



2010 CHAPTER 13

PART 1

SOCIAL SECURITY

*Revised system of working-age benefits*

**Couples where at least one member capable of work**

**5.—(1)** In section 123(1) of the Contributions and Benefits Act (conditions for income support)—

(a) in subsection (1), after paragraph (g) (but before the “and” at the end of it) insert—

“(ga) except in such circumstances as may be prescribed, if he is a member of a couple, the other member of the couple has limited capability for work;”,

(b) after subsection (6) insert—

“(6A) The question whether a person has, or does not have, limited capability for work shall be determined for the purposes of this section in accordance with the provisions of Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance).

(6B) References in that Part to the purposes of that Part shall be construed, where the provisions of that Part have effect for the purposes of this section, as references to the purposes of this section.”, an

(c) in subsection (7), for “Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance)” substitute “that Part”.

(2) In paragraph 6 of Schedule 1 to the Welfare Reform Act (conditions for income-related employment and support allowance)—

(a) in sub-paragraph (1), after paragraph (d) insert—

“(da) is not a member of a couple the other member of which does not have limited capability for work;”, and

(b) after sub-paragraph (2) insert—

“(2A) Regulations may prescribe circumstances in which sub-paragraph (1)(da) does not apply.”.