

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 13 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 I

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

Jobseeker's allowance and employment and support allowance: drugs

11. Claimants dependent on drugs etc.

SCHEDULES

- Schedule 3 — Claimants dependent on drugs etc.
Part 2 — Employment and support allowance

Report on the initial operation of drugs provisions

- 9.—(1) The Secretary of State must prepare a report on...

WELFARE REFORM ACT 2009 (c. 24)

S.7

*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.

Jobseeker’s allowance and employment and support allowance: drugs

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—

Claimants dependent on drugs etc.

- (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 2

EMPLOYMENT AND SUPPORT ALLOWANCE

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),
 - (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.

ANNEX 1

LIST OF OMISSIONS

ANNEX 2

WELFARE REFORM ACT 2009

COMMENCEMENT DATES

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

<i>Sections etc. of Welfare Reform 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

