Welfare Reform Act 2007

2007 CHAPTER 5

PART 4 U.K.

MISCELLANEOUS

Benefits for bereaved persons

50 Widowed mother's allowance E+W+S

In section 37(2) of the Contributions and Benefits Act (which links entitlement to widowed mother's allowance on the ground of being entitled to child benefit to whether one of the conditions specified in section 77(5) of the Act is satisfied), the words from "one of the conditions" to "person and" are omitted.

Commencement Information

I1 S. 50 in force at 7.10.2008 by S.I. 2008/2101, **art. 2(3)(a)** (with art. 3(3))

51 Widowed parent's allowance E+W+S

In section 39A(3) of the Contributions and Benefits Act (which links entitlement to widowed parent's allowance on the ground of being entitled to child benefit to whether one of the conditions specified in section 77(5) of the Act is satisfied), the words from "one of the conditions" to "person and" are omitted.

Commencement Information

I2 S. 51 in force at 7.10.2008 by S.I. 2008/2101, **art. 2(3)(b)** (with art. 3(3))

Status: *This version of this part contains provisions that are prospective.*
Changes to legislation: *Welfare Reform Act 2007, Part 4 is up to date with all changes known to be in force on or before 07 August 2024. 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*

Disability living allowance: age conditions

52 Care component of disability living allowance: persons under the age of 16 E +W+S

(1) Section 72 of the Contributions and Benefits Act (care component of disability living allowance) is amended as follows.

(2) After subsection (1) insert—

"(1A) In its application to a person in relation to so much of a period as falls before the day on which he reaches the age of 16, subsection (1) has effect subject to the following modifications—

(a) the condition mentioned in subsection (1)(a)(ii) shall not apply, and

(b) none of the other conditions mentioned in subsection (1) shall be taken to be satisfied unless—

(i) he has requirements of a description mentioned in the condition substantially in excess of the normal requirements of persons of his age, or

(ii) he has substantial requirements of such a description which younger persons in normal physical and mental health may also have but which persons of his age and in normal physical and mental health would not have."

(3) After subsection (2) insert—

"(2A) The modifications mentioned in subsection (1A) shall have effect in relation to the application of subsection (1) for the purposes of subsection (2), but only—

(a) in the case of a person who is under the age of 16 on the date on which the award of the care component would begin, and

(b) in relation to so much of any period mentioned in subsection (2) as falls before the day on which he reaches the age of 16."

(4) In subsection (5) (terminally ill person to be taken to have satisfied the conditions mentioned in subsection (1)(b) and (c)), after "person, shall" insert " (notwithstanding subsection (1A)(b)) ".

(5) Subsection (6) (modifications for persons under 16) ceases to have effect.

(6) In subsection (7), for "subsections (5) and (6)" substitute " subsection (5) ".

(7) After that subsection insert—

"(7A) Subsection (1A) has effect subject to regulations made under subsection (7) (except as otherwise prescribed)."

Commencement Information

I3 S. 52 in force at 1.10.2007 by S.I. 2007/2819, **art. 2(1)(b)**

Status: *This version of this part contains provisions that are prospective.*
Changes to legislation: *Welfare Reform Act 2007, Part 4 is up to date with all changes known to be in force on or before 07 August 2024. 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*

53 Mobility component of disability living allowance: persons under the age of 16 E+W+S

(1) Section 73 of the Contributions and Benefits Act (mobility component of disability living allowance) is amended as follows.

(2) For subsection (4) substitute—

"(4A) In its application to a person in relation to so much of a period as falls before the day on which he reaches the age of 16, subsection (1) has effect subject to the modification that the condition mentioned in paragraph (d) shall not be taken to be satisfied unless—

(a) he requires substantially more guidance or supervision from another person than persons of his age in normal physical and mental health would require, or

(b) persons of his age in normal physical and mental health would not require such guidance or supervision."

(3) In subsection (5), omit "Subject to subsection (4) above,".

(4) After that subsection insert—

"(5A) Subsection (4A) has effect subject to regulations made under subsection (5) (except as otherwise prescribed)."

(5) After subsection (9) insert—

"(9A) The modifications mentioned in subsection (4A) shall have effect in relation to the application of subsection (1) for the purposes of subsection (9), but only—

(a) in the case of a person who is under the age of 16 on the date on which the award of the mobility component would begin, and

(b) in relation to so much of any period mentioned in subsection (9) as falls before the day on which he reaches the age of 16."

Commencement Information

I4 S. 53 in force at 1.10.2007 by S.I. 2007/2819, **art. 2(1)(b)**

Social fund

54 Matters to which regard must be had in awarding budgeting loans E+W+S

In section 140(1A) of the Contributions and Benefits Act (principles for determining awards of budgeting loans)—

(a) in paragraph (b) (duty to have regard to criteria specified in paragraphs (b) to (e) of subsection (1)), for "(b) to (e)" substitute " (b), (d) and (e) ", and

(b) the words following paragraph (b) (which enable the Secretary of State to give directions about cases in which the applicant's personal circumstances would preclude the award of a budgeting loan) cease to have effect.

Status: *This version of this part contains provisions that are prospective.*
Changes to legislation: *Welfare Reform Act 2007, Part 4 is up to date with all changes known to be in force on or before 07 August 2024. 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*

55 Allocations from Social Fund E+W+S

(1) Section 168 of the Administration Act (allocations from social fund) is amended as follows.

(2) In subsection (1) (duty of Secretary of State to allocate amounts for payments from the social fund such as are mentioned in section 138(1)(b) of the Contributions and Benefits Act), after "Act" insert " (in this section referred to as "section 138(1)(b) payments") ".

(3) In subsection (3) (types of allocation that may be made)—

(a) for paragraph (a) substitute—

"(a) may be for all section 138(1)(b) payments or for any description of such payments;";

(b) in paragraph (b) (power to allocate different amounts for different purposes), for "different purposes" substitute " payments of different descriptions "; and

(c) in paragraph (d) (additional allocations), omit the words from "to the same officer" to the end.

(4) After subsection (3) insert—

"(3A) Without prejudice to the generality of subsection (3)(a), descriptions of section 138(1)(b) payments may, in particular, be framed by reference to—

(a) the purposes for which payments are made;

(b) the persons by whom payments are made (including where such persons are located);

(c) the persons to whom payments are made (including where such persons are located)."

PROSPECTIVE

Vaccine Damage Payments Act 1979

56 Overseas vaccinations U.K.

(1) Section 2 of the Vaccine Damage Payments Act 1979 (c. 17) (conditions of entitlement) is amended as follows.

(2) For subsection (5) substitute—

"(5A) The Secretary of State may by order made by statutory instrument provide that, in such circumstances as may be specified in the order, the condition in subsection (1)(a)(i) need not be fulfilled in the case of vaccinations of persons of a description so specified which are given under arrangements made by or on behalf of—

(a) Her Majesty's forces,

(b) a government department so specified, or

(c) any other body so specified.

(5B) Orders under subsection (5A) may make different provision in relation to different cases."

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(3) In subsection (6), for "that subsection" substitute " this section ".

57 Appeals to appeal tribunal in Northern Ireland **U.K.**

(1) The Vaccine Damage Payments Act 1979 is amended as follows.

(2) In section 4 (appeals to appeal tribunals), in subsection (1) (right of appeal), for "an appeal tribunal" substitute " an appropriate appeal tribunal " and after that subsection insert—

"(1A) In subsection (1) the reference to an appropriate appeal tribunal is—

(a) if the claimant's address is in Northern Ireland, to an appeal tribunal constituted under Chapter 1 of Part 2 of the Social Security (Northern Ireland) Order 1998;

(b) if it is not, to an appeal tribunal constituted under Chapter 1 of Part 1 of the Social Security Act 1998."

(3) In that section, after subsection (3) insert—

"(3A) In relation to appeals under subsection (1) to an appeal tribunal constituted under Chapter 1 of Part 2 of the Social Security (Northern Ireland) Order 1998, the Department for Social Development in Northern Ireland may by regulations—

(a) make provision as to the manner in which, and the time within which, appeals are to be brought;

(b) make such provision with respect to proceedings before appeal tribunals as the Department considers appropriate.

(3B) Regulations under subsection (3A) may in particular make any provision of a kind mentioned in Schedule 4 to the Social Security (Northern Ireland) Order 1998."

(4) In section 7A (correction of errors and setting aside of decisions), after subsection (1) insert—

"(1A) The Department for Social Development in Northern Ireland may by regulations make provision with respect to—

(a) the correction of accidental errors in any decision or record of a decision under section 4 of this Act of an appeal tribunal constituted under Chapter 1 of Part 2 of the Social Security (Northern Ireland) Order 1998; and

(b) the setting aside of any such decision in a case where it appears just to set the decision aside on the ground that—

(i) a document relating to the proceedings in which the decision was given was not sent to, or was not received at an appropriate time by, a party to the proceedings or a party's representative or was not received at an appropriate time by the appeal tribunal which gave the decision; or

(ii) a party to the proceedings or a party's representative was not present at a hearing related to the proceedings."

(5) In section 12 (financial provisions), after subsection (3) insert—

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"(3A) The Department for Social Development in Northern Ireland shall pay such travelling and other allowances as the Department may determine—

(a) to persons required under section 4 to attend before tribunals constituted under Chapter 1 of Part 2 of the Social Security (Northern Ireland) Order 1998; and

(b) in circumstances where the Department considers it appropriate, to any person who accompanies a disabled person to such a tribunal."

Compensation for pneumoconiosis etc.

58 "Relevant employer" E+W+S

(1) The Pneumoconiosis etc. (Workers' Compensation) Act 1979 (c. 41) is amended as follows.

(2) In section 2 (conditions of entitlement), in subsection (3), for the definition of "relevant employer" substitute—

""relevant employer" has the meaning given in the Schedule to this Act."

(3) Insert the Schedule (definition of "relevant employer") set out in Schedule 6.

(4) In section 7(3) (regulations subject to affirmative resolution), after "section 1 above" insert " or paragraph 9 of the Schedule to this Act ".

Commencement Information

I5 S. 58 in force at 12.7.2007 for specified purposes by S.I. 2007/1991, **art. 2(1)**

I6 S. 58 in force at 10.8.2007 in so far as not already in force by S.I. 2007/1991, **art. 2(2)**

59 "Dependant" E+W+S

(1) In section 3 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979 (dependants), in subsection (1) (definition of "dependant")—

(a) in paragraph (a), after "spouse", in each place, insert " or civil partner "; and

(b) for paragraph (c) substitute—

"(c) if neither of the preceding paragraphs applies but he left a person who was residing with him and with whom he was in a qualifying relationship, that person;".

(2) After subsection (2) of that section insert—

"(2A) For the purposes of subsection (1)(c)—

(a) two persons of the opposite sex are in a qualifying relationship if they are living together as husband and wife;

(b) two persons of the same sex are in a qualifying relationship if they are living together as if they were civil partners.

(2B) For the purposes of subsection (2A)(b), two persons of the same sex are to be regarded as living together as if they were civil partners if, but only if, they

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would be regarded as living together as husband and wife were they instead two people of the opposite sex."

(3) Subsection (5) of that section (application of subsection (1) to Scotland: substitution of paragraph (c)) ceases to have effect.

(4) In Schedule 21 to the Civil Partnership Act 2004 (c. 33) (existing provisions to which the provisions of section 246 about interpretation of references to stepchildren apply), after paragraph 11 insert—

Section 3(4) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979 ("child" and "relative": establishment of relationship)."

Other

60 Power to stop payment of allowances to care home residents **E+W+S**

(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."

(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.

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(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."

Commencement Information

I7 S. 60 in force at 1.10.2007 for specified purposes by S.I. 2007/2819, **art. 2(2)(a)**

I8 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 U.K.

(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 ".

(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

Status: *This version of this part contains provisions that are prospective.*
Changes to legislation: *Welfare Reform Act 2007, Part 4 is up to date with all changes known to be in force on or before 07 August 2024. 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*

(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.

Commencement Information

I9 S. 61 partly in force; s. 61(1)(b)(2)-(6) in force at 3.7.2007 see s. 70

62 Medical examinations E+W+S

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

63 Minor and consequential amendments relating to Part 4 U.K.

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

Commencement Information

I10 S. 63 partly in force; s. 63 in force at 3.7.2007 for specified purposes see s. 70

I11 S. 63 in force at 1.10.2007 for specified purposes by S.I. 2007/2819, **art. 2(1)(c)**

Status:
This version of this part contains provisions that are prospective.

Changes to legislation:
Welfare Reform Act 2007, Part 4 is up to date with all changes known to be in force on or before 07 August 2024. 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.
View outstanding changes

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)