
STATUTORY INSTRUMENTS

2008 No. 1554

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

PART 5

Miscellaneous Amendments

CHAPTER 3

Adjustments and Deductions

Amendment of the Council Tax (Deductions from Income Support) Regulations 1993

55.—(1) The Council Tax (Deductions from Income Support) Regulations 1993^{M1} are amended as follows.

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

- (a) in the definition of “benefit week” after “State Pension Credit Regulations 2002” insert “, regulation 2(1) of the Employment and Support Allowance Regulations 2008 ”;
- (b) after the definition of “contribution-based jobseeker's allowance” 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 “income-based jobseeker's allowance” insert—
““income-related employment and support allowance” means—
 - (a) an income-related allowance under Part 1 of the Welfare Reform Act; and
 - (b) in a case where, if there was no entitlement to contributory employment and support allowance, there would be entitlement to income-related employment and support allowance at the same rate, contributory employment and support allowance;”;
- (d) in the definition of “personal allowance for a single claimant aged not less than 25”—
 - (i) after sub-paragraph (a) omit “or”;
 - (ii) after sub-paragraph (b) add—
“or
 - (c) in the case of a person who is entitled to income-related employment and support allowance, the amount specified for the time being in paragraph 1 of column 2 of Schedule 4 to the Employment and Support Allowance Regulations 2008;”;
- (e) in the definition of “social security office” for “or a jobseeker's allowance” substitute “, a jobseeker's allowance or an employment and support allowance ”;
- (f) after the definition of “tribunal” insert—
““the Welfare Reform Act” means the Welfare Reform Act 2007.”.

- (3) In regulation 2 (application for deductions... England and Wales)—
- (a) in the heading for “or jobseeker's allowance” substitute “ , jobseeker's allowance or employment and support allowance ”; and
 - (b) for “or jobseeker's allowance” each time it occurs substitute “ , a jobseeker's allowance or an employment and support allowance ”;
- (4) In regulation 3 (application for deductions... Scotland)—
- (a) in the heading for “or jobseeker's allowance” substitute “ , jobseeker's allowance or employment and support allowance ”;
 - (b) for “or jobseeker's allowance” each time it occurs substitute “ , a jobseeker's allowance or an employment and support allowance ”.
- (5) In regulation 4(1)(f) (contents of application) for “or jobseeker's allowance” substitute “ , a jobseeker's allowance or an employment and support allowance ”.
- (6) In regulation 5 (deductions from debtor's income support etc.)—
- (a) in the heading for “or jobseeker's allowance” substitute “ , jobseeker's allowance or employment and support allowance ”;
 - (b) in paragraph (1)(a) for “or income-based jobseeker's allowance” substitute “ , an income-based jobseeker's allowance or an income-related employment and support allowance ”; and
 - (c) in paragraph (2)—
 - (i) in sub-paragraph (a) after “allowance” insert “ or contributory employment and support allowance ”; and
 - (ii) for sub-paragraph (b) substitute—

“(b) the amount payable, before any deductions under this paragraph, of—

 - (i) contribution-based jobseeker's allowance is equal to or more than one-third of the age-related amount applicable to the debtor under section 4(1)(a) of the Jobseekers Act; or
 - (ii) contributory employment and support allowance is equal to or more than one-third of the amount applicable to the debtor under section 2(1)(a) of the Welfare Reform Act,

as the case may be,”; and

 - (iii) after “Jobseekers Act” the second time it occurs insert “ or under section 2(1)(a) of the Welfare Reform Act ”.
- (7) In regulation 8 (circumstances, time of making and termination of deductions)—
- (a) in paragraph (1)—
 - (i) for “ or jobseeker's allowance” substitute “ , jobseeker's allowance or employment and support allowance ”;
 - (ii) for “regulation 7 or 7A” substitute “ regulation 5 ”; and
 - (iii) in sub-paragraph (a) for “or jobseeker's allowance” substitute “ , jobseeker's allowance or employment and support allowance ”;
 - (b) in paragraph (2) for “or jobseeker's allowance” each time it occurs substitute “ , jobseeker's allowance or employment and support allowance ”;
 - (c) in paragraph (3) for “or jobseeker's allowance” each time it occurs substitute “ , jobseeker's allowance or employment and support allowance ”; and

(d) in paragraph (5) for “or jobseeker's allowance” substitute “ , jobseeker's allowance or employment and support allowance ”.

Marginal Citations

M1 [S.I. 1993/494](#).

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008, Section 55.