

# WELFARE REFORM ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2: Working-age benefits**

##### ***Section 53: Condition relating to youth***

283. Until the coming into force of *section 53*, it is possible for certain claimants to be entitled to contributory ESA on the grounds of youth (set out in full in paragraph 4 of Schedule 1 to the WRA 2007). This allows claimants to qualify for contributory ESA without meeting the usual paid National Insurance contribution conditions. A claimant must be under 20 (or in prescribed cases, 25) when the relevant period of limited capability for work began, not be receiving full-time education, must satisfy such conditions as may be prescribed with respect to residence or presence in Great Britain and must have had limited capability for work for 196 consecutive days.
284. *Section 53* inserts a new *subsection (3A)* into section 1 of WRA 2007. This new subsection provides that no new claims for contributory ESA on the grounds of youth may be made after the coming into force of that section. This means that those claimants who would have been entitled on those grounds will instead be required to meet the usual National Insurance contribution conditions for a claim for contributory ESA as set out in paragraphs 1 to 3 of Part 1 of Schedule 1 to the WRA 2007, or the conditions of entitlement for income-related ESA.