



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Status: Point in time view as at 15/09/2014. This version of this provision has been superseded.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 [F⁵statutory shared parental pay] is not entitled to [F⁶a contributory allowance][F⁶an employment and support allowance] in respect of [F⁷a day that falls within a period in respect of which statutory shared parental pay is payable].
- (7) Regulations may provide that—
- (a) an amount equal to a person's [F⁸statutory shared parental pay for a period] shall be deducted from [F⁹a contributory allowance][F⁹an employment and support allowance] in respect of the same period,
 - (b) a person shall only be entitled to [F⁹a contributory allowance][F⁹an 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 [F⁹a contributory allowance][F⁹an 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, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates 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.

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- 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); [S.I. 2013/2846, art. 4, Sch.](#) (with [art. 5](#)) (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 (23.5.2016) by S.I. 2016/596); [S.I. 2014/209, art. 4, Sch.](#) (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 (23.5.2016) by S.I. 2016/596); [S.I. 2014/1583, art. 4, Sch.](#) (as amended or modified: (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 (19.5.2017) by S.I. 2017/664); [S.I. 2014/2321, art. 4](#) (as amended or modified: (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) by S.I. 2016/596; (29.9.2016) by S.I. 2016/963; (24.4.2017) by S.I. 2017/584; and (19.5.2017) by S.I. 2017/664)
- 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, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates 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); [S.I. 2013/2846, art. 4, Sch.](#) (with [art. 5](#)) (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 (23.5.2016) by S.I. 2016/596); [S.I. 2014/209, art. 4, Sch.](#) (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 (23.5.2016) by S.I. 2016/596); [S.I. 2014/1583, art. 4, Sch.](#) (as amended or modified: (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 (19.5.2017) by S.I. 2017/664); [S.I. 2014/2321, art. 4](#) (as amended or modified: (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) by S.I. 2016/596; (29.9.2016) by S.I. 2016/963; (24.4.2017) by S.I. 2017/584; and (19.5.2017) by S.I. 2017/664)
- F5** Words in [s. 20\(6\)](#) substituted (30.6.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 73\(2\)\(a\)](#); [S.I. 2014/1640, art. 3\(2\)\(r\)](#) (with [art. 9](#))

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- F7** Words in s. 20(6) substituted (30.6.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 73\(2\)\(b\)](#); S.I. 2014/1640, art. 3(2)(r) (with art. 9)
- F8** Words in s. 20(7)(a) substituted (30.6.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 73\(3\)](#); S.I. 2014/1640, art. 3(2)(r) (with art. 9)
- F9** 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, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates 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 (23.5.2016) S.I. 2016/596; and (25.1.2017) by S.I. 2017/57); [S.I. 2013/2846, art. 4, Sch.](#) (with art. 5) (as amended or modified: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014)

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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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