STATUTORY INSTRUMENTS

2018 No. 145 (C. 15)

SOCIAL SECURITY

The Welfare Reform Act 2012 (Commencement No. 30 and Transitory Provisions) Order 2018

Made - - - - 6th February 2018

The Secretary of State for Education makes the following Order in exercise of the powers conferred by section 150(3) and (4) of the Welfare Reform Act 2012 [F1].

F1 2012 c. 5.

Citation and interpretation

1.—(1) This Order may be cited as the Welfare Reform Act 2012 (Commencement No. 30 and Transitory Provisions) Order 2018.

(2) In this Order, "the 1996 Act" means the Education Act 1996 [F2].

F2 1996 c. 56.

Appointed day

2. The day appointed for the coming into force of section 147 of, and Schedule 14 to, the Welfare Reform Act 2012 (both of which deal with repeals) [F3] insofar as they relate to section 512ZB(4) of the 1996 Act, is 31st March 2022.

F3 Schedule 14, insofar as it relates to subsection (4) of section 512ZB of the Education Act 1996, repeals parts of that subsection relating to universal credit.

Transitory provisions

3.—(1) In the circumstances referred to in paragraphs (2) to (6), C's eligibility for a free school lunch ceases on the cessation day.

(2) Where C—

(a) does not, on or after 1st April 2018 become eligible for a free school lunch pursuant to paragraphs (a)(ai) or (b)(ai) of subsection (4) of section 512ZB [F4] of the 1996 Act, but

(b) was, on 31st March 2018, eligible, or after that date becomes eligible, for such a lunch pursuant to paragraphs (a)(i) to (iia), (aa), (b)(i) to (iia) or (c)(ii) of that subsection.

(3) Where C was eligible for a free school lunch pursuant to subsection (4)(a)(ai) or (b)(ai) of section 512ZB of the 1996 Act on 31st March 2018 whether or not those provisions subsequently cease to apply in relation to C.

(4) Where C becomes eligible for a free school lunch pursuant to paragraph (a)(ai) or (b)(ai) of subsection (4) of section 512ZB of the 1996 Act on, or after, 1st April 2018 whether or not those provisions subsequently cease to apply in relation to C and regardless of whether C was so eligible before so doing pursuant to paragraphs (a)(i) to (iia), (aa), (b)(i) to (iia) or (c)(ii) of that subsection.

(5) Where C is eligible for a free school lunch by virtue of attending a qualifying institution to pursue a study programme of further education funded by the Education and Skills Funding Agency [F5] which C commenced between the ages of 16 to 18 (inclusive).

(6) Where C has attained the age of 19 and is eligible for a free school lunch pursuant to an EHC plan referred to in section 37 of the Children and Families Act 2014 [F6].

(7) The cessation day is the later of—

(a) 31st March 2022; and

(b) the day on which—

(i) C completes primary education as defined in section 2 of the 1996 Act [F7] (if C were at that stage of education on 31st March 2022);

(ii) C completes secondary education as defined in that section (if C were at that stage of education on 31st March 2022);

(iii) C completes further education at an institution within the further education sector within the meaning of section 91 of the Further and Higher Education Act 1992 [F8] (if C were at that stage of education on 31st March 2022);

(iv) C completes, after having attained the age of 19, the study programme of further education referred to in paragraph (5);

(v) an EHC plan referred to in paragraph (6) ends.

[[F9](8) This article applies to England only.**]**

F4 Section 512ZB was inserted by section 201 of the Education Act 2002 (c. 32) and paragraphs (a)(ai) and (b)(ai) of subsection (4) of that section were inserted by section 31 of, and Schedule 2 to, the Welfare Reform Act 2012.

F5 The Education and Skills Funding Agency is an executive agency sponsored by the Department for Education.

F6 2014 c. 6. EHC plans (health, education and care plans) under section 37 are a form of special education provision made following an education, health and care assessment of a child or young person under section 36 of the Act.

F7 1996 c. 56.

F8 1992 c. 13.

F9 Art. 3(8) added (25.3.2019) by The Welfare Reform Act 2012 (Commencement No. 30 and Transitory Provisions) (Amendment) Order 2019 (S.I. 2019/655), **art. 2**

Signed by authority of the Secretary of State for Education

Nadhim Zahawi
Department for Education — Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)
This Order is the 30th Order commencing provisions of the Welfare Reform Act 2012 (c. 5) and makes associated transitory provisions.
Article 2 appoints 31st March 2022 as the day for bringing into force section 147 of, and Schedule 14 to, the Welfare Reform Act 2012 insofar as they relate to repeals of provisions of section 512ZB(4) of the Education Act 1996 relating to universal credit.
Article 3 makes transitory provision in relation to a person (C) who is eligible for a free school lunch and milk by virtue of satisfying certain conditions under section 512ZB(4) of the Education Act 1996. Article 3 provides that where C was entitled to a free school lunch in specified cases by virtue of:

— being eligible for certain social security benefits,

— undertaking certain educational courses,

— being subject to an EHC plan (education, health and care plan),

such entitlement ceases on the cessation day which is the later of (a) 31st March 2022, and (b) as the case may be, the completion of the stage of education C was at on 31st March 2022, the completion of the educational course in question or the ending of any EHC plan C was subject to.
No impact assessment has been prepared for this Order as it has minimal impact on business, civil society organisations or the public sector.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)
The following provisions of the Welfare Reform Act 2012 (c. 5) were brought into force by a Statutory Instrument which was made before this Order was made.

Provision	***Date of commencement***	***S.I. Number***
Section 1 (partially)	29th April 2013	2013/983
Section 1 (partially)	1st July 2013	2013/1511
Section 1 (partially)	29th July 2013	2013/1511
Section 1 (partially)	28th October 2013	2013/2657
Section 1 (partially)	25th November 2013	2013/2846
Section 1 (partially)	24th February 2014	2014/209
Section 1 (partially)	7th April 2014	2014/209
Section 1 (partially)	23rd June 2014	2014/1583
Section 1 (partially)	30th June 2014	2014/1583
Section 1 (partially)	30th June 2014	2014/1661
Section 1 (partially)	7th July 2014	2014/1583
Section 1 (partially)	14th July 2014	2014/1583
Section 1 (partially)	21st July 2014	2014/1583

Section 1 (partially)	28th July 2014	2014/1583
Section 1 (partially)	28th July 1014	2014/1923
Section 1 (partially)	15th September 2014	2014/2321
Section 1 (partially)	22nd September 2014	2014/2321
Section 1 (partially)	29th September 2014	2014/2321
Section 1 (partially)	6th October 2014	2014/2321
Section 1 (partially)	13th October 2014	2014/2321
Section 1 (partially)	20th October 2014	2014/2321
Section 1 (partially)	27th October 2014	2014/2321
Section 1 (partially)	3rd November 2014	2014/2321
Section 1 (partially)	10th November 2014	2014/2321
Section 1 (partially)	17th November 2014	2014/2321
Section 1 (partially)	24th November 2014	2014/2321
Section 1 (partially)	24th November 2014	2014/3067
Section 1 (partially)	26th November 2014	2014/3094
Section 1 (partially)	1st December 2014	2014/2321
Section 1 (partially)	8th December 2014	2014/2321
Section 1 (partially)	15th December 2014	2014/2321
Section 1 (partially)	26th January 2015	2015/32
Section 1 (partially)	28th January 2015	2015/33
Section 1 (partially)	16th February 2015	2015/101
Section 1 (partially)	23rd February 2015	2015/101
Section 1 (partially)	2nd March 2015	2015/32
Section 1 (partially)	2nd March 2015	2015/101
Section 1 (partially)	9th March 2015	2015/101
Section 1 (partially)	16th March 2015	2015/101
Section 1 (partially)	18th March 2015	2015/634
Section 1 (partially)	23rd March 2015	2015/101
Section 1 (partially)	6th April 2015	2015/32
Section 1 (partially)	6th April 2015	2015/101
Section 1 (partially)	13th April 2015	2015/101
Section 1 (partially)	20th April 2015	2015/101
Section 1 (partially)	27th April 2015	2015/101
Section 1 (partially)	4th May 2015	2015/101
Section 1 (partially)	11th May 2015	2015/101