Status: *Point in time view as at 02/05/2016. This version of this provision has been superseded.*
Changes to legislation: *Welfare Reform Act (Northern Ireland) 2007, Section 2 is up to date with all changes known to be in force on or before 19 July 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)*

2007 CHAPTER 2

PART 1

EMPLOYMENT AND SUPPORT ALLOWANCE

Entitlement

Amount of contributory allowance

2.—(1) **[**[F1]The amount payable by way of an employment and support allowance**]** in respect of a claimant shall be calculated by—

(a) taking such amount as may be prescribed,

(b) if in his case the conditions of entitlement to the support component or the work-related activity component are satisfied, adding the amount of that component, and

(c) making

[[F2](i) deductions in respect of earnings calculated in the prescribed manner (which may include multiplying some or all earnings by a prescribed percentage), and

(ii)**]** prescribed deductions in respect of any payments to which section 3 applies.

(2) The conditions of entitlement to the support component are—

(a) that the assessment phase has ended,

(b) that the claimant has limited capability for work-related activity, and

(c) that such other conditions as may be prescribed are satisfied.

Status: *Point in time view as at 02/05/2016. This version of this provision has been superseded.*
Changes to legislation: *Welfare Reform Act (Northern Ireland) 2007, Section 2 is up to date with all changes known to be in force on or before 19 July 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)*

(3) The conditions of entitlement to the work-related activity component are—

(a) that the assessment phase has ended,

(b) that the claimant does not have limited capability for work-related activity, and

(c) that such other conditions as may be prescribed are satisfied.

(4) Regulations may—

(a) prescribe circumstances in which paragraph (a) of subsection (2) or (3) is not to apply;

(b) prescribe circumstances in which entitlement under subsection (2) or (3) is to be backdated;

(c) make provision about the amount of the component under subsection (2) or (3).

(5) For the purposes of this Part, a person has limited capability for work-related activity if—

(a) his capability for work-related activity is limited by his physical or mental condition, and

(b) the limitation is such that it is not reasonable to require him to undertake such activity.

[[F3](6) In subsection (1)(c)(i) the reference to earnings is to be construed in accordance with sections 3, 4 and 112 of the Contributions and Benefits Act.**]**

Textual Amendments

F1 Words in s. 2(1) substituted (2.5.2016 for specified purposes, 27.9.2017 for specified purposes, 15.11.2017 and 13.12.2017 for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 3 para. 19**; S.R. 2016/215, art. 2(2)(c)(vi); S.R. 2017/190, art. 6 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5)

F2 Words in s. 2(1)(c) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 5 para. 6(2)**; S.R. 2016/215, art. 2(2)(c)(vii)

F3 S. 2(6) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 5 para. 6(3)**; S.R. 2016/215, art. 2(2)(c)(vii)

Modifications etc. (not altering text)

C1 S. 2(1)(c) modified (27.10.2008) by Employment and Support Allowance Regulations (Northern Ireland) 2008 (S.R. 2008/280), regs. 1(1), **72(1)**

C2 S. 2(2)(a) excluded (27.10.2008) by Employment and Support Allowance Regulations (Northern Ireland) 2008 (S.R. 2008/280), regs. 1(1), **7(1)** (subject to reg. 7(2))

C3 S. 2(3)(a) excluded (27.10.2008) by Employment and Support Allowance Regulations (Northern Ireland) 2008 (S.R. 2008/280), regs. 1(1), **7(1)** (subject to reg. 7(2))

Status: *Point in time view as at 02/05/2016. This version of this provision has been superseded.*
Changes to legislation: *Welfare Reform Act (Northern Ireland) 2007, Section 2 is up to date with all changes known to be in force on or before 19 July 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)*

Commencement Information

I1 S. 2 wholly in operation at 27.10.2008; s. 2 not in operation at Royal Assent see s. 60(1); s. 2(1)(a)(c)(4)(a)(c) in operation for certain purposes at 1.7.2008 and wholly in operation at 27.10.2008 by S.R. 2008/276, **art. 2(2)(c)**, Sch. Pt. 1; s. 2 in operation at 27.10.2008 in so far as not already in operation by S.R. 2008/276, **art. 2(2)(d)**, Sch. Pt. 2

Status:
Point in time view as at 02/05/2016. This version of this provision has been superseded.

Changes to legislation:
Welfare Reform Act (Northern Ireland) 2007, Section 2 is up to date with all changes known to be in force on or before 19 July 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.