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SCHEDULES

SCHEDULE 3

CONSEQUENTIAL AMENDMENTS RELATING TO PART 1

Social Security Administration Act 1992 (c. 5)

- 10 (1) The Administration Act is amended as follows.
- (2) In section 1 (entitlement to benefit dependent on claim), in subsection (4) (definition of “benefit”), after “state pension credit;” insert—
“(ac) an employment and support allowance;”.
- (3) In section 2AA (full entitlement to certain benefits conditional on work-focused interview for partner) in subsection (2) (benefits to which section applies), at the end insert “; and
(f) an employment and support allowance.”
- (4) In section 5 (regulations about claims for and payments of benefit), in subsection (2) (benefits to which section applies), after paragraph (ab) insert—
“(ac) an employment and support allowance;”.
- ^{F1}(5)
- (6) In section 71 (overpayments), in subsection (11) (benefits to which section applies), after paragraph (ab) insert—
“(ac) an employment and support allowance;”.
- (7) In section 73 (overlapping benefits)—
(a) in subsection (1), after “contribution-based jobseeker's allowance” insert “ or a contributory employment and support allowance ”;
(b) in subsection (4), at the end of paragraph (b) insert “or
(c) a contributory employment and support allowance;”.
- (8) In section 74 (income support and other payments)—
(a) in subsections (1)(b) and (2)(b), for “or state pension credit” substitute “ , state pension credit or an income-related employment and support allowance ”;
(b) in subsection (3)(b), for “or an income-based jobseeker's allowance”, in each place, substitute “ , an income-based jobseeker's allowance or an income-related employment and support allowance ”.
- (9) In section 74A (payment of benefit where maintenance payments collected by Secretary of State), in subsection (7) (benefits to which section applies), after “an income-based jobseeker's allowance” insert “ , an income-related employment and support allowance ”.
- (10) In section 105 (failure to maintain)—

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- (a) in subsection (1)(b), for “or an income-based jobseeker's allowance” substitute “, an income-based jobseeker's allowance or an income-related employment and support allowance”;
 - (b) in subsection (4), after “an income-based jobseeker's allowance” insert “ or an income-related employment and support allowance ”.
- (11) In section 109(1) (diversion of arrested earnings to the Secretary of State Scotland), after “income support”, in both places, insert “ or an income-related employment and support allowance ”.
- (12) In section 121DA (interpretation of Part 6), in subsection (1) (definition of “relevant social security legislation”), after paragraph (hh) insert—
“(hi) Part 1 of the Welfare Reform Act 2007;”.
- ^{F2}(13)
- (14) In section 122B (supply of other government information for fraud prevention and verification), in subsection (3)(b), after “the Jobseekers Act 1995” insert “, Part 1 of the Welfare Reform Act 2007 ”.
- (15) In section 122C (supply of information to authorities administering benefit), in subsection (6)(b), after “the Jobseekers Act 1995” insert “, Part 1 of the Welfare Reform Act 2007 ”.
- (16) In section 124 (provisions relating to age, death and marriage), in subsection (1), before “and” at the end of paragraph (ab) insert—
“(ac) of the provisions of Part 1 of the Welfare Reform Act 2007;”.
- (17) In section 125 (regulations as to notification of death), in subsection (1), after “the State Pension Credit Act 2002” insert “, Part 1 of the Welfare Reform Act 2007 ”.
- (18) In section 126 (personal representatives to give information about the estate of a deceased person who was in receipt of certain benefits), in subsection (1), after “state pension credit” insert “, an income-related employment and support allowance ”.
- (19) In section 130 (duties of employers: statutory sick pay), in subsection (1) (power to require employer to supply information in connection with making of claim for certain benefits by employee), at the end insert—
“(f) an employment and support allowance.”
- (20) In section 132 (power to require employers to provide information in connection with claims to certain benefits), in subsection (1), after paragraph (a) insert—
“(aa) an employment and support allowance;”.
- (21) In section 150 (annual up-rating of benefits)—
- (a) in subsection (1) (Secretary of State to review certain sums each year to determine whether value retained in relation to prices), after paragraph (l) insert—
“(m) specified in regulations under section 2(1)(a) or (4)(c) or 4(2)(a) or (6)(c) of the Welfare Reform Act 2007;”;
 - (b) in subsection (7) (power to include in annual up-rating order provision for increase in sums not required to be up-rated), for “or the State Pension Credit Act 2002” substitute “, the State Pension Credit Act 2002 or Part 1 of the Welfare Reform Act 2007 ”.

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- (22) In section 159B (effect of alterations affecting state pension credit)—
- (a) before “or” at the end of subsection (1)(b)(iii) insert—
 - “(iiiia) in any component of a contributory employment and support allowance,”;
 - (b) in subsection (6), in the definition of “component”, at the end insert—
 - “(c) in relation to a contributory employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act 2007 which are relevant in calculating the amount payable by way of a contributory employment and support allowance;”.
- (23) After section 159B insert—

“159C Effect of alteration of rates of an employment and support allowance

- (1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) shall have effect where—
 - (a) an award of an employment and support allowance is in force in favour of any person (“the recipient”), and
 - (b) an alteration—
 - (i) in any component of the allowance,
 - (ii) in the recipient's benefit income, or
 - (iii) in the recipient's war disablement or war widow's or widower's pension,affects the computation of the amount of the employment and support allowance to which he is entitled.
- (2) Where, as a result of the alteration, the amount of the employment and support allowance to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of the employment and support allowance payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.
- (3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of an employment and support allowance as before, the award shall continue in force accordingly.
- (4) Subsection (5) applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—
 - (a) in relation to any of the items referred to in subsection (1)(b)(i) to (iii), the amount of the alteration which he proposes to make by an order under section 150 or 152 or by or under any other enactment, and
 - (b) the date on which he proposes to bring the alteration into force (“the proposed commencing date”).
- (5) If, in a case where this subsection applies, an award of an employment and support allowance is made in favour of a person before the proposed

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commencing date and after the date on which the statement is made, the award—

- (a) may provide for the employment and support allowance to be paid as from the proposed commencing date at a rate determined by reference to the amounts of the items referred to in subsection (1)(b)(i) to (iii) which will be in force on that date, or
- (b) may be expressed in terms of the amounts of those items in force at the date of the award.

(6) In this section—

“alteration” means—

- (a) in relation to any component of an employment and support allowance, its alteration by or under any enactment;
- (b) in relation to a person's benefit income, the alteration of any of the sums referred to in section 150 by any enactment or by an order under section 150 or 152 to the extent that any such alteration affects the amount of his benefit income;
- (c) in relation to a person's war disablement pension or war widow's or widower's pension, its alteration by or under any enactment;

“benefit income”, in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act;

“the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

“component”, in relation to an employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act 2007 which are relevant in calculating the amount payable by way of an employment and support allowance;

“war disablement pension” and “war widow's or widower's pension” have the same meaning as in section 159B.”

(24) After section 160A insert—

“160B Implementation of increases in employment and support allowance due to attainment of particular ages

(1) This section applies where—

- (a) an award of an employment and support allowance is in force in favour of a person (“the recipient”), and
- (b) a component has become applicable, or applicable at a particular rate, because he or some other person has reached a particular age (“the qualifying age”).

(2) If, as a result of the recipient or other person reaching the qualifying age, the recipient becomes entitled to an employment and support allowance of an increased amount, the amount payable to or for him under the award shall, as from the day on which he becomes so entitled, be that increased amount, without any further decision of the Secretary of State; and the award shall have effect accordingly.

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- (3) Subsection (2) does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to a benefit under the Contributions and Benefits Act.
- (4) Subsection (2) does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to an employment and support allowance, other than—
- (a) the question whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in the recipient's case, and
 - (b) the question whether, in consequence, the amount of his employment and support allowance falls to be varied.
- (5) In this section, “component”, in relation to a recipient and his employment and support allowance, means any of the amounts determined in accordance with regulations made under section 2(1)(a) or 4(2)(a) of the Welfare Reform Act 2007.”
- (25) In section 164 (destination of repayments), in subsection (1), after “section 38 of the Jobseekers Act 1995” insert “, section 27 of the Welfare Reform Act 2007 ”.
- (26) In section 165(6)(a) (under which no adjustment between the National Insurance Fund and the Consolidated Fund is required for administrative expenses of the Secretary of State relating to benefits payable out of money provided by Parliament), for “or section 20 of the State Pension Credit Act 2002” substitute “, section 20 of the State Pension Credit Act 2002 or section 27 of the Welfare Reform Act 2007 ”.
- (27) In section 166 (financial review and report), in subsection (2) (duty at end of each review period to review operation of certain provisions)—
- (a) after paragraph (b) insert—
 - “(ba) the provisions of Part 1 of the Welfare Reform Act 2007 relating to contributory employment and support allowance;”;
 - (b) in paragraph (c), for “and (b)” substitute “ to (ba) ”.
- (28) In section 170 (Social Security Advisory Committee), in subsection (5)—
- (a) in the definition of “the relevant enactments”, after paragraph (ai) insert—
 - “(aia) the provisions of Part 1 of the Welfare Reform Act 2007;”;
 - (b) in the definition of “the relevant Northern Ireland enactments”, after paragraph (ai) insert—
 - “(aia) any provisions in Northern Ireland which correspond to provisions of Part 1 of the Welfare Reform Act 2007;”.
- (29) In section 179 (reciprocal agreements with countries outside the United Kingdom)—
- (a) in subsection (3)(a), after “the State Pension Credit Act 2002” insert “, Part 1 of the Welfare Reform Act 2007 ”;
 - (b) in subsection (4), before “and” at the end of paragraph (ae) insert “and
 - (af) to Part 1 of the Welfare Reform Act 2007;”;
 - (c) in subsection (5), after paragraph (ab) insert—
 - “(ac) employment and support allowance;”.

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- (30) In section 180 (payment of travelling expenses by Secretary of State), after “the State Pension Credit Act 2002”, in both places, insert “, Part 1 of the Welfare Reform Act 2007”.
- (31) In section 187 (certain benefits to be inalienable), in subsection (1), after paragraph (ab) insert—
 “(ac) an employment and support allowance;”.
- (32) In section 191 (general interpretation)—
- (a) in the definition of “benefit”, for “and state pension credit” substitute “, state pension credit and an employment and support allowance”;
 - (b) after the definition of “the Contributions and Benefits Act” insert—
 ““contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);”;
 - (c) after the definition of “income-related benefit” insert—
 ““income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);”.

Textual Amendments

- F1** Sch. 3 para. 10(5) repealed (6.4.2018) by [Welfare Reform and Work Act 2016 \(c. 7\)](#), **ss. 20(11)(e)**, 36(6); [S.I. 2018/438](#), **reg. 2(1)** (with [reg. 2\(2\)\(3\)](#))
- F2** Sch. 3 para. 10(13) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(2)(f), **Sch. 14 Pt. 13**

Commencement Information

- I1** Sch. 3 para. 10(1)-(8) (12) (32) in force at 18.3.2008 for specified purposes by [S.I. 2008/787](#), **art. 2(1)**
- I2** Sch. 3 para. 10(1) (2) (32) in force at 27.7.2008 in so far as not already in force by [S.I. 2008/787](#), **art. 2(3)(a)**
- I3** Sch. 3 para. 10(1)-(8) (12) (32) in force at 27.10.2008 in so far as not already in force by [S.I. 2008/787](#), **art. 2(4)(f)**
- I4** Sch. 3 para. 10(9)-(11) (13)-(31) in force at 27.10.2008 by [S.I. 2008/787](#), **art. 2(4)(f)**

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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 [2012 c. 5 s. 62\(2\)](#)
- s. 1(3B) inserted by [2012 c. 5 s. 62\(3\)](#)
- s. 1C inserted by [2012 c. 5 s. 54\(3\)](#)
- s. 1C repealed by [2012 c. 5 Sch. 14 Pt. 5](#) (This amendment not applied to [legislation.gov.uk](#). The entry for this repeal in Sch. 14 Pt. 6 was repealed (8.5.2012) without ever being in force by [2012 c. 5, s. 150\(3\)](#), Sch. 14 Pt. 2)
- s. 2(6) inserted by [2012 c. 5 Sch. 5 para. 6\(3\)](#)
- s. 13(6A) inserted by [2009 c. 24 s. 3\(4\)\(b\)](#)
- s. 14(5) amendment to earlier affecting provision [2009 c. 24, s. 31\(2\)](#) by [2012 c. 5 s. 54\(7\)](#)
- s. 14(5) inserted by [2009 c. 24 s. 31\(2\)](#)
- s. 16(1)(za) inserted by [2012 c. 5 s. 54\(5\)](#)
- s. 20(7A)(7B) inserted by [2023 c. 20 Sch. para. 55\(2\)](#)
- Sch. 1 para. 6(1)(da) inserted by [2009 c. 24 s. 5\(2\)\(a\)](#)
- Sch. 1 para. 6(2A) inserted by [2009 c. 24 s. 5\(2\)\(b\)](#)
- Sch. 2 para. 10A inserted by [2009 c. 24 s. 30\(2\)](#)
- Sch. 2 para. 4B and cross-heading inserted by [2012 c. 5 s. 62\(4\)](#)
- Sch. 2 para. 10B and cross-heading inserted by [2012 c. 5 s. 57\(8\)](#)
- Sch. 2 para. 10ZA inserted by [2012 c. 5 s. 57\(7\)\(b\)](#)
- Sch. 2 para. 10A heading word substituted by [2012 c. 5 s. 57\(7\)\(a\)](#)
- Sch. 2 para. 10A(1) words inserted by [2009 c. 24 Sch. 3 para. 8\(5\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). The entry for this repeal in Sch. 14 Pt. 6 was repealed (8.5.2012) without ever being in force by [2012 c. 5, s. 150\(3\)](#), Sch. 14 Pt. 2)
- Sch. 2 para. 10A(1) words repealed by [2012 c. 5 Sch. 14 Pt. 6](#) (This amendment not applied to [legislation.gov.uk](#). The entry for this repeal in Sch. 14 Pt. 6 was repealed (8.5.2012) without ever being in force by [2012 c. 5, s. 150\(3\)](#), Sch. 14 Pt. 2)
- Sch. 2 para. 10A(1) words substituted by [2012 c. 5 s. 57\(7\)\(c\)\(i\)](#)
- Sch. 2 para. 10A(1) words substituted by [2012 c. 5 s. 57\(7\)\(c\)\(ii\)](#)