



Welfare Reform Act 2012

2012 CHAPTER 5

PART 2

WORKING-AGE BENEFITS

CHAPTER 2

EMPLOYMENT AND SUPPORT ALLOWANCE

Conditions of entitlement

51 Period of entitlement to contributory allowance

(1) After section 1 of the Welfare Reform Act 2007 there is inserted—

“1A Duration of contributory allowance

- (1) The period for which a person is entitled to a contributory allowance by virtue of the first and second conditions set out in Part 1 of Schedule 1 shall not exceed, in the aggregate, the relevant maximum number of days in any period for which his entitlement is established by reference (under the second condition set out in Part 1 of Schedule 1) to the same two tax years.
- (2) In subsection (1) the “relevant maximum number of days” is—
 - (a) 365 days, or
 - (b) if the Secretary of State by order specifies a greater number of days, that number of days.
- (3) The fact that a person's entitlement to a contributory allowance has ceased as a result of subsection (1) does not prevent his being entitled to a further such allowance if—
 - (a) he satisfies the first and second conditions set out in Part 1 of Schedule 1, and

Status: Point in time view as at 15/04/2013.

Changes to legislation: Welfare Reform Act 2012, Section 51 is up to date with all changes known to be in force on or before 20 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)

- (b) the two tax years by reference to which he satisfies the second condition include at least one year which is later than the second of the two years by reference to which (under the second condition) his previous entitlement was established.
- (4) The period for which a person is entitled to a contributory allowance by virtue of the third condition set out in Part 1 of Schedule 1 (youth) shall not exceed—
 - (a) 365 days, or
 - (b) if the Secretary of State by order specifies a greater number of days, that number of days.
- (5) In calculating for the purposes of subsection (1) or (4) the length of the period for which a person is entitled to a contributory allowance, the following are not to be counted—
 - (a) days in which the person is a member of the support group,
 - (b) days not falling within paragraph (a) in respect of which the person is entitled to the support component referred to in section 2(1)(b), and
 - (c) days in the assessment phase, where the days immediately following that phase fall within paragraph (a) or (b).
- (6) In calculating for the purposes of subsection (1) or (4) the length of the period for which a person is entitled to a contributory allowance, days occurring before the coming into force of this section are to be counted (as well as those occurring afterwards).”
- (2) In section 25 of that Act (regulations)—
 - (a) in the heading, after “regulations” there is inserted “and orders”;
 - (b) in subsection (1), after “regulations” there is inserted “or an order”.
- (3) In section 26 of that Act (Parliamentary control), at the end there is inserted—

“(3) A statutory instrument containing an order under section 1A shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) In Schedule 4 to that Act (transition relating to Part 1), in paragraph 7(2), at the end there is inserted—
 - (f) make provision modifying the application of section 1A in relation to awards of an employment and support allowance to persons previously entitled to existing awards.”

Commencement Information

- I1** S. 51 in force at 20.3.2012 for specified purposes by S.I. 2012/863, art. 2(1)(b)
- I2** S. 51 in force at 1.5.2012 in so far as not already in force by S.I. 2012/863, art. 2(2)(a)

Status:

Point in time view as at 15/04/2013.

Changes to legislation:

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