

# WELFARE REFORM ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 5: Social security: General**

##### ***Section 97: Benefit cap: supplementary***

476. *Section 97* makes supplementary provision relating to the cap on welfare benefits.
477. *Subsection (1)* allows regulations under section 96 to make different provision for different purposes or cases. This may, for example, allow for the level of the cap to differ for single people and couples. *Subsections (2)* and *(3)* provide that any regulations under section 96 will be made by statutory instrument which will be subject to the affirmative resolution procedure in the first instance.
478. *Subsection (4)* amends SSAA 1992 to provide that the level of the cap must be reviewed each tax year to see whether it has maintained its relationship with estimated average earnings. If the Secretary of State decides that it is appropriate to change the level of the cap, this may be done through an up-rating order.
479. *Subsection (5)* inserts a new paragraph 8A into Schedule 2 of SSA 1998 so that a decision that the benefit cap applies to a particular award of benefit may not be appealed. If the benefit cap is applied incorrectly, leading to an incorrect award of benefit, then that will be appealable to the usual extent, but whether or not the benefit cap is to apply will be a matter of law.