2012 No. 3090 (C. 123)

SOCIAL SECURITY

The Welfare Reform Act 2012 (Commencement No. 6 and Savings Provisions) Order 2012

Made - - - - 12th December 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) and (c) 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.6 and Savings Provisions) Order 2012.

(2) In this Order–

"the 1998 Act" means the Social Security Act 1998**(b)**;

"the Act" means the Welfare Reform Act 2012;

"the Administration Act" means the Social Security Administration Act 1992**(c)**; and

"the Contributions and Benefits Act" means the Social Security Contributions and Benefits Act 1992**(d)**;

"budgeting loan" means a budgeting loan under section 138(1)(b) of the Contributions and Benefits Act;

"community care grant" means a community care grant under section 138(1)(b) of the Contributions and Benefits Act;

"crisis loan" means a crisis loan under section 138(1)(b) of the Contributions and Benefits Act.

Appointed days

2.—(1) Subject to article 3, 1st April 2013 is the day appointed for the coming into force of the following provisions of the Act–

(a) section 70(1) and (3) to (10) (ending of discretionary payments);

(b) section 73 (external provider social loans and community care grants);

(c) paragraphs 1 to 3 of Schedule 8 (social fund discretionary payments: consequential amendments);

(d) in Part 8 of Schedule 14 (social fund: ending of discretionary payments: repeals) the repeals relating to–

(a) 2012 c. 5.
(b) 1998 c. 14.
(c) 1992 c. 5.
(d) 1992 c. 4.

(i) sections 138**(a)**, 139**(b)** and 140**(c)** of the Contributions and Benefits Act;

(ii) sections 12 and 168**(d)** of the Administration Act;

(iii) sections 8(1)(b)**(e)**, 9(1), 10(1)**(f)**, 36 and 38**(g)** of the 1998 Act.

(2) 1st August 2013 is the day appointed for the coming into force of the following provisions of the Act–

(a) section 70(2) (abolition of the social fund Commissioner);

(b) paragraph 4 of Schedule 8;

(c) in Part 8 of Schedule 14 the repeals relating to–

(i) Schedule 2 to the Parliamentary Commissioner Act 1967**(h)**;

(ii) Schedule 1 to the Superannuation Act 1972**(i)**;

(iii) Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975**(j)**;

(iv) Part 1 of Schedule 4 to the Administration Act**(k)**;

(v) section 37 of the 1998 Act**(l)**;

(vi) Part 6 of Schedule 1 to the Freedom of Information Act 2000**(m)**.

Savings provisions

3.—(1) Notwithstanding any repeal made by section 70(1) of the Act, or Part 8 of Schedule 14 to the Act, and except as provided in paragraph (3), the provisions listed in paragraph (2) continue to have effect on and after 1st April 2013 in so far as they relate to–

(a) budgeting loans;

(b) community care grants and crisis loans in cases where the application for the community care grant or crisis loan was made before 1st April 2013.

(2) The provisions are–

(a) the following provisions of the Contributions and Benefits Act–

(i) in section 138(1), paragraph (b)**(n)** and the "and" preceding it;

(ii) section 138(3) and (5)**(o)**;

(iii) sections 139 and 140;

(b) sections 12 and 168 of the Administration Act**(p)**;

(a) Amended by section 70(1) and (2) of the Social Security Act 1998.
(b) Amended by section 86(1) and (2) of, and paragraph 72(1) to (5) of Schedule 7 to, the Social Security Act 1998.
(c) Amended by section 71(1) to (3), and section 86(1) of, and paragraph 73(1), (2) and (5) of Schedule 7, to the Social Security Act 1998 and section 54(a) and (b), and sections 63 and 67 of, and paragraphs 2(1) and (3), and 73(4) of Schedule 7, and Schedule 8 to the Welfare Reform Act 2007 (c. 5) and sections 72(1) and (3) of the Welfare Reform Act 2012.
(d) Amended by sections 39(3) and 86(2) of, and Schedule 8 to, the Social Security Act 1998.
(e) Amended by section 18 of, and paragraphs 22(1) and (2)(a) of Schedule 7 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c. 2).
(f) Amended by section 18 of, and paragraph 23(a) of Schedule 7 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 and section 103(1) of, and paragraphs 4(1) and (2) of Schedule 12 to, the Welfare Reform Act 2012 and by article 9(1) and paragraphs 143 and 148 of S.I. 2008/2833.
(g) Amended by sections 63 and 67 of and paragraph 4 of Schedule 7 and Schedule 8 to, the Welfare Reform Act 2007 and section 20(1) and (2) of the Welfare Reform Act 2009.
(h) 1967 c. 13.
(i) 1972 c. 11.
(j) 1975 c. 24.
(k) 1992 c. 5.
(l) 1998 c. 14.
(m) 2000 c. 36.
(n) Amended by section 71 of the Welfare Reform Act 2012.
(o) Inserted by section 70(2) of the Social Security Act 1998.
(p) 1992 c. 5.

(c) the following provisions of the 1998 Act**(a)**–

(i) section 8(1)(b);

(ii) in section 9(1), the words "Subject to section 36(3) below";

(iii) in section 10(1), the words "and section 36(3)";

(iv) section 36;

(v) section 38;

(d) the Social Fund (Applications and Miscellaneous Provisions) Regulations 2008**(b)**;

(e) the Social Fund (Application for Review) Regulations 1988**(c)**.

(3) The provisions listed in paragraph (4) of this article–

(a) continue to have effect on and after 1st April 2013 in relation to budgeting loans, community care grants or crisis loans only in relation to cases where the application for a budgeting loan, community care grant or crisis loan was made before 1st April 2013; and

(b) cease to have effect (whether in relation to budgeting loans, community care grants or crisis loans) after the end of 31st July 2013.

(4) The provisions are–

(a) section 38(3) to (5) of the 1998 Act, and section 38(6) to (13)**(d)** in so far as relevant to review by a social fund inspector under section 38(3) or (5) of that Act;

(b) regulation 2(1)(b) of the Social Fund (Application for Review) Regulations 1988, and the remainder of regulation 2 in so far as applying to review by a social fund inspector under regulation 2(1)(b) of those Regulations.

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

Steve Webb
Minister of State,
Department for Work and Pensions

12th December 2012

(a) 1998 c. 14.
(b) S.I. 2008/2265 as amended by S.I. 2009/3033.
(c) S.I. 1988/34 as amended by S.I. 2006/961.
(d) Section 38(7) was amended by section 67 of, and Schedule 8 to, the Welfare Reform Act 2007.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the sixth Commencement Order made under the Welfare Reform Act 2012 ("the Act").

Article 2 brings into force various provisions of the Act which amend or repeal provisions of existing legislation relating to the social fund and the office of the social fund Commissioner.

The following provisions are brought into force on 1st April 2013, subject to savings provisions in article 3:

section 70(1), and (3) to (10), which provide for the ending of budgeting loans, community care grants and crisis loans;

section 73, which repeals sections 16 to 21 of the Welfare Reform Act 2009**(a)** (provisions relating to external provider social loans and community care grants), which were never brought into force;

amendments and repeals in Schedule 8 and Part 8 of Schedule 14 insofar as consequential upon these changes;

The following provisions are brought into force on 1st August 2013:

section 70(2), which abolishes the office of the social fund Commissioner;

amendments and repeals in Schedule 8 and Part 8 of Schedule 14 insofar as consequential upon this change.

The repeals commenced on 1st April 2013 by article 2(1) are subject to savings provisions in article 3. These ensure that:

applications for budgeting loans can continue on and after 1st April 2013;

applications for community care grants and crisis loans made before 1st April 2013 can continue to be determined after that date;

the process by which such decisions can be reviewed by an appropriate officer will also continue;

the process by which such decisions can be subject to a further review by a social fund inspector will continue in relation to budgeting loans, community care grants and crisis loans if the application was made before 1st April 2013, and will cease altogether (whether in relation to budgeting loans, community care grants or crisis loans) when the office of the social fund Commissioner ceases to exist on 1st August 2013.

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

(a) 2009 c. 24.