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STATUTORY INSTRUMENTS

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**2010 No. 424**

**SOCIAL SECURITY**

**The Welfare Reform Act 2009 (Section 26)  
(Consequential Amendments) Regulations 2010**

*Made - - - - 22nd February 2010*  
*Laid before Parliament 26th February 2010*  
*Coming into force in accordance with regulation 1*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 57(1) and (2) of the Welfare Reform Act 2009<sup>(1)</sup>.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Welfare Reform Act 2009 (Section 26) (Consequential Amendments) Regulations 2010.

(2) Subject to paragraphs (3) and (4), these Regulations come into force on 22nd March 2010.

(3) Regulations 3, 4 and 6 to 8, so far as they relate to a person who is subject to a restriction under section 62 or 63 of the Child Support, Pensions and Social Security Act 2000<sup>(2)</sup> immediately before 22nd March 2010, come into force on the first day of the first benefit week to commence for that person on or after 22nd March 2010.

(4) Regulations 2, 5 and 9 to 11 come into force on 2nd April 2010.

(5) In paragraph (3), “benefit week” has the meaning ascribed to that expression in regulation 3(7) of the Social Security (Breach of Community Order) Regulations 2001<sup>(3)</sup>.

**Amendment of the Social Security (Credits) Regulations 1975**

2. In regulation 8A(2)(d) (credits for unemployment) of the Social Security (Credits) Regulations 1975<sup>(4)</sup> omit the words “section 62 or 63 of the Child Support, Pensions and Social Security Act 2000 or”.

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(1) 2009 c. 24.

(2) 2000 c.19.

(3) S.I. 2001/1395.

(4) S.I. 1975/556. Regulation 8A was inserted by S.I. 1996/2367. Relevant amending instruments are S.I. 2001/1711 and 2002/490.

### **Amendment of the Jobseeker’s Allowance Regulations 1996**

3.—(1) The Jobseeker’s Allowance Regulations 1996(5) are amended as follows.

(2) In regulation 47(4)(b)(ii)(6) (jobseeking period) omit the words “section 62 or 63 of the Child Support, Pensions and Social Security Act 2000 or”.

(3) In regulation 170(1)(7) (persons in receipt of a training allowance) omit the words “or if he would be in receipt of a training allowance if the Social Security (Breach of Community Order) Regulations 2001 did not prevent the payment of a training allowance to him”.

### **Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999**

4.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999(8) are amended as follows.

(2) In regulation 1(3)(9) (citation, commencement and interpretation) omit the definition of “the Breach of Community Order Regulations”.

(3) In regulation 3(10) (revision of decisions) omit paragraph (8A).

(4) In regulation 6(11) (supersession of decisions) omit paragraph (2)(i).

(5) In regulation 7(12) (date from which a decision superseded under section 10 takes effect) omit paragraph (27).

(6) In Schedule 2(13) (decisions against which no appeal lies) omit paragraph 19A and the preceding heading.

### **Amendment of the Discretionary Financial Assistance Regulations 2001**

5. In regulation 3(1) (circumstances in which discretionary housing payments may be made) of the Discretionary Financial Assistance Regulations 2001(14) omit the words “section 62 or 63 of the Child Support, Pensions and Social Security Act 2000 or”.

### **Revocation of the Social Security (Breach of Community Order) Regulations 2001**

6. The Social Security (Breach of Community Order) Regulations 2001(15) are revoked.

### **Amendment of the Social Security (Loss of Benefit) Regulations 2001**

7.—(1) The Social Security (Loss of Benefit) Regulations 2001(16) are amended as follows.

(2) In regulation 3 (reduction of income support and income-related employment and support allowance)—

(a) in paragraph (1) for “to (4)” substitute “and (3)”;

(b) omit paragraph (4)(17).

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(5) [S.I. 1996/207](#).

(6) Relevant amending instruments are [S.I. 1996/1517](#), [2001/518](#), [1711](#) and [2002/490](#).

(7) Paragraph (1) was substituted by [S.I. 2001/1711](#) and amended by [S.I. 2006/718](#).

(8) [S.I. 1999/991](#).

(9) Definition was inserted by [S.I. 2001/1711](#).

(10) Paragraph (8A) was inserted by [S.I. 2001/1711](#).

(11) Paragraph (2)(i) was inserted by [S.I. 2001/1711](#) and amended by [S.I. 2008/1554](#).

(12) Paragraph (27) was inserted by [S.I. 2001/1711](#).

(13) The heading and paragraph 19A were inserted by [S.I. 2002/1379](#).

(14) [S.I. 2001/1167](#). Paragraph (1) was inserted by [S.I. 2001/1711](#) and amended by [S.I. 2002/490](#).

(15) [S.I. 2001/1395](#).

(16) [S.I. 2001/4022](#).

(17) Relevant amending instrument is [S.I. 2008/1554](#).

- (3) In regulation 5(3) (meaning of “person in hardship”)—
- (a) at the end of sub-paragraph (a) insert “or”;
  - (b) at the end of sub-paragraph (b) for “; or” substitute “.”;
  - (c) omit sub-paragraph (c).

#### **Amendment of the Housing Benefit Regulations 2006**

**8.** In regulation 2(3)(d) (interpretation) of the Housing Benefit Regulations 2006(**18**) omit the words “section 62 or 63 of the Child Support, Pensions and Social Security Act 2000 or”.

#### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**9.** In regulation 2(3)(d) (interpretation) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**19**) omit the words “section 62 or 63 of the Child Support, Pensions and Social Security Act 2000 or”.

#### **Amendment of the Council Tax Benefit Regulations 2006**

**10.** In regulation 2(4)(d) (interpretation) of the Council Tax Benefit Regulations 2006(**20**) omit the words “section 62 or 63 of the Child Support, Pensions and Social Security Act 2000 or”.

#### **Amendment of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**11.** In regulation 2(4)(d) (interpretation) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**21**) omit the words “section 62 or 63 of the Child Support, Pensions and Social Security Act 2000 or”.

Signed by authority of the Secretary of State for Work and Pensions

22 February 2010

*Helen Goodman*  
Parliamentary Under Secretary of State  
Department for Work and Pensions

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(18) [S.I. 2006/213](#).  
(19) [S.I. 2006/214](#).  
(20) [S.I. 2006/215](#).  
(21) [S.I. 2006/216](#).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and amend other Statutory Instruments in consequence of section 26 of the Welfare Reform Act 2009 (c. 24) (“the 2009 Act”), which comes into force on 22nd March 2010 by virtue of the Welfare Reform Act 2009 (Commencement No. 2 and Transitory Provision) Order 2010. Section 26 of the 2009 Act repeals sections 62 to 66 of the Child Support, Pensions and Social Security Act 2000 (c. 19) (“the 2000 Act”), which provided for benefit sanctions to be applied to offenders found to be in breach of specified community orders.

Regulations 2 to 5 and 7 to 11 make consequential amendments to the Social Security (Credits) Regulations 1975 (S.I. 1975/556), the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207), the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991), the Discretionary Financial Assistance Regulations 2001 (S.I. 2001/1167), the Social Security (Loss of Benefit) Regulations 2001 (S.I. 2001/4022), the Housing Benefit Regulations 2006 (S.I. 2006/213), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214), the Council Tax Benefit Regulations 2006 (S.I. 2006/215) and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/216), in particular so as to remove references to sections 62 to 66 of the 2000 Act.

Regulation 6 revokes the Social Security (Breach of Community Order) Regulations 2001.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.