

# WELFARE REFORM ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 5: Social security: General**

#### ***Section 109: Recovery of fines etc by deductions from employment and support allowance***

562. The introduction of ESA by the WRA 2007 required consequential amendments to other legislation. *Section 109* corrects an error in those consequential amendments relating to deductions from benefit for the payment of fines. As a result of the error, secondary legislation which allowed deductions for fines from both the income-related and contributory elements of ESA was not supported by the primary legislation, which allowed deductions from the income-related element only. The effect of the section is to give retrospective legal authority to the secondary legislation.
563. *Subsection (1)* removes references in the Criminal Justice Act 1991 which allow deductions for fines to be taken from only the income-related element of ESA. *Subsection (2)* removes a corresponding reference in Schedule 3 to WRA 2007.
564. *Subsection (3)* provides that the repeals in subsections (1) and (2) have retrospective effect from 27 October 2008, the ESA implementation date.