



Welfare Reform and Pensions Act 1999

1999 CHAPTER 30

PART VI

GENERAL

Miscellaneous

81 Contributions and pensions administration

Schedule 11 (which contains amendments dealing with administrative matters relating to contributions and pensions) shall have effect.

82 Authorisation of certain expenditure

(1) Where—

- (a) a Minister of the Crown is proposing that or considering whether an Act should change the law as from a specified date, or a date to be determined, and
- (b) the Secretary of State is of the opinion that the change is such that, unless expenditure for preparing for the change is incurred during the period before the passing of that Act, it will not be possible for a service for which he has or will have responsibility to be effectively provided as from that date,

the Secretary of State may, subject to subsections (2) and (3), incur such expenditure during that period.

(2) Expenditure is not authorised by virtue of subsection (1) unless—

- (a) the Secretary of State has with the consent of the Treasury laid before the House of Commons a report which states—
 - (i) the change in the law which the Minister of the Crown is proposing or considering, and
 - (ii) the amount of the expenditure which the Secretary of State proposes to incur and the purposes for which he proposes to incur it; and
- (b) the report has been approved by a resolution of the House of Commons.

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- (3) Expenditure is not authorised by virtue of subsection (1) at any time after the end of the period of two years beginning with the day on which the resolution under subsection (2)(b) is passed.
- (4) Subsection (1) is without prejudice to any power of the Secretary of State to incur expenditure otherwise than by virtue of that subsection.
- (5) There shall be made out of the National Insurance Fund into the Consolidated Fund such payments as the Secretary of State determines (in accordance with any directions of the Treasury) to be appropriate in consequence of the operation of this section.
- (6) Any payments falling to be made by virtue of subsection (5) shall be made at such times and in such manner as may be determined by the Treasury.
- (7) In this section “the Secretary of State” means the Secretary of State having responsibility for social security.

Supplementary

83 Regulations and orders

- (1) Any power under this Act to make regulations or orders (other than orders under section 72(2)) shall be exercisable by statutory instrument.
- (2) A statutory instrument—
 - (a) which contains (whether alone or with other provisions) regulations made under this Act, and
 - (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,
 shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A statutory instrument containing an order under section 27(3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Any power under this Act to make regulations or orders may be exercised—
 - (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
 - (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act;
 - (iii) any such provision either unconditionally or subject to any specified condition.
- (5) Where any such power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes.
- (6) Any such power includes power—

- (a) to make such incidental, supplementary, consequential, saving or transitional provision (including provision amending, repealing or revoking enactments) as appears to the authority making the regulations or order to be expedient; and
 - (b) to provide for a person to exercise a discretion in dealing with any matter.
- (7) Any power to make regulations or an order for the purposes of any provision of this Act is without prejudice to any power to make regulations or an order for the purposes of any other provision of this or any other Act.
- (8) Any power conferred by this Act to make regulations or an order relating to—
- (a) housing benefit, or
 - (b) council tax benefit,
- includes power to make different provision for different areas or different authorities; and regulations under section 60 or 79 may make different provision for different areas.
- (9) Without prejudice to the generality of any of the preceding provisions of this section, regulations under section 60 or 72 may provide for all or any of the provisions of the regulations to apply only in relation to any area or areas specified in the regulations.
- (10) Any power to make regulations under Part IV, except sections 28 and 48, shall, if the Treasury so direct, be exercisable only in conjunction with them.
- (11) Before exercising any power to make regulations under Part IV, the authority on whom the power is conferred, or, if the power is the subject of a direction under subsection (10), that authority and the Treasury acting jointly, shall consult such persons as the authority, or the authority and the Treasury, may consider appropriate.

84 Consequential amendments etc

- (1) The consequential amendments specified in Schedule 12 shall have effect.
- (2) The Secretary of State may by regulations make such amendments or revocations of any instrument made under an Act as he thinks necessary or expedient in consequence of the coming into force of any of the provisions specified in subsection (4).
- (3) The Secretary of State may, for the purposes of or in connection with the coming into force of any of the provisions specified in subsection (4), make by regulations any provision which could be made by an order bringing the provision into force.
- (4) The provisions mentioned in subsections (2) and (3) are—
 - (a) Part IV;
 - (b) subsection (1) above so far as relating to paragraphs 14 to 63 of Schedule 12; and
 - (c) section 88 so far as relating to Part III of Schedule 13.

85 Transitional provisions

- (1) The Secretary of State may, for the purposes of or in connection with the coming into force of any provisions of Parts I and II, by regulations make such transitional adaptations or modifications—
 - (a) of those provisions, or
 - (b) in connection with those provisions, of any provisions of—

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- (i) this Act,
 - (ii) the Pension Schemes Act 1993, or
 - (iii) the Pensions Act 1995,

then in force,

as he considers necessary or expedient.
- (2) For the purposes of subsection (1), section 88 so far as relating to Part I of Schedule 13, together with that Part of that Schedule, shall be taken to be comprised in Part II of this Act.
- (3) No pension sharing order may be made—
 - (a) under section 24B of the Matrimonial Causes Act 1973 if the proceedings in which the decree is granted were begun before the day on which section 19 comes into force, or
 - (b) under section 31(7B) of that Act if the marriage was dissolved by a decree granted in proceedings so begun.
- (4) Paragraph 3 of Schedule 3 does not have effect if the proceedings in which the decree is granted were begun before the day on which section 19 comes into force.
- (5) Where an action of divorce or an action for declarator of nullity has been brought before the day on which section 20 comes into force—
 - (a) no pension-sharing order may be made under section 8(1) of the Family Law (Scotland) Act 1985, and
 - (b) neither paragraph (f) of section 28(1) nor paragraph (f) of section 48(1) shall apply,

in relation to that divorce or declarator.
- (6) The Secretary of State may by regulations make such transitional or consequential provision, or such savings, as he considers necessary or expedient for the purposes of or in connection with—
 - (a) the coming into force of any provision of Part V, or
 - (b) the operation of any enactment repealed or amended by a provision of Part V during any period when the repeal or amendment is not wholly in force.
- (7) For the purposes of subsection (6), section 88 so far as relating to Parts IV to VII of Schedule 13, together with those Parts of that Schedule, shall be taken to be comprised in Part V of this Act.

86 General financial provisions

- (1) There shall be paid out of money provided by Parliament—
 - (a) any expenditure incurred by a Minister of the Crown or government department under this Act; and
 - (b) any increase attributable to this Act in the sums which under any other Act are payable out of money so provided.
- (2) There shall be paid into the Consolidated Fund any increase attributable to this Act in the sums which under any other Act are payable into that Fund.

87 Corresponding provisions for Northern Ireland

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it is made only for purposes corresponding to those of this Act—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament), but
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

88 Repeals

The enactments specified in Schedule 13 (which include certain enactments no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.

89 Commencement

- (1) Subject to the provisions of this section, the provisions of this Act shall not come into force until such day as the Secretary of State may by order appoint.
- (2) The following provisions shall not come into force until such day as the Lord Chancellor may by order appoint—
 - (a) sections 19, 21 and 22;
 - (b) section 84(1) so far as relating to paragraphs 1 to 4 and 64 to 66 of Schedule 12;
 - (c) section 85(3) and (4); and
 - (d) section 88 so far as relating to the entries in Part II of Schedule 13 in respect of the Matrimonial Causes Act 1973, the Matrimonial and Family Proceedings Act 1984 and sections 9(8) and 16 of the Family Law Act 1996.
- (3) The following provisions shall not come into force until such day as the Treasury may by order appoint—
 - (a) sections 73 to 78;
 - (b) section 84(1) so far as relating to paragraphs 74, 76 to 78 and 84 to 86 of Schedule 12; and
 - (c) section 88 so far as relating to Parts VI and VII of Schedule 13.
- (4) The following provisions come into force on the day on which this Act is passed—
 - (a) sections 52, 57, 58, 60, 68 and 71;
 - (b) section 70 so far as relating to Part V of Schedule 8;
 - (c) section 72;
 - (d) sections 79 to 83;
 - (e) section 84(1) so far as relating to paragraphs 13, 79 to 83 and 87 of Schedule 12;
 - (f) section 84(2) to (4);
 - (g) section 85(1), (2), (6) and (7); and
 - (h) sections 86 and 87, this section and sections 90 and 91.
- (5) The following provisions come into force on the day on which this Act is passed, but for the purpose only of the exercise of any power to make regulations—
 - (a) Parts I to IV;

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- (b) sections 59 and 61; and
 - (c) section 70 so far as relating to paragraph 23 of Schedule 8.
- (6) Without prejudice to section 83, an order under this section may appoint different days for different purposes or different areas.

90 Extent

- (1) The following provisions extend to England and Wales only—
- (a) section 15;
 - (b) paragraph 2 of Schedule 2, and section 18 so far as relating thereto;
 - (c) sections 19, 21 and 22 and Schedules 3 and 4;
 - (d) paragraphs 1 to 4, 64 to 66 and 70 to 72 of Schedule 12, and section 84(1) so far as relating thereto; and
 - (e) section 85(3) and (4).
- (2) The following provisions extend to Scotland only—
- (a) sections 13 and 16;
 - (b) paragraph 1 of Schedule 2, and section 18 so far as relating thereto;
 - (c) section 20;
 - (d) paragraphs 5 to 12 and 67 to 69 of Schedule 12, and section 84(1) so far as relating thereto; and
 - (e) section 85(5).
- (3) The following provisions extend to England and Wales and Scotland only—
- (a) Part I;
 - (b) sections 9 to 12, 14 and 17;
 - (c) Schedule 2 (except for paragraphs 1, 2, 3(1), 7(2) and 16), and section 18 so far as relating thereto;
 - (d) sections 23, 24 and 26;
 - (e) Part IV except sections 42 to 44;
 - (f) Chapter I of Part V (except paragraph 1 of Schedule 8, and section 70 so far as relating thereto);
 - (g) sections 73, 75 and 77 and Schedule 9;
 - (h) section 79;
 - (i) paragraphs 1 to 8, 20 to 23, 32(b), 33, 35 and 37 of Schedule 11, and section 81 so far as relating thereto;
 - (j) paragraphs 14 to 63, 66(17), 76 to 80, 82, 83 and 87 of Schedule 12, and section 84(1) so far as relating thereto; and
 - (k) section 84(2) to (4).
- (4) The following provisions extend to England and Wales, Scotland and Northern Ireland—
- (a) paragraphs 3(1) and 16 of Schedule 2, and section 18 so far as relating thereto;
 - (b) sections 42 to 44;
 - (c) paragraph 1 of Schedule 8, and section 70 so far as relating thereto;
 - (d) section 80;
 - (e) paragraphs 29 to 31 and 32(a) of Schedule 11, and section 81 so far as relating thereto;

- (f) sections 82 and 83;
 - (g) paragraphs 13, 73 to 75 and 81 of Schedule 12, and section 84(1) so far as relating thereto;
 - (h) sections 85(1), (2), (6) and (7) and 86; and
 - (i) section 89, this section and section 91.
- (5) The following provisions extend to Northern Ireland only—
- (a) paragraph 7(2) of Schedule 2, and section 18 so far as relating thereto;
 - (b) sections 74, 76 and 78 and Schedule 10;
 - (c) paragraphs 9 to 19, 24 to 28, 34, 36 and 38 of Schedule 11, and section 81 so far as relating thereto;
 - (d) paragraphs 84 to 86 of Schedule 12, and section 84(1) so far as relating thereto; and
 - (e) section 87.
- (6) Nothing in the preceding provisions of this section applies to any repeal made by this Act; and the extent of any such repeal is the same as that of the enactment repealed.

91 Short title, general interpretation and Scottish devolution

- (1) This Act may be cited as the Welfare Reform and Pensions Act 1999.
- (2) In this Act—
- “the Administration Act” means the Social Security Administration Act 1992;
 - “the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992.
- (3) In this Act, except sections 84(2) and (3), 85(1) and (6) and 89, and in any Act amended by this Act, references to the coming into force of any provision of this Act are to its coming into force otherwise than for the purpose of authorising the making of regulations.
- (4) For the purposes of the Scotland Act 1998, the following provisions shall be taken to be pre-commencement enactments within the meaning of that Act—
- (a) paragraphs 8(3) and (4) and 10 of Schedule 12; and
 - (b) so far as relating to those provisions, sections 83, 84(1) and 89(1) and (5).