



2007 CHAPTER 2

PART 1

EMPLOYMENT AND SUPPORT ALLOWANCE

*General*

**Interpretation, etc. of Part 1**

**24.—(1)** In this Part—

“claimant” means a person who has claimed an employment and support allowance;

“contributory allowance” has the meaning given by section 1(7);

“employment” and “employed” have the meanings prescribed for the purposes of this Part;

“entitled”, in relation to an employment and support allowance, is to be construed in accordance with—

- (a) the provisions of this Act,
- (b) section 1 of the Administration Act (entitlement dependent on making of claim), and
- (c) Article 27 of the 1998 Order (restrictions on entitlement in certain cases of error);

“income-related allowance” has the meaning given by section 1(7);

“income support” means income support under section 123 of the Contributions and Benefits Act;

“limited capability for work” shall be construed in accordance with section 1(4);

“limited capability for work-related activity” shall be construed in accordance with section 2(5);

“period of limited capability for work” has the meaning prescribed for the purposes of this Part;

“prescribed” means specified in, or determined in accordance with, regulations;

“regulations” means regulations made by the Department;

“week” means a period of seven days beginning with a Sunday or such other period of seven days as may be prescribed;

“work-related activity” has the meaning given by section 13(7).

(2) For the purposes of this Part, the assessment phase, in relation to a claimant, is the period—

(a) beginning, subject to subsection (3), with the first day of the period for which he is entitled to an employment and support allowance, and

(b) ending with such day as may be prescribed.

(3) Regulations may prescribe circumstances in which the assessment phase is to begin with such day as may be prescribed.

(4) For the purposes of this Part, a person is a member of the support group if he is a person in respect of whom it is determined that he has, or is to be treated as having, limited capability for work-related activity.

(5) In relation to this Part, for the purposes of Chapter 2 of Part 2 of the 1998 Order, a decision made by the Department for Employment and Learning shall be treated as if it were a decision of the Department (and accordingly, may be revised by the Department for Employment and Learning under Article 10 of that Order, or superseded by a decision made by it under Article 11 of that Order, as the case may be).

(6) Information which is held—

(a) by the Department may be supplied to the Department for Employment and Learning; or

(b) by the Department for Employment and Learning may be supplied to the Department,

for the purposes of their functions under this Part.