

2000 No. 332 (C. 14)

SOCIAL SECURITY

**The Welfare Reform and Pensions (1999 Order)
(Commencement No. 6 and Transitional and Savings Provisions)
Order (Northern Ireland) 2000**

Made 2nd November 2000

The Department for Social Development, in exercise of the powers conferred by Articles 1(2) and 73(4)(a) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(a), and now vested in it(b), and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Welfare Reform and Pensions (1999 Order) (Commencement No. 6 and Transitional and Savings Provisions) Order (Northern Ireland) 2000.

(2) In this Order—

- (a) any reference to a numbered section is a reference to the section of the Contributions and Benefits Act, and
- (b) any reference to a numbered Article or Schedule is to the Article of, or Schedule to, the Welfare Reform and Pensions (Northern Ireland) Order 1999.

Appointed days

2.—(1) In so far as it is not already in operation, the day appointed for the coming into operation of Article 10 (monitoring of employers' payments to personal pension schemes), is 6th April 2001.

(2) In so far as they are not already in operation, the day appointed for the coming into operation of Article 56 (couples to make joint claim for allowance) and Schedule 7 (joint claims for jobseeker's allowance), is 19th March 2001.

(3) Subject to Articles 3 and 4 of this Order, the days appointed for the coming into operation of—

- (a) Article 59 (incapacity benefit: restriction to recent contributors);
- (b) Article 60 (incapacity benefit: reduction for pension payments);
- (c) Article 61 (incapacity benefit: persons incapacitated in youth);
- (d) Article 62 (abolition of severe disablement allowance);

(a) S.I. 1999/3147 (N.I. 11)
(b) See Article 8(b) of S.R. 1999 No. 481

- (e) paragraphs 20 (contribution conditions) and 21 (incapacity benefit: rate) of Schedule 8 (welfare benefits: minor and consequential amendments) and Article 67 (welfare benefits: miscellaneous amendments) in so far as it relates to those paragraphs;
- (f) paragraph 25 (abolition of severe disablement allowance) of Schedule 8 and Article 67 in so far as it relates to that paragraph, and
- (g) Part IV of Schedule 10 (abolition of severe disablement allowance) and Article 76 (repeals) in so far as it relates to that Part,

are as provided in paragraphs (4) and (5).

(4) For the purpose only of authorising the making of regulations, the day appointed is 3rd November 2000.

(5) For all other purposes, the day appointed is 6th April 2001.

(6) The day appointed for the coming into operation of paragraphs 19 and 24 (Assembly, etc. control of regulations and orders) of Schedule 8 and Article 67 in so far as it relates to those paragraphs, is 3rd November 2000.

Transitional provision in relation to incapacity benefit

3.—(1) Notwithstanding the commencement of Article 59, where a person is entitled to incapacity benefit by virtue of paragraph 2 of Schedule 3 to the Contributions and Benefits Act(a) (contribution conditions for short-term incapacity benefit) on any day of incapacity for work in a period of incapacity for work beginning before 6th April 2001 which continues, whether or not by virtue of section 30C(b) or regulations made thereunder, on or after that date, that paragraph of that Schedule shall have effect in relation to him, in that period of incapacity for work, as if Article 59 had not been commenced.

(2) Notwithstanding the commencement of Article 60 and paragraph 21 of Schedule 8, where a person is entitled to incapacity benefit under sections 30A to 30E(c) on any day of incapacity for work in a period of incapacity for work beginning before 6th April 2001 which continues, whether or not by virtue of section 30C or regulations made thereunder, on or after that date, sections 30A to 30E shall have effect in relation to him, in that period of incapacity for work, as if Article 60 and paragraph 21 of Schedule 8 had not been commenced.

Savings for existing severe disablement allowance beneficiaries

4. Notwithstanding the commencement of the provisions referred to in Article 2(3)(d), (f) and (g) of this Order (“severe disablement allowance provisions”), the provisions referred to in paragraph 25 of Schedule 8 and

(a) Paragraph 2 was amended by Articles 3(2) and 5(2) of, and paragraph 38(2) of Schedule 1 to, the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))

(b) Sections 30C to 30E were inserted by Article 5(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(c) Section 30A was inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and section 30B was inserted by Article 4(1) of that Order and the proviso in subsection (3) was amended by paragraphs 14(b) and 18(3) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

Part IV of Schedule 10 shall continue to have effect, in the period of incapacity for work beginning before 6th April 2001 which would have continued, whether or not by virtue of section 30C or 68(10) or (10A)(a) or regulations made thereunder, on or after that date but for the commencement of the severe disablement allowance provisions, as if those provisions had not been commenced—

- (a) in relation to a person to whom paragraph (b) does not apply, who is entitled to severe disablement allowance under section 68 or 69 on any day of incapacity for work in that period of incapacity for work, or
- (b) until 6th April 2002, in relation to a person who—
 - (i) was under the age of 20 years on 6th April 2001, and
 - (ii) is entitled to severe disablement allowance under section 68(1) on any day of incapacity for work in that period of incapacity for work.

Sealed with the Official Seal of the Department for Social Development on 2nd November 2000.

(L.S.)

John O'Neill
Senior Officer of the Department
for Social Development

(a) Subsection (10A) was inserted by Article 11(2) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order provides for the coming into operation of the following provisions of the Welfare Reform and Pensions (Northern Ireland) Order 1999—

in so far as it is not already in operation, Article 10 (monitoring of employers' payments to personal pension schemes), on 6th April 2001 (Article 2(1)),

in so far as they are not already in operation, Article 56 (couples to make joint claim for allowance) and Schedule 7 (joint claims for jobseeker's allowance), on 19th March 2001 (Article 2(2)),

Article 59 (incapacity benefit: restriction to recent contributors), Article 60 (incapacity benefit: reduction for pension payments), Article 61 (incapacity benefit: persons incapacitated in youth), Article 62 (abolition of severe disablement allowance), paragraphs 20 and 21 (incapacity) and paragraph 25 (abolition of severe disablement allowance) of Schedule 8 (welfare benefits: minor and consequential amendments), and Article 67 in so far as it relates to those paragraphs, and the repeals mentioned in Part IV (abolition of severe disablement allowance) of Schedule 10 (repeals), and Article 76 in so far as it relates to that Part, for the purposes of authorising the making of regulations, on 3rd November 2000 (Article 2(3) and (4)) and for all other purposes on 6th April 2001 (Article 2(3) and (5)), and

paragraphs 19 and 24 of Schedule 8 (Assembly, etc. control of regulations and orders) and Article 67, in so far as it relates to those paragraphs, on 3rd November 2000 (Article 2(6)).

Transitional arrangements, in relation to incapacity benefit, are made for those claimants who were entitled to incapacity benefit immediately before 6th April 2001 and continue to be entitled to it from that date (Article 3).

Savings are made for all those who were entitled to severe disablement allowance for days immediately before 6th April 2001 (which is the day severe disablement allowance is abolished) and would have continued to be entitled to it on that and subsequent days if the benefit had not been abolished (Article 4).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order.)

The following provisions of the Welfare Reform and Pensions (Northern Ireland) Order 1999 have been brought into operation by—

the Welfare Reform and Pensions (1999 Order) (Commencement No. 1) Order (Northern Ireland) 1999 (S.R. 1999 No. 494 (C. 38)),

the Welfare Reform and Pensions (1999 Order) (Commencement No. 2) Order (Northern Ireland) 2000 (S.R. 2000 No. 68 (C. 2)),

the Welfare Reform and Pensions (1999 Order) (Commencement No. 3) Order (Northern Ireland) 2000 (S.R. 2000 No. 133 (C. 5)),

the Welfare Reform and Pensions (1999 Order) (Commencement No. 4) Order (Northern Ireland) 2000 (S.R. 2000 No. 182 (C. 8)), and

the Welfare Reform and Pensions (1999 Order) (Commencement No. 5) Order (Northern Ireland) 2000 (S.R. 2000 No. 209 (C. 10)).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Article 3	1.10.00	2000 No. 133 (C. 5)
Article 4	1.10.00	2000 No. 133 (C. 5)
Article 5	8.10.01	2000 No. 133 (C. 5)
Article 6	8.10.01	2000 No. 133 (C. 5)
Article 7	8.10.01	2000 No. 133 (C. 5)
Article 8, Sch. 1 (partially)	1.10.00	2000 No. 133 (C. 5)
Sch. 1	8.10.01	2000 No. 133 (C. 5)
Article 9 (partially)	1.10.00	2000 No. 133 (C. 5)
Article 9	8.10.01	2000 No. 133 (C. 5)
Article 11	3.04.00	2000 No. 68 (C. 2)
Article 12 (partially)	29.05.00	2000 No. 182 (C. 8)
(partially)	1.12.00	2000 No. 182 (C. 8)
Article 17, Sch. 2 (partially)	25.04.00	2000 No. 133 (C. 5)
Sch. 2 (partially)	29.05.00	2000 No. 182 (C. 8)
Article 18, Sch. 3	1.12.00	2000 No. 209 (C.10)
Article 19, Sch. 4	1.12.00	2000 No. 209 (C.10)
Article 20	1.12.00	2000 No. 209 (C.10)
Article 21	1.12.00	2000 No. 133 (C. 5)
Article 22	1.12.00	2000 No. 133 (C. 5)
Article 23	1.12.00	2000 No. 133 (C. 5)
Articles 24 to 31	1.12.00	2000 No. 133 (C. 5)
Article 32, Sch. 5	1.12.00	2000 No. 133 (C. 5)
Articles 33 to 46	1.12.00	2000 No. 133 (C. 5)
Article 47, Sch. 6	1.12.00	2000 No. 133 (C. 5)
Article 48	1.12.00	2000 No. 133 (C. 5)
Article 50	12.01.00 and 2.04.00	1999 No. 494 (C. 38)
Article 51	24.04.00 and 9.04.01	2000 No. 133 (C. 5)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Article 52	24.04.00 and 9.04.01	2000 No. 133 (C. 5)
Article 53	24.04.00 and 9.04.01	2000 No. 133 (C. 5)
Article 58	3.04.00	1999 No. 494 (C. 38)
Article 63	12.01.00	1999 No. 494 (C. 38)
Article 64 (partially)	12.01.00	1999 No. 494 (C. 38)
Article 64	9.04.01	2000 No. 182 (C. 8)
Article 66	18.04.00 and 15.05.00	2000 No. 133 (C. 5)
Article 67, Sch. 8 (partially)	16.12.99	1999 No. 494 (C. 38)
Sch. 8 (partially)	12.01.00 and 2.04.00	1999 No. 494 (C. 38)
Sch. 8 (partially)	3.04.00	1999 No. 494 (C. 38)
Sch. 8 (partially)	24.04.00 and 9.04.01	2000 No. 133 (C. 5)
Sch. 8 (partially)	1.12.00	2000 No. 133 (C. 5)
Article 74, Sch. 9 (partially)	1.12.00	2000 No. 133 (C. 5)
Sch. 9 (partially)	18.04.00	2000 No. 133 (C. 5))
Sch. 9 (partially)	1.12.00	2000 No. 209 (C. 10)
Article 75 (partially)	1.12.00	2000 No. 209 (C. 10)
Article 76, Sch. 10 (partially)	2.04.00	1999 No. 494 (C. 38)
Sch. 10 (partially)	24.04.00 and 9.04.01	2000 No. 133 (C. 5)
Sch. 10 (partially)	25.04.00	2000 No. 133 (C. 5)
Sch. 10 (partially)	1.12.00	2000 No. 133 (C. 5)
Sch. 10 (partially)	1.12.00	2000 No. 209 (C. 10)

£2-00

Published by The Stationery Office Limited

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly
Dd. 602136. C3. 11/10. Gp. 130. 14567.