



# 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.

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- (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);

“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.”
- (4) In paragraph 3 of Schedule 3 to the [Social Security Act 1998 \(c. 14\)](#) (decisions against which an appeal lies: payability of benefit), after paragraph (d) insert—
  - “(da) regulations made under section 17A of the Jobseekers Act;”.
- (5) In section 8(2)(b)(i) of the [Social Security Fraud Act 2001 \(c. 11\)](#) (effect of offence on joint-claim jobseeker’s allowance), after “is” insert “(or is treated as being)”.

*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 and the amount of work-related activity the person is required at any time to undertake;

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- (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.

- (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).



- (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 7,
- 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.”

#### **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)—
  - (a) for subsections (2) to (2D) substitute—

“(1A) The circumstances in which a claimant is entitled to a jobseeker's allowance are set out in—

    - (a) section 1A (jobseeker's allowance other than joint-claim jobseeker's allowance), and
    - (b) section 1B (joint-claim jobseeker's allowance).”, and
  - (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;”.
- (3) After section 1 insert—

##### **“1A Jobseeker's allowance other than joint-claim jobseeker's allowance**

- (1) A claimant is entitled to a jobseeker's allowance if the claimant meets—
  - (a) the basic conditions; and
  - (b) the conditions set out in section 2 (the contribution-based conditions).
- (2) A claimant who—
  - (a) is not a member of a joint-claim couple, or
  - (b) is a member of a joint-claim couple the other member of which has limited capability for work,is entitled to a jobseeker's allowance if the claimant meets condition A or B.
- (3) Condition A is that the claimant meets—
  - (a) the basic conditions; and
  - (b) the applicable conditions set out in section 3 (the income-based conditions).
- (4) Condition B is that the claimant—
  - (a) is not otherwise entitled to a jobseeker's allowance;
  - (b) meets the basic conditions other than the jobseeking conditions;
  - (c) falls within a prescribed description of person; and
  - (d) meets the applicable conditions set out in section 3.
- (5) Regulations under paragraph (c) of subsection (4) 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 7,falls within a description of person prescribed under that paragraph.
- (6) Subsection (5) does not apply if regulations under subsection (1)(e) of section 124 of the Benefits Act containing the provision mentioned in subsection (1A) of that section are in force.
- (7) For the purposes of this Act a person meets the basic conditions if the person—

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- (a) is available for employment;
  - (b) has entered into a jobseeker's agreement which remains in force;
  - (c) is actively seeking employment;
  - (d) is not engaged in remunerative work;
  - (e) does not have limited capability for work;
  - (f) is not receiving relevant education;
  - (g) is under pensionable age; and
  - (h) is in Great Britain.
- (8) Regulations may prescribe circumstances in which subsection (2) is to apply to a claimant who is a member of a joint-claim couple the other member of which does not have limited capability for work.
- (9) Subsections (1) and (2) are subject to the provisions of this Act.

### **1B Joint-claim jobseeker's allowance**

- (1) A joint-claim couple are entitled to a jobseeker's allowance if—
- (a) a claim for the allowance is made jointly by the couple;
  - (b) each member of the couple meets the basic conditions; and
  - (c) the conditions set out in section 3A are met in relation to the couple.
- (2) Regulations may, in respect of cases where a person would (but for the regulations) be a member of two or more joint-claim couples, make provision for only one of those couples to be a joint-claim couple.
- (3) The regulations may, in particular, make provision for the couple which is to be the joint-claim couple to be nominated—
- (a) by the persons who are members of the couple; or
  - (b) in default of one of the couples being so nominated, by the Secretary of State.
- (4) Subsection (1) is subject to the provisions of this Act.”
- (4) Schedule 1 contains—
- (a) amendments of the [Jobseekers Act 1995 \(c. 18\)](#) to provide for work-focused interviews, and action plans in consequence of work-focused interviews, for persons entitled to a jobseeker's allowance without being required to meet the jobseeking conditions,
  - (b) amendments of that Act to provide for the imposition on such persons of requirements to undertake work-related activity, and
  - (c) other amendments in consequence of, or otherwise in connection with, the amendments made by this section or the amendments mentioned in paragraphs (a) and (b).

## **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 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.”

## 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).”

## 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—

- (a) section 2D(1) of the [Social Security Administration Act 1992 \(c. 5\)](#),
  - (b) section 18B of the [Jobseekers Act 1995 \(c. 18\)](#), or
  - (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.

#### *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).
- (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

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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).”

*Jobseeker’s allowance and employment and support allowance: drugs*

## **11 Claimants dependent on drugs etc.**

- (1) Part 1 of Schedule 3 makes provision for or in connection with imposing requirements on claimants for a jobseeker’s allowance in cases where—
  - (a) they are dependent on, or have a propensity to misuse, any drug, and
  - (b) any such dependency or propensity is a factor affecting their prospects of obtaining or remaining in work.
- (2) Part 1 of that Schedule also contains a power for the provisions concerned to apply in relation to alcohol.
- (3) Part 2 of that Schedule makes similar provision in relation to claimants for an employment and support allowance.



*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 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,

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- (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)”.

### **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;  
 (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)”.

### *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),”.

### *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*

**16 External provider social loans**

(1) After Part 8 of the [Social Security Contributions and Benefits Act 1992 \(c. 4\)](#) insert—

**“PART 8ZA**

**EXTERNAL PROVIDER SOCIAL LOANS**

**Arrangements for external provider social loans**

- (1) The Secretary of State may with the consent of the Treasury make such arrangements as the Secretary of State thinks fit with any person for the purpose of securing the making by that person (“the lender”) of loans to eligible persons.
- (2) In subsection (1) “eligible person” means an individual who—
  - (a) is in receipt of a prescribed benefit, or
  - (b) has needs of a prescribed description.
- (3) Arrangements under this section may relate to particular areas in Great Britain or to the whole of Great Britain.
- (4) Arrangements under this section may provide for the making of payments by the Secretary of State to the lender—
  - (a) in respect of sums required for making loans, and
  - (b) in respect of other expenses of the lender.
- (5) Arrangements under this section may in particular—
  - (a) specify categories of eligible person to whom a loan may not be made,
  - (b) make provision as to the criteria to be applied by the lender in determining whether to make a particular loan;
  - (c) specify circumstances in which a loan may or may not be made;
  - (d) make provision as to the manner in which the terms and conditions relating to repayment of the loan are to be determined by the lender;
  - (e) make provision as to the keeping of accounts by the lender;
  - (f) require the provision of information by the lender to the Secretary of State;
  - (g) require the provision to prospective borrowers of information or guidance about budgeting.
- (6) Arrangements under this section may also—
  - (a) make provision as to the duration of the arrangements and as to the circumstances in which they may be terminated;
  - (b) provide for the making of payments by the lender to the Secretary of State if the arrangements cease to be in force.
- (7) Any payments by virtue of subsection (4)(a) are to be made out of the social fund.

- (8) Any sums received by virtue of subsection (6)(b) are to be paid into the social fund.
- (9) In this Part a loan made by virtue of arrangements under this section is referred to as an “external provider social loan”.

#### **Transfer of loans**

- (1) Arrangements under section 140ZA may provide—
  - (a) for the right to repayment of a loan made under section 138(1)(b) before the arrangements come into force to be transferred to the person with whom the arrangements are made, and
  - (b) for the right to repayment of an external provider social loan to be transferred to the Secretary of State on the arrangements ceasing to be in force.
- (2) Regulations may make provision modifying any provision of this Act, the Administration Act or the Social Security Act 1998 in its application to loans in relation to which provision made by virtue of subsection (1)(a) or (b) has effect.

#### **Annual report on operation of arrangements**

- (1) The Secretary of State shall prepare an annual report on the operation of arrangements under section 140ZA.
  - (2) A copy of every such report shall be laid before each House of Parliament.”
- (2) After section 78 of the [Social Security Administration Act 1992 \(c. 5\)](#) insert—

*“Repayments of external provider social loans*

#### **78A Repayments of external provider social loans**

- (1) Regulations may provide for the collection by the Secretary of State of repayments of a qualifying loan—
  - (a) by deduction in accordance with the regulations from prescribed benefits payable to—
    - (i) the borrower, or
    - (ii) where the borrower is a member of a couple, the other member of the couple, or
  - (b) in any other way.
- (2) In subsection (1) “qualifying loan” means—
  - (a) an external provider social loan, as defined by subsection (9) of section 140ZA of the Contributions and Benefits Act, or
  - (b) a loan made by virtue of arrangements made under any provision having effect in Northern Ireland and corresponding to that section.
- (3) The Secretary of State must pay any amounts collected to the person to whom the loan is repayable, except to the extent that the regulations otherwise provide.

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- (4) In this section “couple” has the meaning given by section 137(1) of the Contributions and Benefits Act.”

**17 Power to restrict availability of social fund loans**

In section 138 of the Social Security Contributions and Benefits Act 1992 (payments out of the social fund) after subsection (2) insert—

- “(2A) Regulations may restrict the making of payments by way of crisis loan or budgeting loan to persons living in areas in which external provider social loans (as defined by section 140ZA(9)) are to any extent available.”

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

After section 122F of the [Social Security Administration Act 1992 \(c. 5\)](#) insert—

*“Lenders making external provider social loans*

**122G Supply of information in connection with external provider social loans**

- (1) Regulations may make provision—
- (a) authorising the Secretary of State, or a person providing services to the Secretary of State, to supply to relevant persons information relating to social security, and
  - (b) authorising or requiring relevant persons to supply to the Secretary of State, or a person providing services to the Secretary of State, information relating to the operation of arrangements under section 140ZA of the Contributions and Benefits Act (external provider social loans).
- (2) In this section “relevant person” means—
- (a) a person with whom arrangements have been made under section 140ZA of the Contributions and Benefits Act, or
  - (b) a person providing services to such a person.
- (3) Regulations under this section must specify the purposes for which information may be supplied by virtue of subsection (1)(a), which must be purposes connected with external provider social loans.
- (4) Regulations may make provision as to the use or disclosure of information supplied under the regulations (including provision creating criminal offences).
- (5) In this section “external provider social loan” has the meaning given by section 140ZA(9) of the Contributions and Benefits Act.”

**19 Community care grants relating to specified goods or services**

- (1) The [Social Security Contributions and Benefits Act 1992 \(c. 4\)](#) is amended as follows.
- (2) In section 138 (payments out of social fund), before subsection (3) insert—

- “(2B) If or to the extent that directions issued under subsection (2) of section 140 by virtue of subsection (4)(ca) of that section require the award of a community care grant to be expressed as the award of a payment for goods or services specified in the award, the power to make a payment out of the social fund under subsection (1)(b) shall be exercised by making a payment to a third party specified in the award, with a view to the third party providing, or arranging for the provision of, the specified goods or services for the applicant.”
- (3) In subsection (3) of that section, for “The power” substitute “If or to the extent that subsection (2B) does not apply, the power”.
- (4) In section 139 (awards by social fund officers), in subsection (1), after “how much it is to be” insert “or, where section 138(2B) applies, what goods or services are to be specified”.
- (5) For subsection (5) of that section substitute—
- “(5) Payment of an award shall be made to the applicant unless—
- (a) section 138(2B) applies, or
  - (b) the appropriate officer determines otherwise.”
- (6) In section 140 (principles of determination), in subsection (4), after paragraph (c) insert—
- “(ca) that, except in circumstances specified in the direction, an appropriate officer shall express an award of a community care grant as the award of a payment for goods or services that are—
- (i) determined by the appropriate officer in accordance with the direction,
  - (ii) specified in the award, and
  - (iii) to be provided by, or under arrangements made by, a specified person with whom arrangements have been made by the Secretary of State.”
- (7) After that subsection insert—
- “(4A) The reference in subsection (1) to the amount or value to be awarded is, in a case where directions under subsection (4)(ca) apply, to be read as a reference to the goods or services to be specified in the award.”

## **20 Community care grants: reviews and information**

- (1) In section 38 of the [Social Security Act 1998 \(c. 14\)](#) (reviews of determinations) in subsection (1)—
- (a) in paragraph (a), after “social fund determination” insert “other than an excluded determination”, and
  - (b) in paragraph (b), for “such a determination” substitute “a social fund determination”.
- (2) After that subsection insert—
- “(1A) For the purposes of subsection (1)(a) an “excluded determination” is any determination to award a community care grant where the award is expressed as the award of a payment for goods or services specified in the award, other than such a determination made in prescribed circumstances.”

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(3) After section 122G of the [Social Security Administration Act 1992 \(c. 5\)](#) insert—

*“Persons supplying goods and services to recipients of community care grants*

**122H Supply of information in connection with community care grants**

- (1) In this section “relevant supplier” means—
- (a) a person with whom the Secretary of State has made arrangements of the kind mentioned in section 140(4)(ca)(iii) of the Contributions and Benefits Act (arrangements for supply of goods or services in connection with community care grants), or
  - (b) a person providing services to such a person.
- (2) Regulations may make provision authorising the Secretary of State, or a person providing services to the Secretary of State, to supply to relevant suppliers information relating to community care grants.
- (3) Regulations may make provision authorising or requiring relevant suppliers to supply to the Secretary of State or a person providing services to the Secretary of State, information relating to the operation of the arrangements.
- (4) Regulations under this section must specify the purposes for which information may be supplied by virtue of subsection (2) or (3), which must be purposes connected with community care grants.
- (5) Regulations may make provision as to the use or disclosure of information supplied under the regulations (including provision creating criminal offences).
- (6) In this section “community care grant” has the same meaning as in Part 8 of the Contributions and Benefits Act.”

**21 Regulations relating to information: parliamentary control**

In section 190 of the Social Security Administration Act 1992 (parliamentary control of orders and regulations), in subsection (1), before the “or” at the end of paragraph (ab) insert—

“(ac) regulations under section 122G(4) or 122H(5) which create an offence or increase the penalty for an offence;”.

*Payments on account*

**22 Payments on account**

- (1) The [Social Security Administration Act 1992 \(c. 5\)](#) is amended as follows.
- (2) In section 5 (regulations about claims for and payments of benefit)—
- (a) in subsection (1), omit paragraph (r) (which relates to payments on account), and
  - (b) after that subsection insert—



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- “(1A) Regulations may provide for the making of a payment on account of housing benefit—
- (a) where no claim has been made and it is impracticable for one to be made immediately;
  - (b) where a claim has been made and it is impracticable for the claim to be immediately determined;
  - (c) where an award has been made but it is impracticable to pay the full amount of the benefit immediately.
- (1B) Regulations may provide for the making of a payment on account of any other benefit to which this section applies—
- (a) where a person by or in respect of whom a claim has been or might be made (including a person in respect of whom an award has been made) would be in need if no payment on account were made;
  - (b) where an award has been made but it is impracticable to pay the full amount of the benefit immediately.
- (1C) Regulations may make provision about the manner in which payments on account of a benefit to which this section applies are to be set against subsequent payments of benefit (other than payments on account).”
- (3) In section 7 (which relates to the relationship between benefits), in subsection (2)(a), for “section 5(1)(r)” substitute “section 5(1A) or (1B)”.
- (4) In section 16 (emergency payments by local authorities and other bodies), in subsection (1), for “subsection (1)(r)” substitute “subsection (1B)”.
- (5) In section 71 (overpayments—general), for subsection (7) substitute—
- “(7) Circumstances may be prescribed in which a payment on account by virtue of section 5(1B) may be recovered to the extent that it is not set against subsequent payments of the benefit to which it relates.”

### *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—

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- (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
- (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;

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- (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.

### **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.

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- (7) The Secretary of State may by regulations provide that, where the sanctionable benefit is jobseeker’s allowance, any income-based jobseeker’s 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.
- (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;

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(d) any post-commencement offence consisting in an attempt or conspiracy to commit a benefit offence;

“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

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- (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 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.

## **25 Jobseeker’s allowance: sanctions for violent conduct etc. in connection with claim**

- (1) The [Jobseekers Act 1995 \(c. 18\)](#) is amended as follows.
- (2) After section 20B insert—

*“Violent conduct etc. in connection with claim*

### **20C Sanctions for violent conduct etc. in connection with claim**

- (1) This section applies if—
  - (a) a person (“the offender”) is convicted of, or in England and Wales is cautioned in respect of, an offence involving violence or harassment,
  - (b) the conduct constituting the offence was done to, or in relation to, a person who was in the course of exercising functions under this Act on any premises,
  - (c) the conduct occurred while the offender was on those premises for the purposes of a claim to a jobseeker’s allowance, and
  - (d) the offender is a person, or a member of a joint-claim couple, with respect to whom the conditions for entitlement to a jobseeker’s allowance are or become satisfied.

- (2) In the case of a jobseeker's allowance other than a joint-claim jobseeker's allowance—
  - (a) the allowance is not to be payable in respect of the offender for the period of one week beginning with such date as may be prescribed (even though the conditions for entitlement are satisfied); and
  - (b) on the first occasion (if any) on which another sanctions provision applies in the case of the offender, the sanctions period is to be extended in that case by a period of five weeks.
- (3) For the purposes of subsection (2)(b)—
  - (a) the reference to another sanctions provision is to any provision made by or under this Act (other than subsection (2)) which provides for a jobseeker's allowance not to be payable for a period; and
  - (b) the reference to the sanctions period is to the period for which the allowance would (but for subsection (2)(b)) not be payable by virtue of that provision.
- (4) In the case of a joint-claim jobseeker's allowance—
  - (a) the offender is to be treated as subject to sanctions for the purposes of section 20A for the period of one week beginning with such date as may be prescribed (even though the conditions for entitlement are satisfied); and
  - (b) on the first occasion (if any) on which another sanctions provision applies in the case of the offender, the sanctions period is to be extended in that case by a period of five weeks.
- (5) For the purposes of subsection (4)(b)—
  - (a) the reference to another sanctions provision is to any provision made by or under this Act (other than subsection (4)) which provides for a member of a joint-claim couple to be (or be treated as being) subject to sanctions for the purposes of section 20A for a period; and
  - (b) the reference to the sanctions period is to the period for which the member of the couple would (but for subsection (4)(b)) be (or be treated as being) subject to sanctions for those purposes by virtue of that provision.
- (6) Regulations may make provision for subsections (2) and (4) not to apply at any time after the end of a prescribed period or otherwise in prescribed circumstances.
- (7) Regulations may make provision for an income-based jobseeker's allowance to be payable in prescribed circumstances even though the preceding provisions of this section 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)).
- (8) The provision that may be made by regulations by virtue of subsection (7) 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 only part of a week.

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(9) If—

- (a) a jobseeker’s allowance was not payable, or was payable at a reduced rate, as a result of the application of this section in a case where a person was convicted of an offence involving violence or harassment, and
  - (b) the person’s conviction is subsequently quashed,
- all such payments and other adjustments are to be made as would be necessary if the person had never been convicted of the offence.

### **20D Section 20C: supplementary**

- (1) For the purposes of section 20C in its application in relation to England and Wales each of the following is an offence involving violence or harassment—
  - (a) common assault or battery;
  - (b) an offence under section 16, 18, 20 or 47 of the Offences against the Person Act 1861;
  - (c) an offence under section 3, 4, 4A or 5 of the Public Order Act 1986;
  - (d) an offence under section 2 or 4 of the Protection from Harassment Act 1997;
  - (e) an offence under section 29, 31 or 32 of the Crime and Disorder Act 1998;
  - (f) an ancillary offence in relation to an offence within any of paragraphs (a) to (e).
- (2) In subsection (1)(f) “ancillary offence”, in relation to an offence, means any of the following—
  - (a) aiding, abetting, counselling or procuring the commission of the offence;
  - (b) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence;
  - (c) attempting or conspiring to commit the offence.
- (3) For the purposes of section 20C in its application in relation to Scotland each of the following is an offence involving violence or harassment—
  - (a) assault;
  - (b) a breach of the peace;
  - (c) an offence under section 50A of the Criminal Law (Consolidation) Scotland Act 1995;
  - (d) an ancillary offence in relation to an offence within any of paragraphs (a) to (c).
- (4) In subsection (3)(d) “ancillary offence”, in relation to an offence, means any of the following—
  - (a) being art and part in the commission of the offence or counselling or procuring its commission;
  - (b) inciting a person to commit the offence;
  - (c) attempting or conspiring to commit the offence.



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- (5) For the purposes of section 20C references to a conviction include references to a conviction in relation to which the court makes an order for conditional discharge or a court in Scotland makes a probation order.
- (6) For the purposes of section 20C “cautioned” means—
  - (a) cautioned after the person concerned has admitted the offence, or
  - (b) reprimanded or warned within the meaning given by section 65 of the Crime and Disorder Act 1998.
- (7) Regulations may make provision for or in connection with requiring such persons as may be prescribed to notify the Secretary of State about prescribed matters for the purposes of section 20C.
- (8) Regulations may amend subsections (1) to (4) by adding or removing an offence.”
- (3) In section 37(1)(c) (regulations subject to the affirmative resolution procedure), after “7,” insert “20D(8).”
- (4) In paragraph 3(d) of Schedule 3 to the [Social Security Act 1998 \(c. 14\)](#) (decisions against which an appeal lies: payability of benefit), before “of the Jobseekers Act” insert “or 20C”.

## **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).

### *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.

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- (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;
    - (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—

“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”.

**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—

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*“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;

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- (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;
  - (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.

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- (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

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- (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—
    - (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;

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(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,” and

(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);

(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.

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

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