

2010 No. 293 (C. 22)

SOCIAL SECURITY

The Welfare Reform Act 2009 (Commencement No. 2 and Transitory Provision) Order 2010

Made - - - -

3rd February 2010

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by section 61(3) and (4) of the Welfare Reform Act 2009(a).

Citation and interpretation

1.—(1) This Order may be cited as the Welfare Reform Act 2009 (Commencement No. 2 and Transitory Provision) Order 2010.

(2) In this Order—

“the Act” means the Welfare Reform Act 2009;

“benefit week” has the meaning ascribed to that expression in regulation 3(7) of the Social Security (Breach of Community Order) Regulations 2001(b).

Appointed days

2.—(1) 10th February 2010 is the day appointed for the coming into force of—

- (a) section 10 of the Act (power to direct claimant to undertake specific work-related activity); and
- (b) section 35 of the Act (persons under pensionable age to take part in work-focused interviews etc.).

(2) The day appointed for the coming into force of section 14 of the Act (mobility component) is—

- (a) 11th April 2010, for the purpose only of conferring power to make regulations;
- (b) 15th October 2010, for the purposes only of assessing claims and making decisions on eligibility; and
- (c) 11th April 2011 for all other purposes.

(3) Subject to paragraph (4), 22nd March 2010 is the day appointed for the coming into force of—

- (a) section 26 of the Act (repeal of sections 62 to 66 of the Child Support, Pensions and Social Security Act 2000)(c);
- (b) the entries in Part 3 of Schedule 7 to the Act (social security: other repeals and revocations) in respect of—
 - (i) in section 170(5) of the Social Security Administration Act 1992(d), paragraph (af) of the definition of “the relevant enactments” and paragraph (af) of the definition of “the relevant Northern Ireland enactments”;
 - (ii) paragraph 3(e) of Schedule 3 to the Social Security Act 1998(e);
 - (iii) the Child Support, Pensions and Social Security Act 2000;

(a) 2009 c. 24.

(b) S.I. 2001/1395.

(c) 2000 c. 19.

(d) 1992 c. 5.

(e) 1998 c. 14.

- (iv) the Criminal Justice and Court Services Act 2000(**a**);
- (v) section 8(2)(b)(ii) (and the word “or” before it) and section 12(1) of the Social Security Fraud Act 2001(**b**);
- (vi) the Criminal Justice Act 2003(**c**);
- (vii) paragraph 20 of Schedule 3 to the Welfare Reform Act 2007(**d**);
- (viii) the Criminal Justice and Immigration Act 2008(**e**); and
- (c) section 58(1) of the Act (repeals and revocations) so far as relating to the entries in sub-paragraph (b).

(4) In the case of a person who immediately before 22nd March 2010 is subject to a restriction under section 62 or 63 of the Child Support, Pensions and Social Security Act 2000, the day appointed for the coming into force of the provisions of the Act referred to in paragraph (3) is the first day of the first benefit week to commence for that person on or after 22nd March 2010.

(5) 1st April 2010 is the day appointed for the coming into force of—

- (a) the entries in Part 3 of Schedule 7 to the Act (social security: other repeals and revocations) in respect of—
 - (i) the Social Security Fraud Act 2001 (so far as they are not already in force);
 - (ii) the State Pension Credit Act 2002(**f**);
 - (iii) paragraph 23(3) of Schedule 3 to the Welfare Reform Act 2007; and
- (b) section 58(1) of the Act (repeals and revocations) so far as relating to the entries in sub-paragraph (a).

(6) Subject to article 3, the day appointed for the coming into force of section 33 of the Act (attendance in connection with jobseeker's allowance: sanctions) is—

- (a) 10th February 2010 for the purpose only of conferring power to make regulations; and
- (b) 6th April 2010 for all other purposes.

Transitory provision

3. Until the day appointed under section 61(3) of the Act for the coming into force of section 32(3) and (4) of the Act—

- (a) section 8(2) of the Jobseekers Act 1995(**g**) (as amended by section 33(2) of the Act) has effect as if for “officer of the Secretary of State” there were substituted (in both places) “employment officer”; and
- (b) section 8(3) of the Jobseekers Act 1995(**h**) has effect as if for “subsection (1)” there were substituted “subsections (1) and (2)”.

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

3rd February 2010

Jim Knight
Minister of State
Department of Work and Pensions

(a) 2000 c. 43.

(b) 2001 c. 11.

(c) 2003 c. 44.

(d) 2007 c. 5.

(e) 2008 c. 4.

(f) 2002 c. 16.

(g) 1995 c. 18.

(h) Section 8(3) was inserted by paragraph 29 of Schedule 8 to the Welfare Reform and Pensions Act 1999 (c. 30). It is repealed (on a day to be appointed) by Part 3 of Schedule 7 to the Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force (in whole or in part) the following provisions of the Welfare Reform Act 2009—

- a) section 10 (power to direct claimant to undertake specific work-related activity);
- b) section 14 (mobility component);
- c) section 26 (repeal of sections 62 to 66 of the Child Support, Pensions and Social Security Act 2000);
- d) section 33 (attendance in connection with jobseeker's allowance: sanctions);
- e) section 35 (persons under pensionable age to take part in work-focused interviews etc.);
- f) section 58 (repeals and revocations);
- g) Schedule 7, Part 3 (social security: other repeals and revocations).

Section 10 amends section 15 of the Welfare Reform Act 2007 to allow the Secretary of State, in prescribed circumstances, to impose a requirement to undertake specific work-related activity on a claimant of employment and support allowance.

Section 14 amends section 73 of the Social Security Contributions and Benefits Act 1992 to allow people with prescribed severe visual impairments to claim the higher rate mobility component of disability living allowance.

Section 26 of the Act and related provisions in Part 3 of Schedule 7 to the Act repeal sections 62 to 66 of the Child Support, Pensions and Social Security Act 2000 which provided for the reduction of benefit payments where a person failed without reasonable excuse to comply with the requirements of a relevant community order made in respect of that person.

Section 33 of the Act amends section 8 of the Jobseekers Act 1995 to allow a sanction of one or two weeks loss of benefit to be imposed on claimants who fail to attend mandatory interviews and appointments and do not show good cause for their failure to attend within a prescribed period. Entitlement to benefit will cease if the claimant does not make contact with an officer of the Secretary of State within the prescribed period.

Sections 32(3) and (4) of the Act, which amend the Jobseekers Act 1995 to substitute “officer of the Secretary of State” for references to “employment officer” and “the Secretary of State”, have not yet been commenced. Article 3 makes transitory modifications to section 8 of the 1995 Act, as amended by section 33 of the Act (which is brought into force by article 2(6)), until the commencement of these subsections.

Section 35 of the Act amends the powers in sections 2A and 2AA of the Social Security Administration Act 1992 to make regulations in connection with the requirement to take part in one or more work-focused interviews. The powers are amended to remove the references to a person being under 60 years of age and replace them with references to a person who has not attained pensionable age.

A full impact assessment has not been published for this instrument as it has no impact on the costs of businesses, charities and the voluntary sector.

[See Annex 2 on page 2.7802 for details as to earlier commencements.]

