# **EXPLANATORY NOTES**

# WELFARE REFORM ACT 2007

#### **INTRODUCTION**

## SUMMARY AND BACKGROUND

**Employment and Support Allowance** 

Housing benefit and council tax benefit

Sharing and use of social security information

**Overpayment recovery** 

Benefit fraud: local authority prosecution and investigation powers

Benefit fraud: the "two strikes" rule

**Benefits for bereaved persons** 

Disability living allowance: age conditions

**Social Fund** 

**Vaccine Damage Payments: overseas vaccinations** 

Vaccine Damage Payments: appeals to appeal tribunals in Northern Ireland

**Compensation for Pneumoconiosis** 

Attendance allowance/disability living allowance and care home residents

**Independent Living Funds** 

**Medical Examinations** 

**ACT OVERVIEW** 

TERRITORIAL EXTENT

TERRITORIAL APPLICATION: WALES

**COMMENTARY ON SECTIONS** 

PART 1: EMPLOYMENT AND SUPPORT ALLOWANCE

## **Entitlement**

- Section 1: Employment and support allowance
- Section 2: Amount of contributory allowance and; Section 3: Deductions from contributory allowance: supplementary
- Section 4: Amount of income-related allowance
- Section 5: Advance award of income-related allowance
- Section 6: Amount payable where claimants entitled to both forms of allowance
- Section 7: Exclusion of payments below prescribed minimum

# Assessments relating to entitlement

- Section 8: Limited capability for work
- Section 9: Limited capability for work-related activity
- Section 10: Report

# **Conditionality**

- Section 11: Work-focused health-related assessments
- Section 12: Work-focused interviews
- Section 13: Work-related activity
- Section 14: Action plans in connection with work-focused interviews
- Section 15: Directions about work related activity
- Section 16: Contracting out

#### **Miscellaneous**

- Section 17: Income and capital: general
- Section 18: Disqualification
- Section 19: Pilot schemes
- Section 20: Relationship with statutory payments
- Section 21: Deemed entitlement for other purposes
- Section 22: Supplementary Provisions
- Section 23: Recovery of sums in respect of maintenance

#### General

Section 25: Regulations

#### *These notes refer to the Welfare Reform Act 2007 (c.5)*

- Section 27: Financial provisions relating to Part 1
- Section 28: Consequential amendments relating to Part 1
- Section 29: Transition relating to Part 1

## PART 2: HOUSING BENEFIT AND COUNCIL TAX BENEFIT

- Section 30: Local housing allowance
- Section 31: Loss of housing benefit following eviction for anti-social behaviour, etc
- Section 32: Housing and Council Tax Benefit for persons taking up employment;
- Section 33: supplemental; and Section 34: interpretation
- Section 35: Information relating to housing benefit
- Section 36: Supply of information by rent officers
- Section 37: Payment of housing benefit
- Section 38: Duty to send inspection reports to the Secretary of State and; Section 39: Directions by Secretary of State

## PART 3: SOCIAL SECURITY ADMINISTRATION: GENERAL

## Sharing and use of social security information

- Section 41: Social Security Information
- Section 42: Information relating to certain benefits
- Section 43: Unlawful disclosure of certain information

# **Overpayment recovery**

- Section 44: Recovery of overpaid benefit: Great Britain
- Section 45: Recovery of overpaid child benefit and guardian's allowance: Northern Ireland

## **Benefit fraud**

- Sections 46 and 47: local authority powers to investigate and prosecute benefit fraud
- Section 48: Local authority functions relating to benefit: information
- Section 49: Loss of benefit for commission of benefit offences

# **PART 4: MISCELLANEOUS**

## **Benefits for bereaved persons**

- Section 50: Widowed mother's allowance
- Section 51: Widowed parent's allowance

# Disability living allowance: age conditions

Section 52: Care component of disability living allowance: persons under the age of 16

Section 53: Mobility component of disability living allowance: persons under the age of 16

## **Social Fund**

Section 54: Matters to which regard must be had in awarding budgeting loans

Section 55: Allocations from the Social Fund

# **Vaccine Damage Payments Act 1979**

Section 56: Overseas vaccinations

Section 57: Appeals to appeal tribunal in Northern Ireland

# Compensation for pneumoconiosis etc.

Section 58: "Relevant employer"

Section 59: "Dependant"

## Other

Section 60: Power to stop payment of allowances to care home residents

Section 61: Independent Living Funds

Section 62: Medical Examinations

#### **General**

Section 64: Northern Ireland

Section 67: Repeals

#### **Schedules**

Schedule 1 – Employment and support allowance: additional conditions

Schedule 2 – Employment and support allowance: supplementary provision

Schedule 3 – Consequential amendments relating to Part 1

Schedule 4 - Transition relating to Part 1

Schedule 5 – Minor and consequential amendments relating to Part 2

These notes refer to the Welfare Reform Act 2007 (c.5)

**Billing authorities** 

Administration of housing and council tax benefits

**Services benefits** 

Local housing allowance

Revisions of decisions and appeals

Schedule 6 – Schedule to be inserted in the Pneumoconiosis etc. (Workers' Compensation) Act 1979

Schedule 7 – Minor and consequential amendments relating to Part 4

TRANSPOSITION NOTES

**COMMENCEMENT** 

**HANSARD REFERENCES**