
STATUTORY INSTRUMENTS

2008 No. 787 (C. 36)

SOCIAL SECURITY

**The Welfare Reform Act 2007 (Commencement
No. 6 and Consequential Provisions) Order 2008**

Made - - - - *17th March 2008*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 68 and 70(2) of the Welfare Reform Act 2007⁽¹⁾.

Citation and interpretation

1.—(1) This Order may be cited as the Welfare Reform Act 2007 (Commencement No. 6 and Consequential Provisions) Order 2008.

(2) In this Order “the Act” means the Welfare Reform Act 2007.

Commencement

2.—(1) For the purpose only of conferring power to make regulations, the day appointed for the coming into force of the provisions of the Act specified in the Schedule is 18th March 2008.

(2) 1st April 2008 is the day appointed for the coming into force of section 49 of the Act (loss of benefit for commission of benefit offences).

(3) Insofar as they are not already in force, 27th July 2008 is the day appointed for the coming into force of—

(a) paragraphs 10(1), (2) and (32) and 17(1), (2), (3) and (6) of Schedule 3 to the Act and section 28(1) of the Act so far as it relates to those paragraphs; and

(b) section 25(2)(b) of, and paragraphs 1, 2, 3(b), (c) and (d) and 11 of Schedule 4 to, the Act and section 29 of the Act so far as it relates to those paragraphs.

(4) Insofar as they are not already in force, 27th October 2008 is the day appointed for the coming into force of the following provisions of the Act—

(a) sections 1 to 12, 14, 16 to 27, 28(2) and (3);

(b) section 28(1) so far as it relates to the provisions of Schedule 3 referred to in sub-paragraph (f);

(c) section 67 so far as it relates to the repeals referred to in sub-paragraph (g);

- (d) Schedule 1;
- (e) Schedule 2;
- (f) paragraphs 1 to 4, 6, 7(1), (7) and (8), 8, 9(1) to (4), (6) to (11) and (13), 10 to 20 and 22 to 24 of Schedule 3; and
- (g) the repeals set out in Schedule 8 to the Act relating to—
 - (i) sections 6A(3) and 124(1) of the Social Security Contributions and Benefits Act 1992(2);
 - (ii) section 73(4) of the Social Security Administration Act 1992(3);
 - (iii) paragraphs 19(2) and (3), 40(2) and 53(2) of Schedule 2 to the Jobseeker’s Act 1995(4);
 - (iv) sections 2(2) and 28(3) of, paragraph 6(b) of Schedule 2 to, and paragraph 3 of Schedule 3 to, the Social Security Act 1998(5); and
 - (v) section 72(3) of the Welfare Reform and Pensions Act 1999(6).

Consequential provisions

3.—(1) The following amendments have effect as from 1st April 2008 (in consequence of the coming into force on that day of section 49 of the Act).

(2) In the Social Security and Child Support (Decisions and Appeals) Regulations 1999(7), in paragraph 27 of Schedule 2 (decisions against which no appeal lies), for “3 years” substitute “5 years”.

(3) In the Social Security (Loss of Benefit) Regulations 2001(8), in regulation 2(2) (disqualification period), for “3 years” substitute “5 years”.

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

Stephen C. Timms
Minister of State,
Department for Work and Pensions

17th March 2008

(2) 1992 c. 4.
(3) 1992 c. 5.
(4) 1995 c.18.
(5) 1998 c. 14.
(6) 1999 c. 30.
(7) S.I. 1999/991. Paragraph 27 of Schedule 2 was inserted by S.I. 2001/4022, regulation 21.
(8) S.I. 2001/4022. Regulation 2(2) was amended by S.I. 2002/486, regulation 2(d).

SCHEDULE

Article 2(1)

PROVISIONS BROUGHT INTO FORCE ON 18th
MARCH 2008 FOR REGULATION-MAKING PURPOSES

<i>Provision of the Act</i>	<i>Subject-matter</i>
Section 2(1)(a) and (c) and (4)(a) and (c)	Prescribing the amount of a contributory allowance
Section 3(1)(c) and (2)(b) and (d)	Deductions from contributory allowance: supplementary
Section 3(3) for the purposes of prescribing a payment under paragraph (b) of the definition of “pension payment”	Deductions from contributory allowance: supplementary
Section 4(2)(a), (3) and (6)(a) and (c)	Amount of income related allowance
Section 5(2) and (3)	Advance award of income-related allowance
Section 8 except for subsection (4)(c)	Limited capability for work
Section 9 except for subsection (4)(c)	Limited capability for work-related activity
Section 11(1), (2)(a) to (g), (3) to (5), (6)(a) and (7)(c)	Work-focused health-related assessments
Section 12(1), (2)(a) to (h) and (3) to (7)	Work-focused interviews
Section 14(1) and (2)(a) and (b)	Action plans in connection with work-focused interviews
Section 16(2)(a) and (4)	Contracting out
Section 17	Income and capital: general
Section 18(1), (2) and (4)	Disqualification
Section 20(2) to (7)	Relationship with statutory payments
Section 22 insofar as it relates to paragraphs 1 to 7, 8(1), 9, 10, 12 and 14 of Schedule 2	Supplementary provisions
Section 23(1) and (3)	Recovery of sums in respect of maintenance
Section 24(1) for the purpose of defining “employed”, “employment”, “period of limited capability for work”, “prescribed”, “regulations” and “week”	Interpretation of Part 1
Section 24(2)(b) and (3)	Interpretation of Part 1
Section 25(1) to (5)	Regulations
Section 26(2)	Parliamentary Control
Section 28(1) insofar as it relates to the provisions of Schedule 3 set out in this Schedule	Consequential amendments relating to Part 1
Section 28(2)	Consequential amendments relating to Part 1
Section 29 insofar as it relates to paragraphs 1(1), 2, 3(b), (c) and (d) of Schedule 4	Transition relating to Part 1

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<i>Provision of the Act</i>	<i>Subject-matter</i>
Paragraphs 1(4) and 3(2) of Schedule 1	Conditions relating to national insurance
Paragraphs 4(1)(a) and (c), (3) and (4) of Schedule 1	Conditions relating to youth
Paragraphs 6(1)(b), (2) to (4), (7) and (8) of Schedule 1	Employment and Support Allowance: additional conditions: income-related allowance
Paragraph 6(5) of Schedule 1 for the purposes of the meaning of “couple”, “education” and “remunerative work”	Employment and Support Allowance: additional conditions: income-related allowance
Paragraphs 1 to 7, 8(1), 9, 10, 12 and 14 of Schedule 2	Employment and Support Allowance: Supplementary Provisions
Paragraphs 7(1) and (8), 8, 9(1), (3)(b) and (4), 10(1), (2), (3) to (8), (12) and (32), 12(1) and (5), 15, 17(1), (3), (6) and (7), 18, 20, 23 (1) to (5) and (8) and 24 of Schedule 3	Consequential amendments relating to Part 1
Paragraphs 1(1), 2, 3(b), (c) and (d) of Schedule 4	Transition relating to Part 1

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes further provision for the coming into force of the Welfare Reform Act 2007. In particular, it makes provision for the coming into force of regulation-making powers required to make the Employment and Support Allowance Regulations 2008.

Article 2 provides that the day appointed for the coming into force of the powers listed in Schedule 1 to the Order, for the purposes of conferring power to make regulations is 18th March 2008. It further provides that—

- 1st April 2008 is the day appointed for the coming into force of section 49 of the Act (loss of benefit for commission of benefit offences);
- 27th July 2008 is the day appointed for the coming into force of section 25(2)(b) and section 29 (partially) of the Act, of paragraphs 10(1), (2) and (32) and 17(1), (2) and (3) of Schedule 3 and of paragraphs 1, 2, 3(b), (c) and (d) and 11 of Schedule 4 to the Act, (all of which concern employment and support allowance) insofar as they have not already been commenced; and
- 27th October 2008 is the day appointed for the coming into force generally of Part 1 of and Schedules 1 to 4 to, the Act (which concern employment and support allowance) insofar as they have not already been commenced.

Article 3 amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999 and the Social Security (Loss of Benefit) Regulations 2001 in consequence of the coming into force of section 49 of the Act.

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

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Welfare Reform Act 2007 have been brought into force on the dates shown by commencement orders before the date of this Order. Some of those provisions will not be in force on the date that this Order is made.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 30(1)	7th April 2008	2007/2872
Section 30(2) (partially)	1st October 2007	2007/2872
Section 30(2) (for all other purposes)	7th April 2008	2007/2872
Section 30(3) (partially)	1st October 2007	2007/2872
Section 30(3) (for all other purposes)	7th April 2008	2007/2872
Section 31 (partially)	14th June 2007	2007/1721
Section 31 (for all other purposes)	1st November 2007	2007/1721
Section 32 (partially)	1st April 2008	2008/411
Section 32 (for all other purposes)	6th October 2008	2008/411
Section 33 (partially)	1 st April 2008	2008/411
Section 33 (for all other purposes)	6th October 2008	2008/411
Section 34 (partially)	1st April 2008	2008/411
Section 34 (for all other purposes)	6th October 2008	2008/411
Section 35(1) (partially)	1st October 2007	2007/2872
Section 35(1) (for all other purposes)	7th April 2008	2007/2872
Section 35(2) (partially)	1st October 2007	2007/2872
Section 35(2) (for all other purposes)	7th April 2008	2007/2872
Section 35(3)	7th April 2008	2007/2872
Section 38	1st April 2008	2008/411
Section 39	1st April 2008	2008/411
Section 41(1)	1st October 2007	2007/2819

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 46 (partially)	19th February 2008	2008/411
Section 46 (for all other purposes)	7th April 2008	2008/411
Section 47 (partially)	19th February 2008	2008/411
Section 47 (for all other purposes)	7th April 2008	2008/411
Section 52	1st October 2007	2007/2819
Section 53	1st October 2007	2007/2819
Section 58 (partially)	12th July 2007	2007/1991
Section 58 (for all other purposes)	10th August 2007	2007/1991
Section 60 (partially)	1st October 2007	2007/2819
Section 60 (for all other purposes)	29th October 2007	2007/2819
Section 63 (partially)	1st October 2007	2007/2819
Section 67 (partially)	1st October 2007	2007/2819
Schedule 5: paragraphs 5, 6, 7 and 9	1st April 2008	2008/411
Schedule 5 paragraph 12 (partially)	7th April 2008	2007/2872
Schedule 6 (partially)	12th July 2007	2007/1991
Schedule 7 (partially)	1st October 2007	2007/2819
Schedule 8 (partially)	1st October 2007	2007/2819
Schedule 8 (partially)	7th April 2008	2007/2872