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STATUTORY INSTRUMENTS

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**2008 No. 794**

**SOCIAL SECURITY**

**The Employment and Support Allowance Regulations 2008**

*Made* - - - - *25th March 2008*

*Laid before Parliament* *27th March 2008*

*Coming into force in accordance with regulation 1*

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 2(1) (a) and (c), 4(a) and (c), 3(1)(c), (2)(b) and (d) and (3) <sup>F1</sup>, 4(2)(a), (3), (6)(a) and (c), 5(2) and (3), 8(1) to (3), 4(a) and (b), (5) and (6), 9(1) to (3) and 4(a) and (b), 11(1), (2)(a) to (g), (3) to (5), (6)(a) and (7)(c), 12(1), (2)(a) to (h), (3) to (7), 14(1) and (2)(a) and (b), 16(2)(a) and (4), 17, 18(1), (2) and (4), 20(2) to (7), 22 <sup>F2</sup>, 23(1) and (3), 24(1) <sup>F3</sup>, (2)(b) and (3), 25(1) to (5) and 26(2) of, and paragraphs 1(4), 3(2), 4(1)(a) and (c), (3) and (4) and 6(1)(b), (2) to (5) <sup>F4</sup>, (7) and (8) of Schedule 1 to, and paragraphs 1 to 7, 8(1), 9, 10, 12 and 14 of Schedule 2 to, the Welfare Reform Act 2007 <sup>F5</sup>, section 5(1) of the Social Security Administration Act 1992 <sup>F6</sup> and section 21(1)(a) of the Social Security Act 1998 <sup>F7</sup> makes the following Regulations, which are made by virtue of, or consequential on, the provisions of the Welfare Reform Act 2007 and which are made before the end of a period of 6 months beginning with the coming into force of those provisions:

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**Textual Amendments**

- F1** Section 3(3) is cited for the power to prescribe a payment under paragraph (b) of the definition of “pension payment”.
- F2** Section 22 is cited insofar as it relates to paragraphs 1 to 3, 6, 7, 8(1), 9 and 10 of Schedule 2.
- F3** Section 24(1) is cited for the definition of “employment” and “employed”, “period of limited capability for work”, “prescribed”, “regulations” and “week”.
- F4** Paragraph 6(5) of Schedule 1 is cited for the definition of “couple”, “education” and “remunerative work”.
- F5** 2007 c. 5.
- F6** 1992 c. 5.
- F7** 1998 c. 14.

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**Modifications etc. (not altering text)**

- C1** Instrument applied (with modifications) (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. 16(2)(e)(ii)(3), **Sch. 2 Pt. 3** (with reg. 3)

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**Status:** Point in time view as at 15/07/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, Introductory Text. (See end of Document for details)

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- C2** Instrument applied (with modifications) (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), regs. 1(2), 6(1)(2)(b), **Sch. 1 Pt. 2** (with reg. 3)
- C3** Instrument modified (with application in accordance with art. 11(1) of the amending S.I.) by The Welfare Reform Act 2012 (Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions (Amendment)) Order 2013 (S.I. 2013/983), **art. 11** (as amended (3.4.2017) by S.I. 2017/204, reg. 7(1), Sch. 1 para. 9(2) (with Sch. 2 paras. 1-7); (30.6.2013) by The Welfare Reform Act 2012 (Commencement No. 11 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions (Amendment)) Order 2013 (S.I. 2013/1511), **art. 9**; (29.10.2013) by The Welfare Reform Act 2012 (Commencement No. 13 and Transitional and Transitory Provisions) Order 2013 (S.I. 2013/2657), **art. 5(a)**; (24.11.2014) by The Welfare Reform Act 2012 (Commencement No. 9, 11, 13 14, 16, 17 and 19 and Transitional and Transitory Provisions (Amendment)) Order 2014 (S.I. 2014/3067), art. 7, **(a)**
- C4** Instrument modified (temp.) (8.4.2020) by The Social Security (Coronavirus) (Prisoners) Regulations 2020 (S.I. 2020/409), **reg. 2(2)(d)** (with reg. 6(2))

**Status:**

Point in time view as at 15/07/2020.

**Changes to legislation:**

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