

# Welfare Reform Act 2009

## 2009 CHAPTER 24

Note: The material reproduced below is limited to what is relevant to this volume. However, even where sections are relevant to volume 11 but they only contain consequential amendments, the text will not be reproduced. See volume 2 for the full Act.

An Act to amend the law relating to social security; to make provision enabling disabled people to be given greater control over the way in which certain public services are provided for them; to amend the law relating to child support; to make provision about the registration of births; and for connected purposes.

[12th November 2009]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

## ARRANGEMENT OF SECTIONS

### PART 1

#### SOCIAL SECURITY

##### *Revised system of working-age benefits*

7. Transitional provision relating to sections 4 to 6
8. Parliamentary procedure: regulations imposing work-related activity requirements on lone parents of children under 7

##### *Abolition of income support*

9. Abolition of income support

##### *Jobseeker's allowance and employment and support allowance: drugs*

11. Claimants dependent on drugs etc.

## SCHEDULE 3

### PART 1 — Jobseeker's Allowance

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#### *Revised system of working age benefits*

*Transitional provision  
relating to sections 4 to 6*

**7.—(1)** *The Secretary of State may by regulations make such provision as the Secretary of State considers necessary or expedient for the purposes of, or in connection with, the transition of persons to—*

- (a) income-based jobseeker's allowance, or*
- (b) income-related employment and support allowance,*

*by virtue of any provision of sections 4 to 6.*

*(2) Regulations under this section may, in particular, make provision—*

- (a) for the termination or cancellation of awards of income support or income-related employment and support allowance;*
- (b) for a person whose award of income support or income-related employment and support allowance has been terminated or cancelled under regulations made by virtue of paragraph (a) to be treated as having been awarded a transitional allowance;*
- (c) for any such award of a transitional allowance to be—*
  - (i) of such a kind,*
  - (ii) for such period,*
  - (iii) of such an amount, and*
  - (iv) subject to such conditions,*

*as may be determined in accordance with the regulations;*

- (d) for a person's continuing entitlement to a transitional allowance to be determined by reference to such provision as may be made by the regulations;*
- (e) for the termination of an award of a transitional allowance;*
- (f) for the review of an award of a transitional allowance;*
- (g) that—*
  - (i) days which were days of entitlement to income support or income-related employment and support allowance, and*
  - (ii) such other days as may be specified in or determined in accordance with the regulations,*

*are to be treated as having been days during which a person was, or would have been, entitled to an income-based jobseeker's allowance or income-related employment and support allowance.*

*(3) Subsections (3) to (5) of section 175 of the Social Security Contributions and Benefits Act 1992 (c. 4) (supplementary provisions in relation to powers to make subordinate legislation under that Act) apply in relation to the power to make regulations under this section as they apply to any power to make regulations under that Act.*

*(4) The power to make regulations under this section is exercisable by statutory instrument.*

*(5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.*

*(6) In this section—*

*“income-based jobseeker's allowance” has the same meaning as in the Jobseekers Act 1995 (c. 18);*

*“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (c. 5) (employment and support allowance);*

*“transitional allowance” means an income-based jobseeker's allowance or income-related employment and support allowance.*

8.—(1) This section applies to regulations made under any relevant provision which impose a requirement on any lone parent of a child under the age of 7 to undertake work-related activity (within the meaning of the regulations).

Parliamentary procedure: regulations imposing work-related activity requirements on lone parents of children under 7

(2) In subsection (1) “relevant provision” means—

- (a) section 2D(1) of the Social Security Administration Act 1992 (c. 5),
- (b) section 18B of the Jobseekers Act 1995 (c. 18), or
- (c) section 13 of the Welfare Reform Act 2007 (c. 5).

(3) A statutory instrument containing regulations to which this section applies (whether alone or with other provision) may not be made at any time during the period of 5 years beginning with the day on which this Act is passed unless a draft of the statutory instrument has been laid before, and approved by a resolution of, each House of Parliament.

(4) If subsection (3) applies to any regulations, any provision of an Act under which a statutory instrument containing the regulations would be subject to annulment in pursuance of a resolution of either House of Parliament does not apply.

#### *Abolition of income support*

9.—(1) This section applies if, whether as a result of—

Abolition of income support

- (a) provision made by any regulations under section 1A(4)(c) or (8) of the Jobseekers Act 1995 (as inserted by section 4 above), or
- (b) provision made by or under any other enactment, or otherwise,

the Secretary of State considers that it is no longer appropriate for any category of person to be prescribed under section 124(1)(e) of the Social Security Contributions and Benefits Act 1992 (c. 4) (conditions for income support).

(2) The Secretary of State may by order provide for section 124 of the Social Security Contributions and Benefits Act 1992 (which establishes the entitlement to income support) to cease to have effect.

(3) If an order is made under subsection (2)—

- (a) the amendments made by Schedule 2, and
- (b) the repeals in Part 1 of Schedule 7,

have effect in accordance with provision made by the order.

(4) The Secretary of State may by order make such transitional or consequential provision or savings as the Secretary of State considers necessary or expedient for the purposes of or in connection with the abolition of income support (including provision of the kind mentioned in section 7(2)).

(5) The consequential provision that may be made by an order under subsection (4) includes, in particular, provision amending, repealing or revoking—

- (a) any provision of any Act (whenever passed), or
- (b) any provision of any instrument made under any Act (whenever made).

(6) In subsection (5) “Act” means—

- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament, or
- (c) a Measure or Act of the National Assembly for Wales.

(7) Subsections (3) to (5) of section 175 of the Social Security Contributions and Benefits Act 1992 (c. 4) (supplementary provisions in relation to powers to make subordinate legislation under that Act) apply in relation to any power to make an order under this section as they apply to any power to make orders under that Act.

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(8) Any power to make an order under this section is exercisable by statutory instrument.

(9) An order under subsection (2) may not be made unless a draft of the statutory instrument containing the order (whether alone or with other provision) has been laid before, and approved by a resolution of, each House of Parliament.

(10) A statutory instrument containing an order under subsection (4) is (unless a draft of it has been approved by a resolution of each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.

#### *Jobseeker's allowance and employment and support allowance: drugs*

Claimants dependent on drugs etc.

**11.—**(1) Part 1 of Schedule 3 makes provision for or in connection with imposing requirements on claimants for a jobseeker's allowance in cases where—

- (a) they are dependent on, or have a propensity to misuse, any drug, and
- (b) any such dependency or propensity is a factor affecting their prospects of obtaining or remaining in work.

(2) Part 1 of that Schedule also contains a power for the provisions concerned to apply in relation to alcohol.

(3) Part 2 of that Schedule makes similar provision in relation to claimants for an employment and support allowance.

## SCHEDULE 3

## CLAIMANTS DEPENDENT ON DRUGS ETC.

## PART 1

## JOBSEEKER'S ALLOWANCE

*Voluntary and mandatory rehabilitation plans*

5.—(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.

(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.

**WELFARE REFORM ACT 2009 (c. 24)****Annexes 1-2**ANNEX 1  
LIST OF OMISSIONSANNEX 2  
COMMENCEMENT DATES

| <i>S.I. No.</i> | <i>Title of Order</i>  | <i>Page No.</i> |
|-----------------|--|-----------------|
| 2010/45         | The Welfare Reform Act 2009<br>(Commencement No. 1) Order<br>2010                          |                 |
| 2010/293        | The Welfare Reform Act 2009<br>(Commencement No. 2 and<br>Transitory Provision) Order 2010 |                 |
| 2010/2377       | The Welfare Reform Act 2009<br>(Commencement No. 3) Order<br>2010                          |                 |

| <i>Sections etc. of<br/>Welfare Reform<br/>Act 2009</i> | <i>Date of Commencement</i> | <i>Commencing Authority</i> |
|---|-----------------------------|-----------------------------|
| Section 8   | 12th November 2009          | Royal Assent                |
| Section 11  | 12th November 2009          | Royal Assent                |
| Schedule 3  | 12th November 2009          | Royal Assent                |