



Welfare Reform Act 2012

2012 CHAPTER 5

PART 2

WORKING-AGE BENEFITS

CHAPTER 1

JOBSEEKER'S ALLOWANCE

Claimant responsibilities for interim period

44 Claimant commitment for jobseeker's allowance

- (1) The Jobseekers Act 1995 is amended as follows.
- (2) In section 1 (the jobseeker's allowance), in subsection (2)(b) for “entered into a jobseeker's agreement which remains in force” there is substituted “ accepted a claimant commitment ”.
- (3) For section 9 (the jobseeker's agreement) there is substituted—

“9 Claimant commitment

- (1) For the purposes of this Act a “claimant commitment” is a record of a claimant's responsibilities in relation to an award of a jobseeker's allowance.
- (2) A claimant commitment shall—
 - (a) be prepared by an employment officer,
 - (b) be in such form as the Secretary of State thinks fit,
 - (c) include any prescribed information, and
 - (d) include any other information an employment officer or the Secretary of State considers it appropriate to include.

Status: Point in time view as at 03/12/2012. This version of this part contains provisions that are not valid for this point in time.

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- (3) Information included in a claimant commitment under subsection (2)(d) may include—
 - (a) information in respect of the conditions mentioned in section 1(2)(a) and (c);
 - (b) details of any requirement imposed on the claimant by virtue of regulations under section 8 or 17A, or under a jobseeker's direction;
 - (c) details of any consequences of a failure to comply with such a requirement.
- (4) A claimant shall not be invited to accept a claimant commitment by an employment officer unless, in the opinion of the employment officer, the conditions mentioned in section 1(2)(a) and (c) would be satisfied with respect to the claimant if he were to act in accordance with, or be treated as acting in accordance with, the proposed claimant commitment.
- (5) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed claimant commitment to the Secretary of State for him to determine—
 - (a) whether, if the claimant were to act in accordance with the proposed claimant commitment, he would satisfy—
 - (i) the condition mentioned in section 1(2)(a), or
 - (ii) the condition mentioned in section 1(2)(c), and
 - (b) whether it is reasonable to expect the claimant to have to act in accordance with the proposed claimant commitment.
- (6) A reference under subsection (5) may only relate to information included in the proposed claimant commitment under subsection (3)(a).
- (7) On a reference under subsection (5) the Secretary of State—
 - (a) shall, so far as practicable, dispose of it in accordance with this section before the end of the period of 14 days from the date of the reference;
 - (b) may give such directions, with respect to the terms of the proposed claimant commitment, as the Secretary of State considers appropriate;
 - (c) may direct that, if such conditions as he considers appropriate are satisfied, the proposed claimant commitment is to be treated (if accepted) as having been accepted by the claimant on such date as may be specified in the direction.
- (8) Regulations may provide—
 - (a) for such matters as may be prescribed to be taken into account by the Secretary of State in giving a direction under subsection (7)(c), and
 - (b) for such persons as may be prescribed to be notified of—
 - (i) any determination of the Secretary of State under this section;
 - (ii) any direction given by the Secretary of State under this section.
- (9) Regulations may provide that, in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in section 1(2)(b).
- (10) For the purposes of this Act a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.”

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(4) For section 10 (variation of jobseeker's agreement) there is substituted—

“10 Variation of claimant commitment

- (1) A claimant commitment may be varied by an employment officer.
- (2) An employment officer shall not vary a claimant commitment unless, in the opinion of the employment officer, the conditions mentioned in section 1(2)(a) and (c) would continue to be satisfied with respect to the claimant if he were to act in accordance with, or be treated as acting in accordance with, the varied claimant commitment.
- (3) An employment officer shall, before making a relevant variation of a claimant commitment, notify the claimant of the proposed variation.
- (4) For the purposes of this section a “relevant variation” of a claimant commitment means a variation which relates to information to be included in the claimant commitment in respect of the conditions mentioned in section 1(2)(a) and (c).
- (5) The employment officer may, and if asked to do so by the claimant in prescribed circumstances, shall forthwith refer a relevant variation of a claimant commitment proposed by the employment officer or requested by the claimant to the Secretary of State to determine—
 - (a) whether, if the claimant were to act in accordance with the claimant commitment as proposed to be varied, he would satisfy—
 - (i) the condition mentioned in section 1(2)(a), or
 - (ii) the condition mentioned in section 1(2)(c), and
 - (b) in the case of a variation proposed by the employment officer, whether it is reasonable to expect the claimant to have to act in accordance with the claimant commitment as proposed to be varied.
- (6) On a reference under subsection (5) the Secretary of State—
 - (a) shall, so far as practicable, dispose of it in accordance with this section before the end of the period of 14 days from the date of the reference,
 - (b) shall give such directions as he considers appropriate as to—
 - (i) whether the claimant commitment should be varied, and
 - (ii) if so, the terms on which the claimant is to accept the varied claimant commitment, and
 - (c) may direct that, if such conditions as he considers appropriate are satisfied, the claimant commitment, as proposed to be varied, is to be treated (if accepted) as having been accepted by the claimant on such date as may be specified in the direction.
- (7) Regulations may provide—
 - (a) for such matters as may be prescribed to be taken into account by the Secretary of State in giving a direction under subsection (6)(b) or (c), and
 - (b) for such persons as may be prescribed to be notified of—
 - (i) any determination of the Secretary of State under this section;
 - (ii) any direction given by the Secretary of State under this section.”

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- (5) In section 35 (interpretation), in subsection (1), after the definition of “employment” there is inserted—

““employment officer”, for any purpose of this Act, means an officer of the Secretary of State or such other person as may be designated for that purpose by an order made by the Secretary of State;”.

Commencement Information

II S. 44(5) in force at 10.6.2012 by S.I. 2012/1246, art. 2(3)(a)

45 Interviews

In section 8 of the Jobseekers Act 1995 (attendance, information and evidence), in subsections (1)(a) and (1A)(a) for “attend at such place and at such time” there is substituted “participate in an interview in such manner, time and place”.

Commencement Information

I2 S. 45 in force at 8.10.2012 by S.I. 2012/2530, art. 2(1)

46 Sanctions

- (1) For section 19 of the Jobseekers Act 1995 (circumstances in which a jobseeker's allowance is not payable) there is substituted—

“19 Higher-level sanctions

- (1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this section in the event of a failure by the claimant which is sanctionable under this section.
- (2) It is a failure sanctionable under this section if a claimant—
- (a) through misconduct loses employment as an employed earner;
 - (b) without a good reason voluntarily leaves such employment;
 - (c) without a good reason refuses or fails to apply for, or accept if offered, a situation in any employment which an employment officer has informed him is vacant or about to become vacant;
 - (d) without a good reason neglects to avail himself of a reasonable opportunity of employment;
 - (e) without a good reason fails to participate in any scheme within section 17A(1) which is prescribed for the purposes of this section.
- (3) For the purposes of subsection (2)(b), in such circumstances as may be prescribed, including in particular where a person has been dismissed by his employer by reason of redundancy within the meaning of section 139(1) of the Employment Rights Act 1996 after volunteering or agreeing to be so dismissed, a person who might otherwise be treated as having left his employment voluntarily is to be treated as not having left voluntarily.

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- (4) Regulations are to provide for—
 - (a) the amount of a reduction under this section;
 - (b) the period for which such a reduction has effect, not exceeding three years in relation to any failure sanctionable under this section.
- (5) Regulations under subsection (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—
 - (a) the number of failures by the claimant sanctionable under this section;
 - (b) the period between such failures.
- (6) Regulations may provide—
 - (a) for cases in which no reduction is to be made under this section;
 - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.
- (7) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this section by virtue of a failure by one of the claimants which is sanctionable under this section, the allowance is payable to the other member of the couple.

19A Other sanctions

- (1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this section in the event of a failure by the claimant which is sanctionable under this section.
- (2) It is a failure sanctionable under this section if a claimant—
 - (a) without a good reason fails to comply with regulations under section 8(1) or (1A);
 - (b) without a good reason fails to comply with regulations under section 17A;
 - (c) without a good reason refuses or fails to carry out a jobseeker's direction which was reasonable having regard to his circumstances;
 - (d) without a good reason neglects to avail himself of a reasonable opportunity of a place on a training scheme or employment programme;
 - (e) without a good reason refuses or fails to apply for, or accept if offered, a place on such a scheme or programme which an employment officer has informed him is vacant or about to become vacant;
 - (f) without a good reason gives up a place on such a scheme or programme or fails to attend such a scheme or programme having been given a place on it;
 - (g) through misconduct loses a place on such a scheme or programme.
- (3) But a failure is not sanctionable under this section if it is also sanctionable under section 19.
- (4) Regulations are to provide for—
 - (a) the amount of a reduction under this section;
 - (b) the period for which such a reduction has effect.

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- (5) Regulations under subsection (4)(b) may provide that a reduction under this section in relation to any failure is to have effect for—
- (a) a period continuing until the claimant meets a compliance condition specified by the Secretary of State,
 - (b) a fixed period not exceeding 26 weeks which is—
 - (i) specified in the regulations, or
 - (ii) determined in any case by the Secretary of State, or
 - (c) a combination of both.
- (6) In subsection (5)(a) “compliance condition” means—
- (a) a condition that the failure ceases, or
 - (b) a condition relating to—
 - (i) future compliance with a jobseeker's direction or any requirement imposed under section 8(1) or (1A) or 17A of this Act, or
 - (ii) future avoidance of the failures referred to in subsection (2) (d) to (g).
- (7) A compliance condition specified under subsection (5)(a) may be—
- (a) revoked or varied by the Secretary of State;
 - (b) notified to the claimant in such manner as the Secretary of State may determine.
- (8) The period fixed under subsection (5)(b) may in particular depend on either or both of the following—
- (a) the number of failures by the claimant sanctionable under this section;
 - (b) the period between such failures.
- (9) Regulations may provide—
- (a) for cases in which no reduction is to be made under this section;
 - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.
- (10) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this section by virtue of a failure by one of the claimants which is sanctionable under this section, the allowance is payable to the other member of the couple.
- (11) In this section—
- (a) “jobseeker's direction” means a direction given by an employment officer (in such manner as he thinks fit) with a view to achieving one or both of the following—
 - (i) assisting the claimant to find employment;
 - (ii) improving the claimant's prospects of being employed;
 - (b) “training scheme” and “employment programme” have such meaning as may be prescribed.

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19B Claimants ceasing to be available for employment etc

- (1) Regulations may make provision for reduction of the amount of an award of a jobseeker's allowance other than a joint-claim jobseeker's allowance if the claimant—
 - (a) was previously entitled to such an allowance or was a member of a couple entitled to a joint-claim jobseeker's allowance, and
 - (b) ceased to be so entitled by failing to comply with the condition in section 1(2)(a) or (c) (availability for employment and actively seeking employment).
- (2) Regulations may make provision for reduction of the amount of a joint-claim jobseeker's allowance if one of the claimants—
 - (a) was previously entitled to a jobseeker's allowance other than a joint-claim jobseeker's allowance, and
 - (b) ceased to be so entitled by failing to comply with the condition in section 1(2)(a) or (c).
- (3) Regulations may make provision for reduction of the amount of an award of joint-claim jobseeker's allowance if—
 - (a) the couple were previously entitled to a joint-claim jobseeker's allowance but ceased to be so entitled by either or both of them failing to comply with the condition in section 1(2)(a) or (c), or
 - (b) either member of the couple was a member of another couple previously entitled to such an allowance and that couple ceased to be so entitled by that person failing to comply with the condition in section 1(2)(a) or (c).
- (4) Regulations are to provide for—
 - (a) the amount of a reduction under this section;
 - (b) the period for which such a reduction has effect.
- (5) The period referred to in subsection (4)(b) must not include any period after the end of the period of 13 weeks beginning with the day on which the claimant's previous entitlement ceased.
- (6) Regulations under subsection (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—
 - (a) the number of occasions on which a claimant's entitlement has ceased as specified in subsection (1), (2) or (3);
 - (b) the period between such occasions.
- (7) Regulations may provide for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.
- (8) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this section by virtue of a failure by one of the claimants to comply with the condition in section 1(2)(a) or (c), the allowance is payable to the other member of the couple.

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19C Hardship payments

- (1) Regulations may make provision for the making of payments (“hardship payments”) by way of a jobseeker's allowance to a claimant where—
 - (a) the amount of the claimant's award is reduced under sections 19 to 19B, and
 - (b) the claimant is or will be in hardship.
- (2) Regulations under this section may in particular make provision as to—
 - (a) circumstances in which a claimant is to be treated as being or not being in hardship;
 - (b) matters to be taken into account in determining whether a claimant is or will be in hardship;
 - (c) requirements or conditions to be met by a claimant in order to receive hardship payments;
 - (d) the amount or rate of hardship payments;
 - (e) the period for which hardship payments may be made;
 - (f) whether hardship payments are recoverable.”
- (2) In section 37 of that Act (parliamentary control), in subsection (1), before paragraph (b) there is inserted—

“(ab) the first regulations to be made under sections 19 to 19C;”.
- (3) In Schedule 1 to that Act—
 - (a) in the heading preceding paragraph 14B for “or just cause” there is substituted “reason ”;
 - (b) before paragraph 14B there is inserted—

“14AA
 For any purpose of this Act regulations may provide for—

 - (a) circumstances in which a person is to be treated as having or not having a good reason for an act or omission;
 - (b) matters which are or are not to be taken into account in determining whether a person has a good reason for an act or omission.”;
 - (c) in paragraph 14B, in sub-paragraph (1)—
 - (i) for “this Act” there is substituted “ paragraph 14AA ”;
 - (ii) for “good cause or just cause“ there is substituted “ a good reason ”.
- (4) In Schedule 3 to the Social Security Act 1998 (decisions against which an appeal lies), in paragraph 3, paragraphs (d) and (da) are repealed.

Commencement Information

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| I3 | S. 46(1) in force at 10.6.2012 for specified purposes by S.I. 2012/1246, art. 2(3)(b) |
| I4 | S. 46(1) in force at 22.10.2012 for specified purposes by S.I. 2012/2530, art. 2(2)(a) |
| I5 | S. 46(2) in force at 10.6.2012 by S.I. 2012/1246, art. 2(3)(c)(i) |
| I6 | S. 46(3) in force at 10.6.2012 for specified purposes by S.I. 2012/1246, art. 2(3)(c)(ii) |
| I7 | S. 46(3) in force at 22.10.2012 in so far as not already in force by S.I. 2012/2530, art. 2(2)(b) |

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18 S. 46(4) in force at 22.10.2012 by S.I. 2012/2530, art. 2(2)(c)

47 Procedure for regulation-making powers

In section 37 of the Jobseekers Act 1995 (parliamentary control), in subsection (1)(c) (regulations subject to affirmative procedure), “6, 7,” is repealed.

Commencement Information

19 S. 47 in force at 20.3.2012 by S.I. 2012/863, art. 2(1)(a)

48 Consequential amendments

Schedule 7 contains consequential amendments relating to sections 44 to 46.

Commencement Information

110 S. 48 in force at 22.10.2012 for specified purposes by S.I. 2012/2530, art. 2(2)(d)

VALID FROM 25/02/2013

Claimant responsibilities after introduction of universal credit

49 Claimant responsibilities for jobseeker's allowance

- (1) The Jobseekers Act 1995 is amended as follows.
- (2) In section 1(2) (conditions of entitlement), paragraphs (a) and (c) are repealed.
- (3) For sections 6 to 10 (and the italic heading preceding section 6) there is substituted—

“Work-related requirements

6 Work-related requirements

- (1) The following provisions of this Act provide for the Secretary of State to impose work-related requirements with which claimants must comply for the purposes of this Act.
- (2) In this Act “work-related requirement” means—
 - (a) a work-focused interview requirement (see section 6B);
 - (b) a work preparation requirement (see section 6C);
 - (c) a work search requirement (see section 6D);
 - (d) a work availability requirement (see section 6E).

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6A Claimant commitment

- (1) A claimant commitment is a record of a claimant's responsibilities in relation to an award of a jobseeker's allowance.
- (2) A claimant commitment is to be prepared by the Secretary of State and may be reviewed and updated as the Secretary of State thinks fit.
- (3) A claimant commitment is to be in such form as the Secretary of State thinks fit.
- (4) A claimant commitment is to include—
 - (a) a record of the requirements that the claimant must comply with under this Act (or such of them as the Secretary of State considers it appropriate to include),
 - (b) any prescribed information, and
 - (c) any other information the Secretary of State considers it appropriate to include.
- (5) For the purposes of this Act a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

6B Work-focused interview requirement

- (1) In this Act a “work-focused interview requirement” is a requirement that a claimant participate in one or more work-focused interviews as specified by the Secretary of State.
- (2) A work-focused interview is an interview for prescribed purposes relating to work or work preparation.
- (3) The purposes which may be prescribed under subsection (2) include in particular that of making it more likely in the opinion of the Secretary of State that the claimant will obtain paid work (or more paid work or better-paid work).
- (4) The Secretary of State may specify how, when and where a work-focused interview is to take place.

6C Work preparation requirement

- (1) In this Act a “work preparation requirement” is a requirement that a claimant take particular action specified by the Secretary of State for the purpose of making it more likely in the opinion of the Secretary of State that the claimant will obtain paid work (or more paid work or better-paid work).
- (2) The Secretary of State may under subsection (1) specify the time to be devoted to any particular action.
- (3) Action which may be specified under subsection (1) includes in particular—
 - (a) attending a skills assessment;
 - (b) improving personal presentation;

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- (c) participating in training;
- (d) participating in an employment programme;
- (e) undertaking work experience or a work placement;
- (f) developing a business plan;
- (g) any action prescribed for the purpose in subsection (1).

6D Work search requirement

- (1) In this Part a “work search requirement” is a requirement that a claimant take—
 - (a) all reasonable action, and
 - (b) any particular action specified by the Secretary of State, for the purpose of obtaining paid work (or more paid work or better-paid work).
- (2) The Secretary of State may under subsection (1)(b) specify the time to be devoted to any particular action.
- (3) Action which may be specified under subsection (1)(b) includes in particular—
 - (a) carrying out work searches;
 - (b) making applications;
 - (c) creating and maintaining an online profile;
 - (d) registering with an employment agency;
 - (e) seeking references;
 - (f) any other action prescribed for the purpose in subsection (1).
- (4) Regulations may impose limitations on a work search requirement by reference to the work to which it relates; and the Secretary of State may in any particular case specify further such limitations on such a requirement.
- (5) A limitation under subsection (4) may in particular be by reference to—
 - (a) work of a particular nature,
 - (b) work with a particular level of remuneration,
 - (c) work in particular locations, or
 - (d) work available for a certain number of hours per week or at particular times,and may be indefinite or for a particular period.

6E Work availability requirement

- (1) In this Act a “work availability requirement” is a requirement that a claimant be available for work.
- (2) For the purposes of this section “available for work” means able and willing immediately to take up paid work (or more paid work or better-paid work).
- (3) Regulations may impose limitations on a work availability requirement by reference to the work to which it relates; and the Secretary of State may in any particular case specify further such limitations on such a requirement.

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- (4) A limitation under subsection (3) may in particular be by reference to—
- (a) work of a particular nature,
 - (b) work with a particular level of remuneration,
 - (c) work in particular locations, or
 - (d) work available for a certain number of hours per week or at particular times,
- and may be indefinite or for a particular period.

- (5) Regulations may for the purposes of subsection (2) define what is meant by able and willing immediately to take up work.

6F Imposition of work-related requirements

- (1) The Secretary of State must, except in prescribed circumstances, impose on a claimant—
- (a) a work search requirement, and
 - (b) a work availability requirement.
- (2) The Secretary of State may, subject to this Act, impose either or both of the following on a claimant—
- (a) a work-focused interview requirement;
 - (b) a work preparation requirement.

6G Connected requirements

- (1) The Secretary of State may require a claimant to participate in an interview for any purpose relating to—
- (a) the imposition of a work-related requirement on the claimant;
 - (b) verifying the claimant's compliance with a work-related requirement;
 - (c) assisting the claimant to comply with a work-related requirement.
- (2) The Secretary of State may specify how, when and where such an interview is to take place.
- (3) The Secretary of State may, for the purpose of verifying the claimant's compliance with a work-related requirement, require a claimant to—
- (a) provide to the Secretary of State information and evidence specified by the Secretary of State in a manner so specified;
 - (b) confirm compliance in a manner so specified.
- (4) The Secretary of State may require a claimant to report to the Secretary of State any specified changes in their circumstances which are relevant to—
- (a) the imposition of work-related requirements on the claimant;
 - (b) the claimant's compliance with a work-related requirement.

6H Imposition of work-related and connected requirements: supplementary

- (1) Regulations may make provision—

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- (a) where the Secretary of State may impose a requirement under the preceding provisions of this Act, as to when the requirement must or must not be imposed;
 - (b) where the Secretary of State may specify any action to be taken in relation to a requirement under the preceding provisions of this Act, as to what action must or must not be specified;
 - (c) where the Secretary of State may specify any other matter in relation to a such requirement, as to what must or must not be specified in respect of that matter.
- (2) Where the Secretary of State may impose a work-focused interview requirement, or specify a particular action under section 6C(1) or 6D(1)(b), the Secretary of State must have regard to such matters as may be prescribed.
- (3) Where the Secretary of State may impose a requirement under the preceding provisions of this Act, or specify any action to be taken in relation to such a requirement, the Secretary of State may revoke or change what has been imposed or specified.
- (4) Notification of a requirement imposed under the preceding provisions of this Act (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Secretary of State may determine.
- (5) Regulations must make provision to secure that, in prescribed circumstances, where a claimant has recently been a victim of domestic violence—
 - (a) a requirement imposed on the claimant under the preceding provisions of this Act ceases to have effect for a period of 13 weeks, and
 - (b) the Secretary of State may not impose any other requirement on the claimant during that period.
- (6) For the purposes of subsection (5)—
 - (a) “domestic violence“ has such meaning as may be prescribed;
 - (b) “victim of domestic violence” means a person on or against whom domestic violence is inflicted or threatened (and regulations under subsection (5) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);
 - (c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

6I Compliance with work-related and connected requirements

Regulations may make provision as to circumstances in which a claimant is to be treated as having—

- (a) complied with or not complied with any requirement imposed under the preceding provisions of this Act or any aspect of such a requirement, or
- (b) taken or not taken any particular action specified by the Secretary of State in relation to such a requirement.

Status: Point in time view as at 03/12/2012. This version of this part contains provisions that are not valid for this point in time.

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6J Higher-level sanctions

- (1) The amount of an award of jobseeker's allowance is to be reduced in accordance with this section in the event of a failure by a claimant which is sanctionable under this section.
- (2) It is a failure sanctionable under this section if a claimant—
 - (a) fails for no good reason to comply with a requirement imposed by the Secretary of State under a work preparation requirement to undertake a work placement of a prescribed description;
 - (b) fails for no good reason to comply with a requirement imposed by the Secretary of State under a work search requirement to apply for a particular vacancy for paid work;
 - (c) fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work;
 - (d) by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay.
- (3) It is a failure sanctionable under this section if, at any time before making the claim by reference to which the award is made, the claimant—
 - (a) for no good reason failed to take up an offer of paid work, or
 - (b) by reason of misconduct, or voluntarily and for no good reason, ceased paid work or lost pay.
- (4) For the purposes of subsections (2) and (3) regulations may provide—
 - (a) for circumstances in which ceasing to work or losing pay is to be treated as occurring or not occurring by reason of misconduct or voluntarily;
 - (b) for loss of pay below a prescribed level to be disregarded.
- (5) Regulations are to specify—
 - (a) the amount of a reduction under this section;
 - (b) the period for which such a reduction has effect, not exceeding three years in relation to any failure sanctionable under this section.
- (6) Regulations under subsection (5)(b) may in particular provide for the period of a reduction to depend on either or both of the following—
 - (a) the number of failures by the claimant sanctionable under this section;
 - (b) the period between such failures.
- (7) Regulations may provide—
 - (a) for cases in which no reduction is to be made under this section;
 - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
 - (c) for the termination or suspension of a reduction under this section.

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6K Other sanctions

- (1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this section in the event of a failure by a claimant which is sanctionable under this section.
- (2) It is a failure sanctionable under this section if a claimant—
 - (a) fails for no good reason to comply with a work-related requirement;
 - (b) fails for no good reason to comply with a requirement under section 6G.
- (3) But a failure by a claimant is not sanctionable under this section if it is also a failure sanctionable under section 6J.
- (4) Regulations must specify—
 - (a) the amount of a reduction under this section;
 - (b) the period for which such a reduction has effect.
- (5) Regulations under subsection (4)(b) may provide that a reduction under this section in relation to any failure is to have effect for—
 - (a) a period continuing until the claimant meets a compliance condition specified by the Secretary of State,
 - (b) a fixed period not exceeding 26 weeks which is—
 - (i) specified in the regulations, or
 - (ii) determined in any case by the Secretary of State, or
 - (c) a combination of both.
- (6) In subsection (5)(a) “compliance condition” means—
 - (a) a condition that the failure ceases, or
 - (b) a condition relating to future compliance with a work-related requirement or a requirement under section 6G.
- (7) A compliance condition specified under subsection (5)(a) may be—
 - (a) revoked or varied by the Secretary of State;
 - (b) notified to the claimant in such manner as the Secretary of State may determine.
- (8) A period fixed under subsection (5)(b) may in particular depend on either or both the following—
 - (a) the number of failures by the claimant sanctionable under this section;
 - (b) the period between such failures.
- (9) Regulations may provide—
 - (a) for cases in which no reduction is to be made under this section;
 - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
 - (c) for the termination or suspension of a reduction under this section.

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6L Delegation and contracting out

- (1) The functions of the Secretary of State under sections 6 to 6I may be exercised by, or by the employees of, such person as the Secretary of State may authorise for the purpose (an “authorised person”).
- (2) An authorisation given by virtue of this section may authorise the exercise of a function—
 - (a) wholly or to a limited extent;
 - (b) generally or in particular cases or areas;
 - (c) unconditionally or subject to conditions.
- (3) An authorisation under this section—
 - (a) may specify its duration;
 - (b) may be varied or revoked at any time by the Secretary of State;
 - (c) does not prevent the Secretary of State or another person from exercising the function to which the authorisation relates.
- (4) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Secretary of State or (as the case may be) an officer of the Secretary of State.
- (5) Subsection (4) does not apply—
 - (a) for the purposes of so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function, or
 - (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).
- (6) Where—
 - (a) the authorisation of an authorised person is revoked, and
 - (b) at the time of the revocation so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function is subsisting,
 the authorised person is entitled to treat the contract as repudiated by the Secretary of State (and not as frustrated by reason of the revocation).”
- (4) In section 29 (pilot schemes), in subsection (8), for the words from “ascertaining” to the end there is substituted “testing the extent to which the provision made by the regulations is likely to promote—
 - (a) people remaining in work, or
 - (b) people obtaining or being able to obtain work (or more work or better-paid work).”
- (5) In section 35 (interpretation), in subsection (1), at the appropriate places there is inserted—

““work availability requirement” has the meaning given by section 6E;”;

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““work preparation requirement” has the meaning given by section 6C;”;

““work search requirement” has the meaning given by section 6D;”;

““work-focused interview requirement” has the meaning given by section 6B;”;

““work-related requirement” has the meaning given by section 6;”.

(6) In section 37 (parliamentary control), in subsection (1), after paragraph (a) there is inserted—

“(aa) the first regulations to be made under section 6J or 6K;”.

CHAPTER 2

EMPLOYMENT AND SUPPORT ALLOWANCE

Conditions of entitlement

50 Dual entitlement

(1) In section 1 of the Welfare Reform Act 2007 (employment and support allowance), after subsection (6) there is inserted—

“(6A) In subsection (3)(f), in relation to a contributory allowance, the reference to a couple entitled to a joint-claim jobseeker's allowance does not include a couple so entitled by virtue of regulations under paragraph 8A of Schedule 1 to the Jobseekers Act 1995.”

(2) In a case where—

- (a) an award of an employment and support allowance is made to a person in respect of any period of time before the coming into force of subsection (1), and
- (b) the person was not entitled to an employment and support allowance in relation to that period but would have been had subsection (1) been in force in relation to that period,

subsection (1) shall be regarded as having been in force in relation to that period.

51 Period of entitlement to contributory allowance

(1) After section 1 of the Welfare Reform Act 2007 there is inserted—

“1A Duration of contributory allowance

(1) The period for which a person is entitled to a contributory allowance by virtue of the first and second conditions set out in Part 1 of Schedule 1 shall not exceed, in the aggregate, the relevant maximum number of days in any period for which his entitlement is established by reference (under the second condition set out in Part 1 of Schedule 1) to the same two tax years.

(2) In subsection (1) the “relevant maximum number of days” is—

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- (a) 365 days, or
 - (b) if the Secretary of State by order specifies a greater number of days, that number of days.
- (3) The fact that a person's entitlement to a contributory allowance has ceased as a result of subsection (1) does not prevent his being entitled to a further such allowance if—
- (a) he satisfies the first and second conditions set out in Part 1 of Schedule 1, and
 - (b) the two tax years by reference to which he satisfies the second condition include at least one year which is later than the second of the two years by reference to which (under the second condition) his previous entitlement was established.
- (4) The period for which a person is entitled to a contributory allowance by virtue of the third condition set out in Part 1 of Schedule 1 (youth) shall not exceed—
- (a) 365 days, or
 - (b) if the Secretary of State by order specifies a greater number of days, that number of days.
- (5) In calculating for the purposes of subsection (1) or (4) the length of the period for which a person is entitled to a contributory allowance, the following are not to be counted—
- (a) days in which the person is a member of the support group,
 - (b) days not falling within paragraph (a) in respect of which the person is entitled to the support component referred to in section 2(1)(b), and
 - (c) days in the assessment phase, where the days immediately following that phase fall within paragraph (a) or (b).
- (6) In calculating for the purposes of subsection (1) or (4) the length of the period for which a person is entitled to a contributory allowance, days occurring before the coming into force of this section are to be counted (as well as those occurring afterwards).”
- (2) In section 25 of that Act (regulations)—
- (a) in the heading, after “regulations” there is inserted “and orders“;
 - (b) in subsection (1), after “regulations” there is inserted “or an order“.
- (3) In section 26 of that Act (Parliamentary control), at the end there is inserted—
- “(3) A statutory instrument containing an order under section 1A shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) In Schedule 4 to that Act (transition relating to Part 1), in paragraph 7(2), at the end there is inserted—
- “(f) make provision modifying the application of section 1A in relation to awards of an employment and support allowance to persons previously entitled to existing awards.”

Commencement Information

I11 S. 51 in force at 20.3.2012 for specified purposes by S.I. 2012/863, art. 2(1)(b)

I12 S. 51 in force at 1.5.2012 in so far as not already in force by S.I. 2012/863, art. 2(2)(a)

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52 Further entitlement after time-limiting

- (1) After section 1A of the Welfare Reform Act 2007 (as inserted by section 51 above) there is inserted—

“1B Further entitlement after time-limiting

- (1) Where a person's entitlement to a contributory allowance has ceased as a result of section 1A (1) or (4) but—
- (a) the person has not at any subsequent time ceased to have (or to be treated as having) limited capability for work,
 - (b) the person satisfies the basic conditions, and
 - (c) the person has (or is treated as having) limited capability for work-related activity,

the claimant is entitled to an employment and support allowance by virtue of this section.

- (2) An employment and support allowance entitlement to which is based on this section is to be regarded as a contributory allowance for the purposes of this Part.”

- (2) In section 1 of that Act (employment and support allowance), in the definition of “contributory allowance” in subsection (7), after “subsection (2)(a)” there is inserted “(and see section 1B(2))”.

Commencement Information

I13 S. 52 in force at 1.5.2012 by S.I. 2012/863, art. 2(2)(b)

53 Condition relating to youth

In section 1 of the Welfare Reform Act 2007 (employment and support allowance), after subsection (3) there is inserted—

- “(3A) After the coming into force of this subsection no claim may be made for an employment and support allowance by virtue of the third condition set out in Part 1 of Schedule 1 (youth).”

Commencement Information

I14 S. 53 in force at 1.5.2012 by S.I. 2012/863, art. 2(2)(c)

Claimant responsibilities for interim period

VALID FROM 25/02/2013

54 Claimant commitment for employment and support allowance

- (1) The Welfare Reform Act 2007 is amended as follows.

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(2) In section 1(3) (employment and support allowance: basic conditions) after paragraph (a) there is inserted—

“(aa) has accepted a claimant commitment.”

(3) After section 1B (as inserted by section 52 above) there is inserted—

“1C Claimant commitment

(1) For the purposes of this Part a “claimant commitment” is a record of the claimant's responsibilities in relation to an award of an employment and support allowance.

(2) A claimant commitment is to be prepared by the Secretary of State and may be reviewed and updated as the Secretary of State thinks fit.

(3) A claimant commitment is to be in such form as the Secretary of State thinks fit.

(4) A claimant commitment is to include—

(a) any prescribed information, and

(b) any other information the Secretary of State considers it appropriate to include.

(5) For the purposes of this Part a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

(6) Regulations may provide that, in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in section 1(3)(aa).”

(4) In section 15(2)(b) (directions about work-related activity) for the words from “by” to “14” there is substituted “ in such manner as the Secretary of State thinks fit ”.

(5) In section 16(1) (contracting out) before paragraph (a) there is inserted—

“(za) any function under section 1C in relation to a claimant commitment;”.

(6) In Schedule 2 (supplementary provisions) after paragraph 4 there is inserted—

“4A Regulations may prescribe circumstances in which a person may be entitled to employment and support allowance without having accepted a claimant commitment.”

(7) In section 31(2) of the Welfare Reform Act 2009 (action plans: well-being of children), in subsection (5) inserted into section 14 of the Welfare Reform Act 2007, after “preparing any” there is inserted “ claimant commitment or ”.

55 Work experience etc

In section 13 of the Welfare Reform Act 2007 (work-related activity), after subsection (7) there is inserted—

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“(8) The reference to activity in subsection (7) includes work experience or a work placement.”

Commencement Information

I15 S. 55 in force at 3.12.2012 by S.I. 2012/2530, art. 2(3)

56 Hardship payments

In the Welfare Reform Act 2007 after section 16 there is inserted—

“16A Hardship payments

- (1) Regulations may make provision for the making of payments (“hardship payments”) by way of an employment and support allowance to a person where—
 - (a) the amount otherwise payable to the person in respect of an employment and support allowance is reduced by virtue of regulations under section 11(3), 12(3) or 13(3), and
 - (b) the person is or will be in hardship.
- (2) Regulations under this section may in particular make provision as to—
 - (a) circumstances in which a person is to be treated as being or not being in hardship;
 - (b) matters to be taken into account in determining whether a person is or will be in hardship;
 - (c) requirements or conditions to be met by a person in order to receive hardship payments;
 - (d) the amount or rate of hardship payments;
 - (e) the period for which hardship payments may be made.”

Commencement Information

I16 S. 56 in force at 26.11.2012 by S.I. 2012/2530, art. 2(4)

VALID FROM 25/02/2013

Claimant responsibilities after introduction of universal credit

57 Claimant responsibilities for employment and support allowance

- (1) The Welfare Reform Act 2007 is amended as follows.
- (2) For sections 11 to 16 (and the italic heading preceding section 11) there is substituted—

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“Work-related requirements

11 Work-related requirements

- (1) The following provisions of this Part provide for the Secretary of State to impose work-related requirements with which persons entitled to an employment and support allowance must comply for the purposes of this Part.
- (2) In this Part “work-related requirement” means—
 - (a) a work-focused interview requirement (see section 11B);
 - (b) a work preparation requirement (see section 11C).
- (3) The work-related requirements which may be imposed on a person depend on which of the following groups the person falls into—
 - (a) persons subject to no work-related requirements (see section 11D);
 - (b) persons subject to work-focused interview requirement only (see section 11E);
 - (c) persons subject to work-focused interview and work preparation requirements (see section 11F).

11A Claimant commitment

- (1) A claimant commitment is a record of the responsibilities of a person entitled to an employment and support allowance in relation to the award of the allowance.
- (2) A claimant commitment is to be prepared by the Secretary of State and may be reviewed and updated as the Secretary of State thinks fit.
- (3) A claimant commitment is to be in such form as the Secretary of State thinks fit.
- (4) A claimant commitment is to include—
 - (a) a record of the requirements that the person must comply with under this Part (or such of them as the Secretary of State considers it appropriate to include),
 - (b) any prescribed information, and
 - (c) any other information the Secretary of State considers it appropriate to include.
- (5) For the purposes of this Part a person accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

11B Work-focused interview requirement

- (1) In this Part a “work-focused interview requirement” is a requirement that a person participate in one or more work-focused interviews as specified by the Secretary of State.

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- (2) A work-focused interview is an interview for prescribed purposes relating to work or work preparation.
- (3) The purposes which may be prescribed under subsection (2) include in particular that of making it more likely in the opinion of the Secretary of State that the person will obtain paid work (or more paid work or better-paid work).
- (4) The Secretary of State may specify how, when and where a work-focused interview is to take place.

11C Work preparation requirement

- (1) In this Part a “work preparation requirement” is a requirement that a person take particular action specified by the Secretary of State for the purpose of making it more likely in the opinion of the Secretary of State that the person will obtain paid work (or more paid work or better-paid work).
- (2) The Secretary of State may under subsection (1) specify the time to be devoted to any particular action.
- (3) Action which may be specified under subsection (1) includes in particular—
 - (a) attending a skills assessment;
 - (b) improving personal presentation;
 - (c) participating in training;
 - (d) participating in an employment programme;
 - (e) undertaking work experience or a work placement;
 - (f) developing a business plan;
 - (g) any action prescribed for the purpose in subsection (1).
- (4) The action which may be specified under subsection (1) includes taking part in a work-focused health-related assessment.
- (5) In subsection (4) “work-focused health-related assessment” means an assessment by a health care professional approved by the Secretary of State which is carried out for the purpose of assessing—
 - (a) the extent to which the person's capability for work may be improved by taking steps in relation to their physical or mental condition, and
 - (b) such other matters relating to their physical or mental condition and the likelihood of their obtaining or remaining in work or being able to do so as may be prescribed.
- (6) In subsection (5) “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 may be prescribed.

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11D Persons subject to no work-related requirements

- (1) The Secretary of State may not impose any work-related requirement on a person falling within this section.
- (2) A person falls within this section if—
 - (a) the person has limited capability for work and work-related activity,
 - (b) the person has regular and substantial caring responsibilities for a severely disabled person,
 - (c) the person is a single person responsible for a child under the age of 1,
 - (d) the person is of a prescribed description.
- (3) Where a person falls within this section, any work-related requirement previously applying to the person ceases to have effect.
- (4) In this section—
 - “regular and substantial caring responsibilities” has such meaning as may be prescribed;
 - “severely disabled” has such meaning as may be prescribed.

11E Persons subject to work-focused interview requirement only

- (1) A person falls within this section if—
 - (a) the person is a single person responsible for a child who is aged at least 1 and is under a prescribed age (which may not be less than 3), or
 - (b) the person is of a prescribed description.
- (2) The Secretary of State may, subject to this Part, impose a work-focused interview requirement on a person entitled to an employment and support allowance who falls within this section.
- (3) The Secretary of State may not impose a work preparation requirement on a person falling within this section (and, where a person falls within this section, a work preparation requirement previously applying to the person ceases to have effect).

11F Persons subject to work preparation and work-focused interview requirement

- (1) A person who does not fall within section 11D or 11E falls within this section.
- (2) The Secretary of State may, subject to this Part, impose a work preparation requirement or work-focused interview requirement on a person entitled to an employment and support allowance who falls within this section.

11G Connected requirements

- (1) The Secretary of State may require a person entitled to an employment and support allowance to participate in an interview for any purpose relating to—

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- (a) the imposition of a work-related requirement on the person;
 - (b) verifying the person's compliance with a work-related requirement;
 - (c) assisting the person to comply with a work-related requirement.
- (2) The Secretary of State may specify how, when and where such an interview is to take place.
- (3) The Secretary of State may, for the purpose of verifying a person's compliance with a work-related requirement, require the person to—
 - (a) provide to the Secretary of State information and evidence specified by the Secretary of State in a manner so specified;
 - (b) confirm compliance in a manner so specified.
- (4) The Secretary of State may require a person to report to the Secretary of State any specified changes in their circumstances which are relevant to—
 - (a) the imposition of work-related requirements on the person;
 - (b) the person's compliance with a work-related requirement.

11H Imposition of requirements

- (1) Regulations may make provision—
 - (a) where the Secretary of State may impose a requirement under this Part, as to when the requirement must or must not be imposed;
 - (b) where the Secretary of State may specify any action to be taken in relation to a requirement under this Part, as to what action must or must not be specified;
 - (c) where the Secretary of State may specify any other matter in relation to a requirement under this Part, as to what must or must not be specified in respect of that matter.
- (2) Where the Secretary of State may impose a work-focused interview requirement, or specify a particular action under section 11C(1), the Secretary of State must have regard to such matters as may be prescribed.
- (3) Where the Secretary of State may impose a requirement under this Part, or specify any action to be taken in relation to such a requirement, the Secretary of State may revoke or change what has been imposed or specified.
- (4) Notification of a requirement imposed under this Part (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Secretary of State may determine.
- (5) Regulations must make provision to secure that, in prescribed circumstances, where a person has recently been a victim of domestic violence—
 - (a) a requirement imposed on that person under this Part ceases to have effect for a period of 13 weeks, and
 - (b) the Secretary of State may not impose any other requirement on that person during that period.
- (6) For the purposes of subsection (5)—
 - (a) “domestic violence” has such meaning as may be prescribed;
 - (b) “victim of domestic violence” means a person on or against whom domestic violence is inflicted or threatened (and regulations under

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subsection (5) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);

- (c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

11I Compliance with requirements

Regulations may make provision as to circumstances in which a person is to be treated as having—

- (a) complied with or not complied with any requirement imposed under this Part or any aspect of such a requirement, or
- (b) taken or not taken any particular action specified by the Secretary of State in relation to such a requirement.

11J Sanctions

- (1) The amount of an award of an employment and support allowance is to be reduced in accordance with this section in the event of a failure by a person which is sanctionable under this section.
- (2) It is a failure sanctionable under this section if a person—
 - (a) fails for no good reason to comply with a work-related requirement;
 - (b) fails for no good reason to comply with a requirement under section 11G.
- (3) Regulations are to specify—
 - (a) the amount of a reduction under this section, and
 - (b) the period for which such a reduction has effect.
- (4) Regulations under subsection (3)(b) may provide that a reduction under this section in relation to any failure is to have effect for—
 - (a) a period continuing until the person meets a compliance condition specified by the Secretary of State,
 - (b) a fixed period not exceeding 26 weeks which is—
 - (i) specified in the regulations, or
 - (ii) determined in any case by the Secretary of State, or
 - (c) a combination of both.
- (5) In subsection (4)(a) “compliance condition” means—
 - (a) a condition that the failure ceases, or
 - (b) a condition relating to future compliance with a work-related requirement or a requirement under section 11G.
- (6) A compliance condition specified under subsection (4)(a) may be—
 - (a) revoked or varied by the Secretary of State;
 - (b) notified to the person in such manner as the Secretary of State may determine.
- (7) A period fixed under subsection (4)(b) may in particular depend on either or both the following—
 - (a) the number of failures by the person sanctionable under this section;

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(b) the period between such failures.

(8) Regulations may provide—

- (a) for cases in which no reduction is to be made under this section;
- (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
- (c) for the termination or suspension of a reduction under this section.

11K Delegation and contracting out

(1) The functions of the Secretary of State under sections 11 to 11I may be exercised by, or by the employees of, such person as the Secretary of State may authorise for the purpose (an “authorised person”).

(2) An authorisation given by virtue of this section may authorise the exercise of a function—

- (a) wholly or to a limited extent;
- (b) generally or in particular cases or areas;
- (c) unconditionally or subject to conditions.

(3) An authorisation under this section—

- (a) may specify its duration;
- (b) may be varied or revoked at any time by the Secretary of State;
- (c) does not prevent the Secretary of State or another person from exercising the function to which the authorisation relates.

(4) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Secretary of State or (as the case may be) an officer of the Secretary of State.

(5) Subsection (4) does not apply—

- (a) for the purposes of so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function, or
- (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).

(6) Where—

- (a) the authorisation of an authorised person is revoked, and
- (b) at the time of the revocation so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function is subsisting,

the authorised person is entitled to treat the contract as repudiated by the Secretary of State (and not as frustrated by reason of the revocation).”

(3) In section 19 (pilot schemes), in subsection (3), for the words from “ascertaining” to the end there is substituted “testing the extent to which the provision made by the regulations is likely to promote—

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- (a) people remaining in work, or
 - (b) people obtaining or being able to obtain work (or more work or better-paid work).”
- (4) In section 24 (interpretation), in subsection (1)—
- (a) at the appropriate places there is inserted—
 - ““child” means a person under the age of 16;”;
 - ““single person” means an individual who is not a member of a couple (within the meaning of Part 1 of the Welfare Reform Act 2012);”;
 - ““work” has such meaning as may be prescribed;”;
 - ““work-focused interview requirement” has the meaning given by section 11B;”;
 - ““work preparation requirement” has the meaning given by section 11C;”;
 - ““work-related requirement” has the meaning given by section 11;”;
 - (b) for the definition of “work-related activity” there is substituted—
 - ““work-related activity”, in relation to a person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so;”.
- (5) In section 25 (regulations), in subsection (6), for “to 15” there is substituted “ to 11J”.
- (6) In section 26 (parliamentary control), in subsection (1), after paragraph (a) there is inserted—
- “(aa) the first regulations under section 11D(2)(d) or 11J;”.
- (7) In Schedule 2 (supplementary)—
- (a) in the heading preceding paragraph 10A, for “cause” there is substituted “ reason ”;
 - (b) before paragraph 10A there is inserted—
 - “10ZA Regulations may for any purpose of this Part provide for—
 - (a) circumstances in which a person is to be treated as having or not having a good reason for an act or omission;
 - (b) matters which are or are not to be taken into account in determining whether a person has a good reason for an act or omission.”;
 - (c) in paragraph 10A (good cause), in sub-paragraph (1)—
 - (i) for “section 11, 12 or 13“ there is substituted “ paragraph 10ZA ”;
 - (ii) for “good cause” there is substituted “ a good reason ”.
- (8) In that Schedule, after paragraph 10A there is inserted—

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“Responsibility for children

10B Regulations may for any purpose of this Part specify circumstances in which a person is or is not responsible for a child.”

(9) In that Schedule, in paragraph 13 (information), for “13” there is substituted “ 11K ”.

CHAPTER 3

INCOME SUPPORT

58 Entitlement of lone parents to income support etc

(1) The Welfare Reform Act 2009 is amended as follows.

(2) In section 3(1), in paragraph (b) of subsection (1A) to be inserted into section 124 of the Social Security Contributions and Benefits Act 1992 (lone parents with a child under 7 to be included in regulations as a category of person entitled to income support), for “7” there is substituted “ 5 ”.

(3) In section 8 (parliamentary procedure for regulations imposing a requirement on lone parents with a child under 7 to undertake work-related activity), in the heading and in subsection (1), for “7” there is substituted “ 5 ”.

Commencement Information

I17 S. 58(1)(2) in force at 20.3.2012 by S.I. 2012/863, art. 2(1)(c)

PROSPECTIVE

59 Claimant commitment for income support

(1) The Social Security Contributions and Benefits Act 1992 is amended as follows.

(2) Section 124 (income support) is amended as follows—

(a) in subsection (1), after paragraph (e) there is inserted—

“(ea) he has accepted a claimant commitment;”;

(b) after subsection (1B) there is inserted—

“(1C) Regulations may prescribe circumstances in which a person may be entitled to income support without having accepted a claimant commitment.”

(3) After section 124 there is inserted—

“124A Claimant commitment

(1) For the purposes of this Part a “claimant commitment” is a record of the claimant's responsibilities in relation to an award of income support.

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- (2) A claimant commitment is to be prepared by the Secretary of State and may be reviewed and updated as the Secretary of State thinks fit.
- (3) A claimant commitment is to be in such form as the Secretary of State thinks fit.
- (4) A claimant commitment is to include—
 - (a) any prescribed information, and
 - (b) any other information the Secretary of State considers it appropriate to include.
- (5) For the purposes of section 124 and this section a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.
- (6) Regulations may provide that in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in section 124(1)(ea).”
- (4) In section 2F of the Social Security Administration Act 1992 (directions about work-related activity), in subsection (3)(b), for the words from “by” to “2E” there is substituted “ in such manner as the Secretary of State thinks fit ”.
- (5) In section 2G of that Act (contracting out), in subsection (1), at the end there is inserted—
 - “(d) any function under section 124A of the Social Security Contributions and Benefits Act 1992 in relation to a claimant commitment.”

CHAPTER 4

MISCELLANEOUS

Claimants dependent on drugs etc

60 Claimants dependent on drugs etc

- (1) Section 17C of, and Schedule A1 to, the Jobseekers Act 1995 (persons dependent on drugs etc: jobseekers allowance) are repealed.
- (2) Section 15A of, and Schedule 1A to, the Welfare Reform Act 2007 (persons dependent on drugs etc: employment and support allowance) are repealed.
- (3) In the Welfare Reform Act 2009, section 11 and Schedule 3 (which includes provision for review of the provisions repealed by this section) are repealed.

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PROSPECTIVE

Entitlement to work

61 Entitlement to work: jobseeker's allowance

- (1) The Jobseekers Act 1995 is amended as follows.
- (2) In section 1 (jobseeker's allowance), in subsection (2), before paragraph (a) there is inserted—

“(za) is entitled to be in employment in the United Kingdom;”.

- (3) In that section, after subsection (3) there is inserted—

“(3A) For the purposes of subsection (2)(za), a person is entitled to be in employment in the United Kingdom if, and only if—

- (a) the person does not under the Immigration Act 1971 require leave to enter or remain in the United Kingdom, or
- (b) the person has been granted such leave and—
- (i) the leave is not invalid,
- (ii) the leave has not for any reason ceased to have effect, and
- (iii) the leave is not subject to a condition preventing the person from accepting any employment.”

- (4) In Schedule 1 (supplementary provisions), after paragraph 8 there is inserted—

“8ZA Regulations may prescribe circumstances in which a person may be entitled to a jobseeker's allowance without being entitled to be in employment in the United Kingdom.”

62 Entitlement to work: employment and support allowance

- (1) The Welfare Reform Act 2007 is amended as follows.
- (2) In section 1 (employment and support allowance), in subsection (3), before paragraph (a) there is inserted—

“(za) is entitled to be in employment in the United Kingdom;”.

- (3) In that section, after subsection (3A) there is inserted—

“(3B) For the purposes of subsection (3)(za), a person is entitled to be in employment in the United Kingdom if, and only if—

- (a) the person does not under the Immigration Act 1971 require leave to enter or remain in the United Kingdom, or
- (b) the person has been granted such leave and—
- (i) the leave is not invalid,
- (ii) the leave has not for any reason ceased to have effect, and
- (iii) the leave is not subject to a condition preventing the person from accepting any employment.”

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- (4) In Schedule 2 (supplementary provisions), after paragraph 4A (as inserted by section 54 of this Act) there is inserted—

“Entitlement to work in the United Kingdom

4B Regulations may provide that in prescribed circumstances a person who is not entitled to be in employment in the United Kingdom may nevertheless be entitled to an employment and support allowance.”

63 Entitlement to work: maternity allowance and statutory payments

- (1) The Social Security Contributions and Benefits Act 1992 is amended as follows.
- (2) In section 35 (state maternity allowance)—
- (a) in subsection (1), at the end there is inserted “and
- “(e) at the commencement of the week referred to in paragraph (a) above she was entitled to engage in the employment referred to in paragraph (b) above.”;
- (b) in subsection (3), before paragraph (a) there is inserted—
- “(za) for circumstances in which subsection (1)(e) above does not apply;”.
- (3) In section 164 (statutory maternity pay)—
- (a) in subsection (2), after paragraph (a) there is inserted—
- “(aa) that at the end of the week immediately preceding that 14th week she was entitled to be in that employment;”;
- (b) in subsection (9), after paragraph (d) there is inserted—
- “(da) provide for circumstances in which subsection (2)(aa) above does not apply;”.
- (4) In section 171ZA (ordinary statutory paternity pay: birth)—
- (a) in subsection (2), after paragraph (b) there is inserted—
- “(ba) that at the end of the relevant week he was entitled to be in that employment;”;
- (b) after subsection (3) there is inserted—
- “(3A) Regulations may provide for circumstances in which subsection (2) (ba) above does not apply.”
- (5) In section 171ZB (ordinary statutory paternity pay: adoption)—
- (a) in subsection (2), after paragraph (b) there is inserted—
- “(ba) that at the end of the relevant week he was entitled to be in that employment;”;
- (b) after subsection (3) there is inserted—
- “(3A) Regulations may provide for circumstances in which subsection (2) (ba) above does not apply.”

^{F1}(6)

^{F2}(7)

- (8) In section 171ZL (statutory adoption pay: entitlement)—

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- (a) in subsection (2), after paragraph (b) there is inserted—
 - “(ba) that at the end of the relevant week he was entitled to be in that employment;”;
 - (b) in subsection (3), after “(2)(b)“ there is inserted “, (ba)”;
 - (c) in subsection (8), before paragraph (a) there is inserted—
 - “(za) exclude the application of subsection (2)(ba) above in prescribed circumstances;”.
- (9) After section 173 there is inserted—

“173A Entitlement to be in employment

- (1) For the purposes of this Act a person is entitled to engage in or to be in any employment if (and only if)—
- (a) the person does not under the Immigration Act 1971 require leave to enter or remain in the United Kingdom, or
 - (b) the person has been granted such leave and—
 - (i) the leave is not invalid,
 - (ii) the leave has not for any reason ceased to have effect, and
 - (iii) the leave is not subject to a condition preventing the person from accepting that employment.”
- (10) In Schedule 11 (statutory sick pay: circumstances in which periods of entitlement do not arise)—
- (a) in paragraph 2, at the end there is inserted—
 - “(i) the employee is not entitled to be in his employment on the relevant date.”;
 - (b) at the end there is inserted—
 - “9
- Paragraph 2(i) above does not apply in prescribed circumstances.”

Textual Amendments

- F1** S. 63(6) repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 7 para. 75; S.I. 2014/1640, art. 7(pp) (with art. 16)
- F2** S. 63(7) repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 7 para. 75; S.I. 2014/1640, art. 7(pp) (with art. 16)

Status:

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Changes to legislation:

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