



# 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.

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*Status: This is the original version (as it was originally enacted).*

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(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).