
STATUTORY INSTRUMENTS

2008 No. 794

The Employment and Support Allowance Regulations 2008

PART 3

CONDITIONS OF ENTITLEMENT – CONTRIBUTORY ALLOWANCE

Condition relating to youth – previous claimants

- 10.**—(1) Paragraph 4(1)(a) of Schedule 1 to the Act does not apply to a claimant—
- (a) who has previously ceased to be entitled to an employment and support allowance, entitlement for which was as a result of satisfying the condition set out in sub-paragraph (1) of that paragraph;
 - (b) whose previous entitlement had not been ended by a decision which embodied a determination (other than a determination in the circumstances applicable to a claimant under paragraph (2)(a)) that the claimant did not have limited capability for work;
 - (c) in relation to whom regulation 145 (linking rules) does not apply;
 - (d) aged 20 or over, or, where regulation 9 would otherwise apply to the person, aged 25 or over; and
 - (e) to whom paragraph (2) applies.
- (2) This paragraph applies to a claimant—
- (a) whose previous entitlement to an employment and support allowance ended solely with a view to that person taking up employment or training;
 - (b) whose earnings factor from an employment or series of employments pursued in the period from the end of the previous entitlement to the beginning of the period of limited capability for work, was below the lower earnings limit multiplied by 25 in any of the last three complete tax years before the beginning of the relevant benefit year; and
 - (c) who—
 - (i) in respect of the last two complete tax years before the beginning of the relevant benefit year has either paid or been credited with earnings equivalent in each of those years to the year's lower earnings limit multiplied by 50, of which at least one, in the last tax year, was in respect of the disability element or severe disability element of working tax credit; or
 - (ii) makes a claim for an employment and support allowance within a period of 12 weeks after the day on which the last such employment pursued in accordance with sub-paragraph (b) ceased.

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, Section 10.