



Welfare Reform Act 2009

2009 CHAPTER 24

PART 1

SOCIAL SECURITY

Contributory jobseeker's allowance and employment and support allowance

13 Conditions for contributory employment and support allowance

- (1) Paragraph 1 of Schedule 1 to the Welfare Reform Act 2007 (c. 5) (employment and support allowance: conditions relating to national insurance) is amended as follows.
- (2) In sub-paragraph (1)(a) (Class 1 or Class 2 contributions to have been paid in respect of one of last three complete tax years), for “three” substitute “two”.
- (3) In sub-paragraph (1), for paragraph (c) substitute—
 - “(c) the claimant's earnings determined in accordance with sub-paragraph (2) must be not less than the base tax year's lower earnings limit multiplied by 26.”
- (4) For sub-paragraphs (2) and (3) substitute—
 - “(2) The earnings referred to in sub-paragraph (1)(c) are the aggregate of—
 - (a) the claimant's relevant earnings for the base tax year upon which primary Class 1 contributions have been paid or treated as paid, and
 - (b) the claimant's earnings factors derived from Class 2 contributions.
 - (3) Regulations may make provision for the purposes of sub-paragraph (2)(a) for determining the claimant's relevant earnings for the base tax year.
- (3A) Regulations under sub-paragraph (3) may, in particular, make provision—
 - (a) for making that determination by reference to the amount of a person's earnings for periods comprised in the base tax year;
 - (b) for determining the amount of a person's earnings for any such period by—

Changes to legislation: Welfare Reform Act 2009, Section 13 is up to date with all changes known to be in force on or before 13 October 2023. 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

- (i) first determining the amount of the earnings for the period in accordance with regulations made for the purposes of section 3(2) of the Contributions and Benefits Act, and
 - (ii) then disregarding so much of the amount found in accordance with sub-paragraph (i) as exceeded the base tax year's lower earnings limit (or the prescribed equivalent).”
- (5) In sub-paragraph (4)—
- (a) in paragraph (a), for “persons who” substitute “persons—
 (i) who”,
 - (b) in that paragraph, after “prescribed time” insert “, or
 (ii) who satisfy other prescribed conditions”, and
 - (c) in paragraph (b), for “so entitled” substitute “ entitled as mentioned in paragraph (a)(i) ”.

Commencement Information

- I1** S. 13(1) in force at 1.10.2010 by S.I. 2010/2377, art. 2(1)(b)
- I2** S. 13(2)(3) in force at 1.11.2010 by S.I. 2010/2377, art. 2(2)(b)
- I3** S. 13(4) in force at 1.10.2010 for specified purposes by S.I. 2010/2377, art. 2(1)(c)
- I4** S. 13(4) in force at 1.11.2010 in so far as not already in force by S.I. 2010/2377, art. 2(2)(c)
- I5** S. 13(5)(a)(b) in force at 29.11.2011 by S.I. 2011/2857, art. 2(b)

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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):

- Sch. 4 para. 9(3)(b) repealed by [2009 c. 24 Sch. 7 Pt. 1](#)