



# Welfare Reform Act 2007

## 2007 CHAPTER 5

### PART 1

#### EMPLOYMENT AND SUPPORT ALLOWANCE

##### *Miscellaneous*

#### **20 Relationship with statutory payments**

- (1) A person is not entitled to an employment and support allowance in respect of a day if, for the purposes of statutory sick pay, that day—
  - (a) is a day of incapacity for work in relation to a contract of service, and
  - (b) falls within a period of entitlement (whether or not it is a qualifying day).
- (2) Except as regulations may provide, a woman who is entitled to statutory maternity pay is not entitled to [<sup>F1</sup>a contributory allowance][<sup>F1</sup>an employment and support allowance] in respect of a day that falls within the maternity pay period.
- (3) Regulations may provide that—
  - (a) an amount equal to a woman's statutory maternity pay for a period shall be deducted from [<sup>F2</sup>a contributory allowance][<sup>F2</sup>an employment and support allowance] in respect of the same period,
  - (b) a woman shall only be entitled to [<sup>F2</sup>a contributory allowance][<sup>F2</sup>an employment and support allowance] if there is a balance after the deduction, and
  - (c) if there is such a balance, a woman shall be entitled to [<sup>F2</sup>a contributory allowance][<sup>F2</sup>an employment and support allowance] at a weekly rate equal to it.
- (4) Except as regulations may provide, a person who is entitled to statutory adoption pay is not entitled to [<sup>F3</sup>a contributory allowance][<sup>F3</sup>an employment and support allowance] in respect of a day that falls within the adoption pay period.
- (5) Regulations may provide that—

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- (a) an amount equal to a person's statutory adoption pay for a period shall be deducted from [<sup>F4</sup>a contributory allowance][<sup>F4</sup>an employment and support allowance] in respect of the same period,
  - (b) a person shall only be entitled to [<sup>F4</sup>a contributory allowance][<sup>F4</sup>an employment and support allowance] if there is a balance after the deduction, and
  - (c) if there is such a balance, a person shall be entitled to [<sup>F4</sup>a contributory allowance][<sup>F4</sup>an employment and support allowance] at a weekly rate equal to it.
- (6) Except as regulations may provide, a person who is entitled to additional statutory paternity pay is not entitled to [<sup>F5</sup>a contributory allowance][<sup>F5</sup>an employment and support allowance] in respect of a day that falls within the additional paternity pay period.
- (7) Regulations may provide that—
- (a) an amount equal to a person's additional statutory paternity pay for a period shall be deducted from [<sup>F6</sup>a contributory allowance][<sup>F6</sup>an employment and support allowance] in respect of the same period,
  - (b) a person shall only be entitled to [<sup>F6</sup>a contributory allowance][<sup>F6</sup>an employment and support allowance] if there is a balance after the deduction, and
  - (c) if there is such a balance, a person shall be entitled to [<sup>F6</sup>a contributory allowance][<sup>F6</sup>an employment and support allowance] at a weekly rate equal to it.
- (8) In this section—
- “the additional paternity pay period” has the meaning given in section 171ZEE(2) of the Contributions and Benefits Act;
  - “the adoption pay period” has the meaning given in section 171ZN(2) of that Act;
  - “the maternity pay period” has the meaning given in section 165(1) of that Act.

### Textual Amendments

- F1** Words in s. 20(2) substituted (29.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 3 para. 26\(e\)](#); S.I. 2013/983, arts. 4(1)(b), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167)
- F2** Words in s. 20(3)(a)(b)(c) substituted (29.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 3 para. 26\(e\)](#); S.I. 2013/983, arts. 4(1)(b), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167)

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- F3** Words in s. 20(4) substituted (29.4.2013 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 3 para. 26(e)**; S.I. 2013/983, arts. 4(1)(b), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167)
- F4** Words in s. 20(5)(a)(b)(c) substituted (29.4.2013 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 3 para. 26(e)**; S.I. 2013/983, arts. 4(1)(b), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167)
- F5** Words in s. 20(6) substituted (29.4.2013 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 3 para. 26(e)**; S.I. 2013/983, arts. 4(1)(b), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167)
- F6** Words in s. 20(7)(a)(b)(c) substituted (29.4.2013 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 3 para. 26(e)**; S.I. 2013/983, arts. 4(1)(b), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; and (31.1.2019) by S.I. 2019/167)

#### 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))
- C2** S. 20(2) excluded (27.10.2008) by Employment and Support Allowance Regulations 2008 (S.I. 2008/794), regs. 1(a), **80(2)**
- C3** S. 20(4) excluded (27.10.2008) by Employment and Support Allowance Regulations 2008 (S.I. 2008/794), regs. 1(a), **81(2)**
- C4** S. 20(6) excluded (27.10.2008 for specified purposes) by Employment and Support Allowance Regulations 2008 (S.I. 2008/794), regs. 1(a)(c), **82(2)**

#### Commencement Information

- I1** S. 20(1)(8) in force at 27.10.2008 by S.I. 2008/787, **art. 2(4)(a)**
- I2** S. 20(2)-(7) in force at 18.3.2008 for specified purposes by S.I. 2008/787, **art. 2(1)**
- I3** S. 20(2)-(7) in force at 27.10.2008 in so far as not already in force by S.I. 2008/787, **art. 2(4)(a)**

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