



Welfare Reform Act 2007

2007 CHAPTER 5

PART 1

EMPLOYMENT AND SUPPORT ALLOWANCE

Entitlement

6 Amount payable where claimant entitled to both forms of allowance

- (1) This section applies where a claimant is entitled to both a contributory allowance and an income-related allowance.
- (2) If the claimant has no income, the amount payable by way of an employment and support allowance shall be the greater of—
 - (a) his personal rate, and
 - (b) the applicable amount.
- (3) If the claimant has an income, the amount payable by way of an employment and support allowance shall be the greater of—
 - (a) his personal rate, and
 - (b) the amount by which the applicable amount exceeds his income.
- (4) Where the amount payable to the claimant by way of an employment and support allowance does not exceed his personal rate, the allowance shall be treated as attributable to the claimant's entitlement to a contributory allowance.
- (5) Where the amount payable to the claimant by way of an employment and support allowance exceeds his personal rate, the allowance shall be taken to consist of two elements, namely—
 - (a) an amount equal to his personal rate, and
 - (b) an amount equal to the excess.
- (6) The element mentioned in subsection (5)(a) shall be treated as attributable to the claimant's entitlement to a contributory allowance.

Status: This is the original version (as it was originally enacted).

(7) The element mentioned in subsection (5)(b) shall be treated as attributable to the claimant's entitlement to an income-related allowance.

(8) In this section—

“applicable amount” means the amount which, in the claimant's case, is the applicable amount for the purposes of section 4(1);

“personal rate” means the amount calculated in accordance with section 2(1).