

STATUTORY INSTRUMENTS

2013 No. 358

The Welfare Reform Act 2012 (Commencement No.8 and Savings and Transitional Provisions) Order 2013

Citation and interpretation

1.—(1) This Order may be cited as the Welfare Reform Act 2012 (Commencement No.8 and Savings and Transitional Provisions) Order 2013.

(2) In this Order—

“the 1992 Act” means the Social Security Administration Act 1992 ^{M1};

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

“personal independence payment” means a payment under Part 4 of the 2012 Act.

Marginal Citations

M1 1992 c.5.

Appointed day

2.—(1) 25th February 2013 is the day appointed for the coming into force of the provisions of the 2012 Act listed in Schedule 1 to this Order for the purpose of making Regulations.

(2) 25th February 2013 is the day appointed for the coming into force of the provisions of the 2012 Act listed in Schedule 2 to this Order for all purposes.

Appointed day for purposes relating to the Social Security Advisory Committee

3. 25th February 2013 is the day appointed for the coming into force of the following provisions of the 2012 Act—

- (a) paragraph 26 of Schedule 2 (universal credit: amendments);
- (b) paragraph 3 of that Schedule and section 31 (supplemental and consequential amendments) in so far as they relate to paragraph 26 of that Schedule;
- (c) paragraph 26 of Schedule 9 (personal independence payments: amendments); and
- (d) paragraph 7 of that Schedule and section 91 (amendments) in so far as they relate to paragraph 26 of that Schedule.

Appointed day for provisions relating to payments on account

4.—(1) 1st April 2013 is the day appointed for the coming into force of Part 11 of Schedule 14 to the 2012 Act (repeals) in so far as that Part repeals the following provisions of the 1992 Act—

- (a) section 7(2)(a);
- (b) section 71(7); and
- (c) in section 71(8), “or (7)”.

(2) 1st April 2013 is the day appointed for the coming into force of section 101(2) of the 2012 Act (payments on account).

Appointed day and saving for provisions relating to overpayments

5.—(1) 25th February 2013 is the day appointed for the coming into force of paragraph 7 of Schedule 2 to the 2012 Act (which relates to recovery of benefits), paragraph 3 of Schedule 2 in so far as it relates to paragraph 7 and section 31 of the 2012 Act in so far as it relates to those paragraphs.

(2) 29th April 2013 is the day appointed for the coming into force of the provisions of the 2012 Act mentioned in paragraphs (3) to (5) (which also relate to the recovery of benefit payments).

(3) In relation to section 105 (recovery of benefit payments)—

- (a) [^{F1}subject to paragraph (3A),] subsection (1) of that section, in so far as it is not already in force; except in so far as it inserts section 71ZB(1)(d) of the 1992 Act and the word “and” immediately preceding it;
- (b) subsections (3), (5) and (6) of that section; and
- (c) subsection (7) of that section, in so far as it inserts paragraph 6B of Schedule 3 to the Social Security Act 1998 ^{M2}.

[^{F2}(3A) In so far as section 105(1) of the 2012 Act inserts section 71ZB(1)(b) and (c) of the 1992 Act, those paragraphs come into force on 29th April 2013 only in so far as they relate respectively to a new style JSA award and a new style ESA award.]

(4) In relation to Part 11 of Schedule 14, the repeals of—

- (a) section 71(10A) and (10B) of the 1992 Act; and
- (b) subject to paragraph (6), section 71(11)(aa) and (ac) of the 1992 Act.

(5) Paragraph 9 of Schedule 2, paragraph 3 of Schedule 2 in so far as it relates to paragraph 9 and section 31 in so far as it relates to those paragraphs.

(6) Despite paragraph (4)(b), the benefits referred to in section 71(11)(aa) and (ac) of the 1992 Act remain benefits to which section 71 of the 1992 Act apply to the extent that [^{F3}they relate respectively to an old style JSA award and an old style ESA award].

[^{F4}(7) In this article, “old style JSA award”, “new style JSA award”, “old style ESA award” and “new style ESA award” have the same meaning as in article 2(1) of the Welfare Reform Act 2012 (Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions (Amendment)) Order 2013.]

F1 Words in art. 5(3)(a) inserted (24.4.2013) by [The Welfare Reform Act 2012 \(Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions \(Amendment\)\) Order 2013 \(S.I. 2013/983\)](#), **art. 23(2)**

F2 Art. 5(3A) inserted (24.4.2013) by [The Welfare Reform Act 2012 \(Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions \(Amendment\)\) Order 2013 \(S.I. 2013/983\)](#), **art. 23(3)**

F3 Words in art. 5(6) substituted (24.4.2013) by [The Welfare Reform Act 2012 \(Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions \(Amendment\)\) Order 2013 \(S.I. 2013/983\)](#), **art. 23(4)**

F4 Art. 5(7) added (24.4.2013) by [The Welfare Reform Act 2012 \(Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions \(Amendment\)\) Order 2013 \(S.I. 2013/983\)](#), **art. 23(5)**

Marginal Citations

M2 1998 c.14.

Appointed days for loss of benefit provisions

6.—(1) 25th February 2013 is the day appointed for the coming into force of the provisions of Schedule 2 to the 2012 Act specified in paragraph (2) (which relate to loss of benefit).

(2) The provisions for the purposes of paragraph (1) are—

- (a) paragraph 58(3) and paragraph 58(1) in so far as it relates to that sub-paragraph;
- (b) paragraph 59(3) and paragraph 59(1) in so far as it relates to that sub-paragraph;
- (c) paragraph 61(2) to (4) and paragraph 61(1) in so far as it relates to those sub-paragraphs; and
- (d) paragraph 63(2) and paragraph 63(1) in so far as it relates to that sub-paragraph.

(3) 25th February 2013 is the day appointed for the coming into force of paragraph 56 of Schedule 2 to, and section 31 of, the 2012 Act in so far as they relate to the paragraphs and sub-paragraphs of Schedule 2 to the 2012 Act specified in paragraph (2) of this article.

(4) 1st April 2013 is the day appointed for the coming into force of the following provisions of the 2012 Act (which also relate to loss of benefit)—

- (a) section 117(2) (benefit offences: disqualifying and sanctionable benefits) and section 117(1) in so far as it relates to section 117(2);
- (b) section 118 (benefit offences: period of sanction) in so far as it is not already in force;
- (c) section 119 (benefit offences: sanctions for repeated benefit fraud); and
- (d) in Schedule 2 (universal credit: amendments)—
 - (i) paragraph 51, paragraph 43 of that Schedule in so far as it relates to paragraph 51 and section 31 in so far as it relates to both those paragraphs; and
 - (ii) paragraphs 57, 58(2) (and paragraph 58(1) in so far as it relates to paragraph 58(2)), 59(2) (and paragraph 59(1) in so far as it relates to paragraph 59(2)) and 62, paragraph 56 in so far as it relates to those paragraphs and sub-paragraphs and section 31 in so far as it relates to the paragraphs and sub-paragraphs mentioned in this paragraph (that is, paragraph (ii) of article 6(4)(d)).

(5) 6th April 2013 is the day appointed for the coming into force of section 117 of the 2012 Act in so far as it is not already in force.

Appointed day for personal independence payment

7.—(1) The day appointed for the coming into force of the provisions of the 2012 Act listed in paragraph (2) is 8th April 2013 in relation to a person whose only or principal residence is, on the date on which that person makes a claim for personal independence payment, located in an area to which one of the postcodes listed in Schedule 3 to this Order corresponds.

(2) The provisions for the purposes of paragraph (1) are—

- (a) section 77(1), (2) and, to the extent that it is not already in force, (3) (personal independence payment);
- (b) section 78(1), (2), (5) and (6) (daily living component);
- (c) section 79(1), (2), (5) and (6) (mobility component);
- (d) section 82 (terminal illness);

- (e) section 83(1), (2) and, to the extent that it is not already in force, (3) (persons of pensionable age);
- (f) section 84 (no entitlement to daily living component where UK is not competent state);
- (g) section 87 to the extent that it is not already in force (prisoners and detainees);
- (h) section 88 (claims, awards and information);
- (i) section 89 (report to Parliament);
- (j) section 95 (interpretation of Part 4) to the extent that it is not already in force;
- (k) paragraphs 1 to 3, 5 to 25 and 27 to 50 of Schedule 9 and section 91 in so far as it relates to those paragraphs to the extent that those paragraphs and that section are not already in force.

Appointed day for council tax benefit

8. 1st April 2013 is the day appointed for the coming into force of the following provisions of the 2012 Act—

- (a) section 33(1)(e) (abolition of benefits – council tax benefit);
- (b) paragraphs 5 (and paragraph 4 in so far as it relates to paragraph 5) and 15 to 18 of Schedule 3 (abolition of benefits: consequential amendments), and section 33(3) in so far as it relates to those paragraphs, in so far as they relate to the abolition of council tax benefit; and
- (c) the provisions of Part 1 of Schedule 14 (repeals – abolition of benefits superseded by universal credit) which are specified in Schedule 4 to this Order in so far as they relate to the abolition of council tax benefit.

Savings for council tax benefit

9. Notwithstanding the coming into force of Part 1 of Schedule 14 to the 2012 Act under article 8(c), the provisions specified in Schedule 4 to this Order and any regulations or orders made under them continue to have effect for any of the following matters arising on or after 1st April 2013 that relate to council tax benefit before 1st April 2013—

- (a) the administration of council tax benefit;
- (b) the administration of appeals against council tax benefit decisions;
- (c) the investigation and prosecution of offences relating to council tax benefit;
- (d) the recovery of excess council tax benefit;
- (e) the administration of civil and administrative penalties;
- (f) the payment of subsidy in respect of council tax benefit for years up to and including the year ending 31st March 2013.

Transitional provisions for council tax benefit

10.—(1) For the purpose of allowing a billing authority, or in Scotland a local authority, to make decisions in relation to matters in respect of council tax benefit arising before 1st April 2013 where a claim is received on or after 1st April 2013—

- (a) the Council Tax Benefit Regulations 2006^{M3} as saved by virtue of article 9 are modified in accordance with Part 1 of Schedule 5 to this Order; and

(b) the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006^{M4} as saved by virtue of article 9 are modified in accordance with Part 2 of Schedule 5 to this Order.

(2) In this article—

“billing authority” has the meaning given in Part 1 of the Local Government Finance Act 1992^{M5}; and

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994^{M6}.

Marginal Citations

M3 S.I. 2006/215.

M4 S.I. 2006/216.

M5 1992 c.14.

M6 1994 c.39.

Iain Duncan Smith
Secretary of State for Work and Pensions

Changes to legislation:

There are currently no known outstanding effects for the The Welfare Reform Act 2012 (Commencement No.8 and Savings and Transitional Provisions) Order 2013.