

## SCHEDULES

### SCHEDULE 1

Section 4

#### AMENDMENTS CONNECTED TO SECTION 4

#### PART 1

#### AMENDMENTS OF JOBSEEKERS ACT 1995

##### *Introduction*

- 1 The [Jobseekers Act 1995 \(c. 18\)](#) is amended as follows.

##### *Work-focused interviews etc.*

- 2 In section 8(1) (attendance, information and evidence), after “other than a” insert “claimant whose claim is based on meeting condition B in section 1A or”.
- 3 After section 11 insert—

*“Work-focused interviews etc.*

#### **11A Persons not required to meet the jobseeking conditions**

- (1) Regulations may make provision for or in connection with imposing on a person—
- (a) who makes a claim for a jobseeker’s allowance (other than a joint-claim jobseeker’s allowance), and
  - (b) to whom section 8(1) does not apply,
- a requirement to take part in a work-focused interview as an additional condition which the person must meet before the person becomes entitled to the allowance.
- (2) Regulations may make provision for or in connection with imposing on a person—
- (a) who is entitled to a jobseeker’s allowance (other than a joint-claim jobseeker’s allowance), and
  - (b) to whom section 8(1) does not apply,
- a requirement to take part in one or more work-focused interviews as a condition of continuing to be entitled to the full amount of the allowance payable apart from the regulations.
- (3) No requirement may be imposed by virtue of this section on a person who—
- (a) is not a member of a couple, and

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) is responsible for, and a member of the same household as, a child under the age of one.
- (4) In this section and sections 11B and 11C “work-focused interview”, in relation to any person, means an interview conducted for such purposes connected with employment or training in the case of that person as may be prescribed.
- (5) The purposes which may be so prescribed include—
  - (a) purposes connected with a person’s existing or future employment or training prospects or needs; and
  - (b) (in particular) assisting or encouraging a person to enhance the person’s employment prospects.

### **11B Provision which may be made by regulations under section 11A**

- (1) Regulations under section 11A(1) or (2) may, in particular, make provision—
  - (a) prescribing circumstances in which a person is to be subject to a requirement to take part in one or more work-focused interviews (a “relevant requirement”);
  - (b) for notifying a person of a relevant requirement;
  - (c) prescribing the work-focused interviews in which a person who is subject to a relevant requirement is required to take part;
  - (d) for determining, in relation to work-focused interviews under the regulations, when and how the interview is to be conducted and, if it is to be conducted face to face, where it is to take place;
  - (e) for notifying persons who are subject to a relevant requirement of what is determined in respect of the matters mentioned in paragraph (d);
  - (f) prescribing circumstances in which a person who is a party to a work-focused interview under the regulations is to be regarded as having, or not having, taken part in it;
  - (g) for securing that the appropriate consequence follows if a person who is subject to a relevant requirement—
    - (i) fails to take part in the work-focused interview, and
    - (ii) does not, within a prescribed period, show that the person had good cause for that failure;
  - (h) prescribing matters which are, or are not, to be taken into account in determining whether a person has good cause for any failure to comply with the regulations;
  - (i) prescribing circumstances in which a person is, or is not, to be regarded as having good cause for any such failure.
- (2) For the purposes of subsection (1)(g) “the appropriate consequence” means—
  - (a) in the case of regulations under section 11A(1), that the person is to be regarded as not having made a claim for the allowance or, if the allowance has already been awarded (because the case is within subsection (6)), the entitlement to it is to cease immediately;

---

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

---

- (b) in the case of regulations under section 11A(2), that the amount of the allowance is to be reduced by the prescribed amount until the prescribed time.
- (3) Regulations under section 11A(2) 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;
  - (c) where the person is also entitled to one or more relevant benefits, for determining the extent, and the order, in which the jobseeker's allowance and the relevant benefits are to be reduced in order to give effect to the required reduction.
- (4) Regulations under section 11A(1) or (2) may provide that a relevant requirement that would otherwise apply to a person by virtue of the regulations—
  - (a) is, in any prescribed circumstances, either not to apply or not to apply until such time as is prescribed;
  - (b) is not to apply if the Secretary of State determines that a work-focused interview would not be of assistance to the person or would otherwise not be appropriate in the circumstances;
  - (c) is not to apply until such time as the Secretary of State determines, if the Secretary of State determines that a work-focused interview would not be of assistance to the person, or would otherwise not be appropriate in the circumstances, until that time.
- (5) The regulations may make provision for treating a person in relation to whom a relevant requirement does not apply, or does not apply until a particular time, as having complied with the requirement to such extent and for such purposes as may be prescribed.
- (6) Where—
  - (a) a person is subject to a relevant requirement as a result of regulations under section 11A(1), and
  - (b) the interview is postponed by or under provision of the regulations made as a result of subsection (4)(a) or (c) above,the time to which it is so postponed may be a time falling after an award of the allowance.
- (7) In this section “relevant benefit”, in relation to any person, means any benefit in relation to which the person is required to take part in a work-focused interview by virtue of regulations made under section 2A of the Administration Act.

### **11C Action plans in connection with work-focused interviews**

- (1) The Secretary of State must in prescribed circumstances provide an action plan to a person subject to a requirement imposed under section 11A to take part in a work-focused interview.

---

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

---

- (2) In this section an “action plan” means a document prepared for such purposes as may be prescribed.
- (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 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.
- (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 child who may be affected by it.”

*Directions given by officers of the Secretary of State etc.*

4        After section 18 insert—

*“Claimants to comply with directions etc.*

#### **18A Requirements imposed on claimants by officers of the Secretary of State**

- (1) A claimant must carry out any direction given by an officer of the Secretary of State to the claimant with a view to achieving one or both of the following—
  - (a) assisting the claimant to find employment;
  - (b) improving the claimant’s existing or future prospects of being or remaining employed.
- (2) A direction under subsection (1)—
  - (a) must be reasonable, having regard to the claimant’s circumstances;
  - (b) must be in writing; and
  - (c) may be varied or revoked by a subsequent direction given under that subsection.
- (3) If an officer of the Secretary of State notifies a claimant of a place on a training scheme which is vacant or about to become vacant, the claimant—
  - (a) must apply for the place, and
  - (b) if offered the place, must accept it and attend the scheme.

---

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

---

- (4) If an officer of the Secretary of State notifies a claimant of a place on an employment programme which is vacant or about to become vacant, the claimant—
  - (a) must apply for the place, and
  - (b) if offered the place, must accept it and attend the programme.
- (5) If an officer of the Secretary of State notifies a claimant of a situation in any employment which is vacant or about to become vacant, the claimant—
  - (a) must apply for the situation, and
  - (b) if offered the situation, must accept it.
- (6) In the case of a person whose claim to a jobseeker’s allowance is based on meeting condition B in section 1A—
  - (a) a subsection (1)(a) direction may not be given except as mentioned in subsection (7); and
  - (b) subsections (4) and (5) do not apply (but see subsection (7)).
- (7) If a person whose claim to a jobseeker’s allowance is based on meeting condition B in section 1A so agrees—
  - (a) a subsection (1)(a) direction may be given to the person; and
  - (b) a subsection (1)(b) direction may require the person to apply for a place on an employment programme and, if offered the place, accept it and attend the programme.
- (8) Regulations may, in the case of a person of a prescribed description whose claim to a jobseeker’s allowance is based on meeting condition B in section 1A, provide—
  - (a) for a subsection (1)(b) direction not to be given or not to be given in prescribed circumstances;
  - (b) for subsection (3) not to apply or not to apply in prescribed circumstances.
- (9) For the purposes of this section—

“employment programme” has such meaning as may be prescribed;

“subsection (1)(a) direction” means a direction under subsection (1) given with a view to achieving the purpose mentioned in paragraph (a) of that subsection;

“subsection (1)(b) direction” means a direction under subsection (1) given with a view to achieving the purpose mentioned in paragraph (b) of that subsection;

“training scheme” has such meaning as may be prescribed.
- (10) For the purposes of the application of this section in the case of a joint-claim couple claiming a joint-claim jobseeker’s allowance—
  - (a) a direction or notification under this section may be given to only one member of the couple, or
  - (b) separate directions or notifications under this section may be given to each member of the couple,and references in this section to a claimant are to be read accordingly.

---

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

---

- (11) Nothing in any provision of this section is to be read as prejudicing the generality of any other provision of this section or of section 18B.
- (12) For the sanctions for failure to comply with this section, see sections 19 and 20A (as read with sections 18C and 18D).

### **18B Work-related activity: section 1A(4) claimants**

- (1) Regulations may make provision for or in connection with imposing on a person—
  - (a) whose claim to a jobseeker’s allowance is based on meeting condition B in section 1A, and
  - (b) who is not a lone parent of a child under the age of 3,a requirement to undertake work-related activity in accordance with regulations.
- (2) 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;
  - (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.
- (3) 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.
- (4) 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.
- (5) In prescribed circumstances, the Secretary of State may by direction given to a person subject to a requirement imposed under subsection (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.
- (6) But a direction under subsection (5) 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.
- (7) A direction under subsection (5) 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 11C; and

---

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

---

- (c) may be varied or revoked by a subsequent direction under that subsection.
- (8) Where a direction under subsection (5) 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.
- (9) For the purposes of this section—
  - “lone parent” means 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;
  - “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.
- (10) Nothing in this section is to be read as prejudicing the generality of any provision of section 18A.
- (11) For the sanctions for failure to comply with this section, see section 19 (as read with sections 18C and 18D).”

5 Before section 19 (but after the italic heading immediately before that section) insert—

**“18C Definitions for purposes of sections 19 and 20A**

- (1) This section applies for the purposes of sections 19 and 20A.
- (2) A person (“P”) is in breach of a jobseeker’s direction if P has, without good cause, refused or failed to carry out a direction given to P under section 18A(1).
- (3) A person (“P”) is in breach of a training scheme requirement if P—
  - (a) has, without good cause, refused or failed to do as mentioned in section 18A(3);
  - (b) has, without good cause, neglected to avail himself or herself of a reasonable opportunity of a place on a training scheme;
  - (c) has, without good cause, given up a place on a training scheme;
  - (d) has, without good cause, failed to attend a training scheme on which P has been given a place; or
  - (e) has lost a place on a training scheme through misconduct.
- (4) A person (“P”) is in breach of an employment programme requirement if P—
  - (a) has, without good cause, refused or failed to do as mentioned in section 18A(4);
  - (b) has, without good cause, neglected to avail himself or herself of a reasonable opportunity of a place on an employment programme;
  - (c) has, without good cause, given up a place on an employment programme;
  - (d) has, without good cause, failed to attend an employment programme on which P has been given a place; or
  - (e) has lost a place on an employment programme through misconduct.

---

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

---

- (5) A person (“P”) is in breach of an employment requirement if P—
- (a) has, without good cause, refused or failed to do as mentioned in section 18A(5);
  - (b) has lost employment as an employed earner through misconduct;
  - (c) has, without just cause, voluntarily left employment as an employed earner; or
  - (d) has, without good cause, neglected to avail himself or herself of a reasonable opportunity of employment.
- (6) A person (“P”) is in breach of a work-related activity requirement if P has, without good cause, refused or failed to comply with a requirement imposed on P under section 18B.
- (7) In this section “employment programme” and “training scheme” have the same meaning as in section 18A.

#### **18D Section 18C: supplemental**

- (1) A person is not to be regarded as breaching any requirement under section 18C merely because the person refuses to seek or accept employment in a situation which is vacant in consequence of a stoppage of work due to a trade dispute.
- (2) A person is not to be regarded as breaching a jobseeker’s direction, a training scheme requirement or an employment programme requirement under section 18C if—
- (a) a direction is in force under section 16 with respect to the person; and
  - (b) the person has acted in such a way as to risk—
    - (i) having that direction revoked under section 16(3)(b), or
    - (ii) having the amount of jobseeker’s allowance reduced by virtue of section 17 because the condition mentioned in section 17(3)(b) or (c) is satisfied.
- (3) In such circumstances as may be prescribed, a person who might otherwise be regarded as having left employment voluntarily is to be treated for the purposes of section 18C as not having left voluntarily.
- (4) The circumstances that may be prescribed include, in particular, where the person has been dismissed by reason of redundancy within the meaning of section 139(1) of the Employment Rights Act 1996 after volunteering or agreeing to be so dismissed.
- (5) Regulations must make provision for the purpose of enabling any person of a prescribed description to accept any employed earner’s employment without breaching an employment requirement by virtue of section 18C(5)(c) or (d) should the person leave that employment voluntarily and without just cause at any time during a trial period.
- (6) “Trial period” has such meaning as may be prescribed.
- (7) Regulations may for the purposes of section 18C—



---

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

---

- (a) prescribe matters which are, or are not, to be taken into account in determining whether a person has good cause or just cause for any act or omission;
  - (b) prescribe circumstances in which a person is, or is not, to be regarded as having good cause or just cause for any act or omission.
- (8) Subject to those regulations, in determining whether, for the purposes of section 18C, a person has, or does not have, good cause or just cause for any act or omission, any matter relating to the level of remuneration in the employment in question is to be disregarded.
- (9) Regulations may, in the case of a person of a prescribed description whose claim to a jobseeker's allowance is based on meeting condition B in section 1A, provide that section 18C(3)(b) to (e)—
- (a) are not to apply, or
  - (b) are not to apply in prescribed circumstances.
- (10) Regulations may make provision for the purposes of section 18C(6)—
- (a) prescribing the evidence which a person who is subject to a requirement imposed under section 18B needs to provide in order to show compliance with the requirement;
  - (b) prescribing matters which are, or are not, to be taken into account in determining whether a person has complied with such a requirement.
- (11) Regulations may make provision for determining, for the purposes of this section, the day on which a person's employment is to be regarded as starting.”

6 For sections 19 and 20 substitute—

**“19 Certain circumstances in which a jobseeker's allowance is not payable**

- (1) This section applies in relation to a jobseeker's allowance other than a joint-claim jobseeker's allowance (as to which see section 20A).
- (2) In the case of a claimant whose claim to a jobseeker's allowance is not based on meeting condition B in section 1A, a jobseeker's allowance is not payable in respect of the claimant for the relevant period if the claimant is in breach of—
  - (a) a jobseeker's direction,
  - (b) a training scheme requirement,
  - (c) an employment programme requirement, or
  - (d) an employment requirement,even though the claimant meets the conditions for entitlement to the allowance.
- (3) In the case of a claimant whose claim to a jobseeker's allowance is based on meeting condition B in section 1A, a jobseeker's allowance is not payable in respect of the claimant for the relevant period if the claimant is in breach of—
  - (a) a jobseeker's direction,
  - (b) a training scheme requirement, or
  - (c) a work-related activity requirement,

---

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

---

even though the claimant meets the conditions for entitlement to the allowance.

- (4) In this section “the relevant period” means—
- (a) in any case where the allowance is not payable because the claimant is in breach of an employment requirement, such period as may be determined by the Secretary of State; and
  - (b) in any other case, such period as may be prescribed.
- (5) The period which may be determined or prescribed under subsection (4) must be at least one week but not more than 26 weeks.
- (6) Regulations may prescribe—
- (a) circumstances which the Secretary of State is to take into account, and
  - (b) circumstances which the Secretary of State is not to take into account,
- in determining a period under subsection (4)(a).

## **20 Exemptions from section 19**

- (1) In such circumstances as may be prescribed, an income-based jobseeker’s allowance is payable in respect of a claimant even though section 19 prevents payment of a jobseeker’s allowance to the claimant.
- (2) An income-based jobseeker’s allowance is payable by virtue of subsection (1) only if the claimant has complied with such requirements as to the provision of information as may be prescribed for the purposes of this subsection.
- (3) Regulations under subsection (1) may, in particular, provide for an income-based jobseeker’s allowance payable by virtue of that subsection to be—
  - (a) payable at a prescribed rate;
  - (b) payable for a prescribed period (which may differ from the period fixed under section 19(4)).”

7 For sections 20A and 20B substitute—

### **“20A Certain circumstances in which a joint-claim jobseeker’s allowance is not payable**

- (1) This section applies in relation to a joint-claim jobseeker’s allowance.
- (2) A member of a joint-claim couple is subject to sanctions for the purposes of this section for the relevant period if the member is in breach of—
  - (a) a jobseeker’s direction,
  - (b) a training scheme requirement,
  - (c) an employment programme requirement, or
  - (d) an employment requirement.
- (3) In this section “the relevant period” means—

---

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

---

- (a) in any case where the member is subject to sanctions because the member is in breach of an employment requirement, such period as may be determined by the Secretary of State; and
  - (b) in any other case, such period as may be prescribed.
- (4) The period which may be determined or prescribed under subsection (3) must be at least one week but not more than 26 weeks.
- (5) Even though the couple meet the conditions for entitlement to a joint-claim jobseeker's allowance—
  - (a) the allowance is not payable for any period during which both members of the couple are subject to sanctions; and
  - (b) the amount of the allowance payable in respect of the couple for any period during which only one member of the couple is subject to sanctions is reduced to an amount calculated by the prescribed method (“the reduced amount”).
- (6) The method prescribed for calculating the reduced amount may, in particular, involve—
  - (a) deducting amounts from, or making percentage reductions of, the amount which would be the amount of the allowance if neither member of the couple were subject to sanctions;
  - (b) disregarding portions of the applicable amount;
  - (c) treating amounts as being income or capital of the couple.
- (7) During any period for which the amount of a joint-claim jobseeker's allowance is the reduced amount, the allowance is payable to the member of the couple who is not subject to sanctions.
- (8) Regulations may prescribe—
  - (a) circumstances which the Secretary of State is to take into account, and
  - (b) circumstances which the Secretary of State is not to take into account,in determining a period under subsection (3)(a).

## **20B Exemptions from section 20A**

- (1) In such circumstances as may be prescribed, a joint-claim jobseeker's allowance is payable in respect of a joint-claim couple even though section 20A(5)(a) prevents payment of the allowance to the couple.
- (2) A jobseeker's allowance is payable by virtue of subsection (1) only if the couple have complied with such requirements as to the provision of information as may be prescribed for the purposes of this subsection.
- (3) Regulations under subsection (1) may, in particular, provide for a jobseeker's allowance payable by virtue of that subsection to be—
  - (a) payable at a prescribed rate;
  - (b) payable for a prescribed period (which may differ from the period during which both members of the couple are subject to sanctions for the purposes of section 20A)."

---

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

---

*Other amendments*

- 8 In section 1(4) (the jobseeker’s allowance), for the definition of “a joint-claim jobseeker’s allowance” substitute—  
     ““a joint-claim jobseeker’s allowance” means a jobseeker’s allowance entitlement to which is based on section 1B.”
- 9 In section 2(1) (the contribution-based conditions), for “section 1(2)(d)” substitute “section 1A(1)(b)”.
- 10 (1) Section 3 (the income-based conditions) is amended as follows.  
 (2) In subsection (1), for “section 1(2A)(b)” substitute “section 1A(3)(b)”.  
 (3) After that subsection insert—  
     “(1A) The conditions referred to in section 1A(4)(d) are that the claimant—  
     (a) satisfies the conditions set out in subsection (1)(a), (b), (c), (dd), (de) and (e) above;  
     (b) is not a member of a couple the other member of which is entitled to an income-based jobseeker’s allowance; and  
     (c) is a person—  
         (i) who has reached the age of 18; or  
         (ii) who has reached the age of 16 but not the age of 18 and falls within a prescribed description of person.”
- 11 In section 3A(1) (the conditions for claims by joint-claim couples), for “section 1(2B)(c)” substitute “section 1B(1)(c)”.
- 12 In section 4(11A) (amount payable by way of a jobseeker’s allowance), for “section 1(2C)” substitute “section 1A(8)”.
- 13 In section 9 (the jobseeker’s agreement)—  
 (a) in subsection (2), for “section 1” substitute “section 1A”,  
 (b) in subsection (5), for “section 1(2)(a) and (c)” substitute “section 1A(7)(a) and (c)”,  
 (c) in subsection (6)(a)—  
     (i) in sub-paragraph (i), for “section 1(2)(a)” substitute “section 1A(7)(a)”, and  
     (ii) in sub-paragraph (ii), for “section 1(2)(c)” substitute “section 1A(7)(c)”, and  
 (d) in subsection (10), for “section 1(2)(b)” substitute “section 1A(7)(b)”.
- 14 In section 10 (variation of jobseeker’s agreement)—  
 (a) in subsection (4), for “section 1(2)(a) and (c)” substitute “section 1A(7)(a) and (c)”, and  
 (b) in subsection (5)(a)—  
     (i) in sub-paragraph (i), for “section 1(2)(a)” substitute “section 1A(7)(a)”, and  
     (ii) in sub-paragraph (ii), for “section 1(2)(c)” substitute “section 1A(7)(c)”.
- 15 (1) Section 14 (trade disputes) is amended as follows.  
 (2) In subsection (1), at the beginning insert “Except in prescribed circumstances,”.

- (3) In subsection (2), at the beginning insert “Except in prescribed circumstances,”.
- (4) After subsection (2) insert—
- “(2A) Subsections (1) and (2) do not apply to a person who is a member of a couple unless the other member of the couple is a person to whom either of those subsections apply (but see instead the provision made by section 15).”
- 16 (1) Section 15 (effect on other claimants) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) Except in prescribed circumstances, subsection (2) applies in relation to any person (“P”) who—
- (a) is a member of a couple, and
- (b) claims an income-based jobseeker’s allowance,
- in any case where, if subsection (2A) of section 14 were to be disregarded, either P or the other member of the couple (but not both) would be prevented by that section from being entitled to a jobseeker’s allowance.
- (1A) In this section any reference to the relevant person is to the member of the couple concerned who would be prevented by that section from being so entitled (whether or not that person is also the claimant).”
- (3) In subsection (2)—
- (a) in paragraph (a), for “A” substitute “the relevant person”,
- (b) in paragraph (b), for the words from “where” to “them” substitute “any portion of the applicable amount which is included in respect of the couple”, and
- (c) in paragraph (c), for “A” (in both places) substitute “the relevant person” and for “A’s” substitute “that person’s”.
- (4) In subsection (4), for “A” (in both places) substitute “the relevant person”.
- 17 (1) Section 15A (trade disputes: joint-claim couples) is amended as follows.
- (2) After subsection (1), insert—
- “(1A) Section 14 shall apply as if subsection (2A) of that section were omitted.”
- (3) In subsection (4), omit paragraph (b) (together with the “or” immediately before it).
- (4) In subsection (5)—
- (a) for paragraph (b) substitute—
- “(b) references to the relevant person are to the person mentioned in subsection (4)(a) above;”, and
- (b) omit paragraph (c) (but not the “and” at the end of it).
- 18 After section 15A insert—
- “15B Other provision relating to a person’s return to work**
- (1) This section applies if a person (“P”) returns to work with the same employer after a period during which—
- (a) P is, or would be, prevented by section 14 from being entitled to a jobseeker’s allowance, or

---

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

---

- (b) section 15(2) applies in a case where (if subsection (2A) of section 14 were to be disregarded) P would be prevented by that section from being so entitled.
  - (2) It does not matter whether or not the return to work is before the end of the stoppage of work in question.
  - (3) In the case of a claim for an income-based jobseeker’s allowance other than a joint-claim jobseeker’s allowance—
    - (a) P is to be treated as not engaged in remunerative work until the end of the period of 15 days beginning with the day on which P returns to work, and
    - (b) any sum paid by way of a jobseeker’s allowance for that period of 15 days to P or, if P is a member of a couple, to the other member of the couple is recoverable in accordance with regulations from the person to whom it was paid or from any prescribed person or, where the person to whom it was paid is a member of a couple, from the other member of the couple.
  - (4) In the case of a claim for a joint-claim jobseeker’s allowance—
    - (a) P is to be treated as meeting the jobseeking conditions, and as not engaged in remunerative work, until the end of the period of 15 days beginning with the day on which P returns to work, and
    - (b) any sum paid by way of a joint-claim jobseeker’s allowance for that period of 15 days in respect of the couple is recoverable in accordance with regulations from each member of the couple or from any prescribed person.”
- 19 In—
- (a) section 17A(8) (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.), which is inserted by section 1 of this Act,
  - (b) section 20C(7) (sanctions for violent conduct in connection with claim), which is inserted by section 25 of this Act, and
  - (c) paragraph 7(4) of Schedule A1 (claimants dependent on drugs etc.), which is inserted by Schedule 3 to this Act,
- for “section 20B(4)” substitute “section 20B(1)”.
- 20 In section 22(2) (members of the forces), for “section 19(6)(b)” substitute “section 18C(5)(c)”.
- 21 In section 35(1) (interpretation) —
- (a) after the definition of “the applicable amount” insert—
    - ““the basic conditions” means the conditions set out in section 1A(7);” and
  - (b) after the definition of “jobseeker’s agreement” insert—
    - ““the jobseeking conditions” means the conditions set out in section 1A(7)(a) to (c);”.
- 22 In section 36(4A)(b) (regulations and orders), which is inserted by section 1 of this Act, after “section” insert “11A, 11C, 18B or”.
- 23 (1) Schedule 1 (supplementary provisions) is amended as follows.

(2) In paragraph 2, at the end insert—

“(3) Regulations may provide that the condition in section 1A(7)(e) (person not to have limited capability for work) is not to apply in prescribed circumstances to a person whose claim to a jobseeker’s allowance is based on meeting condition B in section 1A.”

(3) For paragraph 8 substitute—

“8 Regulations may prescribe circumstances in which a person may be entitled to an income-based jobseeker’s allowance without being required to meet the jobseeking conditions in any case where the person would not otherwise be so entitled.”

(4) In paragraph 8A(1), for “conditions referred to in section 1(2B)(b)” substitute “basic conditions”.

(5) In paragraph 14—

- (a) renumber the existing text as sub-paragraph (1), and
- (b) after that sub-paragraph (as renumbered) insert—

“(2) Regulations may provide that the condition in section 1A(7)(f) (person not to be receiving relevant education) is not to apply in prescribed circumstances to a person whose claim to a jobseeker’s allowance is based on meeting condition B in section 1A.”

(6) After paragraph 14 insert—

*“Pensionable age*

14A Regulations may provide that in prescribed circumstances the condition in section 1A(7)(g) (person to be under pensionable age) is to have effect in relation to a person whose claim to a jobseeker’s allowance is based on meeting condition B in section 1A as if for “pensionable age” there were substituted “the qualifying age for state pension credit (within the meaning of the State Pension Credit Act 2002)”.

## PART 2

### AMENDMENTS OF OTHER ACTS

#### *Social Security Administration Act 1992 (c. 5)*

24 In section 2A of the Social Security Administration Act 1992 (claim or full entitlement to certain benefits conditional on work-focused interview), at the end insert—

“(9) For the purposes of this section—

- (a) the references in subsections (3)(a) and (5)(c) to a relevant benefit include references to a jobseeker’s allowance in relation to which a person is required to take part in a work-focused interview by virtue of regulations made under section 11A of the Jobseekers Act 1995;

---

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

---

- (b) the reference in subsection (5)(c) to any reduction of the amount of benefit payable to any person under subsection (4)(b) includes a reference to any reduction of the amount of a jobseeker’s allowance payable in respect of that person by virtue of those regulations.”

*Social Security Act 1998 (c. 14)*

- 25 In paragraph 3(d) of Schedule 3 to the Social Security Act 1998 (decisions against which an appeal lies), after “section 19” insert “or 20A”.

*Welfare Reform Act 2007 (c. 5)*

- 26 In section 1(6) of the Welfare Reform Act 2007 (employment and support allowance), in the definition of “joint-claim jobseeker’s allowance”, for “section 1(2B)” substitute “section 1B”.

SCHEDULE 2

Section 9

ABOLITION OF INCOME SUPPORT: CONSEQUENTIAL AMENDMENTS

*Magistrates’ Courts Act 1980 (c. 43)*

- 1 In sections 89(2A) and 90(3A) of the Magistrates’ Courts Act 1980 (transfer of fine order), for “income support” substitute “jobseeker’s allowance etc”.

*Criminal Justice Act 1991 (c. 53)*

- 2 In section 24 of the Criminal Justice Act 1991 (recovery of fines etc. by deductions from income support), in the title, for “income support” substitute “jobseeker’s allowance etc”.

*Social Security Administration Act 1992 (c. 5)*

- 3 In section 74 of the Social Security Administration Act 1992 (income support and other payments), in the title, for “Income support” substitute “Income-based jobseeker’s allowance”.

*Local Government Finance Act 1992 (c. 14)*

- 4 In paragraph 12(1) of Schedule 4 to the Local Government Finance Act 1992 (enforcement: relationship between remedies)—
- (a) in paragraph (b), for “income support” substitute “jobseeker’s allowance payable to any person whose claim to the allowance is based on meeting condition B in section 1A of the Jobseekers Act 1995”, and
  - (b) in paragraph (d), for “income support” substitute “jobseeker’s allowance payable as mentioned in paragraph (b)”.

*Jobseekers Act 1995 (c. 18)*

- 5 The Jobseekers Act 1995 is amended as follows.



- 6 In section 2(1) (the contribution-based conditions), at the end of paragraph (b) insert “and”.
- 7 In section 3A(1)(c) (the conditions for claims by joint-claim couples), for “any such family” substitute “a family of which the couple are members”.

*Immigration and Asylum Act 1999 (c. 33)*

- 8 In section 97(5) of the Immigration and Asylum Act 1999 (persons for whom support may be provided: supplemental), for paragraph (a) (together with the “or” at the end of it) substitute—
- “(a) to such portion of the applicable amount in respect of an income-based jobseeker’s allowance provided under section 4 of the Jobseekers Act 1995, or”.

*Social Security Fraud Act 2001 (c. 11)*

- 9 The Social Security Fraud Act 2001 is amended as follows.
- 10 In section 6B(5) (loss of benefit in case of conviction, penalty or caution for benefit offence), which is inserted by section 24 of this Act, for “subsections (6)” substitute “subsections (7)”.
- 11 In section 7(2) (loss of benefit for commission of benefit offences), for “subsections (3)” substitute “subsections (4)”.

*Courts Act 2003 (c. 39)*

- 12 The Courts Act 2003 is amended as follows.
- 13 In paragraph 10(a) of Schedule 5 (applications for benefit deductions), for “income support” substitute “jobseeker’s allowance”.
- 14 In paragraph 2(1)(a)(v) of Schedule 6 (discharge of fines by unpaid work), for “income support” substitute “jobseeker’s allowance”.

*Child Trust Funds Act 2004 (c. 6)*

- 15 In section 9(8)(a) of the Child Trust Funds Act 2004 (supplementary contribution by HMRC), for “income support, or income-based jobseeker’s allowance,” substitute “income-based jobseeker’s allowance”.

*Age-Related Payments Act 2004 (c. 10)*

- 16 In section 2(3)(b) of the Age-Related Payments Act 2004 (entitlement: basic cases), at the end of sub-paragraph (i) insert “or”.

*Welfare Reform Act 2007 (c. 5)*

- 17 In paragraph 11 of Schedule 4 to the Welfare Reform Act 2007 (transition relating to Part 1 of Act), after the definition of “incapacity benefit” insert—
- ““income support” means income support under section 124 of the Contributions and Benefits Act;”.

---

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

---

## SCHEDULE 3

Section 11

### CLAIMANTS DEPENDENT ON DRUGS ETC.

#### PART 1

#### JOBSEEKER'S ALLOWANCE

*Requirements imposed on claimants dependent on drugs etc.*

- 1 After section 17B of the [Jobseekers Act 1995 \(c. 18\)](#) (which is inserted by section 1 of this Act) insert—

*“Persons dependent on drugs etc.*

#### **17C Persons dependent on drugs etc.**

- (1) Schedule A1 makes provision for or in connection with imposing requirements on persons 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) That Schedule also contains a power for its provisions to apply in relation to alcohol.”

- 2 Before Schedule 1 to the [Jobseekers Act 1995](#) insert—

“SCHEDULE  
A1

Section 17C

#### PERSONS DEPENDENT ON DRUGS ETC.

#### **1 Requirements imposed in relation to use of drugs**

- (1) Regulations may make provision for or in connection with imposing on a claimant a requirement to attend at such time and place as may be determined in accordance with the regulations in order to answer questions within sub-paragraph (2).
- (2) A question is within this sub-paragraph if it is asked for the purpose of ascertaining—
  - (a) whether the person required to answer it may be dependent on, or have a propensity to misuse, any drug, and
  - (b) (if so) whether any such dependency or propensity may be a factor affecting that person's prospects of obtaining or remaining in work.
- (3) Regulations under this paragraph may, in particular, make provision prescribing the questions which a person may be required to answer under the regulations (which may include questions relating to any use of the drug in question or any treatment connected with its use).

---

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

---

- (4) Regulations under this paragraph may not impose a requirement on a person at any time unless the person is required to meet the jobseeking conditions at that time.
- (1) Regulations may make provision for or in connection with imposing on a person who is subject to a requirement imposed under paragraph 1 a requirement to take part in—
  - (a) a substance-related assessment, and
  - (b) a subsequent interview (a “drugs interview”) with an approved person to discuss any matters arising out of that assessment.
- (2) For the purposes of this paragraph—
  - a “substance-related assessment” means an assessment by an approved person carried out for the purpose of assessing—
    - (a) whether a person is dependent on, or has a propensity to misuse, any drug, and
    - (b) (if so) whether the person’s dependency or propensity is such as requires and may be susceptible to treatment;
  - an “approved person” means a person having the necessary qualifications or experience who is approved by the Secretary of State for the purposes of this paragraph.
- (3) Regulations under this paragraph must include provision for the requirement mentioned in sub-paragraph (1) to be imposed on a person only if the Secretary of State has reasonable grounds for suspecting that—
  - (a) the person may be dependent on, or have a propensity to misuse, any drug, and
  - (b) any such dependency or propensity may be a factor affecting the person’s prospects of obtaining or remaining in work.
- (4) Regulations under this paragraph may, in particular, make provision—
  - (a) for notifying a person of a requirement to take part in a substance-related assessment or a drugs interview;
  - (b) for the determination, and notification, of the time and place of any substance-related assessment or drugs interview in which a person is required to take part.
- (5) Regulations under this paragraph may, in particular, make provision for a requirement imposed on a person (“P”) under this paragraph to cease to have effect if—
  - (a) P agrees to provide a sample, in accordance with instructions given by an approved person, for the purpose of ascertaining whether there is or has been any drug in P’s body, and
  - (b) the sample provided indicates that no drug is or has been in P’s body.
- (6) Regulations under this paragraph may not impose a requirement on a person at any time unless the person is required to meet the jobseeking conditions at that time.
- (1) Regulations may make provision for or in connection with imposing on a person who—
  - (a) is subject to a requirement imposed under paragraph 2, and

---

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

---

- (b) fails to comply with it without it being shown, within a prescribed period, that the person had good cause for the failure,  
a requirement to take part in one or more relevant tests for the purpose of ascertaining whether there is or has been any drug in the person's body.
- (2) Regulations under this paragraph must include provision for the requirement mentioned in sub-paragraph (1) to be imposed on a person only if the Secretary of State is satisfied that the proposed test or tests will, or will be likely to, assist in determining whether the person is dependent on, or has a propensity to misuse, any drug.
- (3) Regulations under this paragraph must include provision for informing a person of the consequence of failing to comply with a requirement to take part in a relevant test.
- (4) Regulations under this paragraph may, in particular, make provision—
  - (a) for notifying a person of a requirement to take part in a relevant test;
  - (b) for the determination, and notification, of the time and place of any relevant test in which a person is required to take part.
- (5) Regulations under this paragraph may not impose a requirement on a person at any time unless the person is required to meet the jobseeking conditions at that time.
- (6) For the purposes of this paragraph a person takes part in a relevant test if the person provides a permissible sample in accordance with instructions given by an approved person (within the meaning of paragraph 2).
- (7) In sub-paragraph (6) “permissible sample”, in relation to any drug, means—
  - (a) a sample of urine, or
  - (b) such sample (other than an intimate sample) as may be prescribed in relation to that drug.
- (8) In sub-paragraph (7)(b) “intimate sample” means—
  - (a) a sample of blood, semen or any other tissue fluid or pubic hair;
  - (b) a dental impression;
  - (c) a swab taken from any part of a person's genitals (including pubic hair) or from a person's body orifice other than the mouth.

#### **4 Paragraphs 1 to 3: supplementary**

- (1) A person must comply with a requirement imposed by regulations under any of paragraphs 1 to 3 even if doing so might constitute evidence that the person has committed an offence.
- (2) But in criminal proceedings in which a person is charged with an offence—
  - (a) no evidence relating to any answer given, or anything else done, in pursuance of the regulations may be adduced by or on behalf of the prosecution, and
  - (b) no question relating to those matters may be asked by or on behalf of the prosecution,
unless evidence relating to those matters is adduced, or a question relating to those matters is asked, in the proceedings by or on behalf of the person.

- (3) Sub-paragraph (2) does not apply to—
- (a) an offence under section 112 of the Administration Act;
  - (b) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath in England and Wales); or
  - (c) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (corresponding provision for Scotland).

## **5 Voluntary and mandatory rehabilitation plans**

- (1) Regulations may make provision for or in connection with—
- (a) securing that a person (“P”) who at any time complies with a voluntary rehabilitation plan is not required to meet the jobseeking conditions at that time; and
  - (b) suspending any jobseeker’s agreement to which P is a party for any period during which P complies with a voluntary rehabilitation plan.
- (2) Regulations under this paragraph may include provision for the consequences set out in sub-paragraph (1)(a) and (b) to follow only if the Secretary of State is satisfied that—
- (a) P is dependent on, or has a propensity to misuse, any drug, and
  - (b) P’s dependency or propensity is a factor affecting P’s prospects of obtaining or remaining in work.
- (3) For the purposes of this paragraph a “voluntary rehabilitation plan” is an agreement entered into by the Secretary of State and P under which P agrees to take one or more of the following steps.
- (4) The steps are—
- (a) submitting to treatment by or under the direction of a person having the necessary qualifications or experience,
  - (b) taking part in specified interviews, and specified assessments, at specified places and times, and
  - (c) taking such other steps (if any) as may be specified,
- with a view to the reduction or elimination of P’s dependency on, or propensity to misuse, the drug in question.
- (5) The treatment may be—
- (a) treatment as a resident in a specified institution or place, or
  - (b) treatment as a non-resident at a specified institution or place, and at specified intervals.
- (6) Regulations under this paragraph may, in particular, make provision—
- (a) as to the maximum period for which a person may benefit from the provision made by the regulations;
  - (b) about the form of voluntary rehabilitation plans (including provision as to their signing);
  - (c) about the review, variation and revocation of voluntary rehabilitation plans;
  - (d) for securing that a person who agrees to comply with a voluntary rehabilitation plan provides information, and such evidence as may be prescribed, as to compliance with the plan.

---

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

---

- (7) A jobseeker's allowance may also be known as a "treatment allowance" at any time when—
- (a) it is payable in respect of a person to whom this paragraph applies, or
  - (b) it is payable in respect of a joint-claim couple both members of which are persons to whom this paragraph applies.
- (8) In this paragraph "specified", in relation to a voluntary rehabilitation plan, means specified in or determined in accordance with the plan.
- (1) Regulations may make provision for or in connection with imposing on a person a requirement to comply with a mandatory rehabilitation plan.
- (2) Regulations under this paragraph must include provision for securing that a person is subject to the requirement mentioned in sub-paragraph (1) at any time only if—
- (a) the person has not at that time agreed to comply with a voluntary rehabilitation plan under paragraph 5, and
  - (b) the Secretary of State is satisfied as mentioned in sub-paragraph (2) of that paragraph.
- (3) For the purposes of this paragraph a "mandatory rehabilitation plan" is a document—
- (a) which is provided to the person by the Secretary of State, and
  - (b) which contains one or more of the following requirements.
- (4) The requirements are that the person—
- (a) must attend an educational programme at a specified place and at specified times,
  - (b) must take part in specified interviews, and specified assessments, at specified places and times, and
  - (c) must take such other steps (if any) as may be specified,
- with a view to the reduction or elimination of the person's dependency on, or propensity to misuse, the drug in question.
- (5) Nothing may be specified in a mandatory rehabilitation plan which requires a person to submit to medical or surgical treatment.
- (6) Regulations under this paragraph may, in particular, make provision—
- (a) as to the involvement of a person in determining the particular requirements to be contained in a mandatory rehabilitation plan with which the person is to be required to comply;
  - (b) about the form of mandatory rehabilitation plans (including provision as to their signing);
  - (c) about the review, variation and revocation of mandatory rehabilitation plans;
  - (d) for securing that a person who is required to comply with a mandatory rehabilitation plan provides information, and such evidence as may be prescribed, as to compliance with the plan.
- (7) Regulations under this paragraph may not impose a requirement on a person at any time unless the person would (apart from the regulations) be required to meet the jobseeking conditions at that time.

- (8) In this paragraph “specified”, in relation to a mandatory rehabilitation plan, means specified in or determined in accordance with the plan.

## **7 Sanctions**

- (1) Regulations under paragraph 1, 2, 3 or 6 may, in particular, make provision—
- (a) for securing that the appropriate consequence follows if a person has failed to comply with any requirement imposed by any such regulations and it is not shown, within a prescribed period, that the person had good cause for the failure;
  - (b) prescribing matters which are, or are not, to be taken into account in determining whether a person has good cause for any failure to comply with any such requirement;
  - (c) prescribing circumstances in which a person is, or is not, to be regarded as having good cause for any failure to comply with any such requirement.
- (2) In the case of a jobseeker’s allowance other than a joint-claim jobseeker’s allowance, the appropriate consequence for the purposes of sub-paragraph (1)(a) 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.
- (3) In the case of a joint-claim jobseeker’s allowance, the appropriate consequence for the purposes of sub-paragraph (1)(a) is that the person 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.
- (4) Regulations under paragraph 1, 2, 3 or 6 may make provision for an income-based jobseeker’s allowance to be payable in prescribed circumstances even though other provision made by the regulations prevents payment of it.
- (5) The provision that may be made by the regulations by virtue of sub-paragraph (4) 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 sub-paragraph (2)).

## **8 Information**

- (1) Regulations may make provision for or in connection with authorising the supply of information, other than excluded information, held by—
- (a) a police force,
  - (b) the probation service, or
  - (c) such other person as may be prescribed,
- to a person within sub-paragraph (2) for use for the purposes of any provision of this Schedule.
- (2) The persons within this sub-paragraph are—
- (a) the Secretary of State;

---

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

---

- (b) a person providing services to the Secretary of State;
  - (c) an approved person (within the meaning of paragraph 2).
- (3) Information supplied under the regulations may not be supplied by the recipient to any other person unless—
- (a) it could be supplied to that person under the regulations;
  - (b) it is supplied for the purposes of any civil or criminal proceedings; or
  - (c) it is required to be supplied under any enactment.
- (4) In sub-paragraph (1) “excluded information” means any information relating to or acquired as a result of—
- (a) the provision of medical or surgical treatment or care, or
  - (b) the provision of services by a social worker,
- other than information as to whether a person is having (or has had) treatment in respect of the person’s use of any drug.
- (5) In sub-paragraph (1) “the probation service” means—
- (a) in England and Wales, a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000 or a provider of probation services;
  - (b) in Scotland, a local authority within the meaning of the Social Work (Scotland) Act 1968.

## 9 Interpretation

In this Schedule—

“drug” means such controlled drug (as defined by section 2 of the Misuse of Drugs Act 1971) as may be prescribed;

“the jobseeking conditions” means the conditions set out in section 1(2)(a) to (c).

## 10 Power to extend provisions to alcohol

- (1) If regulations so provide and subject as follows, the preceding paragraphs of this Schedule are to apply in relation to alcohol as they apply in relation to drugs.
- (2) Regulations under this paragraph may provide for a different definition of a “relevant test” to apply in relation to alcohol for the purposes of paragraph 3.”

### *Consequential amendments*

- 3 (1) The [Jobseekers Act 1995 \(c. 18\)](#) is amended as follows.
- (2) In section 36(4A)(a) and (b) (regulations and orders), which is inserted by section 1 of this Act, after “17A” insert “or Schedule A1”.
  - (3) In section 37(1)(c) (regulations subject to the affirmative resolution procedure), after “section 35(1)” insert “, any paragraph of Schedule A1”.
  - (4) In paragraph 19 of Schedule 1 (treatment of information), as inserted by section 34(3) of this Act, after “this Act” insert “(other than paragraph 8 of Schedule A1)”.



- 4 In paragraph 3(da) of Schedule 3 to the [Social Security Act 1998 \(c. 14\)](#) (decisions against which an appeal lies), which is inserted by section 1 of this Act, after “17A of” insert “, or Schedule A1 to,”.

*Report on initial operation of drugs provisions*

- 5 (1) The Secretary of State must prepare a report on the operation of the first set of regulations made under paragraphs 1, 2, 3, 5 and 6 of Schedule A1 to the [Jobseekers Act 1995](#) during the review period.
- (2) “The review period” is the period of 24 months beginning with the day on which those regulations come into force.
- (3) The Secretary of State must—
- (a) prepare the report, and
  - (b) lay it before Parliament,
- within 6 months from the end of the review period.
- (4) The continued effect of the drugs provisions depends on whether the Secretary of State makes an order under this sub-paragraph within the relevant period providing for those provisions to continue to have effect.
- (5) “The relevant period” means the period of 30 days beginning with the day on which the report is laid before Parliament; and, in reckoning this period, no account is to be taken of any time during which Parliament—
- (a) is dissolved or prorogued, or
  - (b) is adjourned for more than 4 days.
- (6) If no order is made as mentioned in sub-paragraph (4), the Secretary of State must instead make an order under this sub-paragraph providing for the repeal of the drugs provisions on a date specified in the order.
- (7) An order under sub-paragraph (6) may contain transitional provision or savings.
- (8) Any power to make an order under this paragraph is exercisable by statutory instrument.
- (9) An order under sub-paragraph (4) 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.
- (10) A statutory instrument containing an order under sub-paragraph (6) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this paragraph “the drugs provisions” means—
- (a) section 17C of, and Schedule A1 to, the [Jobseekers Act 1995 \(c. 18\)](#),
  - (b) the words inserted into that Act, and the [Social Security Act 1998 \(c. 14\)](#), by paragraphs 3 and 4 of this Schedule, and
  - (c) paragraphs 1 to 4 of this Schedule.
- (12) This paragraph applies whether or not the regulations mentioned in sub-paragraph (1) are, by virtue of section 29 of the [Jobseekers Act 1995](#) (pilot schemes), made so as to have effect for a limited period.

---

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

---

## PART 2

### EMPLOYMENT AND SUPPORT ALLOWANCE

*Requirements imposed on persons dependent on drugs etc.*

6 After section 15 of the [Welfare Reform Act 2007 \(c. 5\)](#) insert—

*“Persons dependent on drugs etc.*

#### **15A Persons dependent on drugs etc.**

- (1) Schedule 1A makes provision for or in connection with imposing requirements on persons 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) That Schedule also contains a power for its provisions to apply in relation to alcohol.”

7 After Schedule 1 to the [Welfare Reform Act 2007 \(c. 5\)](#) insert—

“SCHEDULE 1A

Section 15A

#### PERSONS DEPENDENT ON DRUGS ETC.

##### **1 Requirements imposed in relation to use of drugs**

- (1) Regulations may make provision for or in connection with imposing on a person who is—
  - (a) entitled to an employment and support allowance, and
  - (b) not a member of the support group,
 a requirement to answer questions within sub-paragraph (2) as a condition of continuing to be entitled to the full amount payable to the person in respect of the allowance apart from the regulations.
- (2) A question is within this sub-paragraph if it is asked for the purpose of ascertaining—
  - (a) whether the person may be dependent on, or have a propensity to misuse, any drug, and
  - (b) (if so) whether any such dependency or propensity may be a factor affecting the person’s prospects of obtaining or remaining in work.
- (3) Regulations under this paragraph may, in particular, make provision—
  - (a) prescribing the questions which a person may be required to answer under the regulations (which may include questions relating to any use of the drug in question or any treatment connected with its use);
  - (b) for notifying a person of any requirement to answer questions under the regulations;
  - (c) for the determination, and notification, of the time and place at which a person is required to answer questions under the regulations.

---

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

---

- (4) Regulations under this paragraph must include provision for a requirement imposed on a person by the regulations to cease to have effect if the person becomes a member of the support group.
- (1) Regulations may make provision for or in connection with imposing on a person who is subject to a requirement imposed under paragraph 1 a requirement to take part in—
  - (a) a substance-related assessment, and
  - (b) a subsequent interview (a “drugs interview”) with an approved person to discuss any matters arising out of that assessment,as a condition of continuing to be entitled to the full amount payable to the person in respect of an employment and support allowance apart from the regulations.
- (2) For the purposes of this paragraph—
  - a “substance-related assessment” means an assessment by an approved person carried out for the purpose of assessing—
    - (a) whether a person is dependent on, or has a propensity to misuse, any drug, and
    - (b) (if so) whether the person’s dependency or propensity is such as requires and may be susceptible to treatment;
  - an “approved person” means a person having the necessary qualifications or experience who is approved by the Secretary of State for the purposes of this paragraph.
- (3) Regulations under this paragraph must include provision for the requirement mentioned in sub-paragraph (1) to be imposed on a person only if the Secretary of State has reasonable grounds for suspecting that—
  - (a) the person may be dependent on, or have a propensity to misuse, any drug, and
  - (b) any such dependency or propensity may be a factor affecting the person’s prospects of obtaining or remaining in work.
- (4) Regulations under this paragraph may, in particular, make provision—
  - (a) for notifying a person of a requirement to take part in a substance-related assessment or a drugs interview;
  - (b) for the determination, and notification, of the time and place of any substance-related assessment or drugs interview in which a person is required to take part.
- (5) Regulations under this paragraph may, in particular, make provision for a requirement imposed on a person (“P”) under this paragraph to cease to have effect if—
  - (a) P agrees to provide a sample, in accordance with instructions given by an approved person, for the purpose of ascertaining whether there is or has been any drug in P’s body, and
  - (b) the sample provided indicates that no drug is or has been in P’s body.
- (6) Regulations under this paragraph must include provision for a requirement imposed on a person by the regulations to cease to have effect if the person becomes a member of the support group.

---

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

---

- (1) Regulations may make provision for or in connection with imposing on a person who—
  - (a) is subject to a requirement imposed under paragraph 2, and
  - (b) fails to comply with it without showing, within a prescribed period, good cause for the failure,a requirement to take part in one or more relevant tests as a condition of continuing to be entitled to the full amount payable to the person in respect of an employment and support allowance apart from the regulations.
- (2) Regulations under this paragraph must include provision for the requirement mentioned in sub-paragraph (1) to be imposed on a person only if the Secretary of State is satisfied that the proposed test or tests will, or will be likely to, assist in determining whether the person is dependent on, or has a propensity to misuse, any drug.
- (3) Regulations under this paragraph must include provision for informing a person of the consequence of failing to comply with a requirement to take part in a relevant test.
- (4) Regulations under this paragraph may, in particular, make provision—
  - (a) for notifying a person of a requirement to take part in a relevant test;
  - (b) for the determination, and notification, of the time and place of any relevant test in which a person is required to take part.
- (5) Regulations under this paragraph must include provision for a requirement imposed on a person by the regulations to cease to have effect if the person becomes a member of the support group.
- (6) For the purposes of this paragraph a person takes part in a relevant test if the person provides a permissible sample in accordance with instructions given by an approved person (within the meaning of paragraph 2) for the purpose of ascertaining whether there is or has been any drug in the person's body.
- (7) In sub-paragraph (6) “permissible sample”, in relation to any drug, means—
  - (a) a sample of urine, or
  - (b) such sample (other than an intimate sample) as may be prescribed in relation to that drug.
- (8) In sub-paragraph (7)(b) “intimate sample” means—
  - (a) a sample of blood, semen or any other tissue fluid or pubic hair;
  - (b) a dental impression;
  - (c) a swab taken from any part of a person's genitals (including pubic hair) or from a person's body orifice other than the mouth.

#### **4 Paragraphs 1 to 3: supplementary**

- (1) A person must comply with a requirement imposed by regulations under any of paragraphs 1 to 3 even if doing so might constitute evidence that the person has committed an offence.
- (2) But in criminal proceedings in which a person is charged with an offence—

---

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

---

- (a) no evidence relating to any answer given, or anything else done, in pursuance of the regulations may be adduced by or on behalf of the prosecution, and
  - (b) no question relating to those matters may be asked by or on behalf of the prosecution,
- unless evidence relating to those matters is adduced, or a question relating to those matters is asked, in the proceedings by or on behalf of the person.
- (3) Sub-paragraph (2) does not apply to—
- (a) an offence under section 112 of the Administration Act;
  - (b) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath in England and Wales); or
  - (c) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (corresponding provision for Scotland).

### **5 Voluntary and mandatory rehabilitation plans**

- (1) Regulations may make provision for or in connection with securing that a person (“P”) who at any time complies with a voluntary rehabilitation plan is not required at that time—
- (a) to take part in a work-focused interview under section 12(1), or
  - (b) to undertake work-related activity under section 13(1).
- (2) Regulations under this paragraph may include provision for P not to be required to do the things mentioned in sub-paragraph (1)(a) or (b) only if the Secretary of State is satisfied that—
- (a) P is dependent on, or has a propensity to misuse, any drug, and
  - (b) P’s dependency or propensity is a factor affecting P’s prospects of obtaining or remaining in work.
- (3) For the purposes of this paragraph a “voluntary rehabilitation plan” is an agreement entered into by the Secretary of State and P under which P agrees to take one or more of the following steps.
- (4) The steps are—
- (a) submitting to treatment by or under the direction of a person having the necessary qualifications or experience,
  - (b) taking part in specified interviews, and specified assessments, at specified places and times, and
  - (c) taking such other steps (if any) as may be specified,
- with a view to the reduction or elimination of P’s dependency on, or propensity to misuse, the drug in question.
- (5) The treatment may be—
- (a) treatment as a resident in a specified institution or place, or
  - (b) treatment as a non-resident at a specified institution or place, and at specified intervals.
- (6) Regulations under this paragraph may, in particular, make provision—
- (a) as to the maximum period for which a person may benefit from the provision made by the regulations;

---

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

---

- (b) about the form of voluntary rehabilitation plans (including provision as to their signing);
  - (c) about the review, variation and revocation of voluntary rehabilitation plans;
  - (d) for securing that a person who agrees to comply with a voluntary rehabilitation plan provides information, and such evidence as may be prescribed, as to compliance with the plan.
- (7) An employment and support allowance may also be known as a “treatment allowance” at any time when it is payable to a person to whom this paragraph applies.
- (8) In this paragraph “specified”, in relation to a voluntary rehabilitation plan, means specified in or determined in accordance with the plan.
- (1) Regulations may make provision for or in connection with imposing on a person a requirement to comply with a mandatory rehabilitation plan as a condition of continuing to be entitled to the full amount payable to the person in respect of an employment and support allowance apart from the regulations.
- (2) Regulations under this paragraph must include provision for securing that a person is subject to the requirement mentioned in sub-paragraph (1) at any time only if—
  - (a) the person has not at that time agreed to comply with a voluntary rehabilitation plan under paragraph 5, and
  - (b) the Secretary of State is satisfied as mentioned in sub-paragraph (2) of that paragraph.
- (3) For the purposes of this paragraph a “mandatory rehabilitation plan” is a document—
  - (a) which is provided to the person by the Secretary of State, and
  - (b) which contains one or more of the following requirements.
- (4) The requirements are that the person—
  - (a) must attend an educational programme at a specified place and at specified times,
  - (b) must take part in specified interviews, and specified assessments, at specified places and times, and
  - (c) must take such other steps (if any) as may be specified,with a view to the reduction or elimination of the person’s dependency on, or propensity to misuse, the drug in question.
- (5) Nothing may be specified in a mandatory rehabilitation plan which requires a person to submit to medical or surgical treatment.
- (6) Regulations under this paragraph may, in particular, make provision—
  - (a) as to the involvement of a person in determining the particular requirements to be contained in a mandatory rehabilitation plan with which the person is to be required to comply;
  - (b) about the form of mandatory rehabilitation plans (including provision as to their signing);

---

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

---

- (c) about the review, variation and revocation of mandatory rehabilitation plans;
  - (d) for securing that a person who is required to comply with a mandatory rehabilitation plan provides information, and such evidence as may be prescribed, as to compliance with the plan.
- (7) Regulations under this paragraph must include provision for a requirement imposed on a person under this paragraph to cease to have effect if the person becomes a member of the support group.
- (8) In this paragraph “specified”, in relation to a mandatory rehabilitation plan, means specified in or determined in accordance with the plan.

## **7 Sanctions**

- (1) Regulations under paragraph 1, 2, 3 or 6 may, in particular, make provision—
- (a) for securing that the appropriate consequence follows if a person has failed to comply with any requirement imposed by any such regulations and the person does not show, within a prescribed period, good cause for the failure;
  - (b) prescribing matters which are, or are not, to be taken into account in determining whether a person has good cause for any failure to comply with any such requirement;
  - (c) prescribing circumstances in which a person is, or is not, to be regarded as having good cause for any failure to comply with any such requirement.
- (2) The appropriate consequence for the purposes of sub-paragraph (1)(a) is that the amount payable to the person in question in respect of an employment and support allowance is reduced in accordance with the regulations.
- (3) The provision that may be made by virtue of sub-paragraph (2) includes, in particular, provision for determining—
- (a) the amount by which an allowance is to be reduced,
  - (b) when the reduction is to start, and
  - (c) how long it is to continue,
- and may include provision prescribing circumstances in which the amount of the reduction is to be nil.

## **8 Information**

- (1) Regulations may make provision for or in connection with authorising the supply of information, other than excluded information, held by—
- (a) a police force,
  - (b) the probation service, or
  - (c) such other person as may be prescribed,
- to a person within sub-paragraph (2) for use for the purposes of any provision of this Schedule.
- (2) The persons within this sub-paragraph are—
- (a) the Secretary of State;
  - (b) a person providing services to the Secretary of State;

---

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

---

- (c) an approved person (within the meaning of paragraph 2).
- (3) Information supplied under the regulations may not be supplied by the recipient to any other person unless—
  - (a) it could be supplied to that person under the regulations;
  - (b) it is supplied for the purposes of any civil or criminal proceedings; or
  - (c) it is required to be supplied under any enactment.
- (4) In sub-paragraph (1) “excluded information” means any information relating to or acquired as a result of—
  - (a) the provision of medical or surgical treatment or care, or
  - (b) the provision of services by a social worker,
 other than information as to whether a person is having (or has had) treatment in respect of the person’s use of any drug.
- (5) In sub-paragraph (1) “the probation service” means—
  - (a) in England and Wales, a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000 or a provider of probation services;
  - (b) in Scotland, a local authority within the meaning of the Social Work (Scotland) Act 1968.

## 9 Interpretation

In this Schedule “drug” means such controlled drug (as defined by section 2 of the Misuse of Drugs Act 1971) as may be prescribed.

## 10 Power to extend provisions to alcohol

- (1) If regulations so provide and subject as follows, the preceding paragraphs of this Schedule are to apply in relation to alcohol as they apply in relation to drugs.
- (2) Regulations under this paragraph may provide for a different definition of a “relevant test” to apply in relation to alcohol for the purposes of paragraph 3.”

### *Consequential amendments*

- 8 (1) Part 1 of the [Welfare Reform Act 2007 \(c. 5\)](#) (employment and support allowance) is amended as follows.
  - (2) In section 16 (contracting out)—
    - (a) in subsection (1), at the end insert—
      - “(d) asking questions under paragraph 1 of Schedule 1A;
      - (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.”,
    - (b) in subsection (2)(a), after “15” insert “or Schedule 1A”, and
    - (c) in subsection (3)(a), after “13” insert “or Schedule 1A”.
  - (3) In section 25(6) (regulations), after “15” insert “or Schedule 1A”.



- (4) In section 26(1) (regulations subject to the affirmative resolution procedure), after paragraph (c) insert—
  - “(d) regulations under any paragraph of Schedule 1A.”
- (5) In Schedule 2 (employment and support allowance: supplementary provisions)—
  - (a) in paragraph 10A(1), which is inserted by section 30(2), after “13” insert “or Schedule 1A”,
  - (b) in paragraph 12(c), after “13,” insert—
    - “(ca) Schedule 1A,”and
  - (c) in paragraph 13, after “13” insert “, or under any paragraph of Schedule 1A other than paragraph 8,”.

*Report on the initial operation of drugs provisions*

- 9 (1) The Secretary of State must prepare a report on the operation of the first set of regulations made under paragraphs 1, 2, 3, 5 and 6 of Schedule 1A to the [Welfare Reform Act 2007 \(c. 5\)](#) during the review period.
- (2) “The review period” is the period of 24 months beginning with the day on which those regulations come into force.
- (3) The Secretary of State must—
  - (a) prepare the report, and
  - (b) lay it before Parliament,within 6 months from the end of the review period.
- (4) The continued effect of the drugs provisions depends on whether the Secretary of State makes an order under this sub-paragraph within the relevant period providing for those provisions to continue to have effect.
- (5) “The relevant period” means the period of 30 days beginning with the day on which the report is laid before Parliament; and, in reckoning this period, no account is to be taken of any time during which Parliament—
  - (a) is dissolved or prorogued, or
  - (b) is adjourned for more than 4 days.
- (6) If no order is made as mentioned in sub-paragraph (4), the Secretary of State must instead make an order under this sub-paragraph providing for the repeal of the drugs provisions on a date specified in the order.
- (7) An order under sub-paragraph (6) may contain transitional provision or savings.
- (8) Any power to make an order under this paragraph is exercisable by statutory instrument.
- (9) An order under sub-paragraph (4) 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.
- (10) A statutory instrument containing an order under sub-paragraph (6) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this paragraph “the drugs provisions” means—
  - (a) section 15A of, and Schedule 1A to, the [Welfare Reform Act 2007 \(c. 5\)](#),

---

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

---

- (b) the words inserted into that Act by paragraph 8 of this Schedule, and
  - (c) paragraphs 6 to 8 of this Schedule.
- (12) This paragraph applies whether or not the regulations mentioned in sub-paragraph (1) are, by virtue of section 19 of the [Welfare Reform Act 2007](#) (pilot schemes), made so as to have effect for a limited period.

## SCHEDULE 4

Section 24

### LOSS OF BENEFIT PROVISIONS: FURTHER AMENDMENTS

#### PART 1

##### FURTHER AMENDMENTS OF SOCIAL SECURITY FRAUD ACT 2001

- 1        In this Part of this Schedule “the 2001 Act” means the [Social Security Fraud Act 2001 \(c. 11\)](#).
- 2        (1) Section 7 of the 2001 Act (loss of benefit for commission of benefit offences) is amended as follows.
- (2) In subsection (8)—
- (a) after the definition of “benefit offence” insert—
    - ““post-commencement offence” means an offence committed on or after 1 April 2002 (the day on which this section came into force).”, and
  - (b) omit the definitions of “disqualifying benefit” and “sanctionable benefit”.
- (3) In subsection (9)—
- (a) in paragraph (a), after “sentenced)” insert “or in the case mentioned in paragraph (b)(ii) the date of the order for absolute discharge”, and
  - (b) for paragraph (b) substitute—
    - “(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.”.
- (4) Omit subsection (11).
- (5) In the heading, for “commission of benefit offences” substitute “second or subsequent conviction of benefit offence”.
- 3        (1) Section 8 of the 2001 Act (effect of offence on joint-claim jobseeker’s allowance) is amended as follows.

---

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

---

- (2) In subsection (1)(b), for “the restriction in subsection (2) of section 7” substitute “an offence-related restriction”.
- (3) After subsection (1) insert—
- “(1A) In this section—
- (a) “an offence-related restriction” means the restriction in subsection (5) of section 6B or the restriction in subsection (2) of section 7, and
- (b) in relation to an offence-related restriction, any reference to the relevant period is a reference to a period which is the disqualification period for the purposes of section 6B or section 7, as the case requires.”
- (4) In subsection (2)—
- (a) for “the disqualification period” substitute “the relevant period”,
- (b) in paragraph (a), for “the restriction in subsection (2) of section 7” substitute “an offence-related restriction”, and
- (c) in paragraph (b), for “that restriction” substitute “an offence-related restriction”.
- (5) In subsection (3)—
- (a) for “the disqualification period” substitute “the relevant period”, and
- (b) in paragraph (b), for “convictions section 7” substitute “conduct section 6B or 7”.
- (6) In subsection (4), for “the disqualification period” substitute “the relevant period”.
- (7) After subsection (6) insert—
- “(7) Where, after the agreement of any member of a couple (“M”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section—
- (a) M’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 this section that could not have been imposed had M not agreed to pay the penalty.
- (8) Where, after the agreement (“the old agreement”) of any member of a couple (“M”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section, 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) if there is a new disqualifying event for the purposes of section 6B consisting of M’s agreement to pay a penalty under the appropriate penalty provision in relation to the revised overpayment or M

---

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

---

- being cautioned in relation to the offence to which the old agreement relates, the new disqualification period for the purposes of section 6B falls to be determined in accordance with section 6C(4)(a), and
- (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 this section that could not have been imposed had M not agreed to pay the penalty.
- (9) In this section “the appropriate penalty provision” has the meaning given by section 6B(2)(a).”
- 4 (1) Section 9 of the 2001 Act (effect of offence on benefits for members of offender’s family) is amended as follows.
- (2) In subsection (2)(b), for “section 7” substitute “section 6B or 7”.
- (3) After subsection (6) insert—
- “(7) Where, after the agreement of any member of a person’s family (“M”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section—
- (a) M’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 that could not have been imposed had M not agreed to pay the penalty.
- (8) Where, after the agreement (“the old agreement”) of any member of a person’s family (“M”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section, 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) if there is a new disqualifying event for the purposes of section 6B consisting of M’s agreement to pay a penalty under the appropriate penalty provision in relation to the revised overpayment or M being cautioned in relation to the offence to which the old agreement relates, the new disqualification period for the purposes of section 6B falls to be determined in accordance with section 6C(4)(a), and
- (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 this section that could not have been imposed had M not agreed to pay the penalty.
- (9) In this section “the appropriate penalty provision” has the meaning given by section 6B(2)(a).”

---

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

---

- 5 (1) Section 10 of the 2001 Act (power to supplement and mitigate loss of benefit provisions) is amended as follows.
- (2) In subsection (1), for “sections 7 to 9” substitute “sections 6A to 9”.
- (3) In subsection (2), after “section” insert “6B,”.
- 6 (1) Section 11 of the 2001 Act (loss of benefit regulations) is amended as follows.
- (2) In subsections (1) and (2), for “sections 7 to 10” substitute “sections 6B to 10”.
- (3) In subsection (3)—
- (a) in paragraph (a), after “section” insert “6B or”,
- (b) in paragraph (b), after “section” insert “6B(6),”, and
- (c) in paragraph (c), after “section” insert “6B(7), (8), (9) or (10),”.
- (4) In subsections (4) and (5), for “sections 7 to 10” substitute “sections 6B to 10”.
- 7 (1) Section 13 of the 2001 Act (interpretation of sections 7 to 12) is amended as follows.
- (2) For the words “sections 7 to 12”, both in the section and in the heading to the section, substitute “sections 6A to 12”.
- (3) After the definition of “benefit” insert—
- ““cautioned”, in relation to any person and any offence, means cautioned after the person concerned has admitted the offence; and “caution” is to be interpreted accordingly;”.
- (4) Omit the definitions of “disqualification period” and “post-commencement offence”.
- (5) In the definition of “sanctionable benefit”, for “section 7(8)” substitute “section 6A(1)”.
- 8 In section 21(2) of the of the 2001 Act (extent), after “sections 5(2),” insert “6A, 6B and 6C”.

## PART 2

### RELATED AMENDMENTS OF OTHER ACTS

#### *Social Security Administration Act 1992 (c. 5)*

- 9 In section 170 of the Social Security Administration Act 1992 (functions of Social Security Advisory Committee in relation to the relevant enactments and the relevant Northern Ireland enactments), in subsection (5)—
- (a) in the definition of the “relevant enactments”, in paragraph (ag), for “sections 7 to 11” substitute “sections 6A to 11”, and
- (b) in the definition of “the relevant Northern Ireland enactments”, in paragraph (ag), for “sections 7 to 11” substitute “sections 6A to 11”.

#### *Social Security Act 1998 (c. 14)*

- 10 In paragraph 3 of Schedule 3 to the Social Security Act 1998 (decisions against which an appeal lies), in paragraph (f), after “section” insert “6B,”.

---

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

---

## SCHEDULE 5

Section 51

## SECTION 51: CONSEQUENTIAL AMENDMENTS ETC.

*Child Support Act 1991 (c. 48)*

- 1 The Child Support Act 1991 is amended as follows.
- 2 In section 39B (disqualification for holding or obtaining travel authorisation), in the title, after “**obtaining**” insert “**driving licence or**”.
- 3 (1) Section 39C (period for which orders under section 39B are to have effect) is amended as follows.
- (2) In subsection (2)—
- (a) for “an order under section 39B, the court” substitute “a disqualification order, the Commission”, and
- (b) for “as the court” substitute “as the Commission”.
- (3) In subsection (3)—
- (a) for “such an order the court” substitute “a disqualification order, the Commission”, and
- (b) for “as the court” substitute “as the Commission”.
- (4) In subsection (4)—
- (a) for “court” (in both places) substitute “Commission”, and
- (b) in paragraph (a), for “the order under section 39B” substitute “the disqualification order”.
- (5) In subsection (5)—
- (a) for “application under section 39B” substitute “disqualification order”, and
- (b) for “an order under that section” substitute “a previous disqualification order”.
- (6) In the title, for “**orders under section 39B**” substitute “**disqualification orders**”.
- 4 In section 39D (power to order search), for subsections (1) and (2) substitute—
- “(1) On an appeal under section 39CB the court may order the person against whom the disqualification order was made to be searched.
- (2) Any money found on such a search shall, unless the court otherwise directs, be applied towards payment of any amount that would otherwise, on the affirmation or variation of the order, be substituted under section 39CB(8) for the amount specified under section 39B(5); and the balance (if any) shall be returned to the person searched.”
- 5 (1) Section 39E (variation and revocation of orders following payment) is amended as follows.
- (2) In subsection (1)—
- (a) for “an order under section 39B” substitute “a disqualification order”,
- (b) for “court” substitute “Commission”,
- (c) omit “the Commission or”, and

- (d) in paragraphs (a) and (b), for “the order under section 39B” substitute “the disqualification order”.
  - (3) After that subsection insert—
    - “(1A) The power conferred by subsection (1) shall be exercisable by the court instead of by the Commission at any time when an appeal brought under section 39CB against the order has not been determined, withdrawn or discontinued.”
  - (4) In subsection (2)—
    - (a) for “an order under section 39B” substitute “a disqualification order”,
    - (b) for “court” substitute “Commission”,
    - (c) omit “the Commission or”, and
    - (d) for “the order under section 39B” substitute “the disqualification order”.
  - (5) Omit subsections (3) to (5).
- 6 For section 39F substitute—

**“39F Power to make supplementary provision**

- (1) The Secretary of State may by regulations make provision with respect to—
    - (a) disqualification orders;
    - (b) appeals against disqualification orders; and
    - (c) orders under section 39DA.
  - (2) The regulations may, in particular, make provision—
    - (a) as to the form and content of a disqualification order;
    - (b) as to the surrender of documents under section 39CA and their return when the period for which a disqualification order has effect is suspended or has ended;
    - (c) that a statement in writing to the effect that wages of any amount have been paid to a person during any period, purporting to be signed by or on behalf of the person’s employer, shall be evidence (or, in Scotland, sufficient evidence) of the facts stated for the purposes of an appeal under section 39CB;
    - (d) permitting or requiring the court to dismiss an appeal brought under that section where the person who brought it fails to appear at the hearing;
    - (e) requiring the court to send notice to the Commission of any order made on an appeal under that section;
    - (f) as to the exercise by the Commission and the court of the power conferred by section 39E(1);
    - (g) as to the revival of a disqualification order in such circumstances as may be prescribed;
    - (h) for sections 39C to 39E to have effect with prescribed modifications in cases where a person against whom a disqualification order has effect is outside the United Kingdom.”
- 7 Omit section 39G (application of sections 39B and 39F to Scotland).
- 8 Omit section 40B (disqualification for holding or obtaining driving licence).

---

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

---

- 9 In section 52(2A)(b) (regulations and orders: affirmative resolution procedure), after “under section” insert “39CA(4), 39CB(3)(b),”.

*Child Maintenance and Other Payments Act 2008 (c. 6)*

- 10 In section 59(5) and (6) of the Child Maintenance and Other Payments Act 2008 (transition), after “39B,” insert “39CB,”.

SCHEDULE 6

Section 56

REGISTRATION OF BIRTHS

**PART 1**

AMENDMENTS OF BIRTHS AND DEATHS REGISTRATION ACT 1953

- 1 In this Schedule “the 1953 Act” means the [Births and Deaths Registration Act 1953 \(c. 20\)](#).
- 2 (1) Section 1 of the 1953 Act (particulars of births required to be registered) is amended as follows.
- (2) In subsection (2), for paragraph (a) substitute—
- “(a) the mother of the child;
  - (aa) the father of the child where—
    - (i) the child is one whose father and mother were married to each other at the time of the child’s birth, or
    - (ii) the father is a qualified informant by virtue of subsection (2) (a) of section 10 (registration of father where parents not married or of second female parent where parents not civil partners) or by virtue of regulations under subsection (6)(b) of section 2E (scientific tests);”.
- (3) For subsection (3) substitute—
- “(3) In subsection (2)(aa)—
- (a) the first reference to the father is, in the case of a child who has a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008, to be read as a reference to the woman who is a parent by virtue of that section;
  - (b) the reference in sub-paragraph (ii) to the father being a qualified informant by virtue of section 10(2)(a) is, in the case of a child who has a parent by virtue of section 43 of that Act, to be read as a reference to that parent being a qualified informant by virtue of section 10(2A)(a).”
- (4) After subsection (3) insert—
- “(4) In this Part, references to a child whose father and mother were, or were not, married to each other at the time of the child’s birth are to be read in accordance with section 1 of the Family Law Reform Act 1987 (which



---

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

---

extends the cases in which a person is treated as being a person whose father and mother were married to each other at the time of the person's birth.”

- 3 (1) Section 2 of the 1953 Act (information concerning birth to be given to registrar within 42 days) is amended as follows.
- (2) In subsection (1), after “every birth” insert “of a child whose father and mother were married to each other at the time of the child's birth”.
- (3) In subsection (2), for “subsection (1)” substitute “subsection (1)(a) and (b)”.
- (4) In the title, for the words from “to be given” onwards substitute “of child whose parents are married”.
- 4 After section 2 of the 1953 Act insert—

#### **“2A Information concerning birth of child whose parents are not married**

- (1) In the case of every birth of a child whose father and mother were not married to each other at the time of the birth, it shall be the duty—
- (a) of the mother of the child, and
  - (b) in the case of the death or inability of the mother, of each qualified informant falling within section 1(2)(b) to (e),
- to give to the registrar, before the expiration of a period of 42 days from the date of the birth, information of the particulars required to be registered concerning the birth, together with any other information required by section 2B(1), and in the presence of the registrar to sign the register.
- (2) The giving of information and the signing of the register by any one qualified informant shall act as a discharge of any duty under this section of every other qualified informant, but this does not affect—
- (a) any duty of the father by virtue of regulations under section 2C (confirmation of parentage information given by mother), or
  - (b) any duty by virtue of regulations under section 2E (scientific tests).
- (3) This section ceases to apply if, before the end of the period mentioned in subsection (1) and before the birth has been registered, an inquest is held at which the child is found to have been still-born.
- (4) In the case of a child who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, the reference in subsection (2)(a) to the father is to be read as a reference to the woman who is a parent by virtue of that section.

#### **2B Duties of unmarried mother when acting alone**

- (1) Where no request for the entry of a person's name as the father of the child is made by virtue of any of paragraphs (a) to (g) of section 10(1) (registration of father where parents are not married) or by virtue of regulations under section 2E (scientific tests), the information to be given under section 2A(1) by the mother includes such information relating to the father as may be prescribed for the purposes of this subsection by regulations made by the Minister, which may include information that is not intended to be entered on the register.

---

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

---

- (2) The Registrar General may by regulations authorise or require the information relating to the father to be provided in a prescribed form or manner.
- (3) Subsection (1) does not require the mother to provide information relating to the father if she makes in the presence of the registrar a declaration in the prescribed form stating that one or more of the following conditions is met.
- (4) Those conditions are—
  - (a) that by virtue of section 41 of the Human Fertilisation and Embryology Act 2008 the child has no father,
  - (b) that the father has died,
  - (c) that the mother does not know the father’s identity,
  - (d) that the mother does not know the father’s whereabouts,
  - (e) that the father lacks capacity (within the meaning of the Mental Capacity Act 2005) in relation to decisions under this Part,
  - (f) that the mother has reason to fear for her safety or that of the child if the father is contacted in relation to the registration of the birth, and
  - (g) any other conditions prescribed by regulations made by the Minister.
- (5) Subsection (1) does not apply—
  - (a) in the case of a still-birth,
  - (b) if the child has died, or
  - (c) if the mother acknowledges in accordance with regulations made by virtue of subsection (2)(b) of section 2D (declaration before registration by person claiming to be other parent) that a person who has previously given notice by virtue of subsection (2)(a) of that section is the other parent of the child.
- (6) The Minister may by regulations provide that, except in such cases as the regulations may prescribe, where the mother is required by subsection (1) to give information relating to the father—
  - (a) the mother’s duty under section 2A to sign the register is to have effect as a duty to sign a declaration in such form as may be so prescribed,
  - (b) the registrar is not to register the birth of the child until such time as may be determined in accordance with the regulations, and
  - (c) the entry in the register is to be taken for the purposes of this Act to have been signed by the person who signed the declaration.
- (7) No information relating to the father is to be entered in the register merely because it is given by the mother by virtue of subsection (1).
- (8) In the case of a child who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008—
  - (a) references in this section to the father are to be read as references to the woman who is a parent by virtue of that section,
  - (b) the reference in subsection (1) to paragraphs (a) to (g) of section 10(1) is to be read as a reference to paragraphs (a) to (f) of section 10(1B), and
  - (c) paragraphs (a) and (c) of subsection (4) do not apply.

## **2C Confirmation of parentage information given by mother**

- (1) The Minister may by regulations provide for a procedure under which a person may be registered as the father of a child in a case where information relating to that person is given by virtue of section 2B(1) by the mother of the child and is subsequently confirmed by that person.
- (2) Regulations under this section may in particular—
  - (a) enable or require the registrar by notice to require the person in relation to whom information has been given by virtue of section 2B(1) by the mother (“the alleged father”) to state whether or not he acknowledges that he is the father of the child,
  - (b) where the alleged father acknowledges that he is the father of the child, require the alleged father to give prescribed information to the registrar,
  - (c) where the alleged father gives that information to the registrar, require the registrar to enter the alleged father’s name in the register as the father of the child or, where the birth has already been registered, to re-register the birth so as to show the alleged father as the father, and
  - (d) provide that in prescribed cases where the alleged father is not required by the regulations to sign the register, the entry in the register is to be taken for the purposes of this Act to have been signed by the alleged father.
- (3) In the case of a child who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, references in subsection (1) or (2) to the father are to be read as references to the woman who is a parent by virtue of that section (and references to the alleged father have a corresponding meaning).
- (4) Regulations under this section may—
  - (a) require anything to be done in a prescribed form or manner or in the presence of the registrar,
  - (b) make provision as to the time within which anything is required or authorised to be done.
- (5) In this section “prescribed” means prescribed by regulations made under this section by the Minister.

## **2D Declaration before registration by person claiming to be other parent**

- (1) The Minister may by regulations provide for a procedure under which a person may be registered as the father of a child whose father and mother were not married to each other at the time of the child’s birth, on the basis of information that is—
  - (a) given by that person (in the absence of the mother) before the birth is registered, and
  - (b) confirmed by the mother when she provides information of the particulars required to be registered concerning the birth.
- (2) Regulations under this section may in particular—

---

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

---

- (a) enable a person who believes himself to be the father of a child to make a declaration to that effect to the registrar before the birth of the child is registered,
  - (b) require the mother of the child, on giving information concerning the birth of the child or in such other circumstances as may be prescribed, to state whether or not she acknowledges that the person is the father of the child,
  - (c) where the mother acknowledges that the person is the father of the child, require the registrar to enter the person's name in the register as the father of the child, and
  - (d) provide that in prescribed cases where the person is not required by the regulations to sign the register, the entry in the register is to be taken for the purposes of this Act to have been signed by the person.
- (3) In the case of a child who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, references in subsections (1) and (2) to the father (except in the reference in subsection (1) to a child whose father and mother were not married to each other at the time of the child's birth) are to be read as references to the woman who is a parent by virtue of that section.
- (4) Regulations under this section may—
- (a) require anything to be done in a prescribed form or manner or in the presence of the registrar,
  - (b) make provision as to the time within which anything is required or authorised to be done.
- (5) This section does not apply—
- (a) in relation to a still-birth, or
  - (b) if the child has died.
- (6) In this section “prescribed” means prescribed by regulations made under this section by the Minister.

## **2E Use of scientific tests with consent of parties**

- (1) The Minister may by regulations make provision enabling a report of a qualifying scientific test to be used in connection with the registration or re-registration under this Act of the birth of a child in cases where—
- (a) the birth has not been registered under this Act, or
  - (b) the birth has been registered but no person has been registered as the father of the child (or as a parent of the child by virtue of section 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008).
- (2) A qualifying scientific test is a scientific test that complies with prescribed requirements and is carried out by a person who is accredited by the Minister for the purposes of this section in accordance with the regulations.
- (3) The regulations may not require any person to participate in a qualifying scientific test.

---

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

---

- (4) The regulations may not enable or require a report of a qualifying scientific test to be used as mentioned in subsection (1) unless, before the test is carried out, the mother and the man to whom the test relates—
  - (a) consent to the carrying out of the test, and
  - (b) agree in the prescribed manner that if the report of the test is positive the man’s name will be entered in the register as the father of the child.
- (5) For the purposes of this section, the report of a qualifying scientific test is positive if the report states that the result of the test indicates to a prescribed degree of certainty that the man concerned is the father of the child.
- (6) Regulations under this section may—
  - (a) enable or require the mother or the man, if the report of the qualifying scientific test is positive, to apply for the registration (or re-registration) of the birth so as to show the man as the father,
  - (b) provide that where the regulations enable or require the man to apply for registration, the man is to be treated for the purposes of this Part as a qualified informant concerning the birth of the child,
  - (c) impose obligations on the registrar in relation to the registration (or re-registration) of the birth,
  - (d) require anything to be done in a prescribed form or manner or in the presence of the registrar,
  - (e) make provision as to the time within which anything is required or authorised to be done.
- (7) The regulations may not require the registrar to enter a man’s name in the register as the father of a child if it appears to the registrar that by virtue of any provision of sections 35 to 47 of the Human Fertilisation and Embryology Act 2008 the man is not the father of the child.
- (8) This section does not apply in relation to a still-birth.
- (9) In this section “prescribed” means prescribed by regulations made under this section by the Minister.”

- 5 In section 4 of the 1953 Act (registrar’s power to require information concerning birth), in paragraph (a), for “three months” substitute “12 months”.
- 6 In section 5 of the 1953 Act (registration of births free of charge) for “three months” substitute “12 months”.
- 7 Omit section 6 of the 1953 Act (which makes special provision about registration between 3 and 12 months from the date of birth).
- 8 In section 7 of the 1953 Act (registration after twelve months from date of birth) omit subsection (3) (which excludes still-births).
- 9 In section 8 of the 1953 Act (penalty for improper registration after 3 months from date of birth)—
  - (a) for “the two last foregoing sections” substitute “section 7”, and
  - (b) for “three months” (both in the section and in the title) substitute “12 months”.

---

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

---

- 10 (1) Section 9 of the 1953 Act (giving of information to a person other than the registrar) is amended as follows.
- (2) After subsection (3) insert—
- “(3A) Anything that section 2B (duties of unmarried mother when acting alone) requires to be done in the presence of, or in relation to, the registrar may, in prescribed cases, be done in the presence of, or in relation to, such officer as may be prescribed.”
- (3) After subsection (5) insert—
- “(6) Regulations under section 2C, 2D, 2E, 10B or 10C may enable anything that would otherwise be required or authorised to be done under the regulations in the presence of, or in relation to, the registrar to be done instead in the presence of, or in relation to, such officer as may be prescribed by the regulations.”
- 11 (1) Section 10 of the 1953 Act (registration of father where parents not married or of second female parent where parents not civil partners) is amended as follows.
- (2) In subsection (1)—
- (a) for the words from the beginning to “the registrar” substitute “In the case of a child whose father and mother were not married to each other at the time of the child’s birth, no person shall as father of the child be required to give information concerning the birth of the child except by virtue of regulations under section 2C or 2E, and the registrar”,
- (b) in paragraph (b) for sub-paragraph (ii) substitute—
- “(ii) a declaration in the prescribed form which is made by that person, states himself to be the father of the child, and is countersigned by a prescribed person; or”,
- (c) in paragraph (c) for sub-paragraph (ii) substitute—
- “(ii) a declaration in the prescribed form which is made by the mother, states that that person is the father of the child, and is countersigned by a prescribed person; or”, and
- (d) at the end of paragraph (g) insert “or
- (h) in accordance with regulations made under section 2C (confirmation of parentage information given by mother), section 2D (declaration before registration by person claiming to be other parent) or section 2E (scientific tests)”.
- (3) In subsection (1B)—
- (a) for the words from the beginning to “that section” substitute “In the case of a child to whom section 1(3) of the Family Law Reform Act 1987 does not apply, no woman shall as parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 be required to give information concerning the birth of the child except by virtue of regulations under section 2C, and the registrar shall not enter the name of any woman as a parent of the child by virtue of that section”,
- (b) in paragraph (b) for sub-paragraph (ii) substitute—
- “(ii) a declaration in the prescribed form which is made by the woman concerned, states herself to be a

- parent of the child by virtue of section 43 of that Act, and is countersigned by a prescribed person; or”;
- (c) in paragraph (c) for sub-paragraph (ii) substitute—  
“(ii) a declaration in the prescribed form which is made by the mother, states that the woman concerned is a parent of the child by virtue of section 43 of that Act, and is countersigned by a prescribed person; or”;
- (d) at the end of paragraph (f) insert “or  
(g) in accordance with regulations made under section 2C (confirmation of parentage information given by mother) or section 2D (declaration before registration by person claiming to be other parent)”.
- (4) After subsection (1B) insert—  
“(1C) Subsections (1) and (1B) have effect subject to section 10ZA.”
- (5) In subsections (2)(b) and (2A)(b), for “section 2” substitute “section 2A”.
- (6) Omit subsection (3).
- 12 (1) Section 10A of the 1953 Act (Re-registration where parents neither married nor civil partners) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b) for sub-paragraph (ii) substitute—  
“(ii) a declaration in the prescribed form which is made by that person, states himself to be the father of the child, and is countersigned by a prescribed person; or”;
- (b) in paragraph (c) for sub-paragraph (ii) substitute—  
“(ii) a declaration in the prescribed form which is made by the mother, states that that person is the father of the child, and is countersigned by a prescribed person; or”.
- (3) In subsection (1B)—
- (a) in paragraph (b) for sub-paragraph (ii) substitute—  
“(ii) a declaration in the prescribed form which is made by the woman concerned, states herself to be a parent of the child by virtue of section 43 of that Act, and is countersigned by a prescribed person; or”;
- (b) in paragraph (c) for sub-paragraph (ii) substitute—  
“(ii) a declaration in the prescribed form which is made by the mother, states that the woman concerned is a parent of the child by virtue of section 43 of that Act, and is countersigned by a prescribed person; or”.

---

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

---

- (4) In subsection (2), omit paragraph (d) (requirement for signature by superintendent registrar where re-registration takes place more than 3 months after the birth) and the word “and” immediately before it.
- 13      After section 10A of the 1953 Act insert—

**“10B Re-registration after sole registration: information provided by other parent and confirmed by mother**

- (1) The Minister may by regulations make provision for the re-registration of a birth to show a person as the father of a relevant child, on the basis of information given by that person after the birth is registered and confirmed by the mother.
- (2) In this section a “relevant child” means a child—
- (a) whose father and mother were not married to each other at the time of the child’s birth, and
  - (b) whose birth has been registered before or after the commencement of this section without any person being registered as the father of the child (or as a parent of the child by virtue of section 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008).
- (3) Regulations under subsection (1) may—
- (a) enable a person who believes himself to be the father of a relevant child to make a declaration to that effect to the registrar,
  - (b) enable or require the registrar by notice to require the mother to state whether or not she acknowledges that the person is the father of the child, and
  - (c) where the mother acknowledges that the person is the father, require the registrar to re-register the birth so as to show the person as the father.
- (4) In the case of a child who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, references in subsections (1) and (3) to the father are to be read as references to the woman who is a parent by virtue of that section.
- (5) Regulations under this section may—
- (a) require anything to be done in a prescribed form or manner or in the presence of the registrar,
  - (b) make provision as to the time within which anything is required or authorised to be done.
- (6) Regulations under this section may not provide for any birth to be re-registered except with the authority of the Registrar General.
- (7) In this section “prescribed” means prescribed by regulations made under this section by the Minister.



### **10C Re-registration after sole registration: information provided by mother and confirmed by other parent**

- (1) The Minister may by regulations make provision for the re-registration of a birth to show a person as the father of a relevant child, on the basis of information given by the mother after the birth is registered and confirmed by that person.
- (2) In this section a “relevant child” means a child—
  - (a) whose father and mother were not married to each other at the time of the child’s birth, and
  - (b) whose birth has been registered before or after the commencement of this section without any person being registered as the father of the child (or as a parent of the child by virtue of section 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008).
- (3) Regulations under subsection (1) may—
  - (a) enable the mother of a relevant child to make a declaration to the registrar stating that a specified person (“the alleged father”) is the father of the child,
  - (b) enable or require the registrar by notice to require the alleged father to state whether or not he acknowledges that he is the father of the child,
  - (c) where the alleged father acknowledges that he is the father of the child, require the alleged father to give prescribed information to the registrar, and
  - (d) where the alleged father gives that information to the registrar, require the registrar to re-register the birth so as to show the alleged father as the father.
- (4) In the case of a child who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, references in subsections (1) and (3) to the father are to be read as references to the woman who is a parent by virtue of that section (and references to the alleged father have a corresponding meaning).
- (5) Regulations under this section may—
  - (a) require anything to be done in a prescribed form or manner or in the presence of the registrar,
  - (b) make provision as to the time within which anything is required or authorised to be done.
- (6) Regulations under this section may not provide for any birth to be re-registered except with the authority of the Registrar General.
- (7) In this section “prescribed” means prescribed by regulations made under this section by the Minister.”

- 14 In section 34 of the 1953 Act (entry in register as evidence of birth or death), in subsection (3), for paragraph (a) substitute—  
“(a) if it appears that not more than 12 months have so intervened—

---

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

---

- (i) the original entry was made after the commencement of paragraph 7 of Schedule 6 to the Welfare Reform Act 2009, or
  - (ii) the entry purports either to be signed by the superintendent registrar as well as by the registrar or to have been made with the authority of the Registrar General;”.
- 15 In section 36 of the 1953 Act (penalties for failure to give information) after paragraph (a) insert—
- “(aa) if, being required by regulations under section 2C, 2D, 2E, 10B or 10C to do anything within a particular time, he refuses or fails without reasonable excuse to do so;”.
- 16 In section 39 of the 1953 Act (regulations), in paragraph (a), for “this Act” substitute “any provision of this Act other than sections 2B(1), (4) and (6), 2C, 2D, 2E, 10B and 10C”.
- 17 After section 39 of the 1953 Act insert—

**“39A Regulations made by the Minister: further provisions**

- (1) Regulations made by the Minister under the relevant provisions may—
    - (a) make different provision for different cases or areas,
    - (b) provide for exemptions from any of the provisions of the regulations, and
    - (c) contain such incidental, supplemental and transitional provision as the Minister considers appropriate.
  - (2) Before making regulations under the relevant provisions, the Minister must consult the Registrar General.
  - (3) Any power of the Minister to make regulations under the relevant provisions is exercisable by statutory instrument.
  - (4) A statutory instrument containing regulations made by the Minister under the relevant provisions is subject to annulment in pursuance of a resolution of either House of Parliament.
  - (5) In this section “the relevant provisions” means sections 2B(1), (4) and (6), 2C, 2D, 2E, 10B and 10C.”
- 18 In section 41 of the 1953 Act (interpretation), in the definition of “prescribed”, after ““prescribed””, insert “(except in sections 2B(1), (4) and (6), 2C, 2D, 2E, 10B and 10C)”.

**PART 2**

OTHER AMENDMENTS

*Perjury Act 1911 (c. 6)*

- 19 In section 4 of the Perjury Act 1911 (false statements, etc, as to births or deaths) after subsection (1) insert—

“(1A) For the purposes of subsection (1)(a), information which a person is required to provide to a registrar of births or deaths for the purposes of subsection (1) of section 2B of the Births and Deaths Registration Act 1953 (duties of unmarried mother when acting alone) is to be taken to be information concerning a birth.”

*Population (Statistics) Act 1938 (c. 12)*

20 (1) In the Schedule to the Population (Statistics) Act 1938 (particulars which may be required on registration of a birth), in paragraph 1—

(a) for paragraph (a) substitute—

“(a) in all cases—

(i) the age of the mother;

(ii) the number of previous children of the mother, and how many of them were born alive or were still-born;”.

(b) for paragraph (c) substitute—

“(c) where the birth is of a child whose father and mother were married to each other at the time of the child’s birth (or is by reason of any marriage of the child’s parents treated by section 1(2) of the Family Law Reform Act 1987 as such a child for the purposes of that Act)—

(i) the date of the marriage, and

(ii) whether the mother had been married, or had formed a civil partnership, before her marriage to the child’s father;

(d) where the birth is of a child to whom section 1(3) of that Act applies by reason of any civil partnership between the child’s parents—

(i) the date of the formation of the civil partnership, and

(ii) whether the mother had been married, or had formed a civil partnership, before she formed the civil partnership with the child’s other parent;

(e) where the birth does not fall within paragraph (c) or (d), whether at any time before the birth the mother had been married or had formed a civil partnership.”

(2) This paragraph does not extend to Scotland.

*Children Act 1989 (c. 41)*

21 (1) Section 4 of the Children Act 1989 (acquisition of parental responsibility by father) is amended as follows.

(2) At the beginning of subsection (1)(a) insert “except where subsection (1C) applies,”.

(3) In subsection (1A), after paragraph (a) insert—

“(aa) regulations under section 2C, 2D, 2E, 10B or 10C of the Births and Deaths Registration Act 1953;”.

---

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

---

- (4) After subsection (1B) insert—
- “(1C) The father of a child does not acquire parental responsibility by virtue of subsection (1)(a) if, before he became registered as the child’s father under the enactment in question—
- (a) the court considered an application by him for an order under subsection (1)(c) in relation to the child but did not make such an order, or
  - (b) in a case where he had previously acquired parental responsibility for the child, the court ordered that he was to cease to have that responsibility.”
- 22 (1) Section 4ZA of the Children Act 1989 (acquisition of parental responsibility by second female parent) is amended as follows.
- (2) At the beginning of subsection (1)(a) insert “except where subsection (3A) applies,”.
- (3) In subsection (2), after paragraph (a) insert—
- “(aa) regulations under section 2C, 2D, 10B or 10C of the Births and Deaths Registration Act 1953;”.
- (4) After subsection (3) insert—
- “(3A) A person who is a parent of a child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 does not acquire parental responsibility by virtue of subsection (1)(a) if, before she became registered as a parent of the child under the enactment in question—
- (a) the court considered an application by her for an order under subsection (1)(c) in relation to the child but did not make such an order, or
  - (b) in a case where she had previously acquired parental responsibility for the child, the court ordered that she was to cease to have that responsibility.”

*Child Support Act 1991 (c. 48)*

- 23 In section 26 of the Child Support Act 1991 (disputes about parentage), in subsection (2), in Case A2, in paragraph (b), after “10 or 10A of” insert “, or regulations made under section 2C, 2D, 2E, 10B or 10C of,”.

*Child Support (Northern Ireland) Order 1991 (S.I. 1991/2628 (N.I. 23))*

- 24 In Article 27 of the Child Support (Northern Ireland) Order 1991 (disputes about parentage), in paragraph (2), in Case A2, in paragraph (b), after “10 or 10A of” insert “, or regulations made under section 2C, 2D, 2E, 10B or 10C of,”.

*Children (Scotland) Act 1995 (c. 36)*

- 25 In section 3 of the Children (Scotland) Act 1995 (provisions relating both to parental responsibilities and parental rights), in subsection (3A), after paragraph (b) insert—
- “(ba) regulations under section 2C, 2D, 10B or 10C of the Births and Deaths Registration Act 1953;”.

*Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))*

- 26 (1) Article 7 of the Children (Northern Ireland) Order 1995 (acquisition of parental responsibility) is amended as follows.
- (2) In paragraph (2A) for the “or” at the end of paragraph (b) substitute—  
“(ba) regulations under section 2C, 2D, 2E, 10B or 10C of the Births and Deaths Registration Act 1953; or”.
- (3) In paragraph (2B), for the “or” at the end of paragraph (b) substitute—  
“(ba) regulations under section 2C, 2D, 10B or 10C of the Births and Deaths Registration Act 1953; or”.

SCHEDULE 7

Section 58

REPEALS AND REVOCATIONS

**PART 1**

ABOLITION OF INCOME SUPPORT

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Maintenance Orders Act 1950 (c. 37)	In section 4— (a) subsection (1)(d), and (b) in subsection (2), the words “or the said section 106”.  In section 9— (a) subsection (1)(d), and (b) in subsection (2), the words “or the said section 106”.
Transport Act 1982 (c. 49)	In section 70(2)(b), the words “income support,”.
Social Security Act 1986 (c. 50)	In Schedule 10, paragraphs 35 and 36.
Children Act 1989 (c. 41)	In section 17(9), the words “of income support under Part VII of the Social Security Contributions and Benefits Act 1992,”.  In section 17A(5)(b), the words “of income support under Part 7 of the Social Security Contributions and Benefits Act 1992 (c. 4),”.  In section 29(3) and (3A), the words “of income support under Part VII of the Social Security Contributions and Benefits Act 1992,”.  In Schedule 2, in paragraph 21(4), the words “of income support under Part VII of the Social Security Contributions and Benefits Act 1992,”.

The repeals and revocations made by this Part of this Schedule have effect in accordance with provision made by an order under section 9.

---

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

---

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Child Support Act 1991 (c. 48)	In section 54(1), the definition of “income support”. In Schedule 1 (as it has effect apart from the Child Support, Pensions and Social Security Act 2000 (c. 6)), in paragraph 5(4), the words “income support”.
Criminal Justice Act 1991 (c. 53)	In section 24— (a) in subsections (1) and (2)(d), the words “income support”, and (b) in subsection (4), the definition of “income support”.
Social Security Contributions and Benefits Act 1992 (c. 4)	Section 123(1)(a) and (2). Section 124. Sections 126 and 127.
Social Security Administration Act 1992 (c. 5)	Section 2A(2)(a). Section 2AA(2)(a). Section 2D(1), (3)(a), (8), (9)(b) and (10). Section 2E(2)(a). Section 5(2)(b). In section 15A— (a) in subsection (1), the words “income support,” in each place, and (b) in subsection (4), in the definition of “qualifying associate”, the words “income support,” and, in the definition of “relevant benefits”, paragraph (b). Section 71(11)(b). In section 74— (a) in subsections (1)(b), (2)(b) and (3)(b)(i) and (ii), the words “income support”, (b) in subsection (3)(c), the words “the income support or”, and (c) in subsection (3), in the words following paragraph (c), the words “income support” and the words “the income support or”. In section 74A(7), the words “income support”. In section 78(6)(d), the words “income support or”. In section 105(1)(b), the words “income support”. Section 106. Section 108.

The repeals and revocations made by this Part of this Schedule have effect in accordance with provision made by an order under section 9.

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

<i>Reference</i>	<i>Extent of repeal or revocation</i>
	<p>In section 109(1), the words “income support or” in both places.</p> <p>Section 124(2)(b).</p> <p>In section 126(1), the words “income support,”.</p> <p>Sections 159 and 160.</p> <p>Section 163(2)(d)(i).</p> <p>Section 179(5)(a).</p> <p>In section 191, in the definition of “income-related benefit”, paragraph (a).</p>
Social Security (Consequential Provisions) Act 1992 (c. 6)	In Schedule 2, paragraphs 3(1)(a) and (b) and (2) and 108.
Local Government Finance Act 1992 (c. 14)	<p>In Schedule 4, in paragraph 6(1) and (2)(b), the words “income support,”.</p> <p>In Schedule 8, in paragraph 6(1) and (2)(b), the words “income support,”.</p>
Jobseekers Act 1995 (c. 18)	<p>Section 1A(6).</p> <p>In section 2(1), paragraph (d) (together with the “and” immediately before it).</p> <p>In section 3—</p> <ul style="list-style-type: none"> <li>(a) in subsection (1)(b), the words “income support,”,</li> <li>(b) subsection (1)(c), and</li> <li>(c) in subsection (1A)(a), the word “(c),”.</li> </ul> <p>Section 3A(1)(b).</p> <p>In section 16(1)(a)(ii), the words “or to income support”.</p> <p>In section 26—</p> <ul style="list-style-type: none"> <li>(a) in subsection (1), the words “or to income support”,</li> <li>(b) in subsection (3), the words “or (as the case may be) income support”,</li> <li>(c) in subsection (4)(d), the words “and periods of entitlement to income support”,</li> <li>(d) in subsection (4)(e), the words “wholly by way of income support or”, and</li> <li>(e) in subsection (4)(f), the words “or to income support”.</li> </ul> <p>In section 28(1), the words “or income support”.</p> <p>Section 31.</p> <p>In Schedule 2, paragraphs 30 to 32.</p>

The repeals and revocations made by this Part of this Schedule have effect in accordance with provision made by an order under section 9.

---

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

---

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Employment Tribunals Act 1996 (c. 17)	In section 16(3)(a), (b) and (c) and (5)(e), the words “, income support”.
	In section 17(1), the words “, income support” in both places and the words “or V”.
Education Act 1996 (c. 56)	Section 457(4)(b)(i).
	Section 512ZB(4)(a)(i) and (b)(i).
Social Security Act 1998 (c. 14)	Section 8(3)(c).
	In section 34(3), the words “or to income support”.
	In Schedule 2—
	(a) paragraph 6(b)(i), and
	(b) in paragraph 7, the words “income support or” and the words “160(2) or”.
	In Schedule 7, paragraphs 95 and 97.
Access to Justice Act 1999 (c. 22)	In Schedule 4, paragraph 48.
Welfare Reform and Pensions Act 1999 (c. 30)	In Schedule 7, paragraph 14.
	In Schedule 8, paragraphs 27 and 28.
Immigration and Asylum Act 1999 (c. 33)	Section 115(1)(e).
Children (Leaving Care) Act 2000 (c. 35)	In section 6(1), the words “income support or”.
Social Security Fraud Act 2001 (c. 11)	Section 6B(6).
	Section 7(3).
	Section 9(1)(a) and (3).
	Section 11(3)(b).
Civil Jurisdiction and Judgments Order 2001 (S.I. 2001/3929)	In Schedule 3, paragraph 24.
State Pension Credit Act 2002 (c. 16)	In Schedule 2, paragraph 2.
Tax Credits Act 2002 (c. 21)	In Schedule 3, paragraphs 16(2)(a), 18(a) and 20(a).
Secretaries of State for Education and Skills and for Work and Pensions Order 2002 (S.I. 2002/1397)	In Schedule 1, paragraph 7.
Income Tax (Earnings and Pensions) Act 2003 (c. 1)	In Schedule 6, paragraph 179.
Age-Related Payments Act 2004 (c. 10)	In section 2(3)(b), sub-paragraph (iii) (together with the “or” immediately before it).
	In section 8(1), the definition of “income support”.
Civil Partnership Act 2004 (c. 33)	In Schedule 24, paragraphs 42 to 44 and 123.

The repeals and revocations made by this Part of this Schedule have effect in accordance with provision made by an order under section 9.



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

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Welfare Reform Act 2007 (c. 5)	In section 1(3), paragraph (e) (but not the “and” at the end of it). In section 24(1), the definition of “income support”. In Schedule 1, in paragraph 6(1)(d), the words “, income support”. In Schedule 3, paragraph 9(9) and (10).
Pensions Act 2007 (c. 22)	In Schedule 1, paragraph 25.
Civil Jurisdiction and Judgments Regulations 2007 (S.I. 2007/1655)	In the Schedule, paragraph 16.
Child Maintenance and Other Payments Act 2008 (c. 6)	In Schedule 7, paragraph 2(2).
Saving Gateway Accounts Act 2009 (c. 8)	Section 3(2)(a).
This Act.	Section 3(1). Section 5(1). In Schedule 4, paragraph 6(3)(b).

The repeals and revocations made by this Part of this Schedule have effect in accordance with provision made by an order under section 9.

## PART 2

### ABOLITION OF ADULT DEPENDENCY INCREASES

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Social Security Contributions and Benefits Act 1992 (c. 4)	In section 20(1)(d), the words “(with increase for adult dependants)”. In section 63(c), the words “(with increase for adult dependants)”. Section 82. Sections 88 to 92. In section 114(4), the word “82”. In Part 4 of Schedule 4, paragraphs 3 and 9.
Social Security (Incapacity for Work) Act 1994 (c. 18)	In Schedule 1, paragraphs 25 to 27.
Jobseekers Act 1995 (c. 18)	In Schedule 2, paragraphs 24 and 27.
Welfare Reform and Pensions Act 1999 (c. 30)	In Schedule 8, paragraph 26.
Tax Credits Act 2002 (c. 21)	In Schedule 3, paragraph 34.

---

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

---

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Regulatory Reform (Carer's Allowance) Order 2002 (S.I. 2002/1457)	In the Schedule, paragraph 2(d).
Civil Partnership Act 2004 (c. 33)	In Schedule 24, paragraph 35.
Child Benefit Act 2005 (c. 6)	In Schedule 1, paragraph 5.
Pensions Act 2004 (PPF Payments and FAS Payments) (Consequential Provisions) Order 2006 (S.I. 2006/343)	In the Schedule, paragraph 1(2).
Welfare Reform Act 2007 (c. 5)	In Schedule 3, paragraph 9(7) and (8).
Pensions Act 2007 (c. 22)	In Schedule 1, paragraphs 14 and 15.

### PART 3

#### SOCIAL SECURITY: OTHER REPEALS AND REVOCATIONS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Social Security Administration Act 1992 (c. 5)	<p>In section 2A(8), in the definition of “the designated authority”, paragraph (b).</p> <p>In section 2AA(7), in the definition of “designated authority”, paragraph (b).</p> <p>Section 2B.</p> <p>Section 5(1)(r).</p> <p>In section 170(5)—</p> <ul style="list-style-type: none"> <li>(a) in paragraph (ae) of the definition of “the relevant enactments”, the word “60,”,</li> <li>(b) in paragraph (af) of the definition of “the relevant enactments”, the words “, sections 62 to 65”,</li> <li>(c) in paragraph (ae) of the definition of “the relevant Northern Ireland enactments”, the word “60,”, and</li> <li>(d) in paragraph (af) of the definition of “the relevant Northern Ireland enactments”, the words “62 to 65”.</li> </ul>
Jobseekers Act 1995 (c. 18)	<p>Section 8(3).</p> <p>Section 9(13).</p> <p>In section 15A—</p> <ul style="list-style-type: none"> <li>(a) in subsection (4), paragraph (b) (together with the “or” immediately before it), and</li> <li>(b) in subsection (5), paragraph (c) (but not the “and” at the end of it).</li> </ul> <p>In section 16(4), the definition of “employment officer”.</p>

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

<i>Reference</i>	<i>Extent of repeal or revocation</i>
	In section 17A(10), the definition of “the jobseeking conditions”.
	Section 19(10)(a).
	In section 36(1), the words “, other than an order under section 8(3), 9(13), 16(4) or 19(10)(a),”.
	In Schedule A1, in paragraph 9, the definition of “the jobseeking conditions”.
Employment Rights Act 1996 (c. 18)	In Schedule 1, in paragraph 67(2), paragraph (b) (together with the “and” immediately before it).
Social Security Act 1998 (c. 14)	In Schedule 2, paragraph 5A (together with the italic heading immediately before it).
	In Schedule 3, paragraph 3(e).
	In Schedule 7, paragraphs 141, 142 and 145.
Welfare Reform and Pensions Act 1999 (c. 30)	Section 60.
	Section 72(3)(b).
	In section 83(8) and (9), the words “60 or”.
	In Schedule 7, paragraphs 2(2), (3) and (4)(b), 3, 4(1), 7(5) to (7), 12 and 13.
	In Schedule 8, paragraph 29(3), (5) and (6).
	In Schedule 12, paragraph 87.
Child Support, Pensions and Social Security Act 2000 (c. 19)	Sections 62 to 66.
Criminal Justice and Court Services Act 2000 (c. 43)	In Schedule 7, paragraphs 205 to 207.
Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2000 (S.I. 2000/1563)	Article 4.
Social Security Fraud Act 2001 (c. 11)	In section 7—
	(a) in subsection (8), the definitions of “disqualifying benefit” and “sanctionable benefit”, and
	(b) subsection (11).
	In section 8(2)(b), sub-paragraph (ii) and the word “or” before it.
	Section 12(1).
	In section 13, the definitions of “disqualification period” and “post-commencement offence”.
State Pension Credit Act 2002 (c. 16)	In Schedule 2, paragraph 45(3).
Employment Act 2002 (c. 22)	In Schedule 7, paragraphs 9, 51 and 55.

---

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

---

<i>Reference</i>	<i>Extent of repeal or revocation</i>
<a href="#">Criminal Justice Act 2003 (c. 44)</a>	In Schedule 32, paragraphs 130 to 132.
<a href="#">Civil Partnership Act 2004 (c. 33)</a>	In Schedule 24, paragraphs 118, 120 and 121.
<a href="#">Welfare Reform Act 2007 (c. 5)</a>	In Schedule 3, paragraphs 12(2), 20 and 23(3).
<a href="#">Criminal Justice and Immigration Act 2008 (c. 4)</a>	In Schedule 4, paragraphs 65 to 67.
<a href="#">Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833)</a>	In Schedule 3, paragraph 102.

#### PART 4

##### CHILD MAINTENANCE

<i>Reference</i>	<i>Extent of repeal</i>
<a href="#">Road Traffic Act 1988 (c. 52)</a>	In section 164(5), the words “, section 40B of the Child Support Act 1991”.
<a href="#">Road Traffic Offenders Act 1988 (c. 53)</a>	In section 27(3), the words from “, or if the holder” to “Child Support Act 1991, then,”.
<a href="#">Child Support Act 1991 (c. 48)</a>	In section 39E— (a) in subsections (1) and (2), the words “the Commission or”, and (b) subsections (3) to (5). Section 39G. Section 40B.
<a href="#">Child Support, Pensions and Social Security Act 2000 (c. 19)</a>	Section 16(3) to (5).
<a href="#">Road Safety Act 2006 (c. 49)</a>	In Schedule 2, paragraph 33. In Schedule 3, paragraph 65(3)(b).
<a href="#">Child Maintenance and Other Payments Act 2008 (c. 6)</a>	Section 30. In section 59(5) and (6), the word “, 40B”. In Schedule 3, paragraph 42. In Schedule 7, paragraph 1(15) to (18).

#### PART 5

##### BIRTH REGISTRATION

<i>Reference</i>	<i>Extent of repeal</i>
<a href="#">Births and Deaths Registration Act 1953 (c. 20)</a>	Section 6. Section 7(3).

---

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

---

<i>Reference</i>	<i>Extent of repeal</i>
	Section 10(3). In section 10A(2), paragraph (d) (together with the “and” immediately before it).