

Benefit Sanctions Regime (Entitlement to Automatic Hardship Payments) Bill

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Amend the system of benefits sanctions; establish automatic hardship payments where sanctions have been imposed; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty to assess hardship

The Secretary of State shall have a duty to ensure that a person upon whom a sanction has been imposed resulting in the reduction or cessation of benefits payments is assessed for eligibility for hardship payments within a reasonable period.

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2 Hardship payments: entitlement

(1) The Secretary of State shall by regulation make provision for a presumption of eligibility for hardship payments in respect of persons falling under section 1 in relation to the period of time elapsing between the imposition of any sanctions resulting in the reduction or cessation of benefits payments and the conclusion of any relevant assessment process, including appeals.

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(2) Payments made under subsection (1) shall not be subject to clawback in circumstances where a final decision is that the recipient is not eligible for hardship payments.

(3) The Secretary of State shall make regulations under subsection (1) by statutory instrument.

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(4) A statutory instrument under subsection (3) containing regulations under subsection (1) shall only be made after having been laid in draft before each House of Parliament and approved by a resolution of each House.

3 Welfare Reform Act 2012: amendment

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(1) The Welfare Reform Act 2012, is amended as follows.

- (2) At the end of subsection (6)(a) of section 26, insert “which shall be not less than sixty percent of the total entitlement”.
- (3) At the end of subsection (4)(a) of section 27, after “section” insert “which shall be not less than sixty percent of the total entitlement”.
- (4) Leave out section 28. 5

4 Jobseekers Act 1995: amendment

- (1) The Jobseekers Act 1995 is amended as follows.
- (2) For subsection (1) of section 19 substitute—
 - “(1A) A person not paid jobseeker’s allowance because circumstances mentioned in subsection (5) or (6) are adjudged to apply shall receive the hardship payments mentioned in subsection (1) immediately and until the processes envisaged under section 2 of the Benefit Sanctions Regime (Entitlement to Automatic Hardship Payments) Act 2016 have been exhausted.” 10

5 Welfare Reform Act 2007 15

- (1) The Welfare Reform Act 2012, is amended as follows.
- (2) At the end of section 11, subsection (3) insert “by a figure which shall be not less than sixty percent of the total entitlement”.

6 Financial provision

- (1) *There is to be paid out of money provided by Parliament –* 20
 - (a) *any expenditure incurred under or by virtue of this Act by a Minister of the Crown, and*
 - (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.*

7 Extent, commencement and short title 25

- (1) This Act applies to the whole of the United Kingdom.
- (2) This Act comes into force on the day after the day on which it receives Royal Assent.
- (3) This Act may be cited as the Benefit Sanctions Regime (Entitlement to Automatic Hardship Payments) Act 2016. 30

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To amend the system of benefits sanctions; establish automatic hardship payments where sanctions have been imposed; and for connected purposes.

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*Ordered, by The House of Commons,
to be Printed, 27 October 2015.*

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