

EXPLANATORY NOTES

WELFARE REFORM AND PENSIONS ACT 1999

INTRODUCTION

OVERVIEW

Background to the Act

The measures in the Act

1. Stakeholder Pension Schemes

Background

The measures in the Act

2. Pension Sharing on Divorce

Background

The measures in the Act

3. Bereavement Benefits

Background

The Government's reforms

The measures in the Act

4. Welfare to Work

Background

The measures in the Act

5. Long Term Illness and Disability

Background

The measures in the Act

6. National Insurance contributions (NICs)

Background

The measures in the Act

7. Miscellaneous Measures

PARLIAMENTARY STAGES

COMMENTARY ON SECTIONS

PART I: STAKEHOLDER PENSION SCHEMES

Background

Commentary

Section 1: meaning of “stakeholder pension scheme”

Section 2: Registration of stakeholder pension schemes

Section 3: Duty of employers to facilitate access to stakeholder pension schemes

Section 4: Obtaining information with respect to compliance with section 3

Section 5: Inspection of premises

Section 6: Application of certain enactments

Section 7: Reduced rates of contributions etc: power to specify different percentages

Section 8: Interpretation of Part I

Schedule 1: Application of the 1993 and 1995 Acts to stakeholder pension schemes

Northern Ireland stakeholder pension scheme legislation

PART II: PENSIONS: GENERAL

Section 9: Monitoring of employers’ payments to personal pension schemes

Section 10: Late payments by employers to occupational pension schemes

Section 11: Effect of bankruptcy on pension rights: approved arrangements

Section 12: Effect of bankruptcy on pension rights: unapproved arrangements

Section 14: No forfeiture on bankruptcy of rights under pension schemes

Sections 15-16: Excessive pension contributions made by persons who have become bankrupt

Application for a court order (new section 342A)

Court orders (new sections 342B and 342C)

Pension sharing and bankruptcy

Section 17: Compensating occupational pension schemes

Section 18: Miscellaneous amendments

Schedule 2: Miscellaneous amendments

Paragraphs 1 and 2: Income payments orders against pension payments

Paragraph 3: Extended meaning of “personal pension scheme”

Paragraph 4 : Revaluation of earnings factors: meaning of “relevant year”

Paragraph 5 : Interim arrangements

Paragraph 6: Effect of certain orders on guaranteed minimum pensions

Paragraph 7 : Mandatory payment of contribution equivalent premium

Paragraph 8: Payment by Secretary of State of unpaid pension contributions

Paragraphs 9 to 11: Supervision by the Occupational Pensions Regulatory Authority

Paragraph 9

Paragraph 10

Paragraph 11

Paragraph 12: Occupational pension schemes: institutions who may hold money deposited by trustees etc.

Paragraph 13: Annual increase in rate of pension

Paragraph 14: Occupational pension schemes: certificates etc. relating to minimum funding requirement

Paragraph 15: Excess assets of wound up schemes

Paragraph 16: Pensions Compensation Board

Paragraph 17: Diligence against pensions: Scotland

Paragraph 18: Pensionable service

Paragraph 19: Occupational pension schemes: rights of an employee who is director of a corporate trustee

PARTS III-IV: PENSIONS ON DIVORCE AND NULLITY BACKGROUND

The pension sharing sections

Structure of the provisions about pensions on divorce and nullity

PART III

PART IV

PART VI

Summary of pension sharing provisions

PART III

PART IV

Chapter I

Chapter II

PART VI

General

COMMENTARY

PART III – PENSIONS ON DIVORCE ETC.

Section 19: Pension sharing orders in England and Wales

Section 20: Pension sharing orders in Scotland

Section 21: Sections 25B to 25D of the Matrimonial Causes Act 1973

Section 22: Extension to overseas divorces etc.

Section 25: Power to make consequential amendments of Part III.

PART IV – PENSION SHARING

Chapter I – Sharing of Rights under Pension Arrangements

Section 27: Scope of pension sharing mechanism

Section 28: Activation of pension sharing

Section 29: Creation of pension debits and credits

Section 30: Calculation of cash equivalents

Pension debits

Section 31: Reduction of benefit

Section 32: Effect on contracted-out rights

Section 33: Time for discharge of liability

Section 34: “Implementation period”

Section 35: Mode of discharge of liability

Section 33: Time for discharge of liability

Section 34: “Implementation period”

Section 35: Mode of discharge of liability

These notes refer to the Welfare Reform and Pensions Act 1999 (c.30)

Section 36: Safeguarded rights

Section 37: Requirements relating to pension credit benefit

Chapter I

Chapter II

Section 101K

Section 38: Treatment in winding up

Indexation

Section 39: Public service schemes

Section 40: Other pension schemes

Section 41: Charges by pension arrangements

Adaptation of statutory schemes

Section 42: Extension of scheme-making powers

Section 43: Power to extend judicial pension schemes

Supplementary

Section 44: Disapplication of restrictions on alienation

Section 45: Information

Chapter II – Sharing of State Scheme Rights

Section 47: Shareable state scheme rights

Section 48: Activation of benefit sharing

Section 49: Creation of state scheme pension debits and credits

Section 50: Effect of state scheme pension debits and credits

Schedule 3: Pension sharing orders: England and Wales

Schedule 5: Pension credits: mode of discharge

Funded pension schemes

Unfunded public service pension schemes

Other unfunded occupational pension schemes

Other pension arrangements

Schedule 6: Effect of state scheme pension debits and credits

Schedule 8: Part VII: Retirement Pensions.

Schedule 12: Consequential amendments – Part I

PART V: WELFARE

Chapter I: Social Security Benefits

Section 52: Preservation of rights in respect of additional pension

Commentary

Section 53: Extension of entitlement to state Maternity Allowance

Background

Summary of changes

Commentary

Sections 54-56: Benefits for Widows and Widowers

Background

Summary of changes

Commentary

Section 54: Bereavement Payment

Section 55: New allowances for bereaved spouses

Widowed Parent's Allowance

Bereavement Allowance

Section 56: Additional Pension

Commentary: the inserted section 48BB

Schedule 8: Consequential amendments

Sections 57-58: Work-Focused Interviews

Section 57: Work-focused interviews

Background

Commentary

The power itself

How the power would be used

Supplementary provisions

Section 58: Optional work-focused interviews

These notes refer to the Welfare Reform and Pensions Act 1999 (c.30)

Background

Commentary

Sections 59-60: Jobseeker's Allowance

Section 59 and Schedule 7: Joint claims for Jobseeker's Allowance

Background

Commentary

Payment where one member of the joint-claim couple has breached new section 20A

Transition to a joint claim

Continuity of claims and awards

Claims yet to be determined and suspended payments

Section 60: Special schemes for claimants of Jobseeker's Allowance

Background

Commentary

Section 61: Incapacity for Work

Background

Summary of changes

Section 61: Incapacity for work: Personal Capability Assessments

Schedule 8: Part II – Incapacity

Sections 62-65: Incapacity Benefits

Section 62: Incapacity Benefit: restriction to recent contributors

Commentary

Section 63: Incapacity Benefit: reduction for pension payments

Commentary

Section 64: Incapacity benefit: persons incapacitated in youth

Section 65: Abolition of Severe Disablement Allowance;

Sections 66-67: Disability Benefits

Background

Commentary

Section 66: Attendance Allowance

These notes refer to the Welfare Reform and Pensions Act 1999 (c.30)

Regulation-making powers

Attendance Allowance for the terminally ill

Section 67: Disability Living Allowance

Awards made “for life”

Entitlement to the higher-rate mobility component of DLA

Sections 68-72: Miscellaneous Provisions

Section 68: Certain overpayments of benefit not to be recoverable

Commentary

Section 69: Child Benefit: claimant to state national insurance number

Background

Section 70: Welfare benefits: miscellaneous amendments

Background

Section 71: Sharing of functions as regards certain claims and information

Background

Commentary

Schedule 12Part II

Section 72: Disclosure and use of information

Background

The ONE service

Employment Zones

New Deal for Partners of Unemployed People, New Deal for Lone Parents and New Deal for Disabled People

Personal Capability Assessment

Data Protection

Commentary

Chapter II: National Insurance Contributions

Sections 73 & 74 (and Schedules 9 and 10): New threshold for primary Class 1 contributions

Background

Schedule 9

Commentary

PART I

PART II

PART III

Sections 75 and 76: Earnings of workers supplied by service companies etc.

Background

Commentary

Sections 77 and 78: National Insurance Class 1B contributions

Background

Schedule 13 Parts VI and VII: Repeals : National Insurance contributions

Background

Chapter III: Other Welfare Provisions

Section 79: measures to reduce under-occupation by housing benefit claimants

Section 80: Supply of information for child support purposes

Commentary

PART VI: GENERAL

Section 81: Contributions and pensions administration

Section 82: Authorisation of certain expenditure

Commentary

Section 83: Regulations and orders

Section 84 Consequential amendments etc.

Section 85: Transitional provisions

Section 87: Corresponding provision for Northern Ireland

Section 88: Repeals

Section 89: Commencement

Section 90: Extent

Section 91: Short title, general interpretation and Scottish devolution

SCHEDULES

COMMENCEMENT

GLOSSARY

Administration Act

All Work Test

Annuity

Attendance Allowance (AA)

Contributions and Benefits Act

Contracting out

Disability Living Allowance (DLA)

Housing Benefit (HB)

Incapacity Benefit (IB)

Income Support (IS)

Jobseekers Act

Jobseeker's Allowance (JSA)

Lower Earnings Limit (LEL)

Maternity Allowance

National Insurance contributions

National Insurance number

Occupational pension scheme

Occupational Pensions Regulatory Authority (OPRA)

Pension Schemes Act 1993 ("the 1993 Act")

Pensions Act 1995 ("the 1995 Act")

Personal pension

Severe Disablement Allowance (SDA)

State Earnings Related Pension Scheme (SERPS)

Upper Earnings Limit (UEL)