

STATUTORY INSTRUMENTS

1986 No. 1959 (C.73)

SOCIAL SECURITY

The Social Security Act 1986 (Commencement No. 4) Order 1986*Made* - - - 15th November 1986

The Secretary of State for Social Services, in exercise of the powers conferred on him by section 88(1) of the Social Security Act 1986(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation and interpretation

1.—(1) This order may be cited as the Social Security Act 1986 (Commencement No. 4) Order 1986.

(2) In this order unless the context otherwise requires references to sections and Schedules are references to sections of and Schedules to the Social Security Act 1986.

Appointed days

2. Subject to the exceptional provisions in articles 3 and 4, the day appointed for the coming into force —

- (a) of the provisions of the Social Security Act 1986 specified in Part I of the Schedule to this order is 15th March 1987;
- (b) of the provisions of that Act specified in Part II of the Schedule to this order is 6th April 1987;
- (c) of the provisions of that Act specified in Part III of the Schedule to this order is 7th April 1987.

Saving for appeals from decisions of social security appeal tribunals recorded in writing before the appointed day

3. The bringing into operation of the repeal of section 15 of the Social Security Act 1980(b) (leave required for appeal from social security appeal tribunal to Commissioner) and the amendment made to it by paragraph 18 of Schedule 8 to the Health and Social Services and Social Security Adjudications Act 1983(c) shall not have effect in relation to any decisions of social security appeal tribunals which are recorded in writing before the appointed day.

(a) 1986 c.50; section 83(1) provides for section 166(1) to (3A) of the Social Security Act 1975 (c.14) (extent of powers) to apply to the powers conferred by section 88(1).

(b) 1980 c.30; references in section 15 to social security appeal tribunals were substituted for references to local tribunals by paragraph 1 of Schedule 8 to the Health and Social Services and Social Security Adjudications Act 1983(c.41).

(c) 1983 c.41.

Saving for the review of, or appeal from, determinations before the appointed day in relation to overpayments

4.—(1) The bringing into operation of subsections (1), (2), (4) and (5) of section 53 (overpayments) and of the repeal, in whole or in part, of the enactments specified in paragraph (2) of this article (overpayments and set-off) and the provisions by which those enactments have been amended shall not have effect in relation to any review of, or appeal from, any determination, first made before 6th April 1987, of any question of repayment or recoverability under those enactments.

(2) The enactments specified for the purposes of paragraph (1) of this article are —

Section 8 of the Family Income Supplements Act 1970(a).

Sections 86 and 119 of the Social Security Act 1975(b).

Section 20 of the Supplementary Benefits Act 1976(c).

Signed by authority of the Secretary of State for Social Services.

John Major,
Minister of State,
Department of Health and Social Security.

15th November 1986.

Article 2

SCHEDULE

PART I

(PROVISIONS COMING INTO FORCE ON 15TH MARCH 1987)

Provisions of the Social Security Act 1986	Subject matter
Section 46(4) and (5) Paragraph 6(a) of Schedule 4 and section 49 so far as it relates to it.	Statutory maternity pay

(a) 1970 c.55.

(b) 1975 c.14.

(c) 1976 c.71.

PART II

(PROVISIONS COMING INTO FORCE ON 6TH APRIL 1987)

Provisions of the Social Security Act 1986	Subject matter
Section 27, for the sole purpose of enabling its provisions to have effect under Schedule 7, paragraph 2 in relation to supplementary benefit	Prevention of duplication of payments
Section 32(1), (2)(a) and (3) to (7)	Social Fund payments for maternity and funeral expenses
Section 38, to the extent that it is not already in force	Abolition of maternity grant
Section 40	Abolition of child's special allowance except for existing beneficiaries
Section 41	Abolition of death grant
Sections 46, to the extent that it is not brought into force by Part I of this Schedule, and sections 47 to 50	Statutory maternity pay
Section 51, except for the purpose of applying subsection (1)(a) to (s) to benefits under the Social Security Act 1975 and child benefit	Claims and payments
Section 53	Overpayments
Sections 54 to 59	Common provisions on offences, proceedings, inspection and disclosure of information
Section 60	Notification of deaths
Sections 67, to the extent that it is not already in force and 68	Statutory sick pay
Section 69	Repeal of section 92 of the Social Security Act 1975 (Estains)
Section 79(4) to (6)	Crown employment
Section 80, except in its application to Part I of the Social Security Act 1986	Modifications for special cases
Schedule 4, to the extent that it is not brought into force by Part I of this Schedule, and section 49 so far as it relates to it	Statutory maternity pay
Schedule 7, paragraphs 1, 2, 3, except in its application to section 51(1)(a) to (s) of the Social Security Act 1986, and 4 to 7, and section 73 so far as it relates to them	Applications of new common provisions to supplementary benefit etc.
Schedule 8 and section 75 so far as it relates to it	Earnings factors
Schedule 10 in the respects specified below and section 86(1) so far as it relates to them —	Minor and consequential amendments
paragraphs 71, 72, 74 to 81	(Statutory maternity pay etc.)

Provisions of the Social Security Act 1986	Subject matter
paragraph 87	(entitlement conditional on claim within time)
paragraph 101(a) except in its application to widow's payments	(taxation of benefits)
paragraph 103	(references to Social Security Acts 1975 to 1986)
paragraph 108(a)	(forfeiture)
The following repeals in Schedule 11 and section 86(2) so far as it relates to them —	Repeals
Supplementary Benefit Act 1966(a), section 26	(overpayment recovery)
Social Work (Scotland) Act 1968(b), in section 28(2) the words "and not reimbursed under section 32 of the Social Security Act 1975"	(death grant)
Income and Corporation Taxes Act 1970(c), in section 219(1) the words "death grant" and in section 219A(1)(b) the word "and"	(income tax in relation to death grant)
Family Income Supplements Act 1970(d) sections 8(5) and (6), 11 and 12	(family income supplements, overpayments, offences and proceedings)
Local Government Act 1972(e), in section 119(2) the words from "having" to the end	(death grant)
Social Security Act 1973(f), section 92(3) and (4) and Schedule 23	(offences and proceedings)
National Insurance Act 1974(g), in section 6(1) the words "the Supplementary Benefits Act 1976, the Family Income Supplements Act 1970," and the words "or the Social Security and Housing Benefits Act 1982"	(correction and setting aside decisions)
The provisions of the Social Security Act 1975(h) specified below —	
(i) in section 13(1) the entry relating to death grant	(death grant)
(ii) sections 21 and 32	(maternity grant and death grant)
(iii) section 92	(Estains)
(iv) section 95, in section 100(1) the words "adversely to the claimant", section 100(5) and (6), in section 104(1A), the words "in prescribed circumstances", section	(determination of questions)

(a) 1966 c.20.

(b) 1968 c.49.

(c) 1970 c.10.

(d) 1970 c.55.

(e) 1972 c.70.

(f) 1973 c.38.

(g) 1974 c.14.

(h) 1975 c.14.

Provisions of the Social Security Act 1986	Subject matter
106(3), in section 107(4) the words “, whether or not the claimant is the person at whose instance the declaration was made”, in section 107(6) the words “by fresh evidence” and paragraph (b), in section 110(1) the words “by fresh evidence”, section 114(3) and (4), section 117(4) and, in subsection (5), paragraph (a) and the word “and” immediately following it	
(v) section 119(1) to (2A), (5) and (6)	(overpayments)
(vi) section 135(2)(g)	(maternity grant)
(vii) section 136	(Estains)
(viii) sections 144 and 145	(inspection)
(ix) sections 146(3)(c) and (5) and 147	(offences and proceedings)
(x) section 164	(disclosure of information)
(xi) Schedule 3, Part I, paragraph 7 and in Part II, in paragraph 8(3) the words “or a maternity allowance,” and paragraph 12	(death grant and maternity allowance)
(xii) Schedule 4, Part II	(maternity grant and death grant)
(xiii) in Schedule 8, paragraph (b) of the proviso to paragraph 5 and the word “and” immediately preceding it	(assessment of disablement)
(xiv) in Schedule 16, paragraph 4	(set-off regulations)
Industrial Injuries and Diseases (Old Cases) Act 1975(a), sections 9(3) and 10	(overpayments and offences)
Social Security (Consequential Provisions) Act 1975(b), Schedule 2, paragraphs 5 and 35	(death grant)
Social Security Pensions Act 1975(c), in section 19(2), the words “and (3)(b)” and Schedule 4, paragraph 17	
Child Benefit Act 1975(d), section 9(1), 10 and 11 and, in the definition of “recognised educational establishment”, in section 24(1), the words from “and” to the end, and Schedule 4, paragraphs 11 and 31	(determination of child benefit questions, disclosure and enforcement)
Adoption Act 1976(e), section 47(3)	(death grant, adjudication)

(a) 1975 c.16.
(d) 1975 c.61.

(b) 1975 c.18.
(e) 1976 c.36.

(c) 1975 c.60.

Provisions of the Social Security Act 1986	Subject matter
Supplementary Benefits Act 1976(a), section 20(1), (2), (5), (6) and (7) and section 21	(overpayment and offences)
Social Security (Miscellaneous Provisions) Act 1977(b), section 19	(inspection)
Social Security Act 1979(c), section 6 and 8	(appeals, overpayments)
Child Care Act 1980(d) in section 25(2), the words from "less" to the end	(death grant)
Social Security Act 1980(e), in section 5, in subsection (1) the words from "and in subsection (2)", in paragraph (i), to the end of the subsection and subsections (2) to (4), section 14(6), section 15, in section 17(2) the words from "a tribunal" to the end, section 20(3), in Schedule 1, in paragraph 9 the words "or section 95(1)(b) or (c)" and paragraph 10, Schedule 2, paragraphs 19(a), (b) and (d) and 20, and Schedule 3, Part II, paragraphs 16 to 18	(appeals to and from Commissioners and miscellaneous amendments)
Social Security Act 1981(f), in Schedule 1 paragraphs 1, 2, 3(b), 4 and 5	(penalties)
Social Security and Housing Benefits Act 1982(g), sections 8, 9(8) to (10), 11 to 16, 19 to 21 and 25, section 41, Schedule 2, paragraph 6, Schedule 3 and Schedule 4, paragraphs 26 and 38	(statutory sick pay) (miscellaneous amendments)
Health and Social Services and Social Security Adjudications Act 1983(h), Schedule 8, paragraphs 18 and 31(3) and Schedule 9, paragraph 20	(adjudication and overpayments)
Public Health (Control of Disease) Act 1984(i), in section 46(5), the words from "less" to the end	(death grant)
Health and Social Security Act 1984(j), Schedule 4, paragraph 12	(set-off)
Social Security Act 1985(k), section 17, Schedule 4, paragraph 2, Schedule 5, paragraphs 37 and 38	(necessity of claim for benefit and miscellaneous amendments)
Insolvency Act 1985(l), in Part II of Schedule 4, the words in paragraph 3(2)(d) from the beginning to "1982"	(insolvency)
Bankruptcy (Scotland) Act 1985(m) Schedule 3, paragraph 9(2)(d)	(insolvency)

(a) 1976 c. 71.

(d) 1980 c. 5.

(g) 1982 c. 24.

(j) 1984 c. 48.

(m) 1985 c. 66.

(b) 1977 c.5.

(e) 1980 c.30.

(h) 1983 c.41.

(k) 1985 c.53.

(c) 1979 c. 18.

(f) 1981 c. 33.

(i) 1984 c. 22.

(l) 1985 c. 65.

PART III

(PROVISIONS COMING INTO FORCE ON 7TH APRIL 1987)

Provisions of the Social Security Act 1986	Subject matter
<p>The following repeals in Schedule 11 and section 86(2) so far as it relates to them —</p> <p>Family Income Supplements Act 1970, section 8(3) and (4)</p> <p>Social Security Act 1975, section 86 and, in section 119(3)(b) of that Act, the words “or out of a requirement to repay any amount by virtue of subsection (2A) above” and section 119(4)(b) to (d)</p> <p>Social Security (Consequential Provisions) Act 1975, Schedule 2, paragraph 41</p> <p>Social Security Pensions Act 1975, Schedule 4, paragraph 14</p> <p>Child Benefit Act 1975, section 7, section 8, except in relation to section 82(3) of the Social Security Act 1975 (suspension of benefit), section 17(5) and (6) and Schedule 4, paragraphs 5, 29 and 33</p> <p>Supplementary Benefits Act 1976, sections 12 and 20(4)</p> <p>Social Security Act 1979, section 7 and Schedule 3, paragraph 9</p> <p>Social Security Act 1980, section 4(4), Schedule 1, paragraph 12 and Schedule 2, paragraphs 11 and 19(c)</p> <p>Social Security and Housing Benefits Act 1982, Schedule 4, paragraph 22</p> <p>Health and Social Services and Social Security Adjudications Act 1983, Schedule 8, paragraph 17</p>	<p>Repeals of enactments which confer or concern regulation-making powers in connection with overpayments</p>

EXPLANATORY NOTE

(This Note is not part of the Order.)

Article 2 of this order appoints 15th March, 6th April and 7th April 1987 as the days for bringing into operation the provisions of the Social Security Act 1986 which are specified in Parts I, II and III, respectively, of the Schedule to this order. Part I concerns the preliminary steps leading to the payment of statutory maternity pay. Part II includes all the other provisions on maternity benefits generally and brings into force social fund payments for maternity and funeral expenses at the same time as the abolition of maternity pay, maternity grant, death grant and child's special allowance except for existing beneficiaries. Part II contains, as well, all those parts of section 51 to 60 of the Act (claims and payments, overpayments and other common provisions), which have not been brought into force by earlier orders except that certain savings are made for social security determinations made before the appointed day (articles 3 and 4) and that the new claims and payments powers in section 51 are applied to statutory sick pay, statutory maternity pay and social fund payments for maternity and funeral expenses, but not to existing benefits generally. As regards income support, family credit and housing benefit, the common provisions in sections 51 to 60 are given effect from 6th April 1987 but will have no practical application until the benefits themselves have been brought into force by means of a further order. Other items in Part II of the Schedule include special provisions relating to statutory sick pay and earnings factors and miscellaneous consequential amendments and repeals. Part III brings into force the repeal of existing regulation-making powers concerning overpayments.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This Note is not part of the Order.)

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s.8	1.11.86	1986/1719
s.11	6. 4.87	1986/1719
s.16	1.11.86	1986/1719
s.39, Sch. 3 (partially)	1.10.86	1986/1609
s.42 (with saving)	5.10.86	1986/1609
ss.43 and 44	5.10.86	1986/1609
s.51 (partially)	1.10.86	1986/1609
s.52, Sch. 5 (with saving)	6. 4.87	1986/1958
s.62	1.10.86	1986/1609
s.67 (partially)	1.10.86	1986/1609
s.71 (partially)	1.10.86	1986/1609
s.82, Sch. 9	6. 4.87	1986/1958
s.86(1), Sch. 10 (partially)	1.10.86	1986/1609
”	1.11.86	1986/1719
”	6. 4.87	1986/1719
s.86(2), Sch. 11 (partially)	1.10.86	1986/1609
”	5.10.86	1986/1609
”	1.11.86	1986/1719