



Welfare Reform and Work Act 2016

2016 CHAPTER 7

Welfare benefits

9 Review of benefit cap

(1) After section 96 of the Welfare Reform Act 2012 insert—

“96A Benefit cap: review

- (1) The Secretary of State must at least once in each Parliament review the sums specified in section 96(5A) to determine whether it is appropriate to increase or decrease any one or more of those sums.
- (2) The Secretary of State may, at any other time the Secretary of State considers appropriate, review the sums specified in section 96(5A) to determine whether it is appropriate to increase or decrease any one or more of those sums.
- (3) In carrying out a review, the Secretary of State must take into account—
 - (a) the national economic situation, and
 - (b) any other matters that the Secretary of State considers relevant.
- (4) After carrying out a review, the Secretary of State may, if the Secretary of State considers it appropriate, by regulations amend section 96(5A) so as to increase or decrease any one or more of the sums specified in section 96(5A).
- (5) Regulations under subsection (4) may provide for amendments of section 96(5A) to come into force—
 - (a) on different days for different areas;
 - (b) on different days for different cases or purposes.
- (6) Regulations under subsection (4) may make such transitional or transitory provision or savings as the Secretary of State considers necessary or expedient in connection with the coming into force of any amendment made by regulations under subsection (4).
- (7) Regulations under subsection (6) may in particular—

Changes to legislation: There are currently no known outstanding effects for the Welfare Reform and Work Act 2016, Section 9. (See end of Document for details)

- (a) provide for section 96(5A) to have effect as if the amendments made by regulations under subsection (4) had not been made, in relation to such persons or descriptions of persons as are specified in the regulations or generally, until a time or times specified in a notice issued by the Secretary of State;
 - (b) provide for the Secretary of State to issue notices under paragraph (a) specifying different times for different persons or descriptions of person;
 - (c) make provision about the issuing of notices under paragraph (a), including provision for the Secretary of State to issue notices to authorities administering housing benefit that have effect in relation to persons specified, or persons of a description specified, in the notices.
- (8) Section 176 of the Social Security Administration Act 1992 (consultation with representative organisations) does not apply in relation to regulations under subsection (4).
- (9) If an early parliamentary general election is to take place in accordance with section 2 of the Fixed-term Parliaments Act 2011, the duty in subsection (1) is to be disregarded.”
- (2) Section 97 of the Welfare Reform Act 2012 (benefit cap: supplementary) is amended as follows.
- (3) In subsection (1), after “96” insert “ or 96A ”.
- (4) In subsection (2), after “96” insert “ or 96A ”.
- (5) After subsection (4) insert—
- “(4A) A statutory instrument containing regulations under section 96A may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”
- (6) Subsection (5) is omitted.
- (7) In section 150 of the Social Security Administration Act 1992 (annual up-rating of benefits), subsection (7A) (review of the benefit cap) is omitted.

Commencement Information

- 11** S. 9(1)-(5) in force for specified purposes at Royal Assent and s. 9(6)(7) in force at Royal Assent, see s. 36(1)(a)(3)
- 12** S. 9(1)-(5) in force at 7.11.2016 in so far as not already in force by S.I. 2016/910, reg. 2(1) (with reg. 2(2)(3))

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