



# Welfare Reform Act 2007

## CHAPTER 5

### WELFARE REFORM ACT 2007

#### PART 1

##### EMPLOYMENT AND SUPPORT ALLOWANCE

###### *Entitlement*

- 1 Employment and support allowance
- 1A Duration of contributory allowance
- 1B Further entitlement after time-limiting
- 2 Amount of contributory allowance
- 3 Deductions from contributory allowance: supplementary
- 4 Amount of income-related allowance
- 5 Advance award of income-related allowance
- 6 Amount payable where claimant entitled to both forms of allowance
- 7 Exclusion of payments below prescribed minimum

###### *Assessments relating to entitlement*

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

###### *Conditionality*

- 11
- 11A Claimant commitment
- 11B Work-focused interview requirement
- 11C Work preparation requirement
- 11D Persons subject to no work-related requirements
- 11E Persons subject to work-focused interview requirement only

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- 11F Persons subject to work preparation and work-focused interview requirement
- 11G Connected requirements
- 11H Imposition of requirements
- 11I Compliance with requirements
- 11J Sanctions
- 11K Delegation and contracting out
  - 12 Work-focused interviews
  - 13 Work-related activity
  - 14 Action plans in connection with work-focused interviews
  - 15 Directions about work-related activity
- 15A Persons dependent on drugs etc.
- 16 Contracting out
- 16A Hardship payments

#### *Miscellaneous*

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

#### *General*

- 24 Interpretation of Part 1
- 25 Regulations and orders
- 26 Parliamentary control
- 27 Financial provisions relating to Part 1
- 28 Consequential amendments relating to Part 1
- 29 Transition relating to Part 1

### **PART 2**

#### HOUSING BENEFIT AND COUNCIL TAX BENEFIT

- 30 Local housing allowance
- 31 Loss of housing benefit following eviction for anti-social behaviour, etc.
- 32 Housing benefit and council tax benefit for persons taking up employment
- 33 Section 32: supplemental
- 34 Sections 32 and 33: interpretation
- 35 Information relating to housing benefit
- 36 Supply of information by rent officers
- 37 Payment of housing benefit
- 38 Duty to send inspection reports to the Secretary of State
- 39 Directions by Secretary of State
- 40 Minor and consequential amendments relating to Part 2

### **PART 3**

#### SOCIAL SECURITY ADMINISTRATION: GENERAL

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*Sharing of social security information*

- 41 Social security information
- 42 Information relating to certain benefits
- 43 Unlawful disclosure of certain information

*Overpayment recovery*

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

*Benefit fraud*

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

**PART 4**

MISCELLANEOUS

*Benefits for bereaved persons*

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

*Disability living allowance: age conditions*

- 52 Care component of disability living allowance: persons under the age of 16
- 53 Mobility component of disability living allowance: persons under the age of 16

*Social fund*

- 54 Matters to which regard must be had in awarding budgeting loans
- 55 Allocations from Social Fund

*Vaccine Damage Payments Act 1979*

- 56 Overseas vaccinations
- 57 Appeals to appeal tribunal in Northern Ireland

*Compensation for pneumoconiosis etc.*

- 58 "Relevant employer"
- 59 "Dependant"

*Other*

- 60 Power to stop payment of allowances to care home residents
- 61 Independent Living Funds
- 62 Medical examinations
- 63 Minor and consequential amendments relating to Part 4

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## PART 5

### GENERAL

- 64 Northern Ireland
- 65 General interpretation
- 66 Financial provisions: general
- 67 Repeals
- 68 Transition
- 69 Extent
- 70 Commencement
- 71 Short title

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### SCHEDULES

#### SCHEDULE 1 — Employment and support allowance: additional conditions

##### Part 1 — ...

##### *Conditions relating to national insurance*

- 1 (1) The first condition is that— (a) the claimant has...
- 2 (1) The second condition is that— (a) the claimant has...
- 3 (1) For the purposes of paragraphs 1 and 2—

##### *Condition relating to youth*

- 4 (1) The third condition is that —

##### *“Relevant benefit week”*

- 5 In this Part of this Schedule, “relevant benefit week” means...

##### Part 2 — INCOME-RELATED ALLOWANCE

- 6 (1) The conditions are that the claimant—

#### SCHEDULE 1A — Persons dependent on drugs etc.

- 1 Requirements imposed in relation to use of drugs
- 2 (1) Regulations may make provision for or in connection with...
- 3 (1) Regulations may make provision for or in connection with...
- 4 Paragraphs 1 to 3: supplementary
- 5 Voluntary and mandatory rehabilitation plans
- 6 (1) Regulations may make provision for or in connection with...
- 7 Sanctions
- 8 Information
- 9 Interpretation
- 10 Power to extend provisions to alcohol

#### SCHEDULE 2 — Employment and support allowance: supplementary provisions

##### *Limited capability for work*

- 1 Regulations may make provision— (a) for a person to be...

##### *Waiting days*

- 2 Except in prescribed circumstances, a person is not entitled to...

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*Periods of less than a week*

- 3 Regulations may make provision in relation to—

*Linking periods*

- 4 (1) Regulations may provide for circumstances in which a period...  
4A Regulations may prescribe circumstances in which a person may be...

*Presence in Great Britain*

- 5 Regulations may make provision for the purposes of this Part...

*Contributory allowance: entitlement in case of absence from Great Britain*

- 6 Regulations may provide that in prescribed circumstances a claimant who...

*Contributory allowance: modification in relation to employment on ships etc.*

- 7 (1) Regulations may modify any provision of this Part, so...

*Income-related allowance: entitlement in case of absence from Great Britain*

- 8 (1) Regulations may provide that in prescribed circumstances a claimant...

*Limited capability for work-related activity*

- 9 Regulations may make provision— (a) for a person to be...

*Effect of work*

- 10 Regulations may prescribe circumstances in which a person is to...

*Treatment of allowance as “benefit”*

- 11 Regulations may provide for— (a) an employment and support allowance,...

*Attribution of reductions in cases where allowance taken to consist of two elements*

- 12 Where an employment and support allowance is taken by virtue...

*Treatment of information supplied as information relating to social security*

- 13 Information supplied in pursuance of regulations under any of sections...

*Advance claims*

- 14 This Part shall have effect with prescribed modifications in relation...

*Members of the forces*

- 15 (1) Regulations may modify— (a) any provision of this Part,...

SCHEDULE 3 — Consequential amendments relating to Part 1

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*Social Work (Scotland) Act 1968 (c. 49)*

- 1 In section 78(2A) of the Social Work (Scotland) Act 1968...

*Education (Scotland) Act 1980 (c. 41)*

- 2 In section 53(3) of the Education (Scotland) Act 1980 (pupils...

*Transport Act 1982 (c. 49)*

- 3 In section 70 of the Transport Act 1982 (payments in...

*Legal Aid (Scotland) Act 1986 (c. 47)*

- 4 (1) The Legal Aid (Scotland) Act 1986 is amended as...

*Income and Corporation Taxes Act 1988 (c. 1)*

- 5 (1) Section 347B of the Income and Corporation Taxes Act...

*Children Act 1989 (c. 41)*

- 6 (1) The Children Act 1989 is amended as follows.

*Child Support Act 1991 (c. 48)*

- 7 (1) The Child Support Act 1991 is amended as follows....

*Criminal Justice Act 1991 (c. 53)*

- 8 In section 24 of the Criminal Justice Act 1991 (recovery...

*Social Security Contributions and Benefits Act 1992 (c. 4)*

- 9 (1) The Contributions and Benefits Act is amended as follows....

*Social Security Administration Act 1992 (c. 5)*

- 10 (1) The Administration Act is amended as follows.

*Local Government Finance Act 1992 (c. 14)*

- 11 (1) The Local Government Finance Act 1992 is amended as...

*Jobseekers Act 1995 (c. 18)*

- 12 (1) The Jobseekers Act 1995 is amended as follows.

*Pensions Act 1995 (c. 26)*

- 13 In Schedule 4 to the Pensions Act 1995 (equalisation of...

*Children (Scotland) Act 1995 (c. 36)*

- 14 In section 22 of the Children (Scotland) Act 1995 (promotion...

*Employment Tribunals Act 1996 (c. 17)*

- 15 (1) The Employment Tribunals Act 1996 is amended as follows....

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*Education Act 1996 (c. 56)*

16 (1) The Education Act 1996 is amended as follows.

*Social Security Act 1998 (c. 14)*

17 (1) The Social Security Act 1998 is amended as follows....

*Welfare Reform and Pensions Act 1999 (c. 30)*

18 In section 72 of the Welfare Reform and Pensions Act...

*Immigration and Asylum Act 1999 (c. 33)*

19 In section 115 of the Immigration and Asylum Act 1999...

*Child Support, Pensions and Social Security Act 2000 (c. 19)*

20 (1) The Child Support, Pensions and Social Security Act 2000...

*Local Government Act 2000 (c. 22)*

21 In section 94 of the Local Government Act 2000 (disclosure...

*Adults with Incapacity (Scotland) Act 2000 (asp 4)*

22 (1) The Adults with Incapacity (Scotland) Act 2000 is amended...

*Social Security Fraud Act 2001 (c. 11)*

23 (1) The Social Security Fraud Act 2001 is amended as...

*Income Tax (Earnings and Pensions) Act 2003 (c. 1)*

24 (1) The Income Tax (Earnings and Pensions) Act 2003 is...

SCHEDULE 4 — Transition relating to Part 1

*General power to provide for transition relating to Part 1*

1 (1) Regulations may make such provision as the Secretary of...

*Pre-commencement claims*

2 Regulations may— (a) make provision for a claim for incapacity...

*Post-commencement claims*

3 Regulations may— (a) make provision excluding the making of a...

*Award of employment and support allowance for pre-commencement period*

4 Regulations may— (a) make provision for an employment and support...

*Matching of awards of employment and support allowance*

5 (1) For the purposes of this paragraph, an award of...

6 (1) For the purposes of this paragraph an award of...

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*Treatment of existing awards*

- 7 (1) Regulations may— (a) make provision for converting existing awards...

*Transitional allowances*

- 8 (1) Regulations may— (a) make provision for a person's continuing...  
9 (1) Regulations may prescribe circumstances in which a person who...

*Post-commencement up-rating of incapacity benefit and severe disablement allowance*

- 10 Regulations may provide for section 150 of the Administration Act...

*Interpretation*

- 11 In this Schedule— “appointed day” means the day appointed for...

SCHEDULE 5 — Minor and consequential amendments relating to Part 2

*Social Security Contributions and Benefits Act 1992 (c. 4)*

- 1 (1) The Contributions and Benefits Act is amended as follows....

*Social Security Administration Act 1992 (c. 5)*

- 2 The Administration Act is amended as follows.  
3 In section 134 (arrangements for housing benefit)—  
4 In section 139 (arrangements for council tax benefit)—  
5 In section 139E (information about attainment of standards), in subsection...  
6 (1) Section 139F (enforcement notices) is amended as follows.  
7 (1) Section 139G (enforcement determinations) is amended as follows.  
8 (1) In section 140A(2)(c) (subsidies to certain authorities), for “or...  
9 In section 140B(5A) (calculation of amount of subsidy), for “section...  
10 In section 191 (interpretation), in the definition of “prescribe” at...

*Local Government etc. (Scotland) Act 1994 (c. 39)*

- 11 In Schedule 13 to the Local Government etc. (Scotland) Act...

*Housing Act 1996 (c. 52)*

- 12 In section 122(5) of the Housing Act 1996 for “regulations...

*Child Support, Pensions and Social Security Act 2000 (c. 19)*

- 13 In Schedule 7 to the Child Support, Pensions and Social...

*Civil Partnership Act 2004 (c. 33)*

- 14 In Schedule 24 to the Civil Partnership Act 2004 (amendments...

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

SCHEDULE 7 — Minor and consequential amendments relating to Part 4



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*Vaccine Damage Payments Act 1979 (c. 17)*

- 1 (1) The Vaccine Damage Payments Act 1979 is amended as...

*Social Security Contributions and Benefits Act 1992 (c. 4)*

- 2 (1) The Contributions and Benefits Act is amended as follows....

*Social Security Administration Act 1992 (c. 5)*

- 3 (1) The Administration Act is amended as follows.

*Social Security Act 1998 (c. 14)*

- 4 In section 38(7) of the Social Security Act 1998 (principles...

SCHEDULE 8 — Repeals

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