



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 [^{F1}a contributory allowance][^{F1}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 [^{F2}a contributory allowance][^{F2}an employment and support allowance] in respect of the same period,
 - (b) a woman shall only be entitled to [^{F2}a contributory allowance][^{F2}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 [^{F2}a contributory allowance][^{F2}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 [^{F3}a contributory allowance][^{F3}an employment and support allowance] in respect of a day that falls within the adoption pay period.
- (5) Regulations may provide that—

Status: Point in time view as at 28/10/2013. This version of this provision has been superseded.

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- (a) an amount equal to a person's statutory adoption pay for a period shall be deducted from [F⁴a contributory allowance][F⁴an employment and support allowance] in respect of the same period,
 - (b) a person shall only be entitled to [F⁴a contributory allowance][F⁴an 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 [F⁴a contributory allowance][F⁴an 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 [F⁵a contributory allowance][F⁵an 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 [F⁶a contributory allowance][F⁶an employment and support allowance] in respect of the same period,
 - (b) a person shall only be entitled to [F⁶a contributory allowance][F⁶an 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 [F⁶a contributory allowance][F⁶an 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, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 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](#)); [S.I. 2013/1511, art. 4, Sch.](#) (as amended or modified: (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](#); (17.11.2014) by [S.I. 2014/3067](#); (19.1.2015) by [S.I. 2015/32](#); (10.3.2015) by [S.I. 2015/634](#); (20.7.2015) by [S.I. 2015/1537](#); and (25.1.2017) by [S.I. 2017/57](#)); [S.I. 2013/2657, art. 4, Sch.](#) (with [art. 6](#)) (as amended or modified: (16.6.2014) by [S.I. 2014/1452](#); (30.6.2014) by [S.I. 2014/1661](#); (28.7.2014) by [S.I. 2014/1923](#); (17.11.2014) by [S.I. 2014/3067](#); (19.1.2015) by [S.I. 2015/32](#); (10.3.2015) by [S.I. 2015/634](#); (20.7.2015) by [S.I. 2015/1537](#); (23.5.2016) [S.I. 2016/596](#); and (25.1.2017) by [S.I. 2017/57](#))

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- F2** Words in [s. 20\(3\)\(a\)\(b\)\(c\)](#) substituted (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 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); [S.I. 2013/1511, art. 4, Sch.](#) (as amended or modified: (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; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; and (25.1.2017) by S.I. 2017/57); [S.I. 2013/2657, art. 4, Sch.](#) (with [art. 6](#)) (as amended or modified: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.5.2016) S.I. 2016/596; and (25.1.2017) by S.I. 2017/57)
- F3** Words in [s. 20\(4\)](#) substituted (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 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); [S.I. 2013/1511, art. 4, Sch.](#) (as amended or modified: (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; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; and (25.1.2017) by S.I. 2017/57); [S.I. 2013/2657, art. 4, Sch.](#) (with [art. 6](#)) (as amended or modified: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.5.2016) S.I. 2016/596; and (25.1.2017) by S.I. 2017/57)
- F4** Words in [s. 20\(5\)\(a\)\(b\)\(c\)](#) substituted (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 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); [S.I. 2013/1511, art. 4, Sch.](#) (as amended or modified: (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; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; and (25.1.2017) by S.I. 2017/57); [S.I. 2013/2657, art. 4, Sch.](#) (with [art. 6](#)) (as amended or modified: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.5.2016) S.I. 2016/596; and (25.1.2017) by S.I. 2017/57)
- F5** Words in [s. 20\(6\)](#) substituted (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 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;

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- F6** Words in **s. 20(7)(a)(b)(c)** substituted (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 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); **S.I. 2013/1511, art. 4, Sch.** (as amended or modified: (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; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; and (25.1.2017) by S.I. 2017/57); **S.I. 2013/2657, art. 4, Sch.** (with **art. 6**) (as amended or modified: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; and (25.1.2017) by S.I. 2017/57); (23.5.2016) S.I. 2016/596; and (25.1.2017) by S.I. 2017/57)

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)**

Status:

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