

*Status: This version of this provision is prospective.*

*Changes to legislation: Welfare Reform Act 2009, Section 7 is up to date with all changes known to be in force on or before 19 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



# Welfare Reform Act 2009

## 2009 CHAPTER 24

### PART 1

#### SOCIAL SECURITY

##### *Revised system of working-age benefits*

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;
  - (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;

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- (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.

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**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [Sch. 4 para. 9\(3\)\(b\)](#) repealed by [2009 c. 24 Sch. 7 Pt. 1](#)