

LORDS AMENDMENTS TO THE
WELFARE REFORM BILL

[The page and line references are to HL Bill 32, the bill as first printed for the Lords.]

Clause 1

- 1** Page 4, line 12, leave out paragraph (a)

Clause 2

- 2** Page 4, line 21, at end insert –

“() Nothing in this section shall cause any financial sanction to be imposed in the case of a single parent with a child under five years of age.”

- 3** Page 4, line 23, after “who” insert “ –
(a) ”

- 4** Page 4, line 23, after “support” insert “, and
(b) is not a lone parent of a child under the age of 3,”

- 5** Page 5, line 41, at end insert –

“(7A) Regulations under this section must include provision for securing that lone parents are entitled (subject to meeting any prescribed conditions) to restrict the times at which they are required to undertake work-related activity.”

- 6** Page 5, line 44, at end insert –

“(aa) “lone parent” means a person who –
(i) is not a member of a couple, and
(ii) is responsible for, and a member of the same household as, a child;”

- 7** Page 6, line 8, at end insert –

“(8A) For the purposes of this section regulations may make provision –

- (a) as to circumstances in which one person is to be treated as responsible or not responsible for another;
- (b) as to circumstances in which persons are to be treated as being or not being members of the same household.”

8 Page 6, line 40, at end insert –

“(6) In preparing any action plan, the Secretary of State must have regard (so far as practicable) to its impact on the well-being of any person under the age of 16 who may be affected by it.”

9 Page 7, line 2, at end insert –

“(1A) But a direction under subsection (1) may not specify medical or surgical treatment as the only activity which, in any person’s case, is to be regarded as being work-related activity.”

10 Page 9, line 5, at end insert –

“2H Good cause for failure to comply with regulations

- (1) This section applies to any regulations made under section 2A, 2AA or 2D that prescribe matters to be taken into account in determining whether a person has good cause for any failure to comply with the regulations.
- (2) The provision made by the regulations prescribing those matters must include provision relating to –
 - (a) the person’s physical or mental health or condition;
 - (b) the availability of childcare.””

After Clause 2

11 Insert the following new Clause –

“Lone parents

- (1) In section 124 of the Social Security Contributions and Benefits Act 1992 (c. 4) (conditions for income support), after subsection (1) insert –
 - “(1A) Regulations under paragraph (e) of subsection (1) must secure that a person who –
 - (a) is not a member of a couple, and
 - (b) is responsible for, and a member of the same household as, a child under the age of 7,
 falls within a category of person prescribed under that paragraph.
 - (1B) Subsection (1A) does not apply if regulations under subsection (4)(c) of section 1A of the Jobseekers Act 1995 containing the provision mentioned in subsection (4A) of that section are in force.”
- (2) In section 2A of the Social Security Administration Act 1992 (c. 5) (work-focused interviews) –
 - (a) after subsection (2) insert –
 - “(2A) No requirement may be imposed by virtue of this section on a person who –
 - (a) is not a member of a couple, and

- (b) is responsible for, and a member of the same household as, a child under the age of one.
- (2B) For the purposes of subsection (2A)(b) regulations may make provision—
 - (a) as to circumstances in which one person is to be treated as responsible or not responsible for another;
 - (b) as to circumstances in which persons are to be treated as being or not being members of the same household.”, and
- (b) in subsection (8), after “In this section—” insert—
 - ““couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;”.
- (3) In section 12 of the Welfare Reform Act 2007 (c. 5) (employment and support allowance: work-focused interviews), in subsection (1)(b), at the end insert “or a lone parent of a child under the age of one”.
- (4) In section 13 of that Act (employment and support allowance: work-related activity)—
 - (a) in subsection (1), after “section 12(1)” insert “, and who is not a lone parent of a child under the age of 3,”, and
 - (b) after subsection (6) insert—
 - “(6A) Regulations under this section shall include provision for securing that lone parents are entitled (subject to meeting any prescribed conditions) to restrict the times at which they are required to undertake work-related activity.”
- (5) In section 24 of that Act (interpretation of Part 1), after subsection (3) insert—
 - “(3A) For the purposes of this Part, a person is a lone parent if the person—
 - (a) is not a member of a couple (within the meaning given by section 137(1) of the Contributions and Benefits Act), and
 - (b) is responsible for, and a member of the same household as, a person under the age of 16.
 - (3B) For the purposes of subsection (3A)(b) regulations may make provision—
 - (a) as to circumstances in which one person is to be treated as responsible or not responsible for another;
 - (b) as to circumstances in which persons are to be treated as being or not being members of the same household.””

Clause 3

12 Page 10, line 2, at end insert—

- “(4A) Regulations under paragraph (c) of subsection (4) must secure that a person who—
 - (a) is not a member of a couple, and
 - (b) is responsible for, and a member of the same household as, a child under the age of 7,

falls within a description of person prescribed under that paragraph.

- (4B) Subsection (4A) does not apply if regulations under subsection (1)(e) of section 124 of the Benefits Act containing the provision mentioned in subsection (1A) of that section are in force.”

Clause 7

13 Page 13, line 36, at end insert –

“(8A) 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.”

14 Page 13, line 37, leave out “this section is” and insert “subsection (4) is (unless a draft of it has been approved by a resolution of each House of Parliament)”

Clause 8

15 Page 14, line 8, at end insert –

“(1A) But a direction under subsection (1) may not specify medical or surgical treatment as the only activity which, in any person’s case, is to be regarded as being work-related activity.”

Clause 13

16 Leave out Clause 13

Clause 16

17 Page 20, line 12, leave out from beginning to “may” and insert “Regulations”

After Clause 19

18 Insert the following new Clause –

“Regulations relating to use or disclosure of information: parliamentary control

In section 190 of the Social Security Administration Act 1992 (parliamentary control of orders and regulations), in subsection (1), before the “or” at the end of paragraph (ab) insert –

“(ac) regulations under section 122G(4) or 122H(5) which create an offence or increase the penalty for an offence;”.

Clause 20

19 Page 22, line 39, at end insert –

“(1ZA) Regulations may provide for the making of a payment on account of housing benefit –

- (a) where no claim has been made and it is impracticable for one to be made immediately;

- (b) where a claim has been made and it is impracticable for the claim to be immediately determined;
- (c) where an award has been made but it is impracticable to pay the full amount of the benefit immediately.”

20 Page 22, line 41, leave out “a” and insert “any other”

21 Page 23, line 11, leave out from “account)” to end of line 14

22 Page 23, line 15, leave out subsection (3) and insert –

“(3) In section 7 (which relates to the relationship between benefits), in subsection (2)(a), for “section 5(1)(r)” substitute “section 5(1ZA) or (1A)”.”

After Clause 20

23 Insert the following new Clause –

“Power to up-rate benefits following review in tax year 2009-10

In relation to the review under subsection (1) of section 150 of the Social Security Administration Act 1992 (annual up-rating of benefits) in the tax year ending with 5 April 2010, the other provisions of that section are to have effect as if –

(a) after subsection (2) there were inserted –

“(2A) Where it appears to the Secretary of State that the general level of prices is no greater at the end of the period under review than it was at the beginning of that period, the Secretary of State may, if the Secretary of State considers it appropriate having regard to the national economic situation and any other matters which the Secretary of State considers relevant, lay before Parliament the draft of an up-rating order –

(a) which increases by such a percentage or percentages as the Secretary of State thinks fit any of the sums mentioned in subsection (1); and

(b) stating the amount of any sums which are mentioned in subsection (1) but which the order does not increase.”,

(b) in subsection (5), after “(2)” there were inserted “or (2A)”, and

(c) in subsection (6) –

(i) after “(2)” there were inserted “or (2A)”, and

(ii) after “requires” there were inserted “or authorises”.”

After Clause 22

24 Insert the following new Clause –

“Repeal of sections 62 to 66 of the Child Support, Pensions and Social Security Act 2000

In the Child Support, Pensions and Social Security Act 2000 (c. 19), omit sections 62 to 66 (loss of benefit for breach of community order).”

Before Clause 25

25 Insert the following new Clause –

“Exemption from jobseeking conditions for victims of domestic violence

- (1) In Schedule 1 to the Jobseekers Act 1995 (c. 18) (supplementary provisions), after paragraph 8A insert –
 - “8B (1) This paragraph applies if domestic violence has been inflicted on or threatened against a person (“V”) in prescribed circumstances.
 - (2) The Secretary of State must exercise the powers to make regulations under sections 6(4) and 7(4) so as to secure that, for an exempt period, V is treated as –
 - (a) being available for employment; and
 - (b) actively seeking employment.
 - (3) If V has not entered into a jobseeker’s agreement before the exempt period begins, the Secretary of State must also exercise the power to make regulations under section 9(10) so as to secure that V is treated as having entered into a jobseeker’s agreement which is in force for the exempt period.
 - (4) In this paragraph –
 - “domestic violence” has such meaning as may be prescribed;
 - “exempt period” means a period of 13 weeks beginning no later than a prescribed period after the date (or last date) on which the domestic violence was inflicted or threatened.
 - (5) Regulations may make provision for the purposes of this paragraph prescribing circumstances in which domestic violence is, or is not, to be regarded as being inflicted on or threatened against a person.”
- (2) In section 37(1)(c) of that Act (regulations subject to the affirmative resolution procedure), after “or paragraph” insert “8B or”.

26 Insert the following new Clause –

“Good cause for failure to comply with regulations etc

- (1) In Schedule 1 to the Jobseekers Act 1995 (c. 18) (supplementary provisions), after paragraph 14 insert –

“Good or just cause for acts or omissions

 - 14A (1) This paragraph applies to any regulations made under this Act that prescribe matters to be taken into account in determining whether a person has good cause or just cause for any act or omission (including any failure to comply with the regulations).
 - (2) The provision made by the regulations prescribing those matters must include provision relating to –
 - (a) the person’s physical or mental health or condition;
 - (b) the availability of childcare.”

- (2) In Schedule 2 to the Welfare Reform Act 2007 (c. 5) (employment and support allowance: supplementary provisions), after paragraph 10 insert –

“Good cause for failure to comply with certain regulations

10A (1) This paragraph applies to any regulations made under section 11, 12 or 13 that prescribe matters to be taken into account in determining whether a person has good cause for any failure to comply with the regulations.

- (2) The provision made by the regulations prescribing those matters must include provision relating to –

- (a) the person’s physical or mental health or condition;
 (b) the availability of childcare.””

27 Insert the following new Clause –

“Jobseekers’ agreements and action plans: well-being of children

- (1) In section 9 of the Jobseekers Act 1995 (c. 18) (the jobseeker’s agreement), after subsection (4) insert –

“(4A) In preparing a jobseeker’s agreement for a claimant, the officer must have regard (so far as practicable) to its impact on the well-being of any child who may be affected by it.”

- (2) In section 14 of the Welfare Reform Act 2007 (c. 5) (employment and support allowance: action plans in connection with work-focused interviews), at the end insert –

“(5) In preparing any action plan, the Secretary of State must have regard (so far as practicable) to its impact on the well-being of any person under the age of 16 who may be affected by it.””

Clause 25

28 Page 32, line 24, after “paragraph” insert “5A or”

After Clause 28

29 Insert the following new Clause –

“Power to rename council tax benefit

- (1) The Secretary of State shall by order provide for the benefit referred to in section 123(1)(e) of the Social Security Contributions and Benefits Act 1992 (council tax benefit) to be known instead, either generally or in cases prescribed by the order, as council tax rebate.

- (2) An order under this section may –

- (a) amend references to council tax benefit in any Act (whenever passed) or in any instrument made under any Act (whenever made);
 (b) make provision about the interpretation of references to council tax benefit in other documents;
 (c) make different provision for different areas.

- (3) In subsection (2)(a) “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.
- (4) The power to make an order under this section is exercisable by statutory instrument.
- (5) Subsections (3) to (5) of section 175 of the Social Security Contributions and Benefits Act 1992 (general provisions as to regulations and orders) apply in relation to the power conferred by this section as they apply in relation to a power conferred by that Act to make an order.
- (6) The first order under this section 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.
- (7) A statutory instrument containing an order under this section to which subsection (6) does not apply is subject to annulment in pursuance of a resolution of either House of Parliament.”

Clause 31

- 30** Page 38, line 2, at end insert –
 “() the provision of residential accommodation for P;”
- 31** Page 38, line 8, at end insert –
 “(4A) Subsection (4) is subject to section 36(3A) (which relates to pilot schemes) and to section (*Power to repeal exclusion of community care services*) (which gives power to repeal the exclusion of community care services).”
- 32** Page 38, line 10, leave out from “services” to end of line 11
- 33** Page 38, line 17, leave out from “services” to “and” in line 18

Clause 33

- 34** Page 39, line 11, leave out subsection (2) and insert –
- “(2) Regulations under this section may, in particular, make provision for and in connection with requiring a relevant authority to take the following steps in relation to a disabled person (“P”) for whom it is obliged, or has decided, to provide, or arrange the provision of, relevant services –
- (a) to inform P of the right to control conferred by virtue of the regulations, of the value of the relevant services to which P is entitled and of the choices available to P by virtue of the regulations;
 - (b) to work with P to determine the outcomes to be achieved by the provision of the relevant services;
 - (c) to work with P to prepare a plan (a “support plan”) setting out how those outcomes will be achieved;
 - (d) to work with P to review and revise the support plan in prescribed circumstances;
 - (e) if P so requests, to make payments to P in respect of P securing the provision of an equivalent service;

- (f) to the extent that P chooses to receive relevant services provided or arranged by the relevant authority, to provide, or arrange for them to be provided, in accordance with P's support plan as far it is reasonably practicable to do so."

35 Page 39, line 28, leave out paragraph (c)

Clause 34

36 Page 40, line 8, leave out "(2)(d)" and insert "(2)(e)"

Clause 35

37 Page 41, line 24, leave out "(2)(d)" and insert "(2)(e)"

Clause 36

38 Page 41, line 46, at end insert –

"(3A) Subsections (5)(a) and (6)(a) of section 31 do not restrict the power to make a pilot scheme; and accordingly a pilot scheme may relate to community care services."

Clause 37

39 Page 42, line 21, leave out "and"

40 Page 42, line 26, at end insert –

"(c) in relation to provision that does not fall within paragraph (b) and relates to relevant services in Wales with respect to which functions are exercisable –

- (i) by a Minister of the Crown, and
- (ii) by the Welsh Ministers, the First Minister or the Counsel General,

the Secretary of State or the Welsh Ministers are the appropriate authority, and

(d) in relation to provision that does not fall within paragraph (b) or (c) and relates to relevant services in Wales with respect to which functions are exercisable by the Welsh Ministers, the First Minister or the Counsel General, the Welsh Ministers are the appropriate authority."

41 Page 42, line 27, after "33" insert –

"(a)"

42 Page 42, line 28, at end insert "and

(b) does not include power to make provision –

- (i) removing or modifying any function of the Welsh Ministers, the First Minister or the Counsel General, or
- (ii) conferring or imposing any function on the Welsh Ministers, the First Minister or the Counsel General.

() Any power of the Welsh Ministers to make regulations under section 33 by virtue of subsection (2)(c) or (d) does not include power to make provision –

(a) removing or modifying any function of a Minister of the Crown, or

(b) conferring or imposing any function on a Minister of the Crown.”

43 Page 42, line 30, at end insert –

““the Counsel General” means the Counsel General to the Welsh Assembly Government;

“the First Minister” means the First Minister for Wales;

“Minister of the Crown” includes the Treasury.”

After Clause 39

44 Insert the following new Clause –

“Power to repeal exclusion of community care services

- (1) An order under this subsection may repeal section 31(5)(a).
- (2) The power to make an order under subsection (1) is exercisable –
 - (a) in relation to England, by the Secretary of State with the consent of the Treasury, and
 - (b) in relation to Wales, by the Welsh Ministers.
- (3) The power of the Secretary of State to make an order under subsection (1) is exercisable only if –
 - (a) the Secretary of State has previously made a pilot scheme that relates to community care services, and has in accordance with section 36(7) published a report on the operation of the pilot scheme, or
 - (b) the Secretary of State has previously given directions under a relevant enactment with a view to enabling disabled people to exercise (either in England generally or in a specified area or areas) greater choice in relation to, and greater control over, the way in which community care services are provided to or for them.
- (4) In subsection (3) –
 - (a) “pilot scheme” has the meaning given by section 36(3);
 - (b) “relevant enactment” means –
 - (i) section 7A of the Local Authority Social Services Act 1970 (directions by Secretary of State as to exercise of social services functions), or
 - (ii) section 47(4) of the National Health Service and Community Care Act 1990 (directions by Secretary of State in relation to assessment of needs for community care services).
- (5) The Scottish Ministers may by order repeal section 31(6)(a).
- (6) An order under subsection (1) or (5) may make any consequential modification of section 31(4A) or 36(3A).
- (7) The power to make an order under subsection (1) or (5) is exercisable by statutory instrument.”

Clause 40

45 Page 43, line 24, after “33” insert “or an order under section (*Power to repeal exclusion of community care services*)(1)”

46 Page 43, line 27, after “33” insert “or an order under section (*Power to repeal*

exclusion of community care services(5)”

- 47 Page 43, line 30, after “33” insert “or an order under section (*Power to repeal exclusion of community care services*)(1)”

Clause 41

- 48 Page 43, line 33, at end insert –

““community care services” means –

- (a) in relation to England and Wales, community care services as defined by section 46(3) of the National Health Service and Community Care Act 1990 (c. 19);
- (b) in relation to Scotland, community care services as defined by section 5A of the Social Work (Scotland) Act 1968 (c. 49);”

- 49 Page 43, line 41, at end insert –

““relevant authority” has the meaning given by section 32;

“relevant services” has the meaning given by section 31.”

After Clause 43

- 50 Insert the following new Clause –

“Report on operation of travel authorisation amendments

- (1) The Secretary of State must prepare a report on the operation during the review period of the amendments of the 1991 Act made by section 42 and Schedule 5 so far as those amendments relate to the disqualification of any person for holding or obtaining a travel authorisation.
- (2) “The review period” is the period of 24 months beginning with the day on which section 42 and Schedule 5 come into force in relation to the disqualification of any person for holding or obtaining a travel authorisation.
- (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 travel authorisation amendments depends on whether the Secretary of State makes an order under this subsection within the relevant period providing for those amendments 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 subsection (4), the Secretary of State must instead make an order under this subsection containing such amendments of the 1991 Act as the Secretary of State considers necessary to secure that the effect of the travel authorisation amendments is reversed.

- (7) The effect of the travel authorisation amendments is to be regarded as reversed if the 1991 Act is amended so that it has the same effect in relation to the disqualification of any person for holding or obtaining a travel authorisation as it would have had if this Act had not been passed.
- (8) An order under subsection (6) may contain consequential provision and transitional provision or savings.
- (9) The consequential provision that may be made by an order under subsection (6) includes, in particular, provision amending, repealing or revoking—
- (a) any provision of any Act passed before the making of the order, or
 - (b) any provision of any instrument made under any Act before the making of the order.
- (10) Any power to make an order under this section is exercisable by statutory instrument.
- (11) An order under subsection (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.
- (12) A statutory instrument containing an order under subsection (6) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (13) In this section—
- “the 1991 Act” means the Child Support Act 1991 (c. 48);
 - “travel authorisation” has the same meaning as in section 39B of the 1991 Act;
 - “the travel authorisation amendments” means the amendments of the 1991 Act made by section 42 and Schedule 5 so far as relating to the disqualification of any person for holding or obtaining a travel authorisation.”

Clause 50

- 51** Page 51, line 25, after “provisions);” insert—
- “section (*Power to rename council tax benefit*) (power to rename council tax benefit);”

Clause 51

- 52** Page 51, line 38, at end insert—
- “section (*Power to up-rate benefits following review in tax year 2009-10*);”

Schedule 1

- 53** Page 53, line 30, at end insert—
- “(2A) No requirement may be imposed by virtue of this section on a person who—
- (a) is not a member of a couple, and
 - (b) is responsible for, and a member of the same household as, a child under the age of one.”
- 54** Page 56, line 11, at end insert—

“(5) In preparing any action plan, the Secretary of State must have regard (so far as practicable) to its impact on the well-being of any child who may be affected by it.””

55 Page 57, line 42, after “person” insert “ –
(a) ”

56 Page 57, line 43, after “1A” insert “, and
(b) who is not a lone parent of a child under the age of 3,”

57 Page 58, line 16, at end insert –

“(3A) Regulations under this section must include provision for securing that lone parents are entitled (subject to meeting any prescribed conditions) to restrict the times at which they are required to undertake work-related activity.”

58 Page 58, line 23, at end insert –

“(4A) But a direction under subsection (4) may not specify medical or surgical treatment as the only activity which, in any person’s case, is to be regarded as being work-related activity.”

59 Page 58, line 34, after “section” insert “ –

““lone parent” means a person who –

(a) is not a member of a couple, and

(b) is responsible for, and a member of the same household as, a child;”

Schedule 2

60 Page 68, line 32, leave out paragraph 9

Schedule 3

61 Page 70, line 32, at end insert “and a subsequent interview (a “drugs interview”) with an approved person to discuss any matters arising out of that assessment”

62 Page 71, line 13, at end insert “or a drugs interview”

63 Page 71, line 15, after “assessment” insert “or drugs interview”

64 Page 71, line 16, at end insert –

“(4A) Regulations under this paragraph may, in particular, make provision for a requirement imposed on a person (“P”) under this paragraph to cease to have effect if –

(a) P agrees to provide a sample, in accordance with instructions given by an approved person, for the purpose of ascertaining whether there is or has been any drug in P’s body, and

(b) the sample provided indicates that no drug is or has been in P’s body.”

65 Page 72, line 39, leave out from beginning to end of line 17 on page 73

66 Page 73, line 18, leave out from beginning to end of line 44 on page 74 and insert –

“Voluntary and mandatory rehabilitation plans

- 5A (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.
- 6
- (1) Regulations may make provision for or in connection with imposing on a person a requirement to comply with a mandatory rehabilitation plan.
 - (2) Regulations under this paragraph must include provision for securing that a person is subject to the requirement mentioned in sub-paragraph (1) at any time only if—
 - (a) the person has not at that time agreed to comply with a voluntary rehabilitation plan under paragraph 5A, and
 - (b) the Secretary of State is satisfied as mentioned in sub-paragraph (2) of that paragraph.
 - (3) For the purposes of this paragraph a “mandatory rehabilitation plan” is a document—
 - (a) which is provided to the person by the Secretary of State, and
 - (b) which contains one or more of the following requirements.
 - (4) The requirements are that the person—
 - (a) must attend an educational programme at a specified place and at specified times,
 - (b) must take part in specified interviews, and specified assessments, at specified places and times, and
 - (c) must take such other steps (if any) as may be specified, with a view to the reduction or elimination of the person’s dependency on, or propensity to misuse, the drug in question.
 - (5) Nothing may be specified in a mandatory rehabilitation plan which requires a person to submit to medical or surgical treatment.
 - (6) Regulations under this paragraph may, in particular, make provision—
 - (a) as to the involvement of a person in determining the particular requirements to be contained in a mandatory rehabilitation plan with which the person is to be required to comply;
 - (b) about the form of mandatory rehabilitation plans (including provision as to their signing);
 - (c) about the review, variation and revocation of mandatory rehabilitation plans;
 - (d) for securing that a person who is required to comply with a mandatory rehabilitation plan provides information, and such evidence as may be prescribed, as to compliance with the plan.

- (7) Regulations under this paragraph may not impose a requirement on a person at any time unless the person would (apart from the regulations) be required to meet the jobseeking conditions at that time.
- (8) In this paragraph “specified”, in relation to a mandatory rehabilitation plan, means specified in or determined in accordance with the plan.”

67 Page 75, line 36, at end insert –

“Information

- 7A (1) Regulations may make provision for or in connection with authorising the supply of information, other than excluded information, held by –
- (a) a police force,
 - (b) the probation service, or
 - (c) such other person as may be prescribed,
- to a person within sub-paragraph (2) for use for the purposes of any provision of this Schedule.
- (2) The persons within this sub-paragraph are –
- (a) the Secretary of State;
 - (b) a person providing services to the Secretary of State;
 - (c) an approved person (within the meaning of paragraph 2).
- (3) Information supplied under the regulations may not be supplied by the recipient to any other person unless –
- (a) it could be supplied to that person under the regulations;
 - (b) it is supplied for the purposes of any civil or criminal proceedings; or
 - (c) it is required to be supplied under any enactment.
- (4) In sub-paragraph (1) “excluded information” means any information relating to or acquired as a result of –
- (a) the provision of medical or surgical treatment or care, or
 - (b) the provision of services by a social worker,
- other than information as to whether a person is having (or has had) treatment in respect of the person’s use of any drug.
- (5) In sub-paragraph (1) “the probation service” means –
- (a) in England and Wales, a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000 or a provider of probation services;
 - (b) in Scotland, a local authority within the meaning of the Social Work (Scotland) Act 1968.”

68 Page 76, line 9, at end insert –

“(4) In paragraph 19 of Schedule 1 (treatment of information), as inserted by section 27(3) of this Act, after “this Act” insert “(other than paragraph 7A of Schedule A1).”

69 Page 76, line 15, after “3” insert “, 5A”

70 Page 78, line 23, after “assessment” insert “, and a subsequent interview (a “drugs interview”) with an approved person to discuss any matters arising out of that assessment,”

71 Page 79, line 2, after “assessment” insert “or a drugs interview”

72 Page 79, line 4, after “assessment” insert “or drugs interview”

73 Page 79, line 5, at end insert –

“(4A) Regulations under this paragraph may, in particular, make provision for a requirement imposed on a person (“P”) under this paragraph to cease to have effect if –

- (a) P agrees to provide a sample, in accordance with instructions given by an approved person, for the purpose of ascertaining whether there is or has been any drug in P’s body, and
- (b) the sample provided indicates that no drug is or has been in P’s body.”

74 Page 80, line 29, leave out from beginning to end of line 9 on page 81

75 Page 81, line 10, leave out from beginning to end of line 28 on page 82 and insert –

“Voluntary and mandatory rehabilitation plans

5A (1) Regulations may make provision for or in connection with securing that a person (“P”) who at any time complies with a voluntary rehabilitation plan is not required at that time –

- (a) to take part in a work-focused interview under section 12(1), or
- (b) to undertake work-related activity under section 13(1).

(2) Regulations under this paragraph may include provision for P not to be required to do the things mentioned in subparagraph (1)(a) or (b) 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) An employment and support allowance may also be known as a “treatment allowance” at any time when it is payable to a person 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.
- 6
- (1) Regulations may make provision for or in connection with imposing on a person a requirement to comply with a mandatory rehabilitation plan as a condition of continuing to be entitled to the full amount payable to the person in respect of an employment and support allowance apart from the regulations.
 - (2) Regulations under this paragraph must include provision for securing that a person is subject to the requirement mentioned in sub-paragraph (1) at any time only if—
 - (a) the person has not at that time agreed to comply with a voluntary rehabilitation plan under paragraph 5A, and
 - (b) the Secretary of State is satisfied as mentioned in sub-paragraph (2) of that paragraph.
 - (3) For the purposes of this paragraph a “mandatory rehabilitation plan” is a document—
 - (a) which is provided to the person by the Secretary of State, and
 - (b) which contains one or more of the following requirements.
 - (4) The requirements are that the person—

- (a) must attend an educational programme at a specified place and at specified times,
 - (b) must take part in specified interviews, and specified assessments, at specified places and times, and
 - (c) must take such other steps (if any) as may be specified, with a view to the reduction or elimination of the person's dependency on, or propensity to misuse, the drug in question.
- (5) Nothing may be specified in a mandatory rehabilitation plan which requires a person to submit to medical or surgical treatment.
- (6) Regulations under this paragraph may, in particular, make provision—
- (a) as to the involvement of a person in determining the particular requirements to be contained in a mandatory rehabilitation plan with which the person is to be required to comply;
 - (b) about the form of mandatory rehabilitation plans (including provision as to their signing);
 - (c) about the review, variation and revocation of mandatory rehabilitation plans;
 - (d) for securing that a person who is required to comply with a mandatory rehabilitation plan provides information, and such evidence as may be prescribed, as to compliance with the plan.
- (7) Regulations under this paragraph must include provision for a requirement imposed on a person under this paragraph to cease to have effect if the person becomes a member of the support group.
- (8) In this paragraph “specified”, in relation to a mandatory rehabilitation plan, means specified in or determined in accordance with the plan.”

76 Page 83, line 5, at end insert—

“Information

- 7A (1) Regulations may make provision for or in connection with authorising the supply of information, other than excluded information, held by—
- (a) a police force,
 - (b) the probation service, or
 - (c) such other person as may be prescribed,
- to a person within sub-paragraph (2) for use for the purposes of any provision of this Schedule.
- (2) The persons within this sub-paragraph are—
- (a) the Secretary of State;
 - (b) a person providing services to the Secretary of State;
 - (c) an approved person (within the meaning of paragraph 2).

- (3) Information supplied under the regulations may not be supplied by the recipient to any other person unless –
 - (a) it could be supplied to that person under the regulations;
 - (b) it is supplied for the purposes of any civil or criminal proceedings; or
 - (c) it is required to be supplied under any enactment.
- (4) In sub-paragraph (1) “excluded information” means any information relating to or acquired as a result of –
 - (a) the provision of medical or surgical treatment or care, or
 - (b) the provision of services by a social worker, other than information as to whether a person is having (or has had) treatment in respect of the person’s use of any drug.
- (5) In sub-paragraph (1) “the probation service” means –
 - (a) in England and Wales, a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000 or a provider of probation services;
 - (b) in Scotland, a local authority within the meaning of the Social Work (Scotland) Act 1968.”

77 Page 83, line 25, after “paragraph” insert “5A or”

78 Page 83, line 33, at end insert –
 “(aa) in paragraph 10A(1), which is inserted by section (*Good cause for failure to comply with regulations etc*)(2), after “13” insert “or Schedule 1A”,”

79 Page 83, line 36, leave out ““or Schedule 1A”” and insert ““, or under any paragraph of Schedule 1A other than paragraph 7A,””

80 Page 83, line 39, after “3” insert “, 5A”

Schedule 6

81 Page 92, line 42, after “subsection” insert “by regulations made by the Minister”

82 Page 93, leave out lines 28 to 35 and insert –

- “(6) The Minister may by regulations provide that, except in such cases as the regulations may prescribe, where the mother is required by subsection (1) to give information relating to the father –
 - (a) the mother’s duty under section 2A to sign the register is to have effect as a duty to sign a declaration in such form as may be so prescribed,
 - (b) the registrar is not to register the birth of the child until such time as may be determined in accordance with the regulations, and
 - (c) the entry in the register is to be taken for the purposes of this Act to have been signed by the person who signed the declaration.”

83 Page 94, line 15, leave out “and”

- 84 Page 94, line 20, at end insert “, and
 (d) provide that in prescribed cases where the alleged father is not required by the regulations to sign the register, the entry in the register is to be taken for the purposes of this Act to have been signed by the alleged father.”
- 85 Page 95, line 2, leave out “and”
- 86 Page 95, line 5, at end insert “, and
 (d) provide that in prescribed cases where the person is not required by the regulations to sign the register, the entry in the register is to be taken for the purposes of this Act to have been signed by the person.”
- 87 Page 100, line 45, leave out “2B(4)” and insert “2B(1), (4)”
- 88 Page 101, line 17, leave out “2B(4)” and insert “2B(1), (4)”
- 89 Page 101, line 20, leave out “2B(4)” and insert “2B(1), (4)”

Schedule 7

- 90 Page 104, line 46, column 2, leave out “and (3)(a)” and insert “, (3)(a), (7A), (8)(aa) and (8A)”.
- 91 Page 105, line 42, column 2, at beginning insert –
 | “Section 1A(4B).”
- 92 Page 106, leave out lines 36 to 42
- 93 Page 107, line 33, at end insert –
 “Saving Gateway Accounts Act | Section 3(2)(a).”
 2009 (c. 8)
- 94 Page 107, line 34, column 2, at beginning insert –
 | “Section (*Lone parents*)(1).”
- 95 Page 108, line 36, column 2, leave out “and” and insert –
 | “(aa) in paragraph (af) of the definition of “the relevant enactments”, the words “, sections 62 to 65”,”
-
- 96 Page 108, line 39, column 2, at end insert –
 | “(c) in paragraph (af) of the definition of “the relevant Northern Ireland enactments”, the words “62 to 65”,.”
-
- 97 Page 109, line 15, column 2, at end insert –
 | “In Schedule 3, paragraph 3(e).”
-

98 Page 109, line 23, at end insert –

“Child Support, Pensions and Social Security Act 2000 (c. 19)	Sections 62 to 66.
Criminal Justice and Court Services Act 2000 (c. 43)	In Schedule 7, paragraphs 205 to 207.”

99 Page 109, line 32, column 2, at end insert –

“In section 8(2)(b), sub-paragraph (ii) and the word “or” before it.
Section 12(1).”

100 Page 109, line 37, at end insert –

“Criminal Justice Act 2003 (c. 44)	In Schedule 32, paragraphs 130 to 132.”
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101 Page 109, line 40, column 2, after “12(2)” insert “, 20”

102 Page 109, line 40, at end insert –

“Criminal Justice and Immigration Act 2008 (c. 4)	In Schedule 4, paragraphs 65 to 67.”
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LORDS AMENDMENTS TO THE
WELFARE REFORM BILL

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