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STATUTORY INSTRUMENTS

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**2008 No. 2101 (C.99)**

**SOCIAL SECURITY**

**The Welfare Reform Act 2007 (Commencement No. 7, Transitional and Savings Provisions) Order 2008**

*Made - - - - 4th August 2008*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 68 and 70(2) of the Welfare Reform Act 2007<sup>(1)</sup>.

**Citation and interpretation**

1.—(1) This Order may be cited as the Welfare Reform Act 2007 (Commencement No. 7, Transitional and Savings Provisions) Order 2008.

(2) In this Order “the Act” means the Welfare Reform Act 2007.

**Appointed days**

2.—(1) For the purpose only of conferring power to make orders or regulations, the day after the day on which this Order is made is the day appointed for the coming into force of section 42 of the Act (information relating to certain benefits).

(2) 1st September 2008 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 42, in so far as not already in force;
- (b) section 43 (unlawful disclosure of certain information);
- (c) section 67 and Schedule 8 (repeals) so far as they relate to the repeal of sections 94 and 95 of the Local Government Act 2000<sup>(2)</sup>.

(3) 7th October 2008 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 50 (widowed mother’s allowance);
- (b) section 51 (widowed parent’s allowance);
- (c) section 67 and Schedule 8 so far as they relate to the repeal of paragraphs 26 and 28 of Schedule 3 to the Tax Credits Act 2002<sup>(3)</sup>.

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(1) 2007 c.5.  
(2) 2000 c.22.  
(3) 2002 c.21.

### **Transitional and savings provisions**

3.—(1) The following provisions of the Local Government Act 2000 continue to have effect after 31st August 2008 in relation to information supplied on or before that date by virtue of section 94 of that Act—

- (a) section 94(4), (5) and (6) (which permits the onward supply of information received by virtue of section 94(3) to a person providing qualifying welfare services); and
- (b) section 95 (under which a person is guilty of an offence if he makes an unauthorised disclosure of information).

(2) Paragraph (1) applies notwithstanding article 2(2) (which brings into force on 1st September 2008 the repeal of sections 94 and 95).

(3) In cases to which article 3(2) of the Tax Credits Act 2002 (Commencement No. 3 and Transitional Provisions and Savings) Order 2003<sup>(4)</sup> applies, sections 37 (widowed mother's allowance)<sup>(5)</sup> and 39A (widowed parent's allowance)<sup>(6)</sup> of the Social Security Contributions and Benefits Act 1992<sup>(7)</sup> (as they continue to apply by virtue of article 4 of that Order) have effect as if the amendments specified in sections 50 and 51 of the Act had not come into force.

Signed by authority of the Secretary of State for Work and Pensions.

*Stephen C. Timms*  
Minister of State,

Department for Work and Pensions

4th August 2008

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(4) [S.I. 2003/938](#).

(5) Section 37 of the Social Security Contributions and Benefits Act 1992 ([c.4](#)) was amended by paragraphs 24 and 26 of Schedule 3 to the Tax Credits Act 2002 ([c.21](#)), section 254(1) of, and paragraph 18 of Schedule 24 to, the Civil Partnership Act 2004 ([c.33](#)) and section 1(3) of, and paragraphs 1 and 2 of Schedule 1 to, the Child Benefit Act 2005 ([c.6](#)).

(6) Section 39A of the Social Security Contributions and Benefits Act 1992 was inserted by section 55(2) of the Welfare Reform and Pensions Act 1999 ([c.30](#)) and amended by paragraphs 24 and 28 of Schedule 3 to the Tax Credits Act 2002, section 254(1) of, and paragraph 20 of Schedule 24 to, the Civil Partnership Act 2004 and section 1(3) of, and paragraphs 1 and 3 of Schedule 1 to, the Child Benefit Act 2005.

(7) [1992 c.4](#).

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## EXPLANATORY NOTE

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

This Order brings into force the following sections of the Welfare Reform Act 2007 (“the Act”):

- (a) section 42 (information relating to certain benefits);
- (b) section 43 (unlawful disclosure of certain information);
- (c) section 50 (widowed mother’s allowance);
- (d) section 51 (widowed parent’s allowance); and
- (e) section 67 of, and Schedule 8 to, the Act (repeals), so far as they relate to the repeal of—
  - (i) sections 94 and 95 of the Local Government Act 2000; and
  - (ii) paragraphs 26 and 28 of Schedule 3 to the Tax Credits Act 2002.

Section 42 relates to information sharing for purposes connected with “welfare services” and certain income-related benefits. Section 43 creates an offence of unlawful disclosure of certain information so shared. The Order also brings into force the repeal of sections 94 and 95 of the Local Government Act 2000 which set out, respectively, an existing information sharing provision relating to welfare services and income-related benefits and a related unauthorised disclosure of information provision.

Section 42 is to come into force for the purposes of making regulations and orders on the day after the day on which this Order is made. The other related provisions (and section 42 for remaining purposes) are to come into force on 1st September 2008.

Section 50 amends section 37(2) of the Social Security Contributions and Benefits Act 1992 so that entitlement to widowed mother’s allowance on the ground of being entitled to child benefit is no longer linked to whether one of the conditions specified in section 77(5) of that Act is satisfied. Section 51 amends section 39A(3) of that Act in respect of widowed parent’s allowance in the same way. The Order also brings into force connected repeals.

Sections 50 and 51 and the connected repeals are to come into force on 7th October 2008.

Article 3 sets out transitional and savings provisions. Paragraphs (1) and (2) provide that where persons have been supplied with information pursuant to section 94 of the Local Government Act 2000:

- (a) they will continue to be permitted to supply that information to persons providing qualifying welfare services; and
- (b) it will remain an offence for them, in certain circumstances, to disclose that information without lawful authority.

Paragraph (3) makes transitional provision relating to entitlement to widowed mother’s allowance and widowed parent’s allowance for the cases to which article 3(2) of the Tax Credits Act 2002 (Commencement No. 3 and Transitional Provisions and Savings) Order 2003 applies (broadly speaking, persons entitled to a child dependency increase before 6th April 2003).

A full impact assessment has not been published for this instrument as it has no impact on the private or voluntary sectors.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	27th October 2008	2008/787
Section 2(1)(a) and (c) and (4)(a) and (c) (partially)	18th March 2008	2008/787
Section 2 (for all other purposes)	27th October 2008	2008/787
Section 3(1)(c) and (2)(b) and (d) (partially)	18th March 2008	2008/787
Section 3(3) for the purposes of prescribing a payment under paragraph (b) of the definition of “pension payment” (partially)	18th March 2008	2008/787
Section 3 (for all other purposes)	27th October 2008	2008/787
Section 4(2)(a), (3) and (6)(a) and (c) (partially)	18th March 2008	2008/787
Section 4 (for all other purposes)	27th October 2008	2008/787
Section 5(2) and (3) (partially)	18th March 2008	2008/787
Section 5 (for all other purposes)	27th October 2008	2008/787
Sections 6 and 7	27th October 2008	2008/787
Section 8 except for subsection (4)(c) (partially)	18th March 2008	2008/787
Section 8 (for all other purposes)	27th October 2008	2008/787
Section 9 except for subsection (4)(c) (partially)	18th March 2008	2008/787
Section 9 (for all other purposes)	27th October 2008	2008/787
Section 10	27th October 2008	2008/787
Section 11(1), (2)(a) to (g), (3) to (5), (6)(a) and (7)(c) (partially)	18th March 2008	2008/787
Section 11 (for all other purposes)	27th October 2008	2008/787
Section 12(1), (2)(a) to (h) and (3) to (7) (partially)	18th March 2008	2008/787
Section 12 (for all other purposes)	27th October 2008	2008/787
Section 14(1) and (2)(a) and (b) (partially)	18th March 2008	2008/787
Section 14 (for all other purposes)	27th October 2008	2008/787
Section 16(2)(a) and (4) (partially)	18th March 2008	2008/787
Section 16 (for all other purposes)	27th October 2008	2008/787
Section 17 (partially)	18th March 2008	2008/787
Section 17 (for all other purposes)	27th October 2008	2008/787

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 18(1), (2) and (4) (partially)	18th March 2008	2008/787
Section 18 (for all other purposes)	27th October 2008	2008/787
Section 19	27th October 2008	2008/787
Section 20(2) to (7) (partially)	18th March 2008	2008/787
Section 20 (for all other purposes)	27th October 2008	2008/787
Section 21	27th October 2008	2008/787
Section 22 insofar as it relates to paragraphs 1 to 7, 8(1), 9, 10, 12 and 14 of Schedule 2 (partially)	18th March 2008	2008/787
Section 22 (for all other purposes)	27th October 2008	2008/787
Section 23(1) and (3) (partially)	18th March 2008	2008/787
Section 23 (for all other purposes)	27th October 2008	2008/787
Section 24(1) for the purpose of defining “employed”, “employment”, “period of limited capability for work”, “prescribed”, “regulations” and “week” (partially)	18th March 2008	2008/787
Section 24(2)(b) and (3) (partially)	18th March 2008	2008/787
Section 24 (for all other purposes)	27th October 2008	2008/787
Section 25(1) to (5) (partially)	18th March 2008	2008/787
Section 25(2)(b) (for all other purposes)	27th July 2008	2008/787
Section 25(1), (2)(a) and (c) and (3) to (7) (for all other purposes)	27th October 2008	2008/787
Section 26(2) (partially)	18th March 2008	2008/787
Section 26 (for all other purposes)	27th October 2008	2008/787
Section 27	27th October 2008	2008/787
Section 28(1) insofar as it relates to certain provisions of Schedule 3 (partially)	18th March 2008	2008/787
Section 28(1) (partially)	27th July 2008	2008/787
Section 28(1) (partially)	27th October 2008	2008/787
Section 28(2) (partially)	18th March 2008	2008/787
Section 28(2) (for all other purposes)	27th October 2008	2008/787
Section 28(3)	27th October 2008	2008/787
Section 29 insofar as it relates to paragraphs 1(1), 2, 3(b), (c) and (d) of Schedule 4 (partially)	18th March 2008	2008/787
Section 29 (partially)	27th July 2008	2008/787
Section 30(1)	7th April 2008	2007/2872

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 30(2) (partially)	1st October 2007	2007/2872
Section 30(2) (for all other purposes)	7th April 2008	2007/2872
Section 30(3) (partially)	1st October 2007	2007/2872
Section 30(3) (for all other purposes)	7th April 2008	2007/2872
Section 31 (partially)	14th June 2007	2007/1721
Section 31 (for all other purposes)	1st November 2007	2007/1721
Section 32 (partially)	1st April 2008	2008/411
Section 32 (for all other purposes)	6th October 2008	2008/411
Section 33 (partially)	1st April 2008	2008/411
Section 33 (for all other purposes)	6th October 2008	2008/411
Section 34 (partially)	1st April 2008	2008/411
Section 34 (for all other purposes)	6th October 2008	2008/411
Section 35(1) (partially)	1st October 2007	2007/2872
Section 35(1) (for all other purposes)	7th April 2008	2007/2872
Section 35(2) (partially)	1st October 2007	2007/2872
Section 35(2) (for all other purposes)	7th April 2008	2007/2872
Section 35(3)	7th April 2008	2007/2872
Section 38	1st April 2008	2008/411
Section 39	1st April 2008	2008/411
Section 41(1)	1st October 2007	2007/2819
Section 46 (partially)	19th February 2008	2008/411
Section 46 (for all other purposes)	7th April 2008	2008/411
Section 47 (partially)	19th February 2008	2008/411
Section 47 (for all other purposes)	7th April 2008	2008/411
Section 49	1st April 2008	2008/787
Section 52	1st October 2007	2007/2819
Section 53	1st October 2007	2007/2819
Section 58 (partially)	12th July 2007	2007/1991
Section 58 (for all other purposes)	10th August 2007	2007/1991
Section 60 (partially)	1st October 2007	2007/2819
Section 60 (for all other purposes)	29th October 2007	2007/2819
Section 63 (partially)	1st October 2007	2007/2819
Section 67 (partially)	1st October 2007	2007/2819
Section 67 (partially)	27th October 2008	2008/787

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 1: paragraphs 1(4) and 3(2), 4(1)(a) and (c), (3) and (4), 6(1)(b), (2) to (4), (7) and (8) and 6(5) for the purposes of the meaning of “couple”, “education” and “remunerative work” (partially)	18th March 2008	<a href="#">2008/787</a>
Schedule 1 (for all other purposes)	27th October 2008	<a href="#">2008/787</a>
Schedule 2: paragraphs 1 to 7, 8(1), 9, 10, 12 and 14 (partially)	18th March 2008	<a href="#">2008/787</a>
Schedule 2 (for all other purposes)	27th October 2008	<a href="#">2008/787</a>
Schedule 3: paragraphs 7(1) and (8), 8, 9(1), (3)(b) and (4), 10(1), (2), (3) to (8), (12) and (32), 12(1) and (5), 15, 17(1), (3), (6) and (7), 18, 20, 23(1) to (5) and (8) and 24 (partially)	18th March 2008	<a href="#">2008/787</a>
Schedule 3: paragraphs 10(1), (2) and (32) and 17(1), (2), (3) and (6) (for all other purposes)	27th July 2008	<a href="#">2008/787</a>
Schedule 3: paragraphs 1 to 4, 6, 7(1), (7) and (8), 8, 9(1) to (4), (6) to (11) and (13), 10(3) to (31), 11 to 16, 17(4), (5), (7) to (9), 18 to 20 and 22 to 24 (for all other purposes)	27th October 2008	<a href="#">2008/787</a>
Schedule 4: paragraphs 1(1), 2, 3(b), (c) and (d) (partially)	18th March 2008	<a href="#">2008/787</a>
Schedule 4: paragraphs 1, 2, 3(b), (c) and (d) (for all other purposes)	27th July 2008	<a href="#">2008/787</a>
Schedule 4: paragraph 11	27th July 2008	<a href="#">2008/787</a>
Schedule 5: paragraphs 5, 6, 7 and 9	1st April 2008	<a href="#">2008/411</a>
Schedule 5: paragraph 12 (partially)	7th April 2008	<a href="#">2007/2872</a>
Schedule 6 (partially)	12th July 2007	<a href="#">2007/1991</a>
Schedule 7 (partially)	1st October 2007	<a href="#">2007/2819</a>
Schedule 8 (partially)	1st October 2007	<a href="#">2007/2819</a>
Schedule 8 (partially)	7th April 2008	<a href="#">2007/2872</a>
Schedule 8 (partially)	27th October 2008	<a href="#">2008/787</a>