

2012 No. 1246 (c. 42)**SOCIAL SECURITY****The Welfare Reform Act 2012 (Commencement No. 2)
Order 2012***Made - - - -**9th May 2012*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by section 150(3) and (4)(a) of the Welfare Reform Act 2012(a).

Citation and interpretation

1.—(1) This Order may be cited as the Welfare Reform Act 2012 (Commencement No. 2) Order 2012.

(2) In this Order—

- (a) “the Act” means the Welfare Reform Act 2012;
- (b) “the Administration Act” means the Social Security Administration Act 1992(b); and
- (c) “the penalties” means the penalties mentioned in sections 115B(4) (administrative penalties: colluding employers), 115C(4) (incorrect statements etc) and 115D(4) (failure to disclose information) of the Administration Act(c).

Appointed days

2.—(1) 10th May 2012 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 116(1) (civil penalties for incorrect statements and failures to disclose information) for the purpose only of prescribing amounts under section 115C(2) or 115D(1) or (2) of the Administration Act; and
- (b) section 116(2).

(2) 6th June 2012 is the day appointed for the coming into force of ¹sections 122, 123 and 125¹ of the Act (administration of tax credits).

(3) 10th June 2012 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 44(5) (claimant commitment for jobseeker’s allowance - definition of ‘employment officer’);
- (b) section 46(1) (sanctions), for the purpose only of exercising any power to make regulations under sections 19 to 19B of the Jobseekers Act 1995; and
- (c) (i) section 46(2) (sanctions), and
(ii) section 46(3) (sanctions), for the purpose only of exercising any power to make regulations.

¹Words in reg. 2(2) substituted by reg. 2 of S.I. 2012/1440 as from 31.5.12.

(a) 2012 c. 5.

(b) 1992 c. 5.

(c) Section 115B(4) is substituted (and section 115B(4A) inserted) by section 105(4) of the Act. Sections 115C and 115D are inserted by section 116(1) of the Act.

Art. 2

(4) 1st July 2012 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 105(1) (recovery of benefit payments), to the extent that it inserts section 71ZC(1) (deduction from benefit) of the Administration Act, for the purpose only of prescribing under section 71ZC(1) the benefits from which deductions may be made in order to recover the penalties^(a);
- (b) section 105(1) to the extent that it inserts section 71ZD (deduction from earnings) of the Administration Act; and
- (c) section 106 (deductions from earnings: other cases).

(5) 1st October 2012 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 105(1) (recovery of benefit payments) to the extent that it inserts sections 71ZC(1) (deduction from benefit) and 71ZE^(b) (recovery by court action) of the Administration Act, for the purpose only of enabling recovery of the penalties to take place by those methods;
- (b) section 105(4) (amendments to section 115B of the Administration Act); and
- (c) section 116(1) (civil penalties for incorrect statements and failures to disclose information), in so far as not already in force.

[Para. (6) of art. 2 revoked by art. 2(7) of S.I. 2012/2530 as from 4.10.12.]

Signed by authority of the Secretary of State for Work and Pensions.

9th May 2012

Freud
Parliamentary Under-Secretary of State,
Department for Work and Pensions

(a) Section 71ZC(1) applies to the penalties by virtue of sections 115B(4A), 115C(5) and 115D(5) of the Administration Act.

(b) Section 71ZE applies to the penalties by virtue of sections 115B(4A), 115C(5) and 115D(5) of the Administration Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the second Commencement Order made under the Welfare Reform Act 2012 (“the Act”). It brings into force to the extent set out in the Order sections 44(5), 45, 46, 48, 105, 106, 116 and 122 to 125 of, and paragraphs 1, 2, 3, 5, 6, 7, 8, 9, 10(1) and (3), 12 and 16(1) and (2)(c) of Schedule 7 and Part 3 of Schedule 14 to, the Act.

Section 44(5) (claimant commitment for jobseeker’s allowance) of the Act is brought into force on 10th June 2012. Section 44(5) introduces a new definition for “employment officer” into section 35(1) of the Jobseekers Act 1995 (c.18) (interpretation) (“the Jobseekers Act”).

Section 45 (interviews) of the Act is brought into force on 14th October 2012. Section 45 amends section 8(1)(a) and (1A)(a) of the Jobseekers Act (attendance, information and evidence).

Section 46(1) (sanctions) of the Act is brought into force on 10th June 2012 for the purpose only of exercising any power to make regulations under sections 19 to 19B of the Jobseekers Act. Section 46(2) of the Act is brought into force on 10th June 2012. Section 46(3) of the Act is brought into force on 10th June 2012 for the purpose only of exercising any power to make regulations. Section 46 is brought into force for all other purposes on 14th October 2012. Section 46(1) substitutes section 19 (circumstances in which a jobseeker’s allowance is not payable) with new sections 19 (higher-level sanctions), 19A (other sanctions), 19B (claimants ceasing to be available for employment etc) and 19C (hardship payments) of the Jobseekers Act. Section 46(2) amends section 37 of the Jobseekers Act (Parliamentary control) to require that the first regulations made under the new sections 19 to 19C may not be made unless a draft has been laid before Parliament and approved by a resolution of each House. Section 46(3) inserts a new paragraph 14AA (good reason for acts or omissions) into Schedule 1 to the Jobseekers Act and also amends paragraph 14B in that Schedule. Section 46(4) amends paragraph 3 of Schedule 3 to the Social Security Act 1998 (c.14) (decisions against which an appeal lies).

Section 105(1) (recovery of benefit payments) of the Act is brought into force on 1st July 2012 to the extent that it inserts section 71ZC(1) (deduction from benefit) into the Social Security Administration Act 1992 (“the Administration Act”) for the purpose only of prescribing under section 71ZC(1) benefits from which deductions may be made in order to recover the penalties mentioned in sections 115B(4) (administrative penalties: colluding employers), 115C(4) (incorrect statements etc) and 115D(4) (failure to disclose information) of the Administration Act (“the penalties”). Section 105(1) is also brought into force on 1st July 2012 to the extent that it inserts section 71ZD (deduction from earnings) into the Administration Act.

Section 105(1) of the Act is brought into force on 1st October 2012 to the extent necessary to enable recovery of the penalties to take place by deduction from benefits under section 71ZC(1) of the Administration Act or by court action under section 71ZE of that Act. Section 105(4) which substitutes section 115B(4) and inserts section 115B(4A), is also brought into force on that day.

Section 106 of the Act (deductions from earnings: other cases) is brought into force on 1st July 2012.

Sections 122 to 125 of the Act (administration of tax credits) are brought into force on 6th June 2012.

Section 116(1) of the Act (civil penalties for incorrect statements and failures to disclose information) of the Act is brought into force on 10th May 2012 for the purpose only of making regulations and on 1st October 2012 for all other purposes. Section 116(2) is brought into force on 10th May 2012.

Paragraphs 1, 2, 3, 5, 6, 7, 8, 9, 10(1) and (3), 12 and 16(1) and (2)(c) of Schedule 7 to (and section 48 in so far as it relates to those paragraphs, of) the Act are brought into force on 14th October 2012. Paragraphs 2 to 10 amend provisions in the Jobseekers Act as follows: paragraph 2 amends section 8; paragraph 3 amends sections 16(3)(b) (severe hardship) and 17(4) (reduced payments); paragraph 5 amends section 20 (exemptions from section 19); paragraph 6 repeals section 20C and 20D (uncommenced provisions relating to sanctions for violent conduct etc); paragraph 7 amends section 22 (members of the forces); paragraph 8 amends section 35 (interpretation); paragraph 9 amends section 36 (regulations and orders) and paragraph 10(3) amends paragraph 10 of Schedule 1 to the Jobseekers Act. Paragraph 12 amends section 8 of the Social Security Fraud Act 2001 (c. 11) (effect of offence on joint-claim jobseeker's allowance). Paragraph 16(2)(c) amends section 20E(4) of the Jobseekers Act as inserted by section 32(2) of the Welfare Reform Act 2009 (c. 24) (contracting out functions under Jobseekers Act 1995).

Part 3 (with the exception of provisions relating to section 35 of the Jobseekers Act) of Schedule 14 are brought into force on 1st October 2012. Part 3 repeals:

- sections 8(2)(ca) and (d), (2A) and (3); 17A(5)(d) to (f) and (6) to (9) (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc); 20(4) to (6), and 20A (denial or reduction of a joint-claim jobseeker's allowance) and 20B (exemptions from section 20A) of the Jobseekers Act;

- paragraph 141 of Schedule 7 to the Social Security Act 1998 (minor and consequential amendments: relating to the Jobseekers Act);

- paragraphs 12 and 13 of Schedule 7 (joint claims for jobseeker's allowance) and paragraph 29(5) of Schedule 8 (welfare benefits: minor and consequential amendments: jobseeker's allowance) to the Welfare Reform and Pensions Act 1999 (c. 30);

- section 1(4) and (5) (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc); section 25 (jobseeker's allowance: sanctions for violent conduct etc in connection with claim); section 32(3)(e) and (f) and (4) (contracting out functions under Jobseekers Act) and section 33 (attendance in connection with jobseeker's allowance: sanctions) of the Welfare Reform Act 2009, and the entries relating to sections 8(3) and 9(13) of the Jobseekers Act in Part 3 of Schedule 7 (social security: other repeals and revocations) to the Welfare Reform Act 2009; and

- paragraph 38 of Schedule 2 (community payback orders: consequential modifications: relating to the Jobseekers Act) to the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.