term incapacity benefit” substitute “ , short-term incapacity benefit or a contributory employment and support allowance ”; and

(b) after paragraph (9)(b) insert—

“(c) a contributory employment and support allowance is a reference to the condition specified in paragraph 2(1) of Schedule 1 to the Welfare Reform Act”.

(4) In regulation 5 ^{M2} (treatment... of late paid primary Class 1 contributions etc.)—

- (a) in paragraph (1)(b)—
 - (i) after paragraph (i) omit “or”; and
 - (ii) after paragraph (ii) add—
 - “or
 - (iii) a contributory employment and support allowance, is not paid before the beginning of the relevant benefit year;”;
 - (b) in paragraph (2)(a) for “or short-term incapacity benefit” substitute “ , short-term incapacity benefit or a contributory employment and support allowance ”; and
 - (c) in paragraph (3)(a) ^{M3} after (ii) add—
 - “(iii) a contributory employment and support allowance is a reference to the condition specified in paragraph 1(1) of Schedule 1 to the Welfare Reform Act;”.
- (5) In regulation 5A(a) ^{M4} (treatment for the purpose of any contributory benefit of duly paid primary Class 1 contributions in respect of retrospective earnings) for “or short-term incapacity benefit” substitute “ , short-term incapacity benefit or a contributory employment and support allowance ” .

Marginal Citations

- M1** [S.I. 2001/769](#).
- M2** [Regulation 5](#) was amended by [S.I. 2002/2366](#).
- M3** Paragraph (3)(a) was modified by [S.I. 1996/207](#) and paragraph 2(2) of Schedule 3 to the Act was amended by the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#).
- M4** [Regulation 5A](#) was inserted by [S.I. 2007/1154](#).

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008, Section 49.