



Welfare Reform Act 2009

2009 CHAPTER 24

PART 1

SOCIAL SECURITY

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—

“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.

Status: This is the original version (as it was originally enacted).

(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”.

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.”

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—
 - (a) conducting interviews under section 11A;
 - (b) providing documents under section 11C;
 - (c) giving, varying or revoking directions under section 18B(5);
 - (d) asking questions under paragraph 1 of Schedule A1;
 - (e) making decisions under paragraph 2 or 3 of that Schedule;
 - (f) exercising any functions in relation to rehabilitation plans under paragraph 5 or 6 of that Schedule.
- (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 or 18A;
 - (d) giving, varying or revoking directions under section 18A.
- (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, 11A, 11C, 17A or 18B or Schedule A1, except the making of an excluded decision (see subsection (4));
 - (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, 11A or 17A or Schedule A1;

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- (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—
 - (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),
- (e) section 19(5)(b)(ii), (6)(c) and (10)(b) (as the section has effect before its substitution by paragraph 6 of Schedule 1 to this Act), and
- (f) section 20A(2)(b)(ii) and (f) (as the section has effect before its substitution by paragraph 7 of that Schedule).

(4) In section 8(1A)(a), for “the Secretary of State” substitute “an officer of the Secretary of State”.

(5) In relation to any time before paragraph 4 of Schedule 1 to this Act is fully in force, section 20E(2)(c) and (d) of the [Jobseekers Act 1995 \(c. 18\)](#) have effect as if they included references to the giving of notifications or directions under section 19 or 20A of that Act.

33 Attendance in connection with jobseeker’s allowance: sanctions

(1) Section 8 of the [Jobseekers Act 1995](#) (attendance, information and evidence) is amended as follows.

(2) In subsection (2), for paragraphs (a) to (c) (together with the “and” at the end of paragraph (c)) substitute—

- “(a) prescribe circumstances in which a jobseeker’s allowance is not to be payable for a prescribed period (of at least one week but not more than two weeks) in the case of—
 - (i) a claimant (other than a joint-claim couple claiming a joint-claim jobseeker’s allowance) who fails to comply with any regulations made under that subsection, or
 - (ii) a joint-claim couple claiming a joint-claim jobseeker’s allowance a member of which fails to comply with any such regulations;
- (b) provide for the consequence set out in paragraph (a) not to follow if, within a prescribed period of a person’s (“P”) failure to comply with any such regulations (“the relevant period”), P or, if P is a member of a joint-claim couple, either member of the couple—

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- (i) makes prescribed contact with an officer of the Secretary of State, and
 - (ii) shows that P had good cause for the failure;
 - (c) provide for entitlement to a jobseeker’s allowance to cease at such time as may be determined in accordance with any such regulations if P or, as the case may be, a member of the couple does not make prescribed contact with an officer of the Secretary of State in the relevant period;
 - (ca) prescribe circumstances in which a jobseeker’s allowance is to be payable in respect of a claimant even though provision made by any such regulations by virtue of paragraph (a) prevents payment of a jobseeker’s allowance in respect of the claimant; and”.
- (3) After that subsection insert—
- “(2A) The provision that may be made by any such regulations by virtue of subsection (2)(ca) includes, in particular, provision for a jobseeker’s allowance payable by virtue of that paragraph 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 the period mentioned in subsection (2)(a)).”
- (4) In paragraph 3(da) of Schedule 3 to the [Social Security Act 1998 \(c. 14\)](#) (decisions against which an appeal lies: payability of benefit), which is inserted by section 1 of this Act, after “section” insert “8 or”.

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”.

35 Persons under pensionable age to take part in work-focused interviews etc.

- (1) The [Social Security Administration Act 1992 \(c. 5\)](#) is amended as follows.
- (2) In section 2A (claim or full entitlement to certain benefits conditional on work-focused interview)—
 - (a) in subsection (1)(a), for sub-paragraph (ii) substitute—

“(ii) has not attained pensionable age at the time of making the claim (but see subsection (1A)),”
 - (b) in subsection (1)(b)(i), for “is under that age and” substitute “has not attained pensionable age and is”, and
 - (c) after subsection (1) insert—

“(1A) For the purposes of subsection (1) a man born before 6 April 1955 is treated as attaining pensionable age when a woman born on the same day as the man would attain pensionable age.”
- (3) In section 2AA (full entitlement to certain benefits conditional on work-focused interview for partner)—
 - (a) in subsection (1)(a), for sub-paragraphs (i) and (ii) substitute—

“(i) has not attained pensionable age (but see subsection (1A)), and
(ii) has a partner who has also not attained pensionable age,”
 - (b) after subsection (1) insert—

“(1A) For the purposes of subsection (1) a man born before 6 April 1955 is treated as attaining pensionable age when a woman born on the same day as the man would attain pensionable age.”
- (4) In sections 2A(1)(a) and 2AA(1), for “a work-focused interview” substitute “one or more work-focused interviews”, and in section 2A(1)(b), for “such an interview” substitute “one or more work-focused interviews”.

36 Power to rename council tax benefit

- (1) The Secretary of State shall by order provide for the benefit referred to in section 123(1)(e) of the Social Security Contributions and Benefits Act 1992 (council tax benefit) to be known instead, either generally or in cases prescribed by the order, as council tax rebate.
- (2) An order under this section may—
 - (a) amend references to council tax benefit in any Act (whenever passed) or in any instrument made under any Act (whenever made);

Status: This is the original version (as it was originally enacted).

- (b) make provision about the interpretation of references to council tax benefit in other documents;
 - (c) make different provision for different areas.
- (3) In subsection (2)(a) “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.
- (4) The power to make an order under this section is exercisable by statutory instrument.
- (5) Subsections (3) to (5) of section 175 of the Social Security Contributions and Benefits Act 1992 (general provisions as to regulations and orders) apply in relation to the power conferred by this section as they apply in relation to a power conferred by that Act to make an order.
- (6) The first order under this section may not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (7) A statutory instrument containing an order under this section to which subsection (6) does not apply is subject to annulment in pursuance of a resolution of either House of Parliament.

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 \(c. 4\)](#).