

Status: This version of this provision is prospective.

Changes to legislation: Welfare Reform Act 2009, Section 5 is up to date with all changes known to be in force on or before 19 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Welfare Reform Act 2009

2009 CHAPTER 24

PART 1

SOCIAL SECURITY

Revised system of working-age benefits

PROSPECTIVE

5 Couples where at least one member capable of work

(1) In section 124 of the Social Security Contributions and Benefits Act 1992 (c. 4) (conditions for income support)—

(a) in subsection (1), after paragraph (g) (but before the “and” at the end of it) insert—

“(ga) except in such circumstances as may be prescribed, if he is a member of a couple, the other member of the couple has limited capability for work;”,

(b) after subsection (6) insert—

“(6A) The question whether a person has, or does not have, limited capability for work shall be determined for the purposes of this section in accordance with the provisions of Part 1 of the Welfare Reform Act 2007 (employment and support allowance).

(6B) References in that Part to the purposes of that Part shall be construed, where the provisions of that Part have effect for the purposes of this section, as references to the purposes of this section.”, and

(c) in subsection (7), for “Part 1 of the Welfare Reform Act 2007 (employment and support allowance)” substitute “ that Part ”.

(2) In paragraph 6 of Schedule 1 to the Welfare Reform Act 2007 (c. 5) (conditions for income-related employment and support allowance)—

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- (a) in sub-paragraph (1), after paragraph (d) insert—
 - “(da) is not a member of a couple the other member of which does not have limited capability for work;”, and”
- (b) after sub-paragraph (2) insert—
 - “(2A) Regulations may prescribe circumstances in which sub-paragraph (1) (da) does not apply.”

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Changes and effects yet to be applied to :

- s. 5 repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 5(1) repealed by [2009 c. 24 Sch. 7 Pt. 1](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 4 para. 9(3)(b) repealed by [2009 c. 24 Sch. 7 Pt. 1](#)