



# Welfare Reform Act 2012

## 2012 CHAPTER 5

### PART 2

#### WORKING-AGE BENEFITS

### CHAPTER 4

#### MISCELLANEOUS

#### *Entitlement to work*

#### **62 Entitlement to work: employment and support allowance**

- (1) The Welfare Reform Act 2007 is amended as follows.
- (2) In section 1 (employment and support allowance), in subsection (3), before paragraph (a) there is inserted—
  - “(za) is entitled to be in employment in the United Kingdom.”.
- (3) In that section, after subsection (3A) there is inserted—
  - “(3B) For the purposes of subsection (3)(za), a person is entitled to be in employment in the United Kingdom if, and only if—
    - (a) the person does not under the Immigration Act 1971 require leave to enter or remain in the United Kingdom, or
    - (b) the person has been granted such leave and—
      - (i) the leave is not invalid,
      - (ii) the leave has not for any reason ceased to have effect, and
      - (iii) the leave is not subject to a condition preventing the person from accepting any employment.”
- (4) In Schedule 2 (supplementary provisions), after paragraph 4A (as inserted by section 54 of this Act) there is inserted—

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*Status: This is the original version (as it was originally enacted).*

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*“Entitlement to work in the United Kingdom*

- 4B Regulations may provide that in prescribed circumstances a person who is not entitled to be in employment in the United Kingdom may nevertheless be entitled to an employment and support allowance.”