
STATUTORY INSTRUMENTS

2010 No. 2446

The Social Security (Contribution Conditions for Jobseeker's Allowance and Employment and Support Allowance) Regulations 2010

Amendment of the Employment and Support Allowance Regulations 2008

3.—(1) The Employment and Support Allowance Regulations 2008⁽¹⁾ are amended as follows.

(2) At the beginning of Part 3 (after the heading “CONDITIONS OF ENTITLEMENT — CONTRIBUTORY ALLOWANCE”) insert the following new regulation—

“Conditions relating to national insurance and relevant earnings

7A.—(1) A claimant's relevant earnings for the purposes of paragraph 1(2)(a) of Schedule 1 to the Act (employment and support allowance: conditions relating to national insurance) are the total amount of the claimant's earnings at the lower earnings limit for the base tax year.

(2) For the purposes of paragraph (1), earnings which exceed the lower earnings limit are to be disregarded.”.

(3) For regulation 8(1)(b) (relaxation of the first contribution condition) substitute—

“(b) the claimant has—

- (i) earnings at the lower earnings limit in that tax year on which primary Class 1 contributions have been paid or treated as paid which in total, and disregarding any earnings which exceed the lower earnings limit for that year, are not less than that limit multiplied by 26; or
- (ii) earnings factors in that tax year derived from Class 2 contributions multiplied by 26.”.