



2007 CHAPTER 2

PART 1

EMPLOYMENT AND SUPPORT ALLOWANCE

Entitlement

Amount of [^{F1}contributory] allowance

2.—(1) [^{F2}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 ^{F3}... are satisfied, adding the amount of that component, and
- (c) making
 - [^{F4}(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.

^{F5}(3)

(4) Regulations may—

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 03 April 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) View outstanding changes

- (a) prescribe circumstances in which paragraph (a) of subsection (2) ^{F6}... is not to apply;
 - (b) prescribe circumstances in which entitlement under subsection (2) ^{F6}... is to be backdated;
 - (c) make provision about the amount of the component under subsection (2) ^{F6}....
- (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.
- [^{F7}(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- F1** Word in s. 2 heading repealed (27.9.2017 for specified purposes, 15.11.2017 and 13.12.2017 for specified purposes, 17.1.2018 and further specified dates for specified purposes, 16.5.2018 and further specified dates for specified purposes, 5.9.2018 and further specified dates for specified purposes, 1.2.2019 for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, **Sch. 2** (with arts. 7, 8, 10-25, **Sch. 3**); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5); S.R. 2018/138, art. 4 (with art. 5); S.R. 2019/7, art. 2(5)-(7) (with art. 2(8)-(12))
- F2** 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, 17.1.2018 and further specified dates for specified purposes, 16.5.2018 and further specified dates for specified purposes, 5.9.2018 and further specified dates for specified purposes, 1.2.2019 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); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5); S.R. 2018/138, art. 4 (with art. 5); S.R. 2019/7, art. 2(5)-(7) (with art. 2(8)-(12))
- F3** Words in s. 2(1)(b) omitted (3.4.2017) by virtue of [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(1), **9(2)(a)**; S.R. 2017/46, art. 3 (with art. 9(4)(5))
- F4** 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)
- F5** S. 2(3) omitted (3.4.2017) by virtue of [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(1), **9(2)(b)**; S.R. 2017/46, art. 3 (with art. 9(4)(5))

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 03 April 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) View outstanding changes*

- F6** Words in s. 2(4)(a)-(c) omitted (3.4.2017) by virtue of [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(1), **9(2)(c)**; S.R. 2017/46, art. 3 (with art. 9(4)(5))
- F7** 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(2)(a) excluded (27.9.2017 and further specified dates for specified purposes) by [The Employment and Support Allowance Regulations \(Northern Ireland\) 2016 \(S.R. 2016/219\)](#), regs. 1(2), **7(1)** (with s. 7(4))

Commencement Information

- II** 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**

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 03 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(3)(za) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(2\)](#)
- s. 1(3B) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(3\)](#)
- s. 14(5) added by [2010 c. 13 \(N.I.\) s. 25\(2\)](#)
- s. 14(5) amendment to earlier affecting provision [2010 c. 13 \(N.I.\) s. 25\(2\)](#) by [S.I. 2015/2006 \(N.I.\) art. 60\(7\)](#)
- s. 14(5) words substituted by [S.R. 2016/76 Sch. 6 para. 56\(b\)](#)
- Sch. 1 para. 6(1)(da) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(a\)](#)
- Sch. 1 para. 6(2A) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(b\)](#)
- Sch. 2 para. 4B inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(4\)](#)
- Sch. 3 para. 12(4)(5) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)