



# Welfare Reform Act 2012

## 2012 CHAPTER 5

### PART 3

#### OTHER BENEFIT CHANGES

##### *Industrial injuries benefit*

#### **64 Injuries arising before 5 July 1948**

- (1) In Part 5 of the Social Security Contributions and Benefits Act 1992 (industrial injuries benefit), the following provisions are repealed—
  - (a) in section 94(1), the words “after 4th July 1948”;
  - (b) in section 103(2)(a), the words “after 4th July 1948”;
  - (c) in section 108(1), the words “and which developed after 4th July 1948”;
  - (d) in section 108(3), the words “but not before 5th July 1948”;
  - (e) in section 109(5)(a), the words “after 4th July 1948”;
  - (f) in section 109(5)(b) and (6)(a), the words “and developed after 4th July 1948”.
- (2) Accordingly, section 111 and Schedule 8 of that Act (which relate to compensation and benefits in respect of industrial injuries before 5 July 1948) are repealed.
- (3) The Secretary of State may make regulations—
  - (a) for, and in relation to, the payment of industrial injuries benefit to persons to whom, before the commencement of this section, compensation or benefits were payable under section 111 of, and Schedule 8 to, the Social Security Contributions and Benefits Act 1992;
  - (b) for claims for the payment of such compensation or benefit to be treated as claims for industrial injuries benefit.
- (4) In subsection (3) “industrial injuries benefit” has the meaning given by section 122(1) of the Social Security Contributions and Benefits Act 1992.
- (5) Regulations under this section are to be made by statutory instrument.

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- (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Commencement Information

- II** S. 64 in force at 30.10.2012 for specified purposes by S.I. 2012/2530, art. 2(5)(a)

VALID FROM 05/12/2012

#### 65 Persons under 18

- (1) In Schedule 4 to the Social Security Contributions and Benefits Act 1992 (rates of benefits), Part 5 (rates of industrial injuries benefit) is amended as follows.
- (2) In entry 1 (which relates to disablement pension (weekly rates)), in the second column (“Rate”)—
  - (a) in the opening words, for the words from “in that Table” to the end of paragraph (b) there is substituted “ in column (2) of that Table. ”;
  - (b) in the Table, column (3) is repealed.
- (3) In entry 4 (which relates to the maximum of aggregate of weekly benefit payable for successive accidents), in the second column (“Rate”)—
  - (a) paragraph (a) is repealed, except for the monetary amount specified;
  - (b) paragraph (b) is repealed, including the monetary amount specified.

#### 66 Trainees

- (1) After section 95 of the Social Security Contributions and Benefits Act 1992 there is inserted—

##### “95A Employment training schemes etc

- (1) In the industrial injuries and diseases provisions any reference to employed earner's employment shall be taken to include participation in an employment training scheme or employment training course of a prescribed description (and “employed earner” shall be construed accordingly).
  - (2) In those provisions, a reference to an employer, in relation to any such participation, shall be taken to be a prescribed person.
  - (3) In this section “industrial injuries and diseases provisions” has the same meaning as in section 95(4) above.”
- (2) In section 11 of the Employment and Training Act 1973 (financial provision), in subsection (3) (power to make payments in respect of trainees equivalent to social security benefits payable in respect of employees), for “Parts II to V” there is substituted “Parts 2 to 4“.
  - (3) The Secretary of State may make regulations—

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- (a) for, and in relation to, the payment of industrial injuries benefit to persons to whom, before the commencement of this section, payments were payable under section 11(3) of the Employment and Training Act 1973;
  - (b) for claims for such payments to be treated as claims for industrial injuries benefit.
- (4) In subsection (3) “industrial injuries benefit” has the meaning given by section 122(1) of the Social Security Contributions and Benefits Act 1992.
- (5) Regulations under this section are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Commencement Information

**I2** S. 66 in force at 30.10.2012 for specified purposes by S.I. 2012/2530, art. 2(5)(b)

VALID FROM 05/12/2012

#### 67 Restriction on new claims for industrial death benefit

In Part 6 of Schedule 7 to the Social Security Contributions and Benefits Act 1992 (industrial death benefit), in paragraph 14, after sub-paragraph (1) there is inserted—

“(1A) No claim may be made for industrial death benefit after the coming into force of this sub-paragraph.”

VALID FROM 05/12/2012

#### 68 Determinations

- (1) Section 29(2) of the Social Security Act 1998 (which provides for decisions as to whether an accident is an industrial accident in the absence of a claim for benefit) is repealed.
- (2) In section 30 of that Act (effect of decision), in subsection (1), the words from “(given” to “otherwise)” are repealed.

VALID FROM 27/11/2012

#### *Housing benefit*

#### 69 Housing benefit: determination of appropriate maximum

- (1) Section 130A of the Social Security Contributions and Benefits Act 1992 (appropriate maximum housing benefit) is amended as follows.

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- (2) In subsection (3), for “The regulations may provide” there is substituted “ The provision which may be made by the regulations includes provision ”.
- (3) For subsections (5) and (6) there is substituted—
- “(5) The regulations may, for the purpose of determining the AMHB, provide for the amount of the liability mentioned in section 130(1)(a) above to be taken to be an amount other than the actual amount of that liability (and, without prejudice to the generality of this subsection, may provide for it to be taken to be the amount of a rent officer determination).
- (6) The regulations may, for that purpose, make provision for determining the amount of liability under section 130(1)(a) above which a person is treated as having by virtue of regulations under section 137(2)(j) below (and, without prejudice to the generality of this subsection, may provide for that amount to be the amount of a rent officer determination).”
- (4) In section 176(1) of that Act (Parliamentary control), after paragraph (aa) there is inserted—
- “(ab) the first regulations made by virtue of section 130A(5) or (6);”.

### *Social fund*

VALID FROM 01/04/2013

#### **70 Ending of discretionary payments**

- (1) Section 138(1)(b) of the Social Security Contributions and Benefits Act 1992 (discretionary payments out of social fund) is repealed.
- (2) In consequence of the provision made by subsection (1), the office of the social fund Commissioner is abolished.
- (3) Payments are to be made out of the social fund into the Consolidated Fund in respect of—
- (a) amounts allocated under section 168 of the Social Security Administration Act 1992 to the making of such payments as are mentioned in section 138(1)(b) but which are not so applied in consequence of subsection (1);
- (b) sums relating to such payments as are mentioned in section 138(1)(b) that are paid into the social fund under section 164 of the Social Security Administration Act 1992.
- (4) The payments are to be such as the Secretary of State determines in accordance with any directions of the Treasury to be appropriate.
- (5) Subsection (3) is not to prevent the Secretary of State from re-allocating amounts allocated under section 168(1) of the Social Security Administration Act 1992.
- (6) The Secretary of State may by order provide for the transfer of property, rights and liabilities from the social fund Commissioner.
- (7) An order under this section may—

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- (a) provide for the transfer of property, rights and liabilities whether or not they would otherwise be capable of being transferred;
  - (b) make such supplementary, incidental, consequential or transitional provision as the Secretary of State considers appropriate.
- (8) An order under this section is to be made by statutory instrument.
- (9) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) Schedule 8 contains consequential amendments.

## 71 Purposes of discretionary payments

In section 138 of the Social Security Contributions and Benefits Act 1992 (payments out of the social fund), in subsection (1)(b), for “to meet other needs” there is substituted “to meet—

- (i) other needs, and
- (ii) in the case of payments by way of budgeting loan, those needs for which provision is made by paragraph (a).”.

## 72 Determination of amount or value of budgeting loan

(1) Section 140 of the Social Security Contributions and Benefits Act 1992 (principles of determination) is amended as follows.

(2) In subsection (4), after paragraph (d) there is inserted—

“(da) that the amount or value of a budgeting loan is not to exceed a sum specified or determined as specified in the direction;”.

(3) After subsection (4) there is inserted—

“(4ZA) A direction under subsection (4)(da) may require the sum to be determined by applying, or by a method that includes applying, a multiplier specified in the direction in circumstances specified in the direction to the most recent relevant sum published by the Secretary of State.

(4ZB) A relevant sum is a sum determined from time to time by reference to so much of any relevant allocation under section 168(1) to (4) of the Administration Act as is available for making payments.”

VALID FROM 01/04/2013

## 73 External provider social loans and community care grants

Sections 16 to 21 of the Welfare Reform Act 2009 (provisions relating to external provider social loans and community care grants), which have not been brought into force, are repealed.

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PROSPECTIVE

### *State pension credit*

#### **74 State pension credit: carers**

- (1) The State Pension Credit Act 2002 is amended as follows.
- (2) In section 2 (guarantee credit), in subsection (8), for paragraphs (a) and (b) there is substituted—
  - “(a) the claimant has regular and substantial caring responsibilities, or
  - (b) the claimant is a member of a couple the other member of which has such responsibilities,”.
- (3) In section 17 (interpretation), in subsection (1), in the appropriate place there is inserted—
 

““regular and substantial caring responsibilities” has such meaning as may be prescribed;”.

#### **75 State pension credit: capital limit**

- (1) In section 1 of the State Pension Credit Act 2002 (entitlement), in subsection (2)—
  - (a) in paragraph (b), the final “and” is repealed;
  - (b) at the end there is inserted “and
  - (d) his capital does not exceed a prescribed amount”.
- (2) In section 19 of that Act (regulations and orders), in subsection (2), before paragraph (a) there is inserted—
 

“(za) section 1(2)(d),”.

### *Working tax credit*

#### **76 Calculation of working tax credit**

- (1) Step 5 in regulation 7(3) of the 2002 Regulations has effect in relation to awards of working tax credit for the whole or part of the relevant year as if from the beginning of the day on 6 April 2011 the percentage to be applied under step 5 in finding the amount of the reduction were 41% (instead of 39%).
- (2) Anything done by the Commissioners before the coming into force of this section in relation to awards of working tax credit for the whole or part of the relevant year is to be treated as having been duly done, if it would have been duly done but for being done on the basis that from the beginning of the day on 6 April 2011 the percentage to be applied under step 5 was 41%.
- (3) In this section—
 

“the 2002 Regulations” means the Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002 (S.I. 2002/2008);

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“the Commissioners” means the Commissioners for Her Majesty's Revenue and Customs;

“the relevant year” means the year beginning with 6 April 2011.

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