

**LORDS AMENDMENTS TO THE
WELFARE REFORM BILL**

[The page and line references are to HL Bill 24, the bill as first printed for the Lords.]

After Clause 9

- 1** Insert the following new Clause –

“Report

The Secretary of State shall lay before Parliament an independent report on the operation of the assessments under sections 8 and 9 annually for the first five years after these sections come into effect.”

Clause 10

- 2** Page 9, line 14, leave out subsection (8) and insert –

“(8) In subsection (7), “health care professional” means –

- (a) a registered medical practitioner,
- (b) a registered nurse,
- (c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Act 1999 (c. 8), or
- (d) a member of such other profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17) as may be prescribed.”

Clause 15

- 3** Page 12, line 39, at end insert “, except the making of a decision to which subsection (2A) applies (an “excluded decision”)”
- 4** Page 12, line 41, after second “decisions” insert “, except excluded decisions,”
- 5** Page 12, line 44, after “decisions” insert “, except excluded decisions,”
- 6** Page 13, line 4, leave out “mentioned in” and insert “falling within”
- 7** Page 13, line 4, at end insert –

- “(2A) This subsection applies to the following decisions –
- (a) a decision about whether a person has failed to comply with a requirement imposed by regulations under section 10, 11 or 12;
 - (b) a decision about whether a person had good cause for failure to comply with such a requirement;
 - (c) a decision about reduction of an employment and support allowance in consequence of failure to comply with such a requirement.”

Clause 25

- 8 Page 19, line 10, at end insert –
 “() regulations under section 2(2)(c) or (3)(c) or 4(4)(c) or (5)(c);”

Clause 30

- 9 Page 26, line 4, at end insert –
- “(3) The preceding provisions of this section have no effect after 31st December 2010.
- (4) The Secretary of State may by order made by statutory instrument make such provision as he thinks necessary or expedient in consequence of the operation of subsection (3) for the purpose of securing that, with effect from 1st January 2011, housing benefit to which a person who is a former occupier (within the meaning of section 130B of the Contributions and Benefits Act) is entitled is not subject to any restriction as mentioned in subsection (4) of that section.”

Clause 40

- 10 Page 33, line 16, leave out “any prescribed purpose which relates” and insert “anything which is done in relation”
- 11 Page 33, line 17, at end insert “if it is done for the purpose of –
- “(a) identifying persons who may be entitled to such a benefit;
 - (b) encouraging or assisting a person to make such a claim;
 - (c) advising a person in relation to such a claim.”
- 12 Page 34, line 22, leave out from “a” to end of line 23 and insert “relevant purpose within the meaning of section 7B(3) of this Act.”

After Clause 60

- 13 Insert the following new Clause –

“Medical examinations

- (1) The Social Security Act 1998 (c. 14) is amended as follows.
- (2) In section 19 (medical examination required by Secretary of State), in subsections (1) and (2)(b), for “medical practitioner” substitute “health care professional approved by the Secretary of State”.

- (3) In section 20 (medical examination required by appeal tribunal), in subsection (2), for “medical practitioner” substitute “health care professional approved by the Secretary of State”.
- (4) In that section, after subsection (2), insert –
- “(2A) The power under subsection (2) to refer a person to a health care professional approved by the Secretary of State includes power to specify the description of health care professional to whom the person is to be referred.”
- (5) In section 39 (interpretation), in subsection (1), after the definition of “Commissioner” insert –
- ““health care professional” means –
- (a) a registered medical practitioner,
 - (b) a registered nurse,
 - (c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Act 1999 (c. 8), or
 - (d) a member of such other profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17) as the Secretary of State may prescribe.”

Clause 67

- 14 Page 48, line 24, after “(6)” insert “, (6A)”

Clause 68

- 15 Page 49, line 4, leave out second “and”
- 16 Page 49, line 4, at end insert “and (Medical examinations)”

Schedule 3

- 17 Page 63, line 9, leave out “150(7)” and insert “150 (annual up-rating of benefits) –
- (a) in subsection (1) (Secretary of State to review certain sums each year to determine whether value retained in relation to prices), after paragraph (l) insert –
 - “(m) specified in regulations under section 2(1)(a) or (4)(c) or 4(2)(a) or (6)(c) of the Welfare Reform Act 2007;”;
 - (b) in subsection (7)”
- 18 Page 70, line 17, leave out “Section 62 of”
- 19 Page 70, line 17, leave out from “2000” to “is” in line 18
- 20 Page 70, line 19, at beginning insert “In section 62 (loss of benefit for breach of community order),”
- 21 Page 70, line 32, at beginning insert “In that section,”
- 22 Page 70, line 34, at end insert –

“() In section 65 (loss of benefit regulations), in subsection (4) (regulations subject to affirmative resolution procedure), in paragraph (c), after “section 62(4)” insert “or (4A)”.”

23 Page 72, line 7, at end insert –

“(6A) In section 11 (loss of benefit regulations), in subsection (3) (regulations subject to affirmative resolution procedure), in paragraph (c), after “(4A)”, in both places, insert “, (4B)”.”

Schedule 4

24 Page 73, line 14, leave out “an existing benefit” and insert “incapacity benefit, income support or severe disablement allowance”

25 Page 73, line 22, leave out “an existing benefit” and insert “incapacity benefit or severe disablement allowance”

26 Page 73, line 24, after “claim” insert “for incapacity benefit, income support or severe disablement allowance”

27 Page 73, line 25, leave out from “day” to “to” in line 26

28 Page 73, line 26, after “treated” insert “in prescribed circumstances”

29 Page 73, line 29, leave out “an existing benefit” and insert “incapacity benefit, income support or severe disablement allowance”

30 Page 73, line 33, leave out “benefit” and insert “award”

31 Page 74, line 5, leave out from “existing” to “would” in line 8 and insert “award, and

() had it continued to be possible to make an award of incapacity benefit, income support on grounds of incapacity for work, or severe disablement allowance, the award which would have been made to him (“the hypothetical award”)

32 Page 74, line 13, at end insert “hypothetical”

33 Page 74, line 14, leave out from “award” to end of line 15

34 Page 74, line 18, leave out “an” and insert “the hypothetical”

35 Page 74, line 18, leave out “of the existing benefit”

36 Page 74, line 27, leave out “benefit” and insert “award”

37 Page 74, line 28, leave out “benefit” and insert “award”

38 Page 74, line 28, leave out “his award” and insert “it”

39 Page 74, line 31, leave out from beginning to “would” in line 33 and insert “and, –

() had it continued to be possible to make an award of incapacity benefit, income support on grounds of incapacity for work, or severe disablement allowance, the award which would have been made to him”

40 Page 74, line 39, leave out “benefit” and insert “award”

41 Page 75, line 23, leave out sub-paragraph (4)

42 Page 76, line 26, leave out “under section 68 of that Act”

- 43 Page 76, line 33, leave out “benefit” and insert “award”
- 44 Page 76, line 34, at beginning insert “an award of”
- 45 Page 76, line 34, leave out from “benefit” to end of line 35
- 46 Page 76, line 36, at beginning insert “an award of”
- 47 Page 76, line 36, leave out “under section 68 of that Act”
- 48 Page 76, line 38, at beginning insert “an award of”
- 49 Page 76, line 38, leave out from “support” to beginning of line 39 and insert “made to a person to whom regulation 6(4)(a) or 13(2)(b) or (bb) of, or”
- 50 Page 76, line 39, leave out “8,”
- 51 Page 76, line 41, leave out from “1987/1967” to end of line 43 and insert “(persons incapable of work or disabled) applies;”
- 52 Page 76, line 43, at end insert –
 “incapacity benefit” (except in paragraph 10(a)) means –
 (a) incapacity benefit under section 30A, 40 or 41 of the Contributions and Benefits Act,
 (b) long-term incapacity benefit under regulation 11(4) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995 (S.I. 1995/310) (former sickness benefit), and
 (c) invalidity benefit which has effect by virtue of regulation 17(1) of those regulations as if it were long-term incapacity benefit;
 “income support” means income support under section 124 of the Contributions and Benefits Act;
 “severe disablement allowance” means severe disablement allowance under section 68 of that Act (as it has effect by virtue of article 4 of the Welfare Reform and Pensions Act 1999 (Commencement No. 9, and Transitional and Savings Provisions) Order 2000 (S.I. 2000/2958) (C. 89));”

Schedule 6

- 53 Page 81, line 2, after “Regulations” insert “made by the Secretary of State”
- 54 Page 81, line 2, leave out “modify this Schedule” and insert –
 “(a) amend this Schedule for the purpose of adding to the cases in which a person is not a relevant employer in relation to a person disabled by a disease to which this Act applies;
 (b) amend or repeal any provision of this Schedule relating to such cases.”

Schedule 7

- 55 Page 82, line 27, at end insert –
 “() In section 123 (unauthorised disclosure of information relating to particular persons), in subsection (6A), for “medical practitioner” substitute “health care professional”.”

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