

WELFARE REFORM ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Working-age benefits

Section 44: Claimant commitment for jobseeker's allowance

211. The claimant commitment will be introduced across JSA, ESA and IS before the introduction of universal credit, and will be a record of the responsibilities the claimant has to meet, including any requirements relating to work. Accepting a claimant commitment will be a condition of entitlement for all three benefits.
212. *Section 44* makes amendments to JA 1995, WRA 2009 and SSA 1998 to introduce claimant commitments for people claiming JSA, replacing jobseeker's agreements.
213. *Subsection (2)* amends section 1(2)(b) of JA 1995 to make accepting a claimant commitment a condition of entitlement to JSA.
214. *Subsection (3)* substitutes a new *section 9* into the JA 1995 which explains the claimant commitment. As in universal credit, the claimant commitment will be a record of the responsibilities a claimant has to meet. *Subsection (2)* of the new section 9 explains that the commitment must be prepared by an employment officer and may include information prescribed in regulations and any other information the employment officer or the Secretary of State considers it appropriate to include.
215. *Subsection (3)(b)* of section 9 provides that, in particular, the commitment may include details of any requirements placed upon a claimant under section 8 or section 17A of JA 1995, or under a jobseeker's direction. Section 8 relates to attendance of interviews with advisers and provision of evidence that they are meeting the jobseeking conditions, and section 17A allows for claimants to be required to take part in employment programmes or schemes such as Mandatory Work Activity and the Work Programme.
216. *Subsection (3)(c)* of section 9 provides that the commitment may also contain details of the sanctions that result if any of the requirements are not met without good reason.
217. *Subsection (4)* of section 9 ensures that a claimant will only be asked to accept a claimant commitment if the employment officer is satisfied the claimant would meet the conditions of entitlement set out in section 1(2)(a) and (c) of JA 1995, to be available for employment and actively seeking employment, if they meet the requirements recorded within it.
218. *Subsections (5) and (6)* make provision for the employment officer to refer, or the claimant to request a referral, of a claimant commitment to the Secretary of State to determine whether the claimant would meet the requirements to be available for and actively seeking work if they comply with the proposed claimant commitment, and whether it is reasonable to expect the claimant to comply with the commitment in relation to meeting those conditions.

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(c.5) which received Royal Assent on 8 March 2012*

219. *Subsection (7)* enables the Secretary of State, following such a referral, to give directions about the terms on which the claimant commitment must be accepted and to direct that the proposed claimant commitment is to be treated as having been accepted by the claimant on a date specified in the direction (if the claimant has accepted the commitment).
220. *Subsection (8)* enables regulations to set out the matters which the Secretary of State must take into account when giving a direction to treat the claimant commitment as having been accepted on a certain date, and the persons who must be notified of the Secretary of State's decision or any directions given by the Secretary of State.
221. *Subsection (9)* enables regulations to set out circumstances in which a person could be treated as having accepted a claimant commitment. This might be necessary if the claimant has satisfied all the other criteria, but is temporarily unable to formally accept the claimant commitment in the manner set out in regulations. In such circumstances, regulations could enable an adviser to treat the claimant as if they have met the condition of entitlement that they have accepted a claimant commitment. Payment of benefit could therefore begin immediately and the claimant could confirm acceptance in the prescribed manner as soon as they are able to do so.
222. *Subsection (10)* provides that a claimant must accept the most up-to-date version of a claimant commitment, and do so in the prescribed manner, to meet the relevant entitlement condition.
223. *Subsection (4)* of *section 44* substitutes a new *section 10* into JA 1995 to allow for the commitment to be varied by the employment officer. Only in the case of variations relating to the jobseeking conditions is there a right of referral.
224. *Subsection (2)* of the new section 10 makes equivalent provision to subsection (4) of new section 9 where an employment officer proposes to vary a claimant commitment.
225. If a variation to a claimant commitment is proposed relating to the jobseeking conditions, the employment officer must notify the claimant. The employment officer may, and if the claimant so requests, refer the proposed variation to the Secretary of State. The unvaried claimant commitment will continue to have effect until such time as the referral is concluded.
226. *Subsections (5) to (7)* of the new section 10 make equivalent provision to subsections (5) to (8) of new section 9 relating to referrals of proposed variations. On a referral, the Secretary of State will have the same powers as under section 9 to give directions. Similarly, regulations may prescribe matters to be taken into account by the Secretary of State and who a determination or direction made under section 10 must be notified to.

Section 45: Interviews

227. *Subsection (1)* of *section 45* amends section 8 of JA 1995, which allows the Secretary of State to require a claimant to attend at a certain time and place. The section amends this so that the Secretary of State may require a claimant to participate in an interview in other ways so allowing interviews to be conducted remotely.

Section 46: Sanctions

228. *Section 46(1)* inserts new sections 19, 19A and 19B into the JA 1995, to replace current sanctions provisions, and provide for a new sanctions system which may be applied to claimants or joint claimants of JSA in the event that they fail to meet requirements. It also inserts new section 19C which enables regulations to be made providing for hardship payments to be payable where JSA is reduced under sections 19 to 19B.
229. These changes will take effect until income-based JSA is superseded by universal credit.

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230. New *section 19* of JA 1995 provides for a claimant's award of jobseeker's allowance or joint-claim jobseeker's allowance to be reduced for up to three years in respect of any one failure where they have failed to meet the most important requirements placed upon them.
231. The failures which may be sanctioned for up to this duration are:
- losing a job through misconduct or leaving voluntarily;
 - refusing or failing to apply for or accept a job of which an employment officer has informed the claimant;
 - neglecting to avail themselves of a reasonable opportunity of employment, (for example, people who do not take an opportunity to return to work after being temporarily laid off); and
 - failing to participate in prescribed schemes to assist them to obtain employment under section 17A(1) of JA 1995, inserted by section 1 of WRA 2009.
232. In all cases except losing a job through misconduct, a claimant will not be sanctioned if they can demonstrate good reason for the failure. A person will be treated as not having left work voluntarily in prescribed circumstances, which will include cases where the person has accepted voluntary redundancy.
233. The amount by which a claimant's award may be reduced, and the duration of any reduction will be specified in regulations under *subsection (4)* of the new section 19. A reduction for any single failure under this section may not last for longer than three years. The duration of a reduction may be determined by reference to previous failures within a prescribed period under *subsection (5)*. For example, regulations may provide that second and third failures will result in a longer-lasting reduction if they occur within a particular period of time after the previous failure.
234. Regulations under *subsection (6)* may set out circumstances in which a claimant's benefit will not be reduced despite a sanctionable failure, and may allow for a sanction to be transferred to a new award of jobseeker's allowance if a claimant's award is terminated.
235. *Subsection (7)* makes provision for cases where joint-claim jobseeker's allowance is to be reduced under subsection (1), enabling a reduced amount of JSA to be paid to the other member of the couple where one member of the couple has been sanctioned for a failure.
236. New *section 19A* allows for a claimant's or joint-claimants' award to be reduced in the event that they fail to meet other requirements.
237. Failures which may be sanctionable under this provision are:
- failing to attend an interview or to provide information or evidence relating to the claimant's circumstances, availability for work and efforts to find work under section 8(1) or (1A) of JA 1995;
 - failing to participate in schemes to assist them to obtain employment under section 17A, other than any schemes prescribed under the new section 19;
 - refusing or failing to comply with a reasonable jobseeker's direction;
 - neglecting to avail themselves of a reasonable opportunity to take part in a training scheme or employment programme;
 - refusing or failing to apply for or accept a place on such a scheme which has been notified to him by an employment officer; or

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- giving up a place or failing to attend a training scheme or employment programme, or losing a place through misconduct.
238. As with requirements under the new section 19, a sanction will not be applied if the claimant can demonstrate good reason for the failure (except in cases where the claimant loses a place on a training scheme or employment programme through misconduct). Any requirement which is sanctionable under section 19 cannot also be sanctioned under this section.
239. The amount of any reduction will be set out in regulations, along with the period for which a reduction is to apply. A sanction may be applied for an open-ended period until a claimant meets a particular compliance condition, for a fixed period up to a maximum of 26 weeks, or a combination of the two. The compliance condition may be to meet the original requirement; or relate to future compliance with a jobseeker's direction or any requirement under section 8(1),(1A) or 17(A); or relate to future avoidance of a failure which would be sanctionable under sections 19A(2)(d) to (g). For example, a person may be required to attend a training course and ensure that they do not give up their place or lose it as a result of their behaviour. This condition may be revoked or varied, and will be notified to the claimant in such manner as the Secretary of State may determine.
240. Under *subsection (8)* of section 19A the duration of a fixed period sanction may be determined by reference to previous failures under this section and the period between these failures. It is envisaged that second and third failures will result in a longer-lasting reduction, up to a maximum of 26 weeks for a single failure, if they occur within a particular period after the previous failure.
241. *Subsection (9)* makes equivalent provision to that in section 19(6) so that regulations may provide for a reduction not to be applied despite a sanctionable failure, and for a reduction period to apply to a new award of JSA made within a prescribed period, if the original award is terminated for any reason.
242. *Subsection (10)* makes equivalent provision to that in section 19(7) relating to sanctions applied to joint-claim couples.
243. The new *section 19B* allows for regulations to specify circumstances in which a claimant or joint claimant's award is to be reduced if, under a previous award as a single person or part of a joint-claim couple, they were disentitled for failing to comply with the jobseeking conditions to be available for and actively seeking employment.
244. The amount and period of a sanction will be set out in regulations. A reduction under this section cannot continue for longer than 13 weeks from the day on which the claimant's previous entitlement ceased.
245. Under *subsection (6)* of section 19B the duration of a fixed period sanction may be determined by reference to previous failures under this section and the period between these failures. It is envisaged that second failures will result in a longer-lasting reduction.
246. *Subsection (7)* makes provision for a reduction period to apply to a new award of JSA made within a prescribed period, where the original award was terminated.
247. New *section 19C* enables regulations to make provision for payments of JSA to be made in cases where a claimant or joint-claimant's award has been reduced under sections 19 to 19B and they can demonstrate that they are, or will be, in hardship. As with the universal credit provisions in section 28, regulations may provide for circumstances in which such payments will be recoverable. This replaces the current provisions for payment of hardship payments in circumstances where a person is subject to a sanction under the JA 1995.

248. *Subsection (2)* amends section 37 of JA 1995 to provide that the first regulations made under sections 19 to 19C will be subject to the affirmative resolution procedure.
249. *Subsection (3)* of the section inserts a new *paragraph 14AA* into Schedule 1 of JA 1995 to provide for regulations to prescribe factors to be considered when determining whether or not a person had good reason for a particular act or omission. This replaces current provisions in the JA 1995 and changes references to good cause to good reason to align with the rules for the universal credit. Regulations may also prescribe circumstances in which a person is to be treated as having or not having good reason.
250. *Subsection (4)* repeals provisions in Schedule 3 of SSA 1998. Schedule 3 lists decisions against which an appeal lies and includes decisions to impose a sanction pursuant to section 19 or 17A JA 1995. Sanctions imposed under the new provisions will still be appealable under section 12(1)(a) of SSA 1998.

Section 47: Procedure for regulation-making powers

251. *Section 47* amends section 37 of JA 1995 so that regulations under sections 6 and 7, relating to the condition that a claimant must be actively seeking and available for employment, are no longer subject to the affirmative resolution procedure in the Houses of Parliament. The amendment would ensure that the Parliamentary procedure in relation to these aspects of JSA will be consistent with the similar regulations that may be made in relation to universal credit, so they will be subject to negative resolution.

Section 48: Consequential amendments

252. *Section 48* gives effect to *Schedule 7*.

Schedule 7: Jobseeker's allowance in interim period: consequential amendments

253. *Schedule 7* makes consequential amendments relating to the interim changes made to JSA. In particular, *paragraph 6* repeals sections 20C and 20D of JA 1995, inserted by section 25 of WRA 2009, which relate to sanctions for violent conduct in relation to a claim.

Section 49: Claimant responsibilities for jobseeker's allowance

254. *Section 49* replaces provisions in JA 1995 that relate to the responsibilities that JSA claimants must meet and the imposition of sanctions where JSA claimants fail to meet those responsibilities. These changes will be brought into force at the same time as universal credit and will relate only to contribution-based JSA.
255. The amendments ensure that the provisions to impose requirements on JSA claimants are the same as those for claimants who are subject to all work-related requirements in universal credit. The intention is that the provisions in this section and section 57 will create a single system of claimant responsibilities which are consistent across JSA, ESA and universal credit.
256. *Subsection (2)* repeals the provisions that make actively seeking and being available for work conditions of entitlement to JSA. This is to ensure parity with the approach under universal credit where claimants in the group subject to all work-related requirements are required to meet work search and work availability requirements (in all but prescribed circumstances) but these are not conditions of entitlement.
257. *Subsection (3)* inserts new sections into JA 1995 which mirror the provisions for universal credit in Chapter 2 of Part 1 other than where there are necessary changes. These replace the jobseeking conditions in sections 6 to 10 of JA 1995.
258. New *sections 6B to 6E* set out the work-related requirements that can be imposed on a JSA claimant: a work-focused interview requirement, a work preparation requirement,

a work search requirement and a work availability requirement. Sections 15 to 18 make the same provision in relation to universal credit. *Section 6F(1)* provides that, in all but prescribed circumstances, claimants must be subject to work search and work availability requirements. Under *section 6F(2)* the Secretary of State may also impose work-focused interview or work preparation requirements.

259. Work-related requirements may be recorded in the claimant commitment under *section 6A*. *Section 6G* provides for other requirements which can be placed on claimants in connection to the work-related requirements, which include requiring claimants to participate in an interview with an adviser or providing evidence that they are meeting their work-related requirements. These provisions are the same as those which relate to universal credit in sections 14 and 23.
260. *Sections 6J* and *6K* make equivalent provision to that in sections 26 and 27 which set out the sanctions which may result if a claimant fails without good reason to meet the requirements placed upon them. *Section 6J* covers the most serious failures, which may result in a sanction for up to three years. *Section 6K* allows for a claimant's benefit to be reduced for other failures, for an open-ended period until a compliance condition is met, for a fixed period of up to 26 weeks or a combination of both.
261. *Section 6L* allows for functions relating to the imposition of work-related and connected requirements to be contracted out. This power does not extend to functions relating to sanctions. *Section 6L* replicates *section 29* which allows for contracting out in relation to universal credit.
262. *Section 37* of *JA 1995* is amended to provide that the first regulations made under new sections *6J* or *6K* are subject to the affirmative resolution procedure.

Section 50: Dual entitlement

263. *Section 50* inserts a new *subsection (6A)* into *section 1* of *WRA 2007* to ensure that people who have limited capability for work may be entitled to contributory ESA in some circumstances where they are, at the same time, a member of a couple entitled to joint-claim JSA.
264. *Section 1(3)(f)* of *WRA 2007* provides that a person is not entitled to ESA if they are a member of a couple who are entitled to joint-claim JSA.
265. The new *subsection (6A)* ensures that, for the purposes of *section 1(3)(f)*, the reference to a couple does not include any couple entitled to joint-claim JSA by virtue of regulations made under *paragraph 8A* of *Schedule 1* to *JSA 1995*.
266. *Paragraph 8A* of *Schedule 1* to the *JSA 1995* allows for regulations to prescribe circumstances in which a joint-claim couple may be entitled to joint-claim JSA without both members meeting the basic conditions of entitlement for JSA (for example, if one member of the couple has limited capability for work).
267. *Subsection (2)* of the section has the effect that where ESA had been paid to a person before the amendment to *section 1* of *WRA 2007* came into force, and they were a member of a joint-claim couple by virtue of regulations made under *paragraph 8A* of *Schedule 1* of the *JSA 1995*, the change should be treated as having already been in force. This will have the effect of regularising such payments, which should not have been made because the claimant was a member of a couple entitled to joint-claim JSA.

Section 51: Period of entitlement to contributory allowance

268. *Section 51(1)* inserts a new *section 1A* into *WRA 2007*. This provision limits an award of contributory ESA to a maximum period of 365 days.
269. New *subsection (1)* of new *section 1A* provides that a period of entitlement to contributory ESA shall not exceed the relevant maximum number of days, even if

the period of limited capability for work exceeds this period. The “relevant maximum number of days” is defined (in subsection (2)) as being 365 days or a greater number of days if the Secretary of State so specifies by order.

270. *Subsection (3)* of new *section 1A* provides that where an award has ended due to new *subsection (1)*, a person may begin a new period of entitlement to contributory ESA if they satisfy all of the national insurance contribution conditions in Part 1 of Schedule 1 to WRA 2007, and the two tax years for which the claimant satisfies these conditions (to give rise to this new entitlement) include at least one tax year which is later than the second of the two tax years which gave rise to the previous entitlement.
271. *Subsection (4)* of new *section 1A* provides that where a person is entitled to a contributory allowance by virtue of the third condition set out in Part 1 of Schedule 1 (ESA on the grounds of youth) the period of entitlement to contributory ESA shall not exceed 365 days. As with new *subsection (2)* of new *section 1A*, this number of days of entitlement may be increased by the Secretary of State to a greater number, by order.
272. New *subsection (5)* restricts the application of new subsections (1) and (4) in the case of claimants whose capability for work-related activity is most severely affected by their health conditions. It does this by specifying days which do not count towards the 365 day limit.
273. *Subsection (5)(a)* excludes days in which the person is a member of the Support Group. *Subsection (5)(b)* deals with the situation where a claimant successfully appeals a decision arising from their initial work capability assessment to place them in the work related activity group. In this case the days in respect of which the claimant was not in the support group, but is entitled to the support component as a result of the appeal, are excluded from the days counting towards the time limit. *Subsection (5)(c)* deals with the situation where, immediately following the assessment phase, the claimant is placed in the support group, or is entitled to the support component as a result of an appeal as mentioned above. In this case the days in the assessment phase are excluded from the time limit.
274. New *subsection (6)* provides that claimants who are already receiving contributory ESA (including those entitled on the grounds of youth) when the time limit is introduced will have the period that they have already spent on the benefit counted towards their 365 days of entitlement. For example, if a person had been entitled for six months before the introduction of the time limit then their entitlement would end after another six months.
275. *Subsections (2) and (3)* of *section 51* amend *sections 25 and 26* of WRA 2007 respectively, so as to provide that the order-making power mentioned above is exercisable by statutory instrument which will be subject to the negative resolution procedure.
276. *Subsection (4)* of the *section* amends *Schedule 4* to WRA 2007 so as to allow regulations to modify the application of new *section 1A* when applied to ESA awards made to people previously entitled to an existing award of incapacity benefit or severe disablement allowance under transitional provisions in the WRA 2007. This regulation making power could be used, for example, to ensure that the 365 day time limit created by *section 1A* would also apply to those people who are transferred from incapacity benefit or severe disablement allowance to contributory ESA, including dealing with the point at which it would start.

Section 52: Further entitlement after time-limiting

277. *Section 52* inserts a new *section 1B* after *section 1A* of the WRA 2007 (as inserted by *section 51*). This provides for further entitlement to an award of contributory ESA after time limiting under *section 51*.

278. New *subsection (1)* of new section 1B provides that where entitlement to contributory ESA (including on the grounds of youth) has ceased as a result of time limiting, a person may become entitled to a further award if since that cessation:
- the person has not ceased to have (or be treated as having) limited capability for work;
 - the person satisfies the basic conditions; and
 - the person has (or is treated as having) limited capability for work-related activity.
279. This means that where a person’s contributory ESA ceases as a result of time limiting, and their health condition deteriorates to such a degree that they are later placed in the support group, they will be able to re-qualify for an award of contributory ESA if the above conditions are satisfied.
280. The entitlement to the award only exists for as long as the person has (or is treated as having) limited capability for work-related activity (and so falls into the Support Group). If the person goes through a subsequent work capability assessment and is placed into the work related activity group, then entitlement to an award arising by virtue of section 1B would cease.
281. New *subsection (2)* of new section 1B provides that this further entitlement is to be regarded as a contributory allowance.
282. *Subsection (2)* of section 52 inserts a reference to section 1B(2) into section 1 of WRA 2007 so as to clarify that the definition of “contributory allowance” in section 1(7) is to be read with section 1B(2) of WRA 2007.

Section 53: Condition relating to youth

283. Until the coming into force of [section 53](#), it is possible for certain claimants to be entitled to contributory ESA on the grounds of youth (set out in full in paragraph 4 of Schedule 1 to the WRA 2007). This allows claimants to qualify for contributory ESA without meeting the usual paid National Insurance contribution conditions. A claimant must be under 20 (or in prescribed cases, 25) when the relevant period of limited capability for work began, not be receiving full-time education, must satisfy such conditions as may be prescribed with respect to residence or presence in Great Britain and must have had limited capability for work for 196 consecutive days.
284. [Section 53](#) inserts a new *subsection (3A)* into section 1 of WRA 2007. This new subsection provides that no new claims for contributory ESA on the grounds of youth may be made after the coming into force of that section. This means that those claimants who would have been entitled on those grounds will instead be required to meet the usual National Insurance contribution conditions for a claim for contributory ESA as set out in paragraphs 1 to 3 of Part 1 of Schedule 1 to the WRA 2007, or the conditions of entitlement for income-related ESA.

Section 54: Claimant commitment for employment and support allowance

285. [Section 54](#) amends WRA 2007 to introduce claimant commitments for people claiming ESA.
286. Accepting a claimant commitment is a condition of entitlement for ESA under *subsection (2)*.
287. *Subsection (3)* inserts new *section 1B* into WRA 2007. Section 1B provides that the claimant commitment is a record of the claimant’s responsibilities and may contain particular prescribed information as well as any other information the Secretary of State considers it appropriate to include. This may include information about any requirement which can be imposed on a claimant of ESA, such as the requirement to take part in

a work-focused interview or undertake work-related activity and the consequences of failing to comply with these requirements.

288. *Subsections (2) and (5) of the new section 1B allow for the commitment to be reviewed and updated by the Secretary of State, and provide that to meet the conditions of entitlement the claimant must accept the most up-to-date version. Subsection (6) enables the Secretary of State to make regulations setting out circumstances in which a person may be treated as having accepted a claimant commitment.*
289. *Subsection (4) of section 54 amends section 15(2)(b) of WRA 2007, inserted by section 10 of WRA 2009, to enable the Secretary of State to include directions about work-related activity in the claimant commitment or in an action plan or communicate them in such other manner as the Secretary of State thinks fit.*
290. *Subsection (5) allows for any function relating to claimant commitments to be carried out by third party providers.*
291. *Subsection (6) inserts a new paragraph 4A into Schedule 2 of WRA 2007 to enable the Secretary of State to make regulations setting out circumstances in which a person can be entitled to ESA without having accepted a claimant commitment.*
292. *Subsection (7) amends WRA 2009 so that the wellbeing of any child affected must be considered when a claimant commitment is prepared.*

Section 55: Work experience etc

293. *Section 55 amends section 13 of WRA 2007 to make clear that a claimant with limited capability for work may be required to undertake work experience or a work placement. Any requirement imposed under this provision will need to be reasonable in the claimant's circumstances.*

Section 56: Hardship payments

294. *Section 56 enables regulations to provide for circumstances in which payments will be made to a claimant where their benefit has been reduced as a result of a failure to take part in a work-focused interview, a work-focused health-related assessment, or work-related activity and they are or will be in hardship. In particular, regulations may prescribe the circumstances in which a person will be treated as being in hardship and the amounts and duration of any payments and conditions which claimants will have to satisfy to become and remain eligible. Hardship payments for ESA will not be recoverable.*

Section 57: Claimant responsibilities for employment and support allowance

295. *Section 57 makes equivalent amendments to WRA 2007 as section 49 does to the JA 1995. As with the changes to JSA, these will be introduced in respect of any claimant once ESA is only available to them as a contributory benefit as a result of universal credit coming into force.*
296. *Subsection (2) inserts new sections which replace sections 11 to 16 of WRA 2007. In general these new sections mirror the provisions for universal credit claimants who are assessed as having limited capability for work or limited capability for work-related activity. No ESA claimant will be required to look for or be available for work so the new sections do not include a work search or work availability requirement. As a result the higher level sanctions which apply under universal credit (set out in section 26), do not apply to ESA.*
297. *Sections 11B and 11C set out the work-related requirements which may be imposed on a claimant: a work-focused interview requirement or a work preparation requirement. These mirror the equivalent provisions in universal credit.*

298. *Sections 11D, 11E and 11F* explain what requirements may be imposed on different groups of ESA claimants. *Section 11D* provides that the Secretary of State may not impose either requirement on any person with limited capability for work and limited capability for work-related activity, lone parents with a child under one and any other group prescribed in regulations. The first regulations made under new section 11D(2) (d) will be subject to the affirmative resolution procedure. *Section 11E* provides that lone parents with a child who is at least one but below a prescribed age which may not be less than three can only be subject to a work-focused interview requirement, as well as any other prescribed categories of people. Under *section 11F* the Secretary of State may impose a work preparation requirement and a work-focused interview requirement on any person who does not fall into section 11D or 11E. In effect this will be claimants who have limited capability for work (but not those with limited capability for work-related activity).
299. Work-related requirements may be recorded in the claimant commitment under *section 11A*. *Section 11G* provides for other requirements which can be placed on claimants in connection to the work-related requirements, which include requiring claimants to participate in an interview with an adviser or providing evidence that they are meeting their work-related requirements. These provisions are the same as those which relate to universal credit in sections 14 and 23.
300. *Section 11J*, which mirrors section 27, provides for a claimant's award to be sanctioned if they fail without good reason to meet the requirements placed upon them. Claimants receiving ESA may be subject to a sanction for an open-ended period until a compliance condition is met, for a fixed period of up to 26 weeks or a combination of both. The first regulations made under this new section will be subject to the affirmative resolution procedure.
301. *Section 11K* allows for functions relating to the imposition of work-related and connected requirements to be contracted out. Section 11K replicates section 29 which allows for contracting out in relation to universal credit.
302. *Subsection (3)* of section 57 amends the piloting provision in WRA 2007 to the effect that the purpose of a pilot scheme must be to test whether the provision being piloted is likely to promote people increasing their hours or finding better-paid work, as well as remaining in or obtaining work, or being able to do so. This mirrors the purpose of pilot schemes in relation to universal credit, set out in section 30.
303. *Subsection (7)* inserts a *new paragraph 10* into Schedule 2 of WRA 2007 which makes provision for regulations to set out the circumstances in which there is or is not be good reason and the factors which must or must not be considered when determining whether or not a person had good reason for a particular act or omission. This replaces similar provisions in WRA 2007 but changes references to good cause to good reason to be consistent with universal credit provisions.

Section 58: Entitlement of lone parents to income support etc

304. *Section 58* amends provisions in WRA 2009 concerning lone parents.
305. Section 3(1) of that Act inserts provisions under new *subsection (1A)* of section 124 of SSCBA 1992 so that regulations must provide for IS to be available on grounds of lone parenthood where a lone parent has a child under seven. *Subsection (2)* amends section 3(1) to provide for IS to be available on the grounds of lone parenthood where a lone parent has a child under five. Lone parents who wish to continue receiving an income-replacement benefit after that point will need to claim JSA, if they are capable of work, or ESA, if they have limited capability for work, unless they qualify for IS on some other ground such as receiving Carer's Allowance.
306. *Section 8(1)* of WRA 2009 requires that regulations which impose a requirement to undertake work-related activity on a lone parent with a child under seven are subject

to the affirmative resolution procedure. This requirement applies to regulations made under *section 2D(1)* of SSAA 1992, *section 18B* of the JA 1995 and *section 13* of WRA 2007 before 12 November 2014. *Subsection (3)*) amends this so that the requirement applies to regulations which affect a lone parent with a child under five.

Section 59: Claimant commitment for income support

307. *Section 59* amends SSCBA 1992 and SSAA 1992 to introduce claimant commitments for people claiming IS.
308. *Subsection (2)* amends section 124 of SSCBA 1992 to make accepting a claimant commitment a condition of entitlement for IS. Regulations may allow for circumstances in which a claimant may be entitled without having accepted a claimant commitment.
309. *Subsection (3)* inserts new a new *section 124A* into SSCBA 1992 which provides that the claimant commitment is a record of the claimant's responsibilities and may contain particular prescribed information as well as any other information that the Secretary of State considers it appropriate to include. This may include information about any requirement which may be imposed on a claimant of IS, such as a requirement to take part in work-focused interviews.
310. New *subsection (2)* provides that the claimant commitment may be reviewed and updated by the Secretary of State. Under new *subsection (5)* the claimant must accept the most up-to-date version of the claimant commitment to meet the condition of entitlement.
311. *Subsection (6)* of the new section 124A provides that regulations can set out circumstances in which a claimant is to be treated as having accepted a claimant commitment (and therefore meeting the relevant condition of entitlement).
312. *Subsection (4)* of the section amends section 2F(3)(b) of SSAA 1992 to the effect that directions about work-related activity for claimants of IS may be notified to a claimant in such manner as the Secretary of State thinks fit. This enables any such directions to be notified through the claimant commitment.
313. *Subsection (5)* amends section 2G of SSAA 1992 to enable functions relating to the claimant commitment to be contracted out.

Section 60: Claimants dependent on drugs etc

314. *Section 60* repeals section 17C of, and Schedule A1 to, JSA 1995, section 15A of, and Schedule 1A to, WRA 2007, and section 11 of, and Schedule 3 to, WRA 2009. *Part 6 of Schedule 13* makes minor consequential repeals to those Acts and the SSA 1998.
315. The repeals remove in their entirety provisions in, or inserted by, the WRA 2009 which apply to persons claiming JSA or ESA who are dependent on, or have a propensity to misuse drugs, where their condition affects their prospects of obtaining or remaining in work. These provisions include requirements placed on claimants to engage in certain activities and also provisions in relation to voluntary and mandatory rehabilitation plans.

Section 61: Entitlement to work: jobseeker's allowance

316. *Section 61* introduces a requirement for claimants of JSA to have an entitlement to work in the United Kingdom. The intention is to prevent people from accessing contributory benefits if they do not have a current entitlement to work in the United Kingdom. This requirement will apply after the introduction of the universal credit, once JSA is a contributions-based benefit.
317. *Section 61* amends the JA 1995 to create a new condition of entitlement for JSA, requiring a claimant to be entitled to be in employment in the United Kingdom.

*These notes refer to the Welfare Reform Act 2012
(c.5) which received Royal Assent on 8 March 2012*

Subsection (2) inserts this requirement into the conditions of entitlement for JSA set out in section 1(2) of JA 1995.

318. *Subsection (3)* inserts new *subsection (3A)* into JA 1995 which provides that a person is entitled to be in employment if they are either not subject to immigration controls or have leave to enter or remain in the United Kingdom which is not subject to any restrictions preventing them from taking up work.
319. *Subsection (4)* allows for regulations to prescribe circumstances in which exceptions may be made to this condition.

Section 62: Entitlement to work: employment and support allowance

320. *Section 62* introduces a requirement for ESA claimants to have an entitlement to work in the United Kingdom. The intention is to prevent people from accessing contributory benefits if they do not have a current entitlement to work in the United Kingdom. This requirement will apply after the introduction of the universal credit, once ESA becomes a contributions-based benefit.
321. *Subsection (2)* inserts this requirement into the conditions of entitlement for ESA set out in section 1(3) of the WRA 2007.
322. *Subsection (3)* inserts new *subsection (3A)* into the WRA 2007 which provides that a person is entitled to be in employment if they are either not subject to immigration controls or have leave to enter or remain in the United Kingdom which is not subject to any restrictions preventing them from taking up work.
323. *Subsection (4)* allows for regulations to prescribe circumstances in which exceptions may be made to this condition.

Section 63: Entitlement to work: maternity allowance and statutory payments

324. *Section 63* makes amendments to SSCBA 1992 to introduce a new condition of entitlement into statutory payments and maternity allowance, ensuring that a claimant must be entitled to be in employment in the United Kingdom.