

Welfare Reform and Work Bill

THIRD
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 26th November 2015, as follows –

Clauses 15	Clauses 16 to 25
Clauses 1 to 3	Schedule 2
Clauses 7 to 10	Clauses 26 to 32
Schedule 1	Title

[Amendments marked ★ are new or have been altered]

Amendment
No.

After Clause 15

BARONESS LISTER OF BURTERSETT
LORD MCKENZIE OF LUTON
THE EARL OF LISTOWEL
BARONESS MANZOOR

57 Insert the following new Clause –

“Review of application of sanctions

- (1) The Secretary of State must, before the end of the financial year ending 31 March 2016, provide for a full and independent review of the sanctions regimes attached to working-age benefits, including but not limited to jobseeker’s allowance, employment and support allowance and income support, to determine whether they are an effective and proportionate means of meeting the Government’s objectives.
- (2) The terms of reference for the review must include consideration of –
 - (a) the application of sanctions to lone parents with dependent children;
 - (b) the application of sanctions to claimants who are disabled;
 - (c) the effectiveness of sanctions in moving claimants into sustained work; and
 - (d) any other matters which the Secretary of State considers relevant.”

Amendment
No.

After Clause 15 – continued

LORD LOW OF DALSTON

58

Insert the following new Clause –

“Safeguarding of vulnerable claimants: guidance

- (1) The Secretary of State shall issue statutory guidance for the safeguarding of vulnerable claimants in relation to any sanction, reduction of benefit, or disallowance of benefit (“the guidance”).
- (2) The guidance shall incorporate all relevant provisions and operational protocols contained in the following Departmental operating guidance –
 - (a) procedural guidance within the Labour Market Conditions Guide;
 - (b) universal credit guidance for agents;
 - (c) Employment and Support Allowance (ESA) guidance for Jobcentres;
 - (d) ESA operational guidance for benefit delivery centres;
 - (e) ESA Incapacity Reference Guide;
 - (f) Core Visits Guide;
 - (g) Work Programme guidance;
 - (h) guidance for health professionals.
- (3) The guidance shall specify –
 - (a) indicators of vulnerability and procedures for identification of vulnerable claimants;
 - (b) situations which may demonstrate good cause for inability to participate in a work-focused interview, undertake work-related activity, or attend mandatory Work Programmes or back-to-work schemes;
 - (c) where claimants must be referred for a Core Visit conducted by a Department for Work and Pensions (DWP) Visiting Officer;
 - (d) how to support claimants with additional or complex needs;
 - (e) liaison arrangements with mental health services where claimants are mental health service users;
 - (f) collaborative approaches through which DWP can work with independent advice and support bodies in assisting such claimants;
 - (g) who is responsible for ensuring that the guidance is complied with.
- (4) “Vulnerability” and “vulnerable claimants” shall be taken to refer to individuals who are identified as having complex needs or requiring additional support to enable them to access DWP benefits and use DWP services.
- (5) Complex needs may refer to difficult personal circumstances, life events, or health, disability or incapacity conditions that affect the ability of individuals to access DWP benefits and services.
- (6) In issuing the guidance the Secretary of State shall ensure consistency of definitions, terminology and language in the guidance.
- (7) The Secretary of State shall ensure that consistent principles, good practice and fairness in safeguarding procedures is applied across all types of benefit claims, including Jobseeker’s Allowance claims, and by all agents involved in the assessment and administration of benefits.

Amendment
No.

After Clause 15 – continued

- (8) The Secretary of State shall report to Parliament annually on the application of the guidance.”

BARONESS MANZOOR
BARONESS LISTER OF BURTERSETT

59 Insert the following new Clause –

“Universal Credit (Work Allowance)

The Universal Credit (Work Allowance) Amendment Regulations 2015 are repealed.”

BARONESS MANZOOR
LORD MCKENZIE OF LUTON

60 Insert the following new Clause –

“Housing benefit: age of entitlement

In section 130 of the Social Security Contributions and Benefits Act 1992 after subsection (1)(a) insert –

“(aa) he is aged 16 or over”.”

BARONESS DONAGHY

61 Insert the following new Clause –

“Self-employment and minimum income floor

In Schedule 1 to the Welfare Reform Act 2012 (universal credit: supplementary regulation-making powers), in paragraph 4, at end of subparagraph (4) insert “; and may prescribe modifications of such provisions in respect of particular persons or classes of persons”.”

LORD LOW OF DALSTON
THE EARL OF LISTOWEL

62 Insert the following new Clause –

“Universal Credit Local Support Services Framework

- (1) The Secretary of State shall –
- (a) lay a report before Parliament annually on the operation of the Universal Credit Local Support Services Framework; and
 - (b) publish guidance for local authorities about their role in developing schemes to support benefits processing for working-age claimants, especially for claimants with additional needs or indicators of vulnerability.
- (2) Guidance published under subsection (1) shall specify –
- (a) the role of local authorities in identifying, leading, facilitating and commissioning partnerships to deliver support;
 - (b) the role of local authorities in working with the voluntary sector and social housing providers in particular to identify who needs help and in what form;

Amendment
No.

After Clause 15 – continued

- (c) a priority role in the development of schemes to support benefits processing for working-age claimants for independent local advice agencies which deliver advice and support on social welfare law matters; and
 - (d) models for developing support schemes which integrate the availability of support under the Universal Credit Local Support Services Framework with support for troubled families pursuant to section 3 of this Act and other relevant programmes funded under the powers contained in section 31 of the Local Government Act 2003 (power to pay grant).
- (3) In this section “social welfare law matters” shall be taken to mean any matter engaging legal rights or entitlements concerning social security, debt, employment, housing, immigration and asylum, and community care.
- (4) The Secretary of State shall ensure the Universal Credit Local Support Services Framework is appropriately resourced to enable it to be rolled out to all local authority areas.”

BARONESS MANZOOR

62A

Insert the following new Clause –

“Review of work-related requirements for parents of children under 5 years

- (1) The Secretary of State must carry out a review of the application of the work-related requirements imposed by section 15 on parents with children under 5 years old before the end of the period of 18 months beginning with the day on which that section comes into force.
- (2) In carrying out the review, the Secretary of State must consider –
 - (a) the nature of the claimant commitments undertaken by parents of children under 5 years old who have been subject to work-related requirements as a condition of receiving universal credit, and in particular the compatibility of those commitments with their childcare responsibilities;
 - (b) the extent to which such parents have met or failed to meet their claimant commitments;
 - (c) the nature and extent of work preparation actions required by the Secretary of State of parents with children under 5 years old;
 - (d) the nature and extent of work search requirement actions required by the Secretary of State to be undertaken by parents with children under 5 years old for the purposes of obtaining paid work (or more paid work or better-paid work);
 - (e) the extent to which the work-related requirements imposed on parents with children under 5 years old have led to greater numbers of such parents taking up paid work;
 - (f) the nature and extent of sanctions imposed on parents of children under 5 years old by the Secretary of State under sections 26 and 27 of the Welfare Reform Act 2012;
 - (g) the extent to which sanctions imposed on parents of children under 5 years old have been overturned;

Amendment
No.

After Clause 15 – continued

- (h) the impact on child well-being of the work-related requirements imposed on parents with children under 5 years old.
- (3) After the review, the Secretary must make and publish a report containing –
 - (a) the conclusions of the review; and
 - (b) a statement as to what the Secretary of State proposes to do in view of those conclusions.
- (4) The report must be laid before Parliament by the Secretary of State.”

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

62B

Insert the following new Clause –

“Disability living allowance (mobility component) for young children

In section 73 of the Social Security Contributions and Benefits Act 1992 (the mobility component), for subsection (1) substitute –

- “(1) Subject to the provisions of this Act, a person shall be entitled to the mobility component of a disability living allowance for any period and throughout which –
- (a) he or she, from birth and on account of a condition, must always be accompanied by bulky medical equipment which cannot be carried around with him or her without great difficulty; or
 - (b) he or she, from birth and on account of a condition, must always be kept near a motor vehicle so that, if necessary, treatment for that condition can be given in the vehicle or the child can be taken quickly in the vehicle to a place where such treatment can be given; or
 - (c) he or she is over the age of five and is suffering from physical disablement such that he or she is either unable to walk or virtually unable to do so; or
 - (d) he or she is over the age of five and falls within subsection (2) below; or
 - (e) he or she is over the age of five and falls within subsection (3) below; or
 - (f) he or she is over the age of five and is able to walk but is so severely disabled physically or mentally that, disregarding any ability he or she may have to use routes which are familiar to him or her on his or her own, he or she cannot take advantage of the faculty out of doors without guidance or supervision from another person most of the time.”

Amendment
No.

After Clause 15 – continued

LORD LOW OF DALSTON
BARONESS HOLLINS

62C Insert the following new Clause –

“Entitlement to housing element of universal credit for 18 to 21 year olds

Entitlement to the housing element of universal credit shall not be restricted for those 18 to 21 year olds who fall into the following categories –

- (a) those who are owed a rehousing duty under –
 - (i) section 193 of the Housing Act 1996 (duty to persons with priority need who are not homeless intentionally);
 - (ii) section 9 of the Homelessness etc (Scotland) Act 2003 (suitability of accommodation for homeless persons);
 - (iii) section 73 of the Housing (Wales) Act 2014 (duty to help to secure accommodation for homeless applicants);
- (b) those who are homeless or at risk of homelessness who are being assisted by local authority Housing Options teams;
- (c) those who are homeless or at risk of homelessness and are being supported by voluntary or statutory agencies into more settled accommodation;
- (d) those who have formerly been homeless as young adults aged 16 or over;
- (e) a person without family or for whom the home environment is not suitable to live in;
- (f) those leaving custody.”

Clause 1

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

63 Page 1, line 4, leave out from “employment” to end of line 6 and insert –

- “() A report under subsection (1) must set out the progress that has been made towards lowering the disability employment gap.
- () In this section “full employment” means that 80 per cent of the working age population are in employment.”

BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

64 Page 1, line 6, at end insert –

- “() The Secretary of State must include in a report under subsection (1) information about –
 - (a) employment support provided to former carers; and
 - (b) the number of former carers of working age who have returned to employment following the end of their caring role.”

Amendment
No.

Clause 1 – continued

BARONESS DRAKE

64A Page 1, line 6, at end insert –

- “() The report under subsection (1) must contain information on –
- (a) how many persons are self-employed;
 - (b) how many young people are not in education, employment or training;
 - (c) the incidence of non-guaranteed hours contracts;
 - (d) the incidence of quantitative and qualitative underemployment.”

After Clause 1

BARONESS MANZOOR

65 Insert the following new Clause –

“Disability employment gap: reporting obligation

- (1) The Secretary of State must lay a report before Parliament annually on the progress which has been made towards halving the disability employment gap, and the report must set out how the Secretary of State has interpreted “disability employment gap” for these purposes.
- (2) The report under subsection (1) must include –
 - (a) an assessment of the sectors in which disabled people have primarily secured jobs,
 - (b) an assessment of the type and level of jobs primarily secured by disabled people, and
 - (c) an assessment of the progression of disabled people within the job market.”

BARONESS DONAGHY

66 Insert the following new Clause –

“Self-employment: reporting obligation

- (1) The Secretary of State must lay a report before Parliament annually on self-employment.
- (2) The report under subsection (1) must contain information on –
 - (a) how many persons are self-employed;
 - (b) how many self-employed persons claim social security benefits or universal credit;
 - (c) the impact of the minimum income floor on self-employed persons who are claiming social security benefits or universal credit.”

Amendment
No.

After Clause 1 – continued

BARONESS CAMPBELL OF SURBITON
BARONESS DOOCEY
LORD LOW OF DALSTON
BARONESS HOLLINS

67

Insert the following new Clause –

“Disability employment gap: reporting obligation (No. 2)

- (1) The Secretary of State must lay a report before Parliament annually on the progress which has been made towards meeting the commitment to halve the disability employment gap.
- (2) The report under subsection (1) must set out –
 - (a) how the Secretary of State has interpreted “halving the disability employment gap”;
 - (b) the factors that the Secretary of State has used to determine whether progress has been sufficient, including the extent and speed at which progress has been made; and
 - (c) if progress under subsection (1) has been insufficient, what remedial steps will be taken.
- (3) The report under subsection (1) must contain data on –
 - (a) the overall rate of employment, and
 - (b) the progress of the rate of employment of people at working age with –
 - (i) a learning disability;
 - (ii) autism;
 - (iii) mental health problems;
 - (iv) visual impairments; and
 - (v) any other disability as the Secretary of State may by regulation specify on the grounds that the people with the disability are marginalised from the labour force and require a specific focus.”

Clause 2

LORD YOUNG OF NORWOOD GREEN
BARONESS SHERLOCK
LORD MCKENZIE OF LUTON
BARONESS MANZOOR

68

Page 1, line 16, after “target,” insert –

- “() information about the uptake of apprenticeships broken down by region, age, ethnicity, disability, sector, qualification and level,
- () a report by the UK Commission on Employment and Skills on the quality of apprenticeships being provided,”

**Amendment
No.**

Clause 2—continued

BARONESS NYE

- 68A** Page 1, line 16, after “target,” insert—
- “() information on the numbers of apprentices disaggregated by the protected characteristics as defined by the Equality Act 2010,
 - () destinations data for those completing apprenticeships,”

BARONESS CAMPBELL OF SURBITON
LORD ADDINGTON
LORD LOW OF DALSTON
BARONESS GREY-THOMPSON

- 69** Page 2, line 2, at end insert—
- “() No later than nine months after the end of each reporting period, the Secretary of State must publish and lay before Parliament a report setting out—
 - (a) data on the number of disabled people under the age of 25 who are recorded as seeking apprenticeships, including those who have not successfully acquired an apprenticeship;
 - (b) information on how any barriers to disabled people acquiring apprenticeships, such as the application process or the entry or assessment requirements, could be addressed; and
 - (c) information on examples of good practice by employers and apprenticeship providers in the provision of apprenticeships for disabled people.”

Clause 3

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON
THE EARL OF LISTOWEL

- 70** Page 3, line 10, at end insert—
- “() A report prepared under this section must include information regarding the adequacy of resources given to local authorities to fund the support provided for troubled families.”

BARONESS MANZOOR

- 71** Page 3, line 12, at end insert—
- “() A report prepared under this section must include an assessment of—
 - (a) the types of interventions provided by local authorities in the previous financial year, and
 - (b) the success or failure of the types of interventions provided by local authorities in the previous financial year.”

Amendment
No.

Clause 7

BARONESS SHERLOCK
LORD McKENZIE OF LUTON

72 Page 8, line 22, leave out subsection (2)

LORD BEST
THE EARL OF LISTOWEL
BARONESS MANZOOR

73 Page 8, line 37, at end insert—

“(5C) Regulations under this section shall provide for an exception to the benefit cap for a person or couple who have been placed in temporary accommodation by a local housing authority in pursuance of its duties under section 188, 190, 193 or 195 of the Housing Act 1996.

(5D) The period for which the exception in subsection (5C) applies shall not exceed 39 weeks beginning with the date on which accommodation was first provided under any of the duties specified.”

BARONESS LISTER OF BURTERSETT
LORD KIRKWOOD OF KIRKHOPE

74 Page 8, line 38, at end insert—

“() In subsection (9) at end insert—

“(d) provision for which would result in a breach of a person’s convention rights (within the meaning of the Human Rights Act 1998).”

BARONESS MEACHER
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

75 Page 9, leave out lines 1 and 2

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

76 Page 9, leave out lines 3 and 4

77 Page 9, leave out lines 5 and 6

BARONESS MEACHER

78 Page 9, leave out lines 7 to 10

**Amendment
No.**

Clause 7 – continued

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

79 Page 9, leave out lines 11 and 12

BARONESS MEACHER

80 Page 9, leave out lines 15 and 16

81 Page 9, leave out lines 17 and 18

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

82 Page 9, leave out lines 23 and 24

BARONESS MEACHER

83 Page 9, leave out lines 25 and 26

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

84 Page 9, leave out lines 30 and 31

85 Page 9, leave out lines 32 and 33

86 Page 9, line 35, at end insert –

“() After subsection (11) insert –

“() Persons who have been placed in temporary accommodation by a local authority which has found them to be in priority need as defined in section 189 of the Housing Act 1996 (priority need for accommodation) are exempted from the benefit cap.””

87 Page 9, line 35, at end insert –

“() After subsection (11) insert –

“() Persons in receipt of carer’s allowance as defined in section 70 of the Social Security Contributions and Benefits Act 1992 (carer’s allowance) are exempted from the benefit cap.””

Amendment
No.

Clause 7 – *continued*

88

Page 9, line 35, at end insert –

“() After subsection (11) insert –

“() Persons in receipt of universal credit who are not subject to all work-related requirements as defined in section 22 of the Welfare Reform Act 2012 (claimants subject to all work-related requirements) are exempted from the benefit cap.””

BARONESS SHERLOCK
LORD McKENZIE OF LUTON

89

Page 9, line 35, at end insert –

“() After subsection (11) insert –

“() Persons in receipt of employment and support allowance as defined in section 1 of the Welfare Reform Act 2007 (employment and support allowance) are exempted from the benefit cap.””

90

Page 9, line 35, at end insert –

“() After subsection (11) insert –

“() Persons in receipt of income support as defined in section 124 of the Social Security Contributions and Benefits Act 1992 (income support) are exempted from the benefit cap.””

LORD KERSLAKE

90A

Page 9, line 35, at end insert –

“() After subsection (11) insert –

“() Regulations under this section must provide for an exemption from the application of the benefit cap for individuals or couples owed a duty to be provided with interim or temporary accommodation under sections 188, 190, 193 or 200 of the Housing Act 1996.””

Clause 8

BARONESS MEACHER

91

Page 10, line 14, at end insert –

“() The Secretary of State shall assess the impact of the benefit cap on disabled people, their families and carers.”

BARONESS SHERLOCK
LORD McKENZIE OF LUTON

92

Page 10, line 25, after “situation,” insert –

“() the relationship between the level of the benefit cap and median household income,
() the impact on households affected by the benefit cap,

**Amendment
No.**

Clause 8 – continued

- () the financial impact of the benefit cap on public authorities, local authorities and registered social landlords,”

BARONESS LISTER OF BURTERSETT
LORD KIRKWOOD OF KIRKHOPE
THE EARL OF LISTOWEL

- 93 Page 10, line 25, after “situation,” insert –
“() the need to safeguard and promote the welfare of children in the United Kingdom,”

BARONESS MEACHER
BARONESS PITKEATHLEY
BARONESS LISTER OF BURTERSETT

- 94 Page 10, line 26, at end insert –
“(c) the impact of the benefit cap on disabled people, their families and carers”

Clause 9

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

- 95 Page 11, line 30, leave out from “to” to end of line 31 and insert “be reviewed annually by the Secretary of State having given regard to –
“(a) the rate of inflation, and
(b) the national economic situation.”

- 96 [Withdrawn]

BARONESS PITKEATHLEY

- 97 Page 11, line 31, at end insert –
“() Notwithstanding subsection (1), for each of the tax years ending with 5 April 2017, 5 April 2018, 5 April 2019 and 5 April 2020, the amount of each of the relevant sums claimable by persons regularly and substantially engaged in caring is to increase in line with inflation.”

BARONESS LISTER OF BURTERSETT

- 98 Page 11, line 32, leave out subsections (2) to (4)

BARONESS LISTER OF BURTERSETT
LORD KIRKWOOD OF KIRKHOPE

- 99 Page 11, line 32, leave out subsections (2) to (4) and insert –
“() For each of the tax years ending with 5 April 2017, 5 April 2018, 5 April 2019 and 5 April 2020, the rates of child benefit are to rise in line with prices or earnings or by 2.5 per cent, whichever is the highest.”

Amendment
No.

Clause 9 – continued

BARONESS SHERLOCK
LORD McKENZIE OF LUTON
BARONESS LISTER OF BURTERSETT

- 100** Page 11, line 33, leave out from “to” to end of line 34 and insert “be reviewed annually by the Secretary of State having given regard to—
- (a) the rate of inflation, and
 - (b) the national economic situation.”

LORD MACKENZIE OF CULKEIN

- 101** Page 11, line 34, at end insert—
- “() For each of the tax years ending with 5 April 2017, 5 April 2018, 5 April 2019 and 5 April 2020, the amount of the support group component of employment and support allowance is to be up-rated in accordance with Part X of the Social Security Administration Act 1992 (review and alteration of benefits) plus an additional sum equal to the difference between the value of the basic allowance of employment and support allowance as subject to subsection (1) and what the value of the basic allowance of employment and support allowance would have been had it been adjusted for inflation.”

Clause 10

BARONESS SHERLOCK
LORD McKENZIE OF LUTON

- 102** Page 12, line 21, leave out from “to” to end of line 22 and insert “be reviewed annually by the Secretary of State having given regard to—
- (a) the rate of inflation, and
 - (b) the national economic situation.”

- 103** [*Withdrawn*]

Clause 16

BARONESS SHERLOCK
LORD McKENZIE OF LUTON

- 103A★** Page 15, line 7, at end insert “including outlining the number of weeks a person must wait after the need arises in order to apply for a loan under subsection (1), which must be no longer than 13 weeks”

BARONESS MANZOOR
LORD McKENZIE OF LUTON

- 104** Page 15, line 28, at end insert—
- “() The regulations must provide that where—
- (a) repayment of the loan is to be made based on the proceeds of sale of the person’s home, and

**Amendment
No.**

Clause 16 – continued

- (b) the person has an outstanding deferred payment agreement under section 34 of the Care Act 2014 (deferred payment agreements and loans),

the repayment of the loan may not be settled until any amounts payable to the local authority under the deferred payment agreement have been settled.”

LORD CURRY OF KIRKHARLE

104A Page 15, line 31, at end insert –

- “() Regulations under this section may not be made in connection with persons who receive disability allowance.”

After Clause 16

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

104AZA★ Insert the following new Clause –

“Grants for mortgage interest etc

- (1) Section 16 does not apply to an individual who is in receipt of pension credit.
- (2) The Secretary of State shall by regulations provide for grants to be made for claimants in receipt of pension credit in respect of a person’s liability to make owner-occupier payments in respect of accommodation occupied by the person as the person’s home.
- (3) The regulations made under subsection (2) may make provision about eligibility to receive a grant, including outlining the number of weeks a person must wait after the need arises in order to apply for a grant under subsection (1), which must be no longer than 13 weeks.
- (4) Regulations under this section may make different provision for different purposes.
- (5) Regulations under this section must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”

Clause 20

LORD KIRKWOOD OF KIRKHOPE
LORD ROOKER

104AA Page 19, line 25, at end insert –

- “() Any relevant provider assisting with any provision for the expenses of the Secretary of State under subsection (2)(a) shall provide an annual governance report to Parliament or the Public Accounts Committee of the House of Commons, detailing –
- (a) the remuneration of its directors;

Amendment
No.

Clause 20—*continued*

- (b) a register of interests; and
- (c) the transparency of its board meetings.”

After Clause 20

EARL CATHCART
LORD BEST

104B Insert the following new Clause—

“Power to supply relevant social security information to accommodation provider

- (1) The Secretary of State, or a person providing services to the Secretary of State, shall have power to supply information relating to any relevant social security benefit to a person who provides accommodation to the claimant for the relevant benefit so long as the claimant has given written authority for the provider of the accommodation to receive such information.
- (2) “Relevant social security benefit” has the same meaning as in section 121DA(7) of the Social Security Administration Act 1992 (interpretation of Part VI).”

Before Clause 21

EARL CATHCART

104BA Insert the following new Clause—

“Payments in respect of qualifying arrears

- (1) Regulations made by the Secretary of State under section 5 of the Social Security Administration Act 1992 (claims and payments regulations) must provide for the payment from an award of universal credit to the landlord where there are qualifying arrears.
- (2) Qualifying arrears are arrears of rent in respect of which the housing costs element of universal credit has been paid (whether or not such element represents the whole or only part of the rent payable) where the claimant has failed to pay rent to the landlord, notwithstanding that the claimant is no longer in occupation of the premises in respect of which such arrears of rent have accrued.
- (3) The regulations must provide for payment to the landlord from any current award of universal credit in or towards satisfaction of the qualifying arrears.
- (4) In this section—
 - “landlord” means the person who is entitled to the payment of rent for the occupation of the property previously occupied by the claimant as his or her home;
 - “rent” includes the licence or similar payment for the use and occupation of the accommodation.”

Amendment
No.

Before Clause 21 – continued

THE EARL OF LISTOWEL
EARL CATHCART

104BB Insert the following new Clause –

“Direct payments to claimants

- (1) Regulations made by the Secretary of State under section 5 of the Social Security Administration Act 1992 (claims and payments regulations) must provide for the payment of the housing costs element of an award of universal credit to the landlord where the claimant requests such payment to be made to the landlord.
- (2) In this section –
 - “landlord” means the person who is entitled to payment of rent for the occupation of the accommodation occupied by the claimant as his or her home;
 - “rent” includes the licence or similar payment for the use and occupation of the accommodation.”

Clause 21

LORD KERSLAKE

104C Page 20, line 36, leave out “, second or third” and insert “or second”

104D Page 20, line 38, leave out “, 1 April 2018 or 1 April 2019” and insert “or 1 April 2018”

104E Page 20, line 43, at end insert –

- “() From 1 April 2020 registered providers will increase rents by CPI plus 1 per cent each year, and the Secretary of State will review the impact of this section to determine flexibility for registered providers to increase social rents by an additional amount above the increase in formula rent.”

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON
THE EARL OF LISTOWEL
BARONESS MANZOOR

105 Page 20, line 46, at end insert –

- “() The Secretary of State must, within 12 months of this section coming into force, produce a plan to offset the impact of lower social rents on housing associations and local government.”

106 [Re-tabled as Amendment 104BA]

**Amendment
No.**

Clause 22

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON

- 107** Page 21, line 6, at end insert—
“(c) the accommodation is specified accommodation, as defined in The Housing Benefit and Universal Credit (Supported Accommodation) (Amendment) Regulations 2014 (S.I. 2014/771).”

LORD BEST

- 108** Page 21, line 6, at end insert—
“(c) the accommodation is owned by a fully mutual housing co-operative within the meaning of paragraph 12(1)(h) of Schedule 1 to the Housing Act 1988 (local authority tenancies etc).”

LORD KERSLAKE

- 108A** Page 21, line 6, at end insert—
“(c) the accommodation is excepted from Right to Buy as a dwelling specific to the needs of the disabled or elderly (with reference to paragraphs 7 to 11 of Schedule 5 to the Housing Act 1985).”

LORD BEST
LORD KERSLAKE
THE LORD BISHOP OF ROCHESTER
LORD SHIPLEY

- 109** Page 21, line 33, at end insert—
“() Section 21 does not apply to social housing which meets the definition of supported housing as defined in The Housing Benefit and Universal Credit (Supported Accommodation) (Amendment) Regulations 2014 (S.I. 2014/771).”

LORD RAMSBOTHAM

- 109A** Page 21, line 33, at end insert—
“() Section 21 does not apply in relation to a registered provider of social housing which is an almshouse charity.”

Amendment
No.

After Clause 23

BARONESS SHERLOCK
LORD MCKENZIE OF LUTON
THE EARL OF LISTOWEL

110 Insert the following new Clause –

“Housing costs in the private rented sector

- (1) The Secretary of State must, at a time no later than the end of the financial year ending March 2017 and at least once during the course of each of the subsequent four financial years, review the relationship between housing costs in the private rented sector and levels of local housing allowance.
- (2) Where a review under subsection (1) shows that less than 30 per cent of private rented properties in each locality are affordable to persons in receipt of local housing allowance, the Secretary of State must by regulations under section 130A of the Social Security Contributions and Benefits Act 1992 (appropriate maximum housing benefit) amend the rates of local housing allowance.”

Schedule 2

LORD KERSLAKE

110A Page 32, line 16, at end insert –

“() The registered provider must have regard to rent standard guidance in calculating social rents for new properties and shall retain discretion to adjust those rents to reflect appropriately local factors.”

110B Page 33, line 10, at end insert –

“() The registered provider must have regard to rent standard guidance in calculating affordable rents for new properties and shall retain discretion to adjust those rents to reflect appropriately local factors.”

Clause 31

LORD PATEL

111 Page 28, line 2, at end insert “, subject to sections 13(7A) and (7B), and 14(1A) and (1B)”

Welfare Reform and Work Bill

THIRD
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

10th December 2015

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