
STATUTORY INSTRUMENTS

2008 No. 794

The Employment and Support Allowance Regulations 2008

PART 13

URGENT CASES

Applicable amounts in urgent cases

163. ^[F1]For the purposes of calculating any entitlement to an income-related allowance under this Part—

- (a) except in a case to which sub-paragraph (b) or (c) applies, a claimant's weekly applicable amount is to be the aggregate of—
 - (i) 90% of the amount applicable in respect of himself or herself or, if the claimant is a member of a couple or of a polygamous marriage, of the amount applicable in respect of both of them under paragraph 1(1), (2) or (3) of Schedule 4 or, as the case may be, the amount applicable in respect of them under regulation 68 (polygamous marriages);
 - (ii) the amount, if applicable, specified in Part 2 of Schedule 4 (premiums);
 - (iii) the amount, if applicable, specified in Part 4 of Schedule 4 (components); and
 - (iv) any amounts applicable under regulation 67(1)(c) or, as the case may be, 68(1)(d) (housing costs);
- (b) in the case of a claimant to whom any paragraph of Schedule 5 (special cases) applies, the applicable amount is to be the aggregate of—
 - (i) 90% of the amount applicable in column 2 of that Schedule in respect of the claimant and partner (if any);
 - (ii) the amount, if applicable, specified in Part 2 of Schedule 4;
 - (iii) the amount, if applicable, specified in Part 4 of Schedule 4; and
 - (iv) any amounts applicable under regulation 67(1)(c) or, as the case may be, 68(1)(d); or
- (c) in the case of a claimant to whom regulation 162(2) applies, where that claimant is appealing to an appeal tribunal constituted under Chapter 1 of Part 1 of the Social Security Act 1998, against a decision which embodies a determination that the claimant does not have limited capability for work, the applicable amount is to be the aggregate of—
 - (i) 90% of the amount applicable in respect of himself or herself or, if the claimant is a member of a couple or of a polygamous marriage, of the amount applicable in respect of both of them under paragraph 1(1), (2) or (3) of Schedule 4 or, as the case may be, the amount applicable in respect of them under regulation 68 (polygamous marriages);
 - (ii) the amount, if applicable, specified in Part 2 of Schedule 4 (premiums); and
 - (iii) any amounts applicable under regulation 67(1)(c) or, as the case may be, 68(1)(d).]

Status: Point in time view as at 30/08/2023.

Changes to legislation: There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, Section 163. (See end of Document for details)

Textual Amendments

- F1** Pt. 13 revoked in part (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2009 \(S.I. 2009/3228\)](#), **reg. 2(1)(d)** (with [reg. 2\(2\)-\(4\)](#))

Modifications etc. (not altering text)

- C1** Reg. 163(a)(i) modified (with effect in accordance with art. 1(2)(l) (3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(l), 27(6), **Sch. 20**
- C2** Reg. 163(b)(i) modified (with effect in accordance with art. 1(2)(l) (3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(l), 27(6), **Sch. 20**
- C3** Reg. 163(c)(i) modified (with effect in accordance with art. 1(2)(l) (3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(l), 27(6), **Sch. 20**

Status:

Point in time view as at 30/08/2023.

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, Section 163.