



Welfare Reform Act 2009

2009 CHAPTER 24

PART 1

SOCIAL SECURITY

“Work for your benefit” schemes etc.

1 Schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.

- (1) The Jobseekers Act 1995 (c. 18) is amended as follows.
- (2) After section 17 insert—

“ “Work for your benefit” schemes etc.

17A Schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.

- (1) Regulations may make provision for or in connection with imposing on claimants in prescribed circumstances a requirement to participate in schemes of any prescribed description that are designed to assist them to obtain employment.
- (2) Regulations under this section may, in particular, require participants to undertake work, or work-related activity, during any prescribed period with a view to improving their prospects of obtaining employment.
- (3) In subsection (2) “work-related activity”, in relation to any person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so.

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

Changes to legislation: Welfare Reform Act 2009, Part 1 is up to date with all changes known to be in force on or before 08 May 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)

- (4) Regulations under this section may not require a person to participate in a scheme unless the person would (apart from the regulations) be required to meet the jobseeking conditions.
- (5) Regulations under this section may, in particular, make provision—
- (a) for notifying participants of the requirement to participate in a scheme within subsection (1);
 - (b) for securing that participants are not required to meet the jobseeking conditions or are not required to meet such of those conditions as are specified in the regulations;
 - (c) for suspending any jobseeker's agreement to which a person is a party for any period during which the person is a participant;
 - (d) for securing that the appropriate consequence follows if a participant has failed to comply with the regulations and it is not shown, within a prescribed period, that the participant had good cause for the failure;
 - (e) prescribing matters which are, or are not, to be taken into account in determining whether a participant has good cause for any failure to comply with the regulations;
 - (f) prescribing circumstances in which a participant is, or is not, to be regarded as having good cause for any failure to comply with the regulations.
- (6) In the case of a jobseeker's allowance other than a joint-claim jobseeker's allowance, the appropriate consequence for the purposes of subsection (5)(d) is that the allowance is not payable for such period (of at least one week but not more than 26 weeks) as may be prescribed.
- (7) In the case of a joint-claim jobseeker's allowance, the appropriate consequence for the purposes of subsection (5)(d) is that the participant is to be treated as subject to sanctions for the purposes of section 20A for such period (of at least one week but not more than 26 weeks) as may be prescribed.
- (8) Regulations under this section may make provision for an income-based jobseeker's allowance to be payable in prescribed circumstances even though other provision made by the regulations would prevent payment of it.
- This subsection does not apply in the case of a joint-claim jobseeker's allowance (corresponding provision for which is made by section 20B(4)).
- (9) The provision that may be made by the regulations by virtue of subsection (8) includes, in particular, provision for the allowance to be—
- (a) payable only if prescribed requirements as to the provision of information are complied with;
 - (b) payable at a prescribed rate;
 - (c) payable for a prescribed period (which may differ from any period mentioned in subsection (6)).
- (10) In this section—
- “claimant”, in relation to a joint-claim couple claiming a joint-claim jobseeker's allowance, means either or both of the members of the couple;
- “the jobseeking conditions” means the conditions set out in section 1(2)(a) to (c);

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“participant”, in relation to any time, means any person who is required at that time to participate in a scheme within subsection (1).

17B Section 17A: supplemental

- (1) For the purposes of, or in connection with, any scheme within section 17A(1) the Secretary of State may—
 - (a) make arrangements (whether or not with other persons) for the provision of facilities;
 - (b) provide support (by whatever means) for arrangements made by other persons for the provision of facilities;
 - (c) make payments (by way of fees, grants, loans or otherwise) to persons undertaking the provision of facilities under arrangements within paragraph (a) or (b);
 - (d) make payments (by way of grants, loans or otherwise) to persons participating in the scheme;
 - (e) make payments in respect of incidental expenses.
 - (2) For the purposes of, or in connection with, any scheme within section 17A(1)
—
 - (a) the Scottish Ministers, and
 - (b) the Welsh Ministers,may make payments (by way of fees, grants, loans or otherwise) to persons (including the Secretary of State) undertaking the provision of facilities under arrangements within subsection (1)(a) or (b) if the following condition is met.
 - (3) The condition is that the Scottish Ministers or the Welsh Ministers consider that the facilities are capable of supporting the training in Scotland or Wales of persons for employment.
 - (4) Unless the Scottish Ministers or Welsh Ministers otherwise specify, the payments may be used by the person to whom they are made for the provision of any of the facilities provided under the arrangements.
 - (5) In subsections (1) to (4) “facilities” includes services, and any reference to the provision of facilities includes the making of payments to persons participating in the scheme.
 - (6) The power of the Secretary of State to make an order under section 26 of the Employment Act 1988 (status of trainees etc) includes power to make, in relation to—
 - (a) persons participating in any scheme within section 17A(1), and
 - (b) payments received by them by virtue of subsection (1) above,provision corresponding to any provision which (by virtue of section 26(1) or (2) of that Act) may be made in relation to persons using such facilities, and to such payments received by them, as are mentioned in section 26(1) of that Act.”
- (3) In section 36 (regulations and orders), after subsection (4) insert—
- “(4A) Without prejudice to the generality of the provisions of this section—
- (a) regulations under section 17A may make different provision for different areas;

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- (b) regulations under section 17A may make provision which applies only in relation to an area or areas specified in the regulations.”

^{F1}(4)

^{F1}(5)

Textual Amendments

F1 S. 1(4)(5) repealed (22.10.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 3](#); [S.I. 2012/2530](#), art. 2(2)(g)

Revised system of working-age benefits

2 Work-related activity: income support claimants and partners of claimants

- (1) The Social Security Administration Act 1992 (c. 5) is amended as follows.
(2) After section 2C insert—

“2D Work-related activity

- (1) Regulations may make provision for or in connection with imposing on a person who—
- (a) is entitled to income support, and
 - (b) is not a lone parent of a child under the age of 3,
- a requirement to undertake work-related activity in accordance with regulations as a condition of continuing to be entitled to the full amount of income support payable apart from the regulations.
- (2) Regulations may make provision for or in connection with imposing on a person (“P”) who—
- (a) is under pensionable age, and
 - (b) is a member of a couple the other member of which (“C”) is entitled to a benefit to which subsection (3) applies at a higher rate referable to P,
- a requirement to undertake work-related activity in accordance with regulations as a condition of the benefit continuing to be payable to C at that rate.
- (3) The benefits to which this subsection applies are—
- (a) income support;
 - (b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance; and
 - (c) an income-related employment and support allowance.
- (4) Regulations under this section may, in particular, make provision—
- (a) prescribing circumstances in which a person is to be subject to any requirement imposed by the regulations (a “relevant requirement”);
 - (b) for notifying a person of a relevant requirement;
 - (c) prescribing the time or times at which a person who is subject to a relevant requirement is required to undertake work-related activity

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- and the amount of work-related activity the person is required at any time to undertake;
- (d) prescribing circumstances in which a person who is subject to a relevant requirement is, or is not, to be regarded as undertaking work-related activity;
 - (e) in a case where C is a member of more than one couple, for determining which of the members of the couples is to be subject to a relevant requirement or requiring each of them to be subject to a relevant requirement;
 - (f) for securing that the appropriate consequence follows if —
 - (i) a person who is subject to a relevant requirement has failed to comply with the requirement, and
 - (ii) it is not shown, within a prescribed period, that the person had good cause for that failure;
 - (g) prescribing the evidence which a person who is subject to a relevant requirement needs to provide in order to show compliance with the requirement;
 - (h) prescribing matters which are, or are not, to be taken into account in determining whether a person had good cause for any failure to comply with a relevant requirement;
 - (i) prescribing circumstances in which a person is, or is not, to be regarded as having good cause for any such failure.
- (5) For the purposes of subsection (4)(f) the appropriate consequence is that the amount of the benefit payable is to be reduced by the prescribed amount until the prescribed time.
- (6) Regulations under subsection (5) may, in relation to any such reduction, provide—
- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
 - (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent.
- (7) Regulations under this section may include provision that in such circumstances as the regulations may provide a person's obligation under the regulations to undertake work-related activity at a particular time is not to apply, or is to be treated as not having applied.
- (8) Regulations under this section must include provision for securing that lone parents are entitled (subject to meeting any prescribed conditions) to restrict the times at which they are required to undertake work-related activity.
- (9) For the purposes of this section and sections 2E and 2F—
- (a) “couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;
 - (b) “lone parent” means a person who—
 - (i) is not a member of a couple, and
 - (ii) is responsible for, and a member of the same household as, a child;
 - (c) “prescribed” means specified in, or determined in accordance with, regulations;

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- (d) “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;
 - (e) any reference to a person attaining pensionable age is, in the case of a man born before 6 April 1955, a reference to the time when a woman born on the same day as the man would attain pensionable age;
 - (f) any reference to a benefit payable to C at a higher rate referable to P is a reference to any case where the amount payable is more than it would be if C and P were not members of the same couple.
- (10) For the purposes of this section regulations may make provision—
- (a) as to circumstances in which one person is to be treated as responsible or not responsible for another;
 - (b) as to circumstances in which persons are to be treated as being or not being members of the same household.
- (11) Information supplied in pursuance of regulations under this section is to be taken for all purposes to be information relating to social security.

2E Action plans in connection with work-focused interviews

- (1) The Secretary of State must in prescribed circumstances provide a document (referred to in this section as an “action plan”) prepared for such purposes as may be prescribed to a person who is subject to a requirement imposed under section 2A or 2AA in relation to any of the following benefits.
- (2) The benefits are—
- (a) income support;
 - (b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance; and
 - (c) an income-related employment and support allowance.
- (3) Regulations may make provision about—
- (a) the form of action plans;
 - (b) the content of action plans;
 - (c) the review and updating of action plans.
- (4) Regulations under this section may, in particular, make provision for action plans which are provided to a person who is subject under section 2D to a requirement to undertake work-related activity to contain particulars of activity which, if undertaken, would enable the requirement to be met.
- (5) Regulations may make provision for reconsideration of an action plan at the request of the person to whom it is provided and may, in particular, make provision about—
- (a) the circumstances in which reconsideration may be requested;
 - (b) the period within which any reconsideration must take place;
 - (c) the matters to which regard must be had when deciding on reconsideration whether the plan should be changed;
 - (d) notification of the decision on reconsideration;
 - (e) the giving of directions for the purpose of giving effect to the decision on reconsideration.

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- (6) In preparing any action plan, the Secretary of State must have regard (so far as practicable) to its impact on the well-being of any person under the age of 16 who may be affected by it.

2F Directions about work-related activity

- (1) In prescribed circumstances, the Secretary of State may by direction given to a person subject to a requirement imposed under section 2D provide that the activity specified in the direction is—
- (a) to be the only activity which, in the person's case, is to be regarded as being work-related activity; or
 - (b) to be regarded, in the person's case, as not being work-related activity.
- (2) But a direction under subsection (1) may not specify medical or surgical treatment as the only activity which, in any person's case, is to be regarded as being work-related activity.
- (3) A direction under subsection (1) given to any person—
- (a) must be reasonable, having regard to the person's circumstances;
 - (b) must be given to the person by being included in an action plan provided to the person under section 2E; and
 - (c) may be varied or revoked by a subsequent direction under subsection (1).
- (4) Where a direction under subsection (1) varies or revokes a previous direction, it may provide for the variation or revocation to have effect from a time before the giving of the direction.

2G Contracting-out

- (1) The following functions of the Secretary of State may be exercised by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose, namely—
- (a) conducting interviews under section 2A or 2AA;
 - (b) providing documents under section 2E;
 - (c) giving, varying or revoking directions under section 2F.
- (2) Regulations may provide for any of the following functions of the Secretary of State to be exercisable by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose—
- (a) any function under regulations under any of sections 2A to 2F, except the making of an excluded decision (see subsection (3));
 - (b) the function under section 9(1) of the 1998 Act (revision of decisions) so far as relating to decisions (other than excluded decisions) that relate to any matter arising under regulations under any of sections 2A to 2F;
 - (c) the function under section 10(1) of the 1998 Act (superseding of decisions) so far as relating to decisions (other than excluded decisions) of the Secretary of State that relate to any matter arising under regulations under any of sections 2A to 2F;

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- (d) any function under Chapter 2 of Part 1 of the 1998 Act (social security decisions), except section 25(2) and (3) (decisions involving issues arising on appeal in other cases), which relates to the exercise of any of the functions within paragraphs (a) to (c).
- (3) Each of the following is an “excluded decision” for the purposes of subsection (2)—
- (a) a decision about whether a person has failed to comply with a requirement imposed by regulations under section 2A, 2AA or 2D;
 - (b) a decision about whether a person had good cause for failure to comply with such a requirement;
 - (c) a decision about the reduction of a benefit in consequence of a failure to comply with such a requirement.
- (4) Regulations under subsection (2) may provide that a function to which that subsection applies may be exercised—
- (a) either wholly or to such extent as the regulations may provide,
 - (b) either generally or in such cases as the regulations may provide, and
 - (c) either unconditionally or subject to the fulfilment of such conditions as the regulations may provide.
- (5) An authorisation given by virtue of any provision made by or under this section may authorise the exercise of the function concerned—
- (a) either wholly or to such extent as may be specified in the authorisation,
 - (b) either generally or in such cases as may be so specified, and
 - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified;
- but, in the case of an authorisation given by virtue of regulations under subsection (2), this subsection is subject to the regulations.
- (6) An authorisation given by virtue of any provision made by or under this section—
- (a) may specify its duration,
 - (b) may be revoked at any time by the Secretary of State, and
 - (c) does not prevent the Secretary of State or any other person from exercising the function to which the authorisation relates.
- (7) 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.
- (8) But subsection (7) 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 by the authorised person (or an employee of that person).

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- (9) Any decision which an authorised person makes in exercise of the function concerned has effect as a decision of the Secretary of State under section 8 of the 1998 Act.
- (10) Where—
- (a) the authorisation of an authorised person is revoked at any time, 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).
- (11) In this section—
- (a) “the 1998 Act” means the Social Security Act 1998;
 - (b) “authorised person” means a person authorised to exercise any function by virtue of any provision made by or under this section;
 - (c) references to functions of the Secretary of State under any enactment (including one comprised in regulations) include functions which the Secretary of State has by virtue of the application of section 8(1)(c) of the 1998 Act in relation to the enactment.

2H Good cause for failure to comply with regulations

- (1) This section applies to any regulations made under section 2A, 2AA or 2D that prescribe matters to be taken into account in determining whether a person has good cause for any failure to comply with the regulations.
- (2) The provision made by the regulations prescribing those matters must include provision relating to—
- (a) the person's physical or mental health or condition;
 - (b) the availability of childcare.”
- (3) In the italic heading before section 2A, insert “ *and work-related activity* ”.
- (4) In section 189(7A) (regulations which may make provision only in relation to specified areas), for “2C” substitute “ 2F ”.
- (5) In section 72(3) of the Welfare Reform and Pensions Act 1999 (c. 30) (supply of information for certain purposes), for paragraphs (a) and (aa) substitute—
- “(a) any of sections 2A to 2F and 7A of the Administration Act.”.

3 Lone parents

- (1) In section 124 of the Social Security Contributions and Benefits Act 1992 (c. 4) (conditions for income support), after subsection (1) insert—
- “(1A) Regulations under paragraph (e) of subsection (1) must secure that a person who—
- (a) is not a member of a couple, and
 - (b) is responsible for, and a member of the same household as, a child under the age of [F25],
- falls within a category of person prescribed under that paragraph.

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- (1B) Subsection (1A) does not apply if regulations under subsection (4)(c) of section 1A of the Jobseekers Act 1995 containing the provision mentioned in subsection (5) of that section are in force.”
- (2) In section 2A of the Social Security Administration Act 1992 (c. 5) (work-focused interviews)—
- (a) after subsection (2) insert—
- “(2A) No requirement may be imposed by virtue of this section on a person who—
- (a) is not a member of a couple, and
- (b) is responsible for, and a member of the same household as, a child under the age of one.
- (2B) For the purposes of subsection (2A)(b) regulations may make provision—
- (a) as to circumstances in which one person is to be treated as responsible or not responsible for another;
- (b) as to circumstances in which persons are to be treated as being or not being members of the same household.”, and”
- (b) in subsection (8), after “In this section—” insert—
- ““couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;”.
- (3) In section 12 of the Welfare Reform Act 2007 (c. 5) (employment and support allowance: work-focused interviews), in subsection (1)(b), at the end insert “ or a lone parent of a child under the age of one ”.
- (4) In section 13 of that Act (employment and support allowance: work-related activity)—
- (a) in subsection (1), after “section 12(1)” insert “ , and who is not a lone parent of a child under the age of 3, ”, and
- (b) after subsection (6) insert—
- “(6A) Regulations under this section shall include provision for securing that lone parents are entitled (subject to meeting any prescribed conditions) to restrict the times at which they are required to undertake work-related activity.”
- (5) In section 24 of that Act (interpretation of Part 1), after subsection (3) insert—
- “(3A) For the purposes of this Part, a person is a lone parent if the person—
- (a) is not a member of a couple (within the meaning given by section 137(1) of the Contributions and Benefits Act), and
- (b) is responsible for, and a member of the same household as, a person under the age of 16.
- (3B) For the purposes of subsection (3A)(b) regulations may make provision—
- (a) as to circumstances in which one person is to be treated as responsible or not responsible for another;
- (b) as to circumstances in which persons are to be treated as being or not being members of the same household.”

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Textual Amendments

- F2** Word in s. 3(1) substituted (20.3.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 58(2)**, 150(3); S.I. 2012/863, art. 2(1)(c)

Commencement Information

- I1** S. 3(1) in force at 21.5.2012 for specified purposes by S.I. 2012/1256, **art. 2(1)**
I2 S. 3(2)(5) in force at 6.10.2011 for specified purposes and 31.10.2011 in so far as not already in force by S.I. 2011/2427, **art. 2(1)**
I3 S. 3(3) in force at 31.10.2011 by S.I. 2011/2427, **art. 2(2)**

PROSPECTIVE

4 Entitlement to jobseeker's allowance without seeking employment etc.

(1) The Jobseekers Act 1995 (c. 18) is amended as follows.

(2) In section 1 (the jobseeker's allowance)—

^{F3}(a)

(b) in subsection (4), for the definition of “a joint-claim couple” substitute—

““a joint-claim couple” means a couple other than a couple of a prescribed description;”.

^{F4}(3)

^{F4}(4)

Textual Amendments

- F3** S. 4(2)(a) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 2**
F4 S. 4(3)(4) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 2**

PROSPECTIVE

5 Couples where at least one member capable of work

(1) In section 124 of the Social Security Contributions and Benefits Act 1992 (c. 4) (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

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in accordance with the provisions of Part 1 of the Welfare Reform Act 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.”, and
- (c) in subsection (7), for “Part 1 of the Welfare Reform Act 2007 (employment and support allowance)” substitute “ that Part ”.
- (2) In paragraph 6 of Schedule 1 to the Welfare Reform Act 2007 (c. 5) (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.”

PROSPECTIVE

6 Statutory sick pay and employment and support allowance

In section 20 of the Welfare Reform Act 2007 (relationship of employment and support allowance with statutory sick pay and other statutory payments), for subsection (1) substitute—

- “(1) A person—
- (a) is not entitled to a contributory allowance in respect of a day, and
- (b) except as regulations may provide, is not entitled to an income-related allowance in respect of a day,
- if, for the purposes of statutory sick pay, that day is a day of incapacity for work in relation to a contract of service and falls within a period of entitlement (whether or not it is a qualifying day).”

PROSPECTIVE

7 Transitional provision relating to sections 4 to 6

- (1) The Secretary of State may by regulations make such provision as the Secretary of State considers necessary or expedient for the purposes of, or in connection with, the transition of persons to—
- (a) income-based jobseeker's allowance, or
- (b) income-related employment and support allowance,
- by virtue of any provision of sections 4 to 6.
- (2) Regulations under this section may, in particular, make provision—
- (a) for the termination or cancellation of awards of income support or income-related employment and support allowance;

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- (b) for a person whose award of income support or income-related employment and support allowance has been terminated or cancelled under regulations made by virtue of paragraph (a) to be treated as having been awarded a transitional allowance;
 - (c) for any such award of a transitional allowance to be—
 - (i) of such a kind,
 - (ii) for such period,
 - (iii) of such an amount, and
 - (iv) subject to such conditions,as may be determined in accordance with the regulations;
 - (d) for a person's continuing entitlement to a transitional allowance to be determined by reference to such provision as may be made by the regulations;
 - (e) for the termination of an award of a transitional allowance;
 - (f) for the review of an award of a transitional allowance;
 - (g) that—
 - (i) days which were days of entitlement to income support or income-related employment and support allowance, and
 - (ii) such other days as may be specified in or determined in accordance with the regulations,are to be treated as having been days during which a person was, or would have been, entitled to an income-based jobseeker's allowance or income-related employment and support allowance.
- (3) Subsections (3) to (5) of section 175 of the Social Security Contributions and Benefits Act 1992 (c. 4) (supplementary provisions in relation to powers to make subordinate legislation under that Act) apply in relation to the power to make regulations under this section as they apply to any power to make regulations under that Act.
- (4) The power to make regulations under this section is exercisable by statutory instrument.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section—
“income-based jobseeker's allowance” has the same meaning as in the Jobseekers Act 1995 (c. 18);
“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (c. 5) (employment and support allowance);
“transitional allowance” means an income-based jobseeker's allowance or income-related employment and support allowance.

8 Parliamentary procedure: regulations imposing work-related activity requirements on lone parents of children under 7

- (1) This section applies to regulations made under any relevant provision which impose a requirement on any lone parent of a child under the age of 7 to undertake work-related activity (within the meaning of the regulations).
- (2) In subsection (1) “relevant provision” means—

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

Changes to legislation: Welfare Reform Act 2009, Part 1 is up to date with all changes known to be in force on or before 08 May 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)

- (a) section 2D(1) of the Social Security Administration Act 1992 (c. 5),
 - ^{F5}(b)
 - (c) section 13 of the Welfare Reform Act 2007 (c. 5).
- (3) A statutory instrument containing regulations to which this section applies (whether alone or with other provision) may not be made at any time during the period of 5 years beginning with the day on which this Act is passed unless a draft of the statutory instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) If subsection (3) applies to any regulations, any provision of an Act under which a statutory instrument containing the regulations would be subject to annulment in pursuance of a resolution of either House of Parliament does not apply.

Textual Amendments

F5 S. 8(2)(b) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 2](#)

PROSPECTIVE

Abolition of income support

9 Abolition of income support

- (1) This section applies if, whether as a result of—
- (a) provision made by any regulations under section 1A(4)(c) or (8) of the Jobseekers Act 1995 (as inserted by section 4 above), or
 - (b) provision made by or under any other enactment, or otherwise,
- the Secretary of State considers that it is no longer appropriate for any category of person to be prescribed under section 124(1)(e) of the Social Security Contributions and Benefits Act 1992 (c. 4) (conditions for income support).
- (2) The Secretary of State may by order provide for section 124 of the Social Security Contributions and Benefits Act 1992 (which establishes the entitlement to income support) to cease to have effect.
- (3) If an order is made under subsection (2)—
- (a) the amendments made by Schedule 2, and
 - (b) the repeals in Part 1 of Schedule 7,
- have effect in accordance with provision made by the order.
- (4) The Secretary of State may by order make such transitional or consequential provision or savings as the Secretary of State considers necessary or expedient for the purposes of or in connection with the abolition of income support (including provision of the kind mentioned in section 7(2)).
- (5) The consequential provision that may be made by an order under subsection (4) includes, in particular, provision amending, repealing or revoking—
- (a) any provision of any Act (whenever passed), or
 - (b) any provision of any instrument made under any Act (whenever made).

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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- (6) In subsection (5) “Act” means—
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament, or
 - (c) a Measure or Act of the National Assembly for Wales.
- (7) Subsections (3) to (5) of section 175 of the Social Security Contributions and Benefits Act 1992 (c. 4) (supplementary provisions in relation to powers to make subordinate legislation under that Act) apply in relation to any power to make an order under this section as they apply to any power to make orders under that Act.
- (8) Any power to make an order under this section is exercisable by statutory instrument.
- (9) An order under subsection (2) may not be made unless a draft of the statutory instrument containing the order (whether alone or with other provision) has been laid before, and approved by a resolution of, each House of Parliament.
- (10) A statutory instrument containing an order under subsection (4) is (unless a draft of it has been approved by a resolution of each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.

Work-related activity for claimants of employment and support allowance

10 Power to direct claimant to undertake specific work-related activity

In section 15 of the Welfare Reform Act 2007 (c. 5) (directions about work-related activity), for subsections (1) and (2) substitute—

- “(1) In prescribed circumstances, the Secretary of State may by direction given to a person subject to a requirement imposed under section 13(1) provide that the activity specified in the direction is—
- (a) to be the only activity which, in the person's case, is to be regarded as being work-related activity; or
 - (b) to be regarded, in the person's case, as not being work-related activity.
- (1A) But a direction under subsection (1) may not specify medical or surgical treatment as the only activity which, in any person's case, is to be regarded as being work-related activity.
- (2) A direction under subsection (1) given to any person—
- (a) must be reasonable, having regard to the person's circumstances;
 - (b) must be given to the person by being included in an action plan provided to the person under section 14; and
 - (c) may be varied or revoked by a subsequent direction under subsection (1).”

Commencement Information

I4 S. 10 in force at 10.2.2010 by S.I. 2010/293, art. 2(1)(a)

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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Jobseeker's allowance and employment and support allowance: drugs

F6 11 Claimants dependent on drugs etc.

.....

Textual Amendments

F6 S. 11 repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), ss. **60(3)**, 150(2)(b)

Contributory jobseeker's allowance and employment and support allowance

12 Conditions for contributory jobseeker's allowance

(1) Section 2 of the Jobseekers Act 1995 (c. 18) (jobseeker's allowance: the contribution-based conditions) is amended as follows.

(2) In subsection (2), for paragraph (b) substitute—

“(b) the claimant's relevant earnings for the base year upon which primary Class 1 contributions have been paid or treated as paid are not less than the base year's lower earnings limit multiplied by 26.”

(3) After that subsection insert—

“(2A) Regulations may make provision for the purposes of subsection (2)(b) for determining the claimant's relevant earnings for the base year.

(2B) Regulations under subsection (2A) may, in particular, make provision—

- (a) for making that determination by reference to the amount of a person's earnings for periods comprised in the base year;
- (b) for determining the amount of a person's earnings for any such period by—
 - (i) first determining the amount of the earnings for the period in accordance with regulations made for the purposes of section 3(2) of the Benefits Act, and
 - (ii) then disregarding so much of the amount found in accordance with sub-paragraph (i) as exceeded the base year's lower earnings limit (or the prescribed equivalent).”

(4) In subsection (3A), for “subsections (2)(b) and (3)” substitute “ subsection (3) ”.

(5) After that subsection insert—

“(3B) Regulations may—

- (a) provide for the first set of conditions to be taken to be satisfied in the case of persons—
 - (i) who have been entitled to any prescribed description of benefit during any prescribed period or at any prescribed time, or
 - (ii) who satisfy other prescribed conditions;
- (b) with a view to securing any relaxation of the requirements of the first set of conditions in relation to persons who have been entitled

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as mentioned in paragraph (a)(i), provide for that set of conditions to apply in relation to them subject to prescribed modifications.

(3C) In subsection (3B)—

“the first set of conditions” means the condition set out in subsection (1)(a) and the additional conditions set out in subsection (2);

“benefit” means—

- (a) any benefit within the meaning of section 122(1) of the Benefits Act,
- (b) any benefit under Parts 7 to 12 of the Benefits Act,
- (c) credits under regulations under section 22(5) of the Benefits Act,
- (d) a contribution-based jobseeker's allowance, and
- (e) working tax credit.”

(6) In paragraph 45 of Schedule 1 to the National Insurance Contributions Act 2002 (c. 19) (which amended section 2(2)(b) of the Jobseekers Act 1995 (c. 18)), for “section 2(2) (b) and (3)” substitute “ section 2(3) ”.

Commencement Information

- I5** S. 12(1)(3) in force at 1.10.2010 by S.I. 2010/2377, art. 2(1)(a)
- I6** S. 12(2)(4)(6) in force at 1.11.2010 by S.I. 2010/2377, art. 2(2)(a)
- I7** S. 12(5) in force at 29.11.2011 for specified purposes by S.I. 2011/2857, art. 2(a)

13 Conditions for contributory employment and support allowance

(1) Paragraph 1 of Schedule 1 to the Welfare Reform Act 2007 (c. 5) (employment and support allowance: conditions relating to national insurance) is amended as follows.

(2) In sub-paragraph (1)(a) (Class 1 or Class 2 contributions to have been paid in respect of one of last three complete tax years), for “three” substitute “ two ”.

(3) In sub-paragraph (1), for paragraph (c) substitute—

“(c) the claimant's earnings determined in accordance with sub-paragraph (2) must be not less than the base tax year's lower earnings limit multiplied by 26.”

(4) For sub-paragraphs (2) and (3) substitute—

“(2) The earnings referred to in sub-paragraph (1)(c) are the aggregate of—

- (a) the claimant's relevant earnings for the base tax year upon which primary Class 1 contributions have been paid or treated as paid, and
- (b) the claimant's earnings factors derived from Class 2 contributions.

(3) Regulations may make provision for the purposes of sub-paragraph (2)(a) for determining the claimant's relevant earnings for the base tax year.

(3A) Regulations under sub-paragraph (3) may, in particular, make provision—

- (a) for making that determination by reference to the amount of a person's earnings for periods comprised in the base tax year;

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- (b) for determining the amount of a person's earnings for any such period by—
 - (i) first determining the amount of the earnings for the period in accordance with regulations made for the purposes of section 3(2) of the Contributions and Benefits Act, and
 - (ii) then disregarding so much of the amount found in accordance with sub-paragraph (i) as exceeded the base tax year's lower earnings limit (or the prescribed equivalent)."
- (5) In sub-paragraph (4)—
 - (a) in paragraph (a), for “persons who” substitute “persons—
 - (i) who”,
 - (b) in that paragraph, after “prescribed time” insert “, or
 - (ii) who satisfy other prescribed conditions”, and
 - (c) in paragraph (b), for “so entitled” substitute “ entitled as mentioned in paragraph (a)(i) ”.

Commencement Information

- I8** S. 13(1) in force at 1.10.2010 by S.I. 2010/2377, **art. 2(1)(b)**
- I9** S. 13(2)(3) in force at 1.11.2010 by S.I. 2010/2377, **art. 2(2)(b)**
- I10** S. 13(4) in force at 1.10.2010 for specified purposes by S.I. 2010/2377, **art. 2(1)(c)**
- I11** S. 13(4) in force at 1.11.2010 in so far as not already in force by S.I. 2010/2377, **art. 2(2)(c)**
- I12** S. 13(5)(a)(b) in force at 29.11.2011 by S.I. 2011/2857, **art. 2(b)**

Disability living allowance

14 Mobility component

- (1) Section 73 of the Social Security Contributions and Benefits Act 1992 (c. 4) (mobility component of disability living allowance) is amended as follows.
- (2) In subsection (1), for paragraph (b) (together with the “or” at the end of it) substitute—
 - “(ab) he falls within subsection (1AB) below; or
 - (b) he does not fall within that subsection but does fall within subsection (2) below; or”.
- (3) In subsection (1A)(a), after “paragraph (a),” insert “ (ab), ”.
- (4) After subsection (1A) insert—
 - “(1AB) A person falls within this subsection if—
 - (a) he has such severe visual impairment as may be prescribed; and
 - (b) he satisfies such other conditions as may be prescribed.”
- (5) In subsection (11)(a), after “subsection (1)(a),” insert “ (ab), ”.

Commencement Information

- I13** S. 14 in force at 11.4.2011 in so far as not already in force by S.I. 2010/293, **art. 2(2)**

*Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.
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I14 S. 14 in force at 15.10.2010 for specified purposes by [S.I. 2010/293](#), art. 2(2)(b)

Abolition of adult dependency increases

15 Maternity allowance and carer's allowance

- (1) The following provisions of the Social Security Contributions and Benefits Act 1992 (c. 4) (“the Benefits Act”) are omitted on 6 April 2010—
 - (a) section 82 (maternity allowance: increase for adult dependants); and
 - (b) section 90 (carer's allowance: increase for adult dependants).
- (2) Nothing in subsection (1) or Part 2 of Schedule 7 applies in relation to—
 - (a) the amount of a maternity allowance payable for a maternity allowance period (within the meaning of section 35(2) of the Benefits Act) which begins before 6 April 2010 but ends on or after that date, or
 - (b) the amount of a carer's allowance payable to a qualifying person at any time on or after 6 April 2010 but before the appropriate date.
- (3) In subsection (2)(b)—

“a qualifying person” means a person who—

 - (a) has, before 6 April 2010, made a claim for an increase in a carer's allowance under section 90 of the Benefits Act; and
 - (b) immediately before that date is either entitled to the increase claimed or a beneficiary to whom section 92 of the Benefits Act applies in respect of that increase (continuation of awards where fluctuating earnings);

“the appropriate date” means whichever is the earlier of—

 - (a) 6 April 2020; and
 - (b) the date when the qualifying person ceases to be either entitled to that increase or a beneficiary to whom section 92 of the Benefits Act applies in respect of that increase.

External provider social loans and community care grants

PROSPECTIVE

F7 16 External provider social loans

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Textual Amendments

F7 Ss. 16-21 repealed (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 73**, 150(3); [S.I. 2012/3090](#), art. 2(1)(b)

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PROSPECTIVE

F7 17 Power to restrict availability of social fund loans

.....

Textual Amendments

F7 Ss. 16-21 repealed (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), ss. 73, 150(3); S.I. 2012/3090, art. 2(1)(b)

PROSPECTIVE

F7 18 Supply of information to or by lenders making external provider social loans

.....

Textual Amendments

F7 Ss. 16-21 repealed (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), ss. 73, 150(3); S.I. 2012/3090, art. 2(1)(b)

PROSPECTIVE

F7 19 Community care grants relating to specified goods or services

.....

Textual Amendments

F7 Ss. 16-21 repealed (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), ss. 73, 150(3); S.I. 2012/3090, art. 2(1)(b)

PROSPECTIVE

F7 20 Community care grants: reviews and information

.....

Textual Amendments

F7 Ss. 16-21 repealed (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), ss. 73, 150(3); S.I. 2012/3090, art. 2(1)(b)

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PROSPECTIVE

F7 21 Regulations relating to information: parliamentary control
.....

Textual Amendments

F7 Ss. 16-21 repealed (1.4.2013) by Welfare Reform Act 2012 (c. 5), ss. 73, 150(3); S.I. 2012/3090, art. 2(1)(b)

PROSPECTIVE

Payments on account

F8 22 Payments on account
.....

Textual Amendments

F8 S. 22 repealed (1.4.2013) by Welfare Reform Act 2012 (c. 5), ss. 101(2), 150(3); S.I. 2013/358, art. 4(2)

Up-rating of benefits

23 Power to up-rate benefits following review in tax year 2009-10

In relation to the review under subsection (1) of section 150 of the Social Security Administration Act 1992 (annual up-rating of benefits) in the tax year ending with 5 April 2010, the other provisions of that section are to have effect as if—

(a) after subsection (2) there were inserted—

“(2A) Where it appears to the Secretary of State that the general level of prices is no greater at the end of the period under review than it was at the beginning of that period, the Secretary of State may, if the Secretary of State considers it appropriate having regard to the national economic situation and any other matters which the Secretary of State considers relevant, lay before Parliament the draft of an up-rating order—

(a) which increases by such a percentage or percentages as the Secretary of State thinks fit any of the sums mentioned in subsection (1); and

(b) stating the amount of any sums which are mentioned in subsection (1) but which the order does not increase.”,

(b) in subsection (5), after “(2)” there were inserted “ or (2A) ”, and

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- (c) in subsection (6)—
- (i) after “(2)” there were inserted “ or (2A) ”, and
 - (ii) after “requires” there were inserted “ or authorises ”.

Benefit sanctions for offenders

24 Loss of benefit provisions

- (1) Before section 7 of the Social Security Fraud Act 2001 (c. 11) (but after the italic heading immediately before that section) insert—

“6A Meaning of “disqualifying benefit” and “sanctionable benefit” for purposes of sections 6B and 7

- (1) In this section and sections 6B and 7—

“disqualifying benefit” means (subject to any regulations under section 10(1))—

- (a) any benefit under the Jobseekers Act 1995 or the Jobseekers (Northern Ireland) Order 1995;
- (b) any benefit under the State Pension Credit Act 2002 or the State Pension Credit Act (Northern Ireland) 2002;
- (c) any benefit under Part 1 of the Welfare Reform Act 2007 or Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance);
- (d) any benefit under the Social Security Contributions and Benefit Act 1992 or the Social Security Contributions and Benefits (Northern Ireland) Act 1992 other than—
 - (i) maternity allowance;
 - (ii) statutory sick pay and statutory maternity pay;
- (e) any war pension;

“sanctionable benefit” means (subject to subsection (2) and to any regulations under section 10(1)) any disqualifying benefit other than—

- (a) joint-claim jobseeker's allowance;
- (b) any retirement pension;
- (c) graduated retirement benefit;
- (d) disability living allowance;
- (e) attendance allowance;
- (f) child benefit;
- (g) guardian's allowance;
- (h) a payment out of the social fund in accordance with Part 8 of the Social Security Contributions and Benefits Act 1992;
- (i) a payment under Part 10 of that Act (Christmas bonuses).

- (2) In their application to Northern Ireland sections 6B and 7 shall have effect as if references to a sanctionable benefit were references only to a war pension.

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6B Loss of benefit in case of conviction, penalty or caution for benefit offence

- (1) Subsection (4) applies where a person (“the offender”)—
 - (a) is convicted of one or more benefit offences in any proceedings,
 - (b) after being given a notice under subsection (2) of the appropriate penalty provision by an appropriate authority, agrees in the manner specified by the appropriate authority to pay a penalty under the appropriate penalty provision to the appropriate authority by reference to an overpayment, in a case where the offence mentioned in subsection (1)(b) of the appropriate penalty provision is a benefit offence, or
 - (c) is cautioned in respect of one or more benefit offences.
- (2) In subsection (1)(b)—
 - (a) “the appropriate penalty provision” means section 115A of the Administration Act (penalty as alternative to prosecution) or section 109A of the Social Security Administration (Northern Ireland) 1992 (the corresponding provision for Northern Ireland);
 - (b) “appropriate authority” means—
 - (i) in relation to section 115A of the Administration Act, the Secretary of State or an authority which administers housing benefit or council tax benefit, and
 - (ii) in relation to section 109A of the Social Security Administration (Northern Ireland) Act 1992, the Department (within the meaning of that Act) or the Northern Ireland Housing Executive.
- (3) Subsection (4) does not apply by virtue of subsection (1)(a) if, because the proceedings in which the offender was convicted constitute the later set of proceedings for the purposes of section 7, the restriction in subsection (2) of that section applies in the offender's case.
- (4) If this subsection applies and the offender is a person with respect to whom the conditions for an entitlement to a sanctionable benefit are or become satisfied at any time within the disqualification period, then, even though those conditions are satisfied, the following restrictions shall apply in relation to the payment of that benefit in the offender's case.
- (5) Subject to subsections (6) to (10), the sanctionable benefit shall not be payable in the offender's case for any period comprised in the disqualification period.
- (6) Where the sanctionable benefit is income support, the benefit shall be payable in the offender's case for any period comprised in the disqualification period as if the applicable amount used for the determination under section 124(4) of the Social Security Contributions and Benefits Act 1992 of the amount of the offender's entitlement for that period were reduced in such manner as may be prescribed.
- (7) The Secretary of State may by regulations provide that, where the sanctionable benefit is jobseeker's allowance, any income-based jobseeker's allowance

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shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or more of the following applied—

- (a) the rate of the allowance were such reduced rate as may be prescribed;
 - (b) the allowance were payable only if there is compliance by the offender with such obligations with respect to the provision of information as may be imposed by the regulations;
 - (c) the allowance were payable only if the circumstances are otherwise such as may be prescribed.
- (8) The Secretary of State may by regulations provide that, where the sanctionable benefit is state pension credit, the benefit shall be payable in the offender's case for any period comprised in the disqualification period as if the rate of the benefit were reduced in such manner as may be prescribed.
- (9) The Secretary of State may by regulations provide that, where the sanctionable benefit is employment and support allowance, any income-related allowance shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or more of the following applied—
- (a) the rate of the allowance were such reduced rate as may be prescribed;
 - (b) the allowance were payable only if there is compliance by the offender with such obligations with respect to the provision of information as may be imposed by the regulations;
 - (c) the allowance were payable only if the circumstances are otherwise such as may be prescribed.
- (10) The Secretary of State may by regulations provide that, where the sanctionable benefit is housing benefit or council tax benefit, the benefit shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or more of the following applied—
- (a) the rate of the benefit were reduced in such manner as may be prescribed;
 - (b) the benefit were payable only if the circumstances are such as may be prescribed.
- (11) For the purposes of this section the disqualification period, in relation to any disqualifying event, means the period of four weeks beginning with such date, falling after the date of the disqualifying event, as may be determined by or in accordance with regulations made by the Secretary of State.
- (12) This section has effect subject to section 6C.
- (13) In this section and section 6C—
- “benefit offence” means—
- (a) any post-commencement offence in connection with a claim for a disqualifying benefit;
 - (b) any post-commencement offence in connection with the receipt or payment of any amount by way of such a benefit;
 - (c) any post-commencement offence committed for the purpose of facilitating the commission (whether or not by the same person) of a benefit offence;
 - (d) any post-commencement offence consisting in an attempt or conspiracy to commit a benefit offence;

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“disqualifying event” means the conviction falling within subsection (1)(a), the agreement falling within subsection (1)(b) or the caution falling within subsection (1)(c);

“post-commencement offence” means any criminal offence committed after the commencement of this section.

6C Section 6B: supplementary provisions

(1) Where—

(a) the conviction of any person of any offence is taken into account for the purposes of the application of section 6B in relation to that person, and

(b) that conviction is subsequently quashed,

all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under section 6B that could not have been imposed if the conviction had not taken place.

(2) Where, after the agreement of any person (“P”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of the application of section 6B in relation to that person—

(a) P's agreement to pay the penalty is withdrawn under subsection (5) of the appropriate penalty provision, or

(b) it is decided on an appeal or in accordance with regulations under the Social Security Act 1998 or the Social Security (Northern Ireland) Order 1998 that the overpayment to which the agreement relates is not recoverable or due,

all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under section 6B that could not have been imposed if P had not agreed to pay the penalty.

(3) Where, after the agreement (“the old agreement”) of any person (“P”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of the application of section 6B in relation to P, the amount of the overpayment to which the penalty relates is revised on an appeal or in accordance with regulations under the Social Security Act 1998 or the Social Security (Northern Ireland) Order 1998—

(a) section 6B shall cease to apply by virtue of the old agreement, and

(b) subsection (4) shall apply.

(4) Where this subsection applies—

(a) if there is a new disqualifying event consisting of—

(i) P's agreement to pay a penalty under the appropriate penalty provision in relation to the revised overpayment, or

(ii) P being cautioned in relation to the offence to which the old agreement relates,

the disqualification period relating to the new disqualifying event shall be reduced by the number of days in so much of the disqualification period relating to the old agreement as had expired when section 6B ceased to apply by virtue of the old agreement, and

(b) in any other case, all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by

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or under section 6B that could not have been imposed if P had not agreed to pay the penalty.

(5) For the purposes of section 6B—

- (a) the date of a person's conviction in any proceedings of a benefit offence shall be taken to be the date on which the person was found guilty of that offence in those proceedings (whenever the person was sentenced) or in the case mentioned in paragraph (b)(ii) the date of the order for absolute discharge; and
- (b) references to a conviction include references to—
 - (i) a conviction in relation to which the court makes an order for absolute or conditional discharge or a court in Scotland makes a probation order,
 - (ii) an order for absolute discharge made by a court of summary jurisdiction in Scotland under section 246(3) of the Criminal Procedure (Scotland) Act 1995 without proceeding to a conviction, and
 - (iii) a conviction in Northern Ireland.

(6) In this section “the appropriate penalty provision” has the meaning given by section 6B(2)(a).”

(2) In Schedule 4—

- (a) Part 1 contains further amendments of the Social Security Fraud Act 2001 (c. 11), and
- (b) Part 2 contains related amendments of other Acts.

Commencement Information

I15 S. 24 in force at 12.1.2010 for specified purposes by [S.I. 2010/45, art. 2\(1\)](#)

I16 S. 24 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/45, art. 2\(2\)](#)

PROSPECTIVE

^{F9}25 Jobseeker's allowance: sanctions for violent conduct etc. in connection with claim

Textual Amendments

F9 S. 25 repealed (22.10.2012) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 3](#); [S.I. 2012/2530, art. 2\(2\)\(g\)](#)

26 Repeal of sections 62 to 66 of the Child Support, Pensions and Social Security Act 2000

In the Child Support, Pensions and Social Security Act 2000 (c. 19), omit sections 62 to 66 (loss of benefit for breach of community order).

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.
Changes to legislation: Welfare Reform Act 2009, Part 1 is up to date with all changes known to be in force on or before 08 May 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)

Commencement Information

I17 S. 26 in force at 22.3.2010 by S.I. 2010/293, **art. 2(3)(a)** (with **art. 2(4)**)

Pilot schemes

27 State pension credit: pilot schemes

- (1) The State Pension Credit Act 2002 (c. 16) is amended as follows.
- (2) Before section 19 (but after the italic heading immediately before that section) insert—

“18A Pilot schemes

- (1) Any regulations to which this subsection applies may be made so as to have effect for a specified period not exceeding 12 months.
- (2) Subject to subsection (3), subsection (1) applies to—
 - (a) regulations made under this Act, and
 - (b) regulations made under section 1 or 5 of the Administration Act.
- (3) Subsection (1) only applies to regulations if they are made with a view to ascertaining whether their provisions will—
 - (a) make it more likely that persons who are entitled to claim state pension credit will do so;
 - (b) make it more likely that persons who are entitled to claim state pension credit will receive it.
- (4) Regulations which, by virtue of subsection (1), are to have effect for a limited period are referred to in this section as a “pilot scheme”.
- (5) A pilot scheme may, in particular—
 - (a) provide for a relevant provision not to apply, or to apply with modifications, for the purposes of the pilot scheme, and
 - (b) make different provision for different cases or circumstances.
- (6) For the purposes of subsection (5)(a), a “relevant provision” is—
 - (a) any provision of this Act, and
 - (b) section 1 of the Administration Act.
- (7) A pilot scheme may provide that no account is to be taken of any payment made under the pilot scheme in considering a person's—
 - (a) liability to tax,
 - (b) entitlement to benefit under an enactment relating to social security (irrespective of the name or nature of the benefit), or
 - (c) entitlement to a tax credit.
- (8) A pilot scheme may provide that its provisions are to apply only in relation to—
 - (a) one or more specified areas or localities;
 - (b) one or more specified classes of person;

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- (c) persons selected—
 - (i) by reference to prescribed criteria, or
 - (ii) on a sampling basis.
- (9) A pilot scheme may make consequential or transitional provision with respect to the cessation of the scheme on the expiry of the specified period.
- (10) A pilot scheme may be replaced by a further pilot scheme making the same or similar provision.
- (11) The power of the Secretary of State to make regulations which, by virtue of this section, are to have effect for a limited period is exercisable only with the consent of the Treasury.”
- (3) In section 19 (regulations and orders) after subsection (2) insert—
 - “(2A) A statutory instrument containing regulations which, by virtue of section 18A, are to have effect for a limited period shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

28 Period for which pilot schemes have effect etc.

- (1) In section 29 of the Jobseekers Act 1995 (c. 18) (pilot schemes)—
 - (a) in subsection (1), for “12 months” substitute “ 36 months ”, and
 - (b) in subsection (8), for the words from “facilitate” to the end substitute “ make it more likely that persons will obtain or remain in work or be able to do so ”.
- (2) In section 19(1) of the Welfare Reform Act 2007 (c. 5) (pilot schemes), for “24 months” substitute “ 36 months ”.

Miscellaneous

29 Exemption from jobseeking conditions for victims of domestic violence

- (1) In Schedule 1 to the Jobseekers Act 1995 (supplementary provisions), after paragraph 8A insert—
 - “8B
 - (1) This paragraph applies if domestic violence has been inflicted on or threatened against a person (“V”) in prescribed circumstances.
 - (2) The Secretary of State must exercise the powers to make regulations under sections 6(4) and 7(4) so as to secure that, for an exempt period, V is treated as—
 - (a) being available for employment; and
 - (b) actively seeking employment.
 - (3) If V has not entered into a jobseeker's agreement before the exempt period begins, the Secretary of State must also exercise the power to make regulations under section 9(10) so as to secure that V is treated as having entered into a jobseeker's agreement which is in force for the exempt period.
 - (4) In this paragraph—

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“domestic violence” has such meaning as may be prescribed;
“exempt period” means a period of 13 weeks beginning no later than a prescribed period after the date (or last date) on which the domestic violence was inflicted or threatened.

(5) Regulations may make provision for the purposes of this paragraph prescribing circumstances in which domestic violence is, or is not, to be regarded as being inflicted on or threatened against a person.”

(2) In section 37(1)(c) of that Act (regulations subject to the affirmative resolution procedure), after “or paragraph” insert “ 8B or ”.

Commencement Information

I18 S. 29 in force at 19.1.2012 by S.I. 2012/68, art. 2

PROSPECTIVE

30 Good cause for failure to comply with regulations etc.

(1) In Schedule 1 to the Jobseekers Act 1995 (supplementary provisions), after paragraph 14A insert—

“Good or just cause for acts or omissions

14B (1) This paragraph applies to any regulations made under this Act that prescribe matters to be taken into account in determining whether a person has good cause or just cause for any act or omission (including any failure to comply with the regulations).

(2) The provision made by the regulations prescribing those matters must include provision relating to—

- (a) the person's physical or mental health or condition;
- (b) the availability of childcare.”

(2) In Schedule 2 to the Welfare Reform Act 2007 (c. 5) (employment and support allowance: supplementary provisions), after paragraph 10 insert—

“Good cause for failure to comply with certain regulations

10A (1) This paragraph applies to any regulations made under section 11, 12 or 13 that prescribe matters to be taken into account in determining whether a person has good cause for any failure to comply with the regulations.

(2) The provision made by the regulations prescribing those matters must include provision relating to—

- (a) the person's physical or mental health or condition;
- (b) the availability of childcare.”

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PROSPECTIVE

31 Jobseekers' agreements and action plans: well-being of children

(1) In section 9 of the Jobseekers Act 1995 (c. 18) (the jobseeker's agreement), after subsection (4) insert—

“(4A) In preparing a jobseeker's agreement for a claimant, the officer must have regard (so far as practicable) to its impact on the well-being of any child who may be affected by it.”

(2) In section 14 of the Welfare Reform Act 2007 (employment and support allowance: action plans in connection with work-focused interviews), at the end insert—

“(5) In preparing any action plan, the Secretary of State must have regard (so far as practicable) to its impact on the well-being of any person under the age of 16 who may be affected by it.”

32 Contracting out functions under Jobseekers Act 1995

(1) The Jobseekers Act 1995 is amended as follows.

(2) Before section 21 (but after the italic heading immediately before that section) insert—

“20E Contracting out

(1) The following functions of the Secretary of State may be exercised by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose, namely—

- ^{F10}(a)
- ^{F10}(b)
- ^{F10}(c)
- ^{F11}(d)
- ^{F11}(e)
- ^{F11}(f)

(2) The following functions of officers of the Secretary of State may be exercised by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose, namely—

- (a) specifying places and times, and being contacted, under section 8;
- (b) entering into or varying any jobseeker's agreement under section 9 or 10 and referring any proposed agreement or variation to the Secretary of State under section 9 or 10;
- (c) giving notifications under section 16 ^{F10} ...;
- ^{F10}(d)

(3) Regulations may provide for any of the following functions of the Secretary of State to be exercisable by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose—

- (a) any function under regulations under section 8, ^{F10} ... 17A ^{F10} ... ^{F11} ..., except the making of an excluded decision (see subsection (4));

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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- (b) the function under section 9(1) of the 1998 Act (revision of decisions) so far as relating to decisions (other than excluded decisions) that relate to any matter arising under any such regulations;
 - (c) the function under section 10(1) of the 1998 Act (superseding of decisions) so far as relating to decisions (other than excluded decisions) of the Secretary of State that relate to any matter arising under any such regulations;
 - (d) any function under Chapter 2 of Part 1 of the 1998 Act (social security decisions), except section 25(2) and (3) (decisions involving issues arising on appeal in other cases), which relates to the exercise of any of the functions within paragraphs (a) to (c).
- (4) Each of the following is an “excluded decision” for the purposes of subsection (3)—
- (a) a decision about whether a person has failed to comply with a requirement imposed by regulations under section 8, ^{F10} ... ^{F12} ... ^{F11} ...;
 - (b) a decision about whether a person had good cause for failure to comply with such a requirement;
 - (c) a decision about not paying or reducing a jobseeker's allowance in consequence of a failure to comply with such a requirement.
- (5) Regulations under subsection (3) may provide that a function to which that subsection applies may be exercised—
- (a) either wholly or to such extent as the regulations may provide,
 - (b) either generally or in such cases as the regulations may provide, and
 - (c) either unconditionally or subject to the fulfilment of such conditions as the regulations may provide.
- (6) An authorisation given by virtue of any provision made by or under this section may authorise the exercise of the function concerned—
- (a) either wholly or to such extent as may be specified in the authorisation,
 - (b) either generally or in such cases as may be so specified, and
 - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified;
- but, in the case of an authorisation given by virtue of regulations under subsection (3), this subsection is subject to the regulations.
- (7) An authorisation given by virtue of any provision made by or under this section—
- (a) may specify its duration,
 - (b) may be revoked at any time by the Secretary of State, and
 - (c) does not prevent the Secretary of State or any other person from exercising the function to which the authorisation relates.
- (8) 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.
- (9) But subsection (8) does not apply—

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- (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 by the authorised person (or an employee of that person).
- (10) Any decision which an authorised person makes in exercise of a function of the Secretary of State has effect as a decision of the Secretary of State under section 8 of the 1998 Act.
- (11) Where—
- (a) the authorisation of an authorised person is revoked at any time, 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).
- (12) In this section—
- (a) “the 1998 Act” means the Social Security Act 1998;
 - (b) “authorised person” means a person authorised to exercise any function by virtue of any provision made by or under this section;
 - (c) references to functions of the Secretary of State under any enactment (including one comprised in regulations) include functions which the Secretary of State has by virtue of the application of section 8(1)(c) of the 1998 Act in relation to the enactment.”
- (3) In each of the following provisions for “employment officer” substitute “ officer of the Secretary of State ”
- (a) section 8(1)(a),
 - (b) section 9(1), (5), (6) and (7)(b),
 - (c) section 10(1), (4), (5) and (6)(b)(ii),
 - (d) section 16(3)(b)(ii),
 - ^{F13}(e)
 - ^{F13}(f)
- ^{F14}(4)
- ^{F15}(5)

Textual Amendments

- F10** Words in s. 32 repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 2**
- F11** Words in s. 32 repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(2)(b), **Sch. 14 Pt. 6**
- F12** Words in s. 32(2) repealed (22.10.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 7 para. 16(2)(c)**; S.I. 2012/2530, art. 2(2)(f)
- F13** S. 32(3)(e)(f) repealed (22.10.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 3**; S.I. 2012/2530, art. 2(2)(g)
- F14** S. 32(4) repealed (22.10.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 3**; S.I. 2012/2530, art. 2(2)(g)
- F15** S. 32(5) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 2**

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Commencement Information

- I19** S. 32(1) in force at 9.3.2011 for specified purposes by [S.I. 2011/682](#), [art. 2\(a\)](#)
- I20** S. 32(2) in force at 9.3.2011 for specified purposes by [S.I. 2011/682](#), [art. 2\(b\)\(c\)](#)

F1633 Attendance in connection with jobseeker's allowance: sanctions

.....

Textual Amendments

- F16** S. 33 repealed (22.10.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 3](#); [S.I. 2012/2530](#), [art. 2\(2\)\(g\)](#)

Commencement Information

- I21** S. 33 in force at 10.2.2010 for specified purposes and 6.4.2010 in so far as not already in force by [S.I. 2010/293](#), [art. 2\(6\)](#) (with [art. 3](#))

34 Social security information and employment or training information

- (1) In section 2A of the Social Security Administration Act 1992 (c. 5) (claim or full entitlement to certain benefits conditional on work-focused interview), after subsection (7) insert—

“(7A) Information supplied in pursuance of regulations under this section shall be taken for all purposes to be information relating to social security.”

- (2) In section 2AA of that Act (full entitlement to certain benefits conditional on work-focused interview for partner), after subsection (6) insert—

“(6A) Information supplied in pursuance of regulations under this section shall be taken for all purposes to be information relating to social security.”

- (3) In Schedule 1 to the Jobseekers Act 1995 (c. 18) (supplementary provisions relating to jobseeker's allowance), at the end insert—

“Treatment of information supplied as information relating to social security

19 Information supplied in pursuance of any provision made by or under this Act shall be taken for all purposes to be information relating to social security.”

- (4) In section 72 of the Welfare Reform and Pensions Act 1999 (c. 30) (supply of information for certain purposes)—

- (a) in subsection (1)(a) and (b), after “social security information” insert “, or information relating to employment or training, ”, and
- (b) in subsection (7), for “purposes connected with employment or training includes purposes connected with” substitute “ information relating to, or purposes connected with, employment or training includes information relating to, or purposes connected with, ”.

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

Changes to legislation: Welfare Reform Act 2009, Part 1 is up to date with all changes known to be in force on or before 08 May 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)

^{F17} 35 Persons under pensionable age to take part in work-focused interviews etc.

.....

Textual Amendments

F17 S. 35 repealed (1.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 910Sch. 5)

Commencement Information

I22 S. 35 in force at 10.2.2010 by [S.I. 2010/293](#), [art. 2\(1\)\(b\)](#)

PROSPECTIVE

^{F18} 36 Power to rename council tax benefit

.....

Textual Amendments

F18 S. 36 repealed (1.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 910Sch. 5)

37 Minor amendments

- (1) Sections 80 and 81 of the Benefits Act (which continue to have effect in certain cases despite their repeal by the Tax Credits Act 2002 (c. 21)) are to have effect as if the references in those sections to a child or children included references to a qualifying young person or persons.
- (2) “Qualifying young person” has the same meaning as in Part 9 of the Benefits Act.
- (3) In section 150(2) of the Benefits Act (interpretation of Part 10: Christmas bonus), in the definition of “qualifying employment and support allowance”, for “an employment and support allowance” substitute “a contributory allowance”.
- (4) Despite the provision made by the Welfare Reform Act 2007 (Commencement No. 6 and Consequential Provisions) Order 2008 (S.I. 2008/ 787), paragraph 9(7) and (8) of Schedule 3 to the Welfare Reform Act 2007 (c. 5) (which amend sections 88 and 89 of the Benefits Act) are deemed not to be in force by virtue of the provision made by that order at any time after the passing of this Act.
- (5) In this section “the Benefits Act” means the Social Security Contributions and Benefits Act 1992 (c. 4).

Status:

Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

Changes to legislation:

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