



Welfare Reform Act 2007

2007 CHAPTER 5

PART 1

EMPLOYMENT AND SUPPORT ALLOWANCE

Entitlement

1 Employment and support allowance

- (1) An allowance, to be known as an employment and support allowance, shall be payable in accordance with the provisions of this Part.
- (2) Subject to the provisions of this Part, a claimant is entitled to an employment and support allowance if he satisfies the basic conditions and either—
 - (a) the first and the second conditions set out in Part 1 of Schedule 1 (conditions relating to national insurance) or the third condition set out in that Part of that Schedule (condition relating to youth), or
 - (b) the conditions set out in Part 2 of that Schedule (conditions relating to financial position).
- (3) The basic conditions are that the claimant—
 - (a) has limited capability for work,
 - (b) is at least 16 years old,
 - (c) has not reached pensionable age,
 - (d) is in Great Britain,
 - (e) is not entitled to income support, and
 - (f) is not entitled to a jobseeker's allowance (and is not a member of a couple who are entitled to a joint-claim jobseeker's allowance).
- (4) For the purposes of this Part, a person has limited capability for work if—
 - (a) his capability for work is limited by his physical or mental condition, and
 - (b) the limitation is such that it is not reasonable to require him to work.

Status: Point in time view as at 27/10/2008. This version of this provision has been superseded.

Changes to legislation: Welfare Reform Act 2007, Section 1 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(5) An employment and support allowance is payable in respect of a week.

(6) In subsection (3)—

“joint-claim jobseeker's allowance” means a jobseeker's allowance entitlement to which arises by virtue of section 1(2B) of the Jobseekers Act 1995 (c. 18);

“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 (c. 26).

(7) In this Part—

“contributory allowance” means an employment and support allowance entitlement to which is based on subsection (2)(a);

“income-related allowance” means an employment and support allowance entitlement to which is based on subsection (2)(b).

Modifications etc. (not altering text)

C1 Pt. 1 modified by 1995 c. 18, Sch. 1 para. 2(2) (as inserted (27.10.2008) by [Welfare Reform Act 2007](#) (c. 5), s. 70(2), [Sch. 3 para. 12\(6\)](#); S.I. 2008/787, art. 2(4)(f))

Commencement Information

I1 S. 1 in force at 27.10.2008 by [S.I. 2008/787](#), [art. 2\(4\)\(a\)](#)

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