
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to secondary legislation consequential on section 15 of the Welfare Reform and Work Act 2016 (“the 2016 Act”).

Section 15 of the 2016 Act amends sections 2 and 4 of the Welfare Reform Act 2007, which provides for an award of an employment and support allowance where the claimant is found to have limited capability for work to include an amount referred to as the work-related activity component as may be prescribed by regulations. The amendments to sections 2 and 4 of the Welfare Reform Act 2007 remove reference to the work-related activity component.

The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017 (“the 2017 Regulations”) made consequential amendments required under section 15 of the 2016 Act and provided transitional protections for certain claimants in Part 1 of Schedule 2 of the 2017 Regulations.

Regulation 1 provides for citation and commencement of these Regulations. In particular these Regulations will come into force on 23rd June 2017.

Regulations 2, 3, 5, 6, 7 and 8 make amendments to ensure that it is clear following the 2017 Regulations what allowances are available to claimants who are not protected by the 2017 Regulations.

Regulation 4 makes minor correcting amendments following the 2017 Regulations to the State Pension Credit Regulations 2002.

Regulation 9 makes minor amendments to the 2017 Regulations to make it clear which claimants are protected by the transitional protection.

Regulation 10 provides that the amendments made at regulations 2 to 8 only apply to claimants who are not protected by the transitional protections in the 2017 Regulations.

The regulations contained in this instrument are either made by virtue of, or are consequential upon section 15 of the 2016 Act. This instrument is made before the expiry of the period of 6 months beginning with the coming into force of that provision. The regulations in it are therefore exempt in accordance with section 173(5) of the Social Security Administration Act 1992 from the requirement in section 172(1) of that Act to refer proposals to make Regulations to the Social Security Advisory Committee and are made without reference to that Committee.

An impact assessment has not been produced for this instrument as it has no impact on business or civil society organisations.