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STATUTORY INSTRUMENTS

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**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 Social Security (Overlapping Benefits) Regulations 1979**

**51.**—(1) The Social Security (Overlapping Benefits) Regulations 1979<sup>(1)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “contributory benefit”<sup>(2)</sup> for “ and a contribution-based jobseeker’s allowance” substitute “a contribution-based jobseeker’s allowance and a contributory employment and support allowance”;
- (b) in the definition of “personal benefit”<sup>(3)</sup> after “includes” insert “a contributory employment and support allowance but not an income-related employment and support allowance and includes”; and
- (c) after the definition of “1914-1918 War Injuries Scheme” insert—

““the Welfare Reform Act” means the Welfare Reform Act 2007.”.

(3) In regulation 4(1)(a)<sup>(4)</sup> (adjustment of personal benefit etc.) after “industrial injuries benefits)” insert “, Part 1 of the Welfare Reform Act”.

(4) In regulation 10(1)<sup>(5)</sup> (adjustment of dependency benefit where certain personal benefit is payable) after sub-paragraph (j) add—

“(k) a contributory employment and support allowance.”.

(5) In regulation 16<sup>(6)</sup> (persons to be treated as entitled to benefit for certain purposes)—

- (a) after “the Act” the first time it occurs insert “, Part 1 of the Welfare Reform Act”; and
- (b) after “under it,” the first time it occurs insert “ Part 1 of the Welfare Reform Act and regulations made under it”.

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(1) [S.I. 1979/597](#).

(2) Definition was inserted by [S.I. 1996/1345](#).

(3) Definition was amended by [S.I. 2005/1551](#).

(4) Paragraph (1) was substituted by [S.I. 1992/3194](#) and amended by [S.I. 1996/1345](#).

(5) Paragraph (1) was amended by [S.I. 1980/1927](#), [1982/1173](#), [1983/186](#), [1991/387](#), [1992/3194](#), [1996/1345](#) and by virtue of the Employment Act 1998 (c. 38).

(6) Regulation 16 was amended by [S.I. 1996/1345](#).

(6) In regulation 17(7) (prevention of double adjustments) for “or under the Jobseekers Act” each time it occurs substitute “, the Jobseekers Act or Part 1 of the Welfare Reform Act”.

(7) In Schedule 1(8) (personal benefits which are required to be adjusted etc.) in column (1) (personal benefit under the Act) in paragraph 4, after “severe disablement allowance” insert “, contributory employment and support allowance”.

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(7) Regulation 17 was amended by [S.I. 1996/1345](#)

(8) Schedule 1 was amended by [S.I. 1983/186](#), [1984/1303](#), [1995/829](#), [1996/1345](#), [2000/1483](#) and [2005/2877](#).