



# Welfare Reform Act 2007

## 2007 CHAPTER 5

### PART 4

#### MISCELLANEOUS

##### *Other*

#### **60 Power to stop payment of allowances to care home residents**

- (1) In section 67 of the Contributions and Benefits Act (exclusions relating to attendance allowance) for subsection (2) substitute—
- “(2) Regulations may provide that an attendance allowance shall not be payable in respect of a person for a period when he is a resident of a care home in circumstances in which any of the costs of any qualifying services provided for him are borne out of public or local funds under a specified enactment.
- (3) The reference in subsection (2) to a care home is to an establishment that provides accommodation together with nursing or personal care.
- (4) The following are qualifying services for the purposes of subsection (2)—
- (a) accommodation,
  - (b) board, and
  - (c) personal care.
- (5) The reference in subsection (2) to a specified enactment is to an enactment which is, or is of a description, specified for the purposes of that subsection by regulations.
- (6) The power to specify an enactment for the purposes of subsection (2) includes power to specify it only in relation to its application for a particular purpose.
- (7) In this section, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”

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- (2) In section 72 of that Act (care component of disability living allowance), for subsection (8) substitute—
- “(8) Regulations may provide that no amount in respect of a disability living allowance which is attributable to entitlement to the care component shall be payable in respect of a person for a period when he is a resident of a care home in circumstances in which any of the costs of any qualifying services provided for him are borne out of public or local funds under a specified enactment.
- (9) The reference in subsection (8) to a care home is to an establishment that provides accommodation together with nursing or personal care.
- (10) The following are qualifying services for the purposes of subsection (8)—
- (a) accommodation,
  - (b) board, and
  - (c) personal care.
- (11) The reference in subsection (8) to a specified enactment is to an enactment which is, or is of a description, specified for the purposes of that subsection by regulations.
- (12) The power to specify an enactment for the purposes of subsection (8) includes power to specify it only in relation to its application for a particular purpose.
- (13) In this section, “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”

**Annotations:**

**Commencement Information**

- I1** S. 60 in force at 1.10.2007 for specified purposes by [S.I. 2007/2819](#), [art. 2\(2\)\(a\)](#)
- I2** S. 60 in force at 29.10.2007 in so far as not already in force by [S.I. 2007/2819](#), [art. 2\(2\)\(b\)](#)

## 61 Independent Living Funds

- (1) In section 1(1) of the Disability (Grants) Act 1993 (c. 14) (which lists the organisations to which grants may be made by the Secretary of State)—
- (a) paragraphs (a) and (b) (Independent Living (Extension) Fund and Independent Living (1993) Fund) cease to have effect;
  - (b) after paragraph (c) insert “, and
  - (d) the Independent Living Fund (2006) established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part.”
- (2) In section 1(4) of that Act (modifications for Northern Ireland), in paragraph (a) (which substitutes for the Secretary of State the relevant Northern Ireland department), after “(other than the reference in subsection (1)(a) to the Secretary of State for Social Security” insert “ and the reference in subsection (1)(d) to the Secretary of State for Work and Pensions ”.

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- (3) The Secretary of State may by order made by statutory instrument amend or revoke any enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)) if he considers it appropriate to do so in consequence of the amendments made by this section.
- (4) A statutory instrument containing an order under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The Department for Social Development in Northern Ireland may by order made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) amend or revoke any enactment contained in an instrument within the meaning of section 1(c) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)) if it considers it appropriate to do so in consequence of the amendments made by this section.
- (6) A statutory rule containing an order under subsection (5) shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.

**Annotations:**

**Commencement Information**

**I3** [S. 61](#) partly in force; [s. 61\(1\)\(b\)\(2\)-\(6\)](#) in force at 3.7.2007 see [s. 70](#)

## **62 Medical examinations**

- (1) The Social Security Act 1998 (c. 14) is amended as follows.
- (2) In section 19 (medical examination required by Secretary of State), in subsections (1) and (2)(b), for “medical practitioner” substitute “ health care professional approved by the Secretary of State ”.
- (3) In section 20 (medical examination required by appeal tribunal), in subsection (2), for “medical practitioner” substitute “ health care professional approved by the Secretary of State ”.
- (4) In that section, after subsection (2), insert—

“(2A) The power under subsection (2) to refer a person to a health care professional approved by the Secretary of State includes power to specify the description of health care professional to whom the person is to be referred.”
- (5) In section 39 (interpretation), in subsection (1), after the definition of “Commissioner” insert—

““health care professional” means—

  - (a) a registered medical practitioner,
  - (b) a registered nurse,
  - (c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Act 1999, or
  - (d) a member of such other profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and

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Health Care Professions Act 2002 as the Secretary of State may prescribe;”.

### 63 Minor and consequential amendments relating to Part 4

Schedule 7 (which makes miscellaneous minor amendments and amendments consequential on this Part) has effect.

**Annotations:**

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**Commencement Information**

- I4** [S. 63](#) partly in force; [s. 63](#) in force at 3.7.2007 for specified purposes see [s. 70](#)  
**I5** [S. 63](#) in force at 1.10.2007 for specified purposes by [S.I. 2007/2819](#), [art. 2\(1\)\(c\)](#)

### Changes to legislation:

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#### Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by S.I. 2016/1050 reg. 2(2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(3)(aa) inserted by 2012 c. 5 s. 54(2)
- s. 1(3)(za) inserted by 2012 c. 5 s. 62(2)
- s. 1(3A) inserted by 2012 c. 5 s. 53
- s. 1(3A) words repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 1(3B) inserted by 2012 c. 5 s. 62(3)
- s. 1(6A) inserted by 2012 c. 5 s. 50(1)
- s. 1(6A) (7) repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 1A inserted by 2012 c. 5 s. 51(1)
- s. 1A heading word repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 1A(1) words repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 1A(1) words substituted by 2012 c. 5 Sch. 3 para. 26(a)
- s. 1A(3) (4) words repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 1A(3) s. 1A(4) s. 1A(5) (6) words substituted by 2012 c. 5 Sch. 3 para. 26(a)
- s. 1B inserted by 2012 c. 5 s. 52(1)
- s. 1B(1) words substituted by 2012 c. 5 Sch. 3 para. 26(b)
- s. 1B(2) repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 1C inserted by 2012 c. 5 s. 54(3)
- s. 1C repealed by 2012 c. 5 Sch. 14 Pt. 5
- s. 2(6) inserted by 2012 c. 5 Sch. 5 para. 6(3)
- s. 11-11K and cross-heading substituted for s. 11-16 and cross-heading by 2012 c. 5 s. 57(2)
- s. 13(6A) inserted by 2009 c. 24 s. 3(4)(b)
- s. 13(8) inserted by 2012 c. 5 s. 55
- 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. 15(1) s. 15(1A) (2) substituted for s. 15(1)(2) by 2009 c. 24 s. 10
- s. 15A inserted by 2009 c. 24 Sch. 3 para. 6
- s. 15A repealed by 2012 c. 5 s. 60(2)
- s. 16(1)(d)-(f) inserted by 2009 c. 24 Sch. 3 para. 8(2)(a)
- s. 16(1)(d)-(f) repealed by 2012 c. 5 Sch. 14 Pt. 6
- s. 16(1)(za) inserted by 2012 c. 5 s. 54(5)
- s. 16A inserted by 2012 c. 5 s. 56
- s. 16A repealed by 2012 c. 5 Sch. 14 Pt. 5
- s. 24(3A) (3B) inserted by 2009 c. 24 s. 3(5)
- s. 24(3A) (3B) repealed by 2012 c. 5 Sch. 14 Pt. 5
- s. 26(1)(d) inserted by 2009 c. 24 Sch. 3 para. 8(4)
- s. 26(1)(d) repealed by 2012 c. 5 Sch. 14 Pt. 6
- s. 26(1)(aa) inserted by 2012 c. 5 s. 57(6)
- s. 26(3) inserted by 2012 c. 5 s. 51(3)
- 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. 1 para. 1(5)(za) inserted by 2012 c. 5 Sch. 2 para. 65
- Sch. 1 para. 1(2)-(3A) substituted for Sch. 1 para. 1(2)(3) by 2009 c. 24 s. 13(4)
- Sch. 1A inserted by 2009 c. 24 Sch. 3 para. 7
- Sch. 1A repealed by 2012 c. 5 s. 60(2)
- Sch. 2 para. 10A inserted by 2009 c. 24 s. 30(2)

- Sch. 2 para. 4A and cross-heading inserted by 2012 c. 5 s. 54(6)
- Sch. 2 para. 10ZA inserted by 2012 c. 5 s. 57(7)(b)
- Sch. 2 para. 10B and cross-heading inserted by 2012 c. 5 s. 57(8)
- Sch. 2 para. 4B and cross-heading inserted by 2012 c. 5 s. 62(4)
- Sch. 2 para. 11(b)(c) repealed by 2012 c. 5 Sch. 14 Pt. 1
- Sch. 2 para. 12(ca) repealed in part by 2012 c. 5 Sch. 14 Pt. 6
- 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)
- Sch. 2 para. 10A(1) words repealed by 2012 c. 5 Sch. 14 Pt. 6
- 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)
- Sch. 4 para. 7(2)(f) inserted by 2012 c. 5 s. 51(4)

**Commencement Orders yet to be applied to the Welfare Reform Act 2007**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2010/293 art. 2 commences (2009 c. 24)
- S.I. 2010/2377 art. 2 commences (2009 c. 24)
- S.I. 2011/2427 art. 2 commences (2009 c. 24)
- S.I. 2011/2857 art. 2 commences (2009 c. 24)