

*These notes refer to the Welfare Reform Act 2009 (c.24)  
which received Royal Assent on 12 November 2009*

# WELFARE REFORM ACT 2009

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 – Social Security**

##### ***Section 5: Couples where at least one member capable of work***

84. This section amends the law relating to certain claimants who are members of a couple.
85. *Subsection (1)* amends the Social Security Contributions and Benefits Act 1992 by inserting new regulation-making powers into section 124(1) of that Act (conditions for income support) and by inserting new subsections (6A) and (6B) (employment and support allowance).
86. *Subsection (2)* amends paragraph 6 of Schedule 1 to the Welfare Reform Act 2007 (the conditions for entitlement to income-related employment and support allowance).
87. The purpose of these provisions is to remove entitlement to income support and income-related employment and support allowance for couples where one member is capable of work. This will mean that the only route to income-related support for such couples will be through income-based jobseeker's allowance and the member of the couple who is work ready will be required to fulfil the jobseeking requirements in section 1 of the Jobseekers Act 1995.
88. Regulations will prescribe the circumstances in which a member of a couple will not be treated as being capable of work, for example, he or she has claimed or is receiving employment and support allowance or he or she is in receipt of carer's allowance.