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**2000 No. 2958 (C.89)**

**SOCIAL SECURITY**

**The Welfare Reform and Pensions Act 1999  
(Commencement No. 9, and Transitional and Savings  
Provisions) Order 2000**

*Made - - - - - 1st November 2000*

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 83(1) and (6)(a) and 89(1) and (6) of the Welfare Reform and Pensions Act 1999<sup>(a)</sup>, 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 Welfare Reform and Pensions Act 1999 (Commencement No. 9, and Transitional and Savings Provisions) Order 2000.

(2) In this Order, “the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992<sup>(b)</sup>.

(3) In this Order, references to sections and Schedules are references to sections of, and Schedules to, the Welfare Reform and Pensions Act 1999.

**Appointed days**

2.—(1) The day appointed for the coming into force of section 9 (monitoring of employers’ payments to personal pension schemes), in so far as it is not already in force, is 6th April 2001.

(2) The day appointed for the coming into force of section 59 (couples to make joint claim for allowance) and Schedule 7 (joint claims for jobseeker’s allowance), in so far as those provisions are not in force, is 19th March 2001.

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

- (a) section 62 (incapacity benefit: restriction to recent contributors),
- (b) section 63 (incapacity benefit: reduction for pension payments),
- (c) section 64 (incapacity benefit: persons incapacitated in youth),
- (d) section 65 (abolition of severe disablement allowance),
- (e) section 70 (welfare benefits: miscellaneous amendments) so far as it relates to paragraphs 21 (contribution conditions) and 22 (incapacity benefit: rate) of Schedule 8 (welfare benefits: minor and consequential amendments),
- (f) section 70 so far as it relates to paragraph 26 (beneficiaries under sections 68 and 70 of the Contributions and Benefits Act) of Schedule 8 (welfare benefits: minor and consequential amendments), and

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(a) 1999 c. 30.

(b) 1992 c. 4.

(g) section 88 (repeals) so far as it relates to Part IV of Schedule 13 (abolition of severe disablement allowance),  
are as provided in paragraphs (4) and (5).

(4) For the purpose of authorising the making of regulations in respect of the provisions mentioned in paragraph (3), the appointed day is 3rd November 2000.

(5) For all purposes other than that mentioned in paragraph (4) in respect of the provisions mentioned in paragraph (3), the appointed day is 6th April 2001.

(6) The day appointed for the coming into force of section 70 (welfare benefits: miscellaneous amendments), so far as it relates to—

- (a) paragraphs 20 and 25 (parliamentary control) of Schedule 8, is 3rd November 2000;
- (b) paragraph 27 of Schedule 8 (recovery of fines under the Criminal Justice Act 1991), is 6th April 2001.

### **Transitional provision in relation to incapacity benefit**

3.—(1) Notwithstanding the commencement of section 62 (incapacity benefit: restriction to recent contributors), where a person is entitled to incapacity benefit by virtue of paragraph 2 of Schedule 3 to the Contributions and Benefits Act (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 of the Contributions and Benefits Act 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 section 62 had not been commenced.

(2) Notwithstanding the commencement of section 63 (incapacity benefit: reduction for pension payments) and paragraph 22 of Schedule 8 (incapacity benefit: rate), where a person is entitled to incapacity benefit under sections 30A to 30E of the Contributions and Benefits Act(a) 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 of that Act or regulations made under that section, on or after that date, sections 30A to 30E of that Act shall have effect in relation to him, in that period of incapacity for work, as if section 63 and paragraph 22 of Schedule 8 had not been commenced.

### **Saving for existing severe disablement allowance beneficiaries**

4. Notwithstanding the commencement of the provisions referred to in article 2(3)(d), (f) and (g) and (6)(b) (“severe disablement allowance provisions”), the provisions referred to in paragraphs 26 and 27 of Schedule 8 and Part IV of Schedule 13 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) of the Contributions and Benefits Act 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 of the Contributions and Benefits Act on any day of incapacity for work in that period of incapacity for work; or
- (b) until the beginning of 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) of the Contributions and Benefits Act on any day of incapacity for work in that period of incapacity for work.

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

1st November 2000

*Hugh Bayley*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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(a) Section 30A was inserted by section 1(1) of the Social Security (Incapacity for Work) Act 1994 (c. 18); section 30B was inserted by section 2(1) of that Act; and sections 30C to 30E were inserted by section 3(1) of that Act.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force the following provisions of the Welfare Reform and Pensions Act 1999 (c. 30)—

section 9 (monitoring of employers' payments to personal pension schemes);  
section 59 (couples to make a joint claim for benefit) and Schedule 7 (joint claims for jobseeker's allowance);  
section 62 (incapacity benefit: restriction to recent contributors);  
section 63 (incapacity benefit: reduction for pension payments);  
section 64 (incapacity benefit: persons incapacitated in youth), and  
section 65 (abolition of severe disablement allowance);  
Parts II (incapacity) and III (abolition of severe disablement allowance) of Schedule 8 (welfare benefits: minor and consequential amendments), which are not already in force; and the repeals mentioned in Part IV (abolition of severe disablement allowance) of Schedule 13 (repeals).

For the purpose of authorising the making of regulations, the provisions, except sections 9 and 59 and Schedule 7, mentioned above are brought into force on 3rd November 2000 (article 2(4)).

For all other purposes the provisions referred to above, except section 59 and Schedule 7 and paragraphs 20 and 25 of Schedule 8, are brought into force on 6th April 2001 (article 2(1), (5) and (6)(b)).

Section 59 and Schedule 7, in so far as they are not already in force, are brought into force on 19th March 2001 (article 2(2)).

Paragraphs 20 and 25 of Schedule 8 are brought into force on 3rd November 2000 (article 2(6)(a)).

Transitionals in relation to incapacity benefit are made for those claimants who are 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).

An assessment of the impact on business of the commencement of provisions in the Welfare Reform and Pensions Act 1999 is detailed in the Regulatory Impact Assessment of that Act. A copy of the Assessment has been placed in the libraries of both Houses of Parliament. Copies of the Assessment are available from the Department of Social Security, Regulatory Impact Unit, 3rd Floor, The Adelphi, 1-11 John Adam Street, London WC2N 6HT.

**NOTE AS TO EARLIER COMMENCEMENT ORDERS***(This note is not part of the Order)*

The following provisions have been brought into force by:—

- the Welfare Reform and Pensions Act 1999 (Commencement No. 1) Order 1999 (S.I. 1999/3309) (C. 88),
- the Welfare Reform and Pensions Act 1999 (Commencement No. 2) Order 1999 (S.I. 1999/3420) (C. 92),
- the Welfare Reform and Pensions Act 1999 (Commencement No. 3) Order 2000 (S.I. 2000/629) (C. 13),
- the Welfare Reform and Pensions Act 1999 (Commencement No. 4) Order 2000 (S.I. 2000/1047) (C. 29),
- the Welfare Reform and Pensions Act 1999 (Commencement No. 5) Order 2000 (S.I. 2000/1116) (C. 35),
- the Welfare Reform and Pensions Act 1999 (Scotland) (Commencement No. 6) Order 2000 (S.S.I. 2000/111) (C. 4), or
- the Welfare Reform and Pensions Act 1999 (Commencement No. 7) Order 2000 (S.I. 2000/1382) (C. 41).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	1st October 2000	2000/1047
Section 2	1st October 2000	2000/1047
Sections 3 to 5	8th October 2001	2000/1047
Section 6(1), (2) and (4)	8th October 2001	2000/1047
Schedule 1, except paragraph 1(3), and section 6(3) except in so far as it relates to that sub-paragraph	1st October 2000	2000/1047
Schedule 1 paragraph 1(3), and section 6(3) in so far as it relates to that sub-paragraph	8th October 2001	2000/1047
Section 7	1st October 2000	2000/1047
Section 8, except the definition of 'designated scheme'	1st October 2000	2000/1047
Section 8(1) as it relates to the definition of 'designated scheme'	8th October 2001	2000/1047
Section 10	3rd April 2000	2000/629
Section 11(1), (2) (3) and (11)	29th May 2000	2000/1382
Section 11(12)	1st December 2000	2000/1382
Section 13(1) and (20)	29th May 2000	2000/1382
Schedule 2 in the following respects and section 18 in so far as it relates to them:—		
paragraphs 3 and 4, 8 to 13 and 15 to 19	25th April 2000	2000/1047
paragraphs 1 and 2	29th May 2000	2000/1382
Sections 19, 21 and 22 and Schedules 3 and 4	1st December 2000	2000/1116
Section 20	1st December 2000	2000/1047
Sections 23 and 24	1st December 2000	2000/1047
Section 26 to 51 and Schedules 5 and 6	1st December 2000	2000/1047
Section 53	12th January 2000 and 2nd April 2000	1999/3309
Sections 54 to 56	24th April 2000 and 9th April 2001	2000/1047
Section 61	3rd April 2000	1999/3309
Section 66	12th January 2000	1999/3309

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 67(1) and (2)	12th January 2000	1999/3309
Section 67(3) and (4)	9th April 2001	2000/1382
Schedule 8 in the following respects, and section 70 in so far as it relates to them:—		
Part 1	24th April 2000 and 9th April 2001	2000/1047
paragraph 23(1),(2) and (4)	13th December 1999	1999/3309
paragraph 23(3)	3rd April 2000	1999/3309
paragraph 24	3rd April 2000	1999/3309
paragraphs 30 to 32 (partially)	12th January 2000 and 2nd April 2000	1999/3309
paragraph 33	1st December 2000	2000/1047
Section 73 and Schedule 9	22nd December 1999 and 6th April 2000	1999/3420
Section 74 and Schedule 10	22nd December 1999 and 6th April 2000	1999/3420
Sections 75 and 76	22nd December 1999	1999/3420
Sections 77 and 78	6th April 2000	1999/3420
Schedule 12 in the following respects, and section 84(1) in so far as it relates to them:—		
paragraphs 1 to 4	1st December 2000	2000/1116
paragraphs 5 to 7, and 8(1), (2), (5) and (6)	1st December 2000	2000/1047
paragraph 8(3) and (4)	15th April 2000	S.S.I. 2000/111
paragraphs 9, 10, 11, 12 and 14 to 63	1st December 2000	2000/1047, S.S.I. 2000/2038
paragraphs 64 to 66	1st December 2000	2000/1116
paragraph 73	25th April 2000	2000/1047
paragraph 74	6th April 2000	1999/3420
paragraph 75	25th April 2000	2000/1047
paragraphs 76 to 78	6th April 2000	1999/3420
paragraphs 84 to 86	6th April 2000	1999/3420
Section 85(3) and (4)	1st December 2000	2000/1116
Section 85(5)	1st December 2000	2000/1047
Schedule 13 in the following respects, and section 88 in so far as it relates to them:—		
Part I (partially)	25th April 2000	2000/1047
Part II (partially)	1st December 2000	2000/1047, 2000/1116
Part III	1st December 2000	2000/1047
Part V (partially)	2nd April 2000, 24th April 2000 and 9th April 2001	1999/3309, 2000/1047
Parts VI and VII	6th April 2000	1999/3420





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STATUTORY INSTRUMENTS

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