

2012 No. 2530 (C. 102)**SOCIAL SECURITY****The Welfare Reform Act 2012 (Commencement No. 4)
Order 2012***Made* - - - -*4th October 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. 4) Order 2012.

(2) In this Order—

“the Act” means the Welfare Reform Act 2012; and

“the Jobseekers Act” means the Jobseekers Act 1995(b).

Appointed days

2.—(1) 8th October 2012 is the day appointed for the coming into force of section 45 of the Act (interviews).

(2) 22nd October 2012 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 46(1) (sanctions) for the purposes of the substitution of sections 19 to 19B of the Jobseekers Act, in so far as not already in force for those purposes;
- (b) section 46(3) in so far as not already in force;
- (c) section 46(4);
- (d) section 48, in so far as it relates to the provisions specified in sub-paragraphs (e) and (f);
- (e) paragraph 1 of Schedule 7 (jobseeker’s allowance in interim period: consequential amendments), in so far as it relates to the provisions specified in sub-paragraph (f);
- (f) paragraphs 2, 3, 5 to 9, 10(3) (and 10(1) in so far as it relates to 10(3)), 12 and 16(2)(c) (and 16(1) in so far as it relates to 16(2)(c)) of Schedule 7; and
- (g) Part 3 of Schedule 14 (repeals), save for the provisions in relation to sections 20(4) and (6) and 35(1) of the Jobseekers Act.

(3) 3rd December 2012 is the day appointed for the coming into force of section 55 of the Act (work experience etc).

(a) 2012 c. 5.

(b) 1995 c. 18.

Art. 2

(4) 26th November 2012 is the day appointed for the coming into force of section 56 of the Act (hardship).

(5) 30th October 2012 is the day appointed for the coming into force of the following provisions of the Act, for the purpose only of exercising any power to make regulations—

- (a) section 64 (injuries arising before 5th July 1948); and
- (b) section 66 (trainees).

(6) 5th December 2012 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 64 (injuries arising before 5th July 1948), in so far as not already in force;
- (b) section 65 (persons under 18);
- (c) section 67 (restriction on new claims for industrial death benefit); and
- (d) section 68 (determinations).

(7) Paragraph (6) of article 2 of the Welfare Reform Act 2012 (Commencement No. 2) Order 2012(a) is revoked.

4th October 2012

Iain Duncan Smith
Secretary of State for Work and Pensions

(a) S.I. 2012/1651.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the fourth Commencement Order made under the Welfare Reform Act 2012 (“the Act”). It brings into force, to the extent set out in the Order, sections 45, 46, 55, 56, 64, 65, 66, 67 and 68 of, and paragraphs 1 to 3, 5 to 9, 10(1) and (3), 12 and 16(1) and (2)(c) of Schedule 7 and Part 3 of Schedule 14 to, the Act.

Paragraphs (1) to (4) and (7) of article 2 of this Order commence provisions relating to Jobseeker’s Allowance and Employment and Support Allowance as follows:

Section 45 of the Act (interviews) is brought into force on 8th October 2012. Section 45 amends section 8(1)(a) and (1A)(a) of the Jobseekers Act 1995 (c. 18) (attendance, information and evidence) (“the Jobseekers Act”).

Section 46(1) of the Act (sanctions) was brought into force on 10th June 2012 for the purpose only of making regulations under sections 19 to 19B of the Jobseekers Act. Sections 46(2) (substantively) and (3) (for the purpose only of making regulations) were also brought into force on 10th June 2012. See the Welfare Reform Act 2012 (Commencement No. 2) Order 2012 (S.I. 2012/124). Section 46(1) substitutes section 19 of the Jobseekers Act (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). Section 46(1) is brought into force for the purpose of the substitution of section 19 to 19B on 22nd October 2012.

Sections 46(3) and 46(4) are also brought into force substantively on 22nd October. 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).

Paragraphs 1, 2, 3, 5 to 9, 10(1) and (3), 12 and 16(1) and (2)(c) of Schedule 7 to the Act (jobseeker’s allowance in interim period: consequential amendments), and section 48 of the Act in so far as it relates to those paragraphs, are brought into force on 22nd October 2012. Paragraph 1 introduces the amendments. Paragraph 2 amends section 8 of the Jobseekers Act (attendance, information and evidence). Paragraph 3 amends sections 16(3)(b) (severe hardship) and 17(4) (reduced payments) of the Jobseekers Act. Paragraph 5 amends section 20 of the Jobseekers Act (exemptions from section 19). Paragraph 6 repeals sections 20C and D of the Jobseekers Act (uncommenced provisions relating to sanctions for violent conduct etc). Paragraph 7 amends section 22 of the Jobseekers Act (members of the forces). Paragraph 8 amends section 35 of the Jobseekers Act (interpretation). Paragraphs 10(1) and (3) amend paragraph 10 of Schedule 1 to the Jobseekers Act (claims yet to be determined and suspended payments). 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(1) and (2)(c) amend section 32 of the Welfare Reform Act 2009 (c. 24) (contracting out).

Part 3 of Schedule 14 to the Act (repeals - jobseeker’s allowance: responsibilities for interim period) is brought into force on 22nd October 2012, with the exception of provisions relating to sections 20(4) to (6) and 35(1) of the Jobseekers Act. Part 3 repeals:

— section 8(2)(ca) and (d), (2A) and (3) (attendance information and evidence), section 17A(5)(d) to (f) and (6) to (9) (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc), section 20A (denial or reduction of a joint-claim jobseeker’s allowance) and section 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, 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).

Paragraph (6) of article 2 of the Welfare Reform Act 2012 (Commencement No. 2) Order 2012 (S.I. 2012/1246) is revoked. This would have provided different commencement dates for the provisions in article 2(1) and (2) of this Order.

Paragraphs (5) and (6) of article 2 of this Order commence provisions in the Act concerning Industrial Injuries Disablement Benefit.

Section 64 (injuries arising before 5th July 1948) and section 66 (trainees) are brought into force on 30th October 2012 for the purpose only of making regulations.

Sections 65 (persons under 18), 67 (restriction on new claims for industrial death benefit) and 68 (determinations) are brought into force on 5th December 2012, as is section 64 to the extent it is not already in force.

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