

STATUTORY INSTRUMENTS

1999 No. 2422

The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999

Citation and interpretation

1.—(1) This Order may be cited as the Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999.

(2) In this Order, unless the context otherwise requires—

- (a) “the Act” means the Social Security Act 1998;
- (b) “the Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations 1999 ^{M1};
- (c) “relevant benefit” means any of the benefits to which article 2(c) of this Order refers,
- [^{F1}(d) “relevant benefit” also means the following benefits under the Social Security Act 1975—
 - (i) sickness benefit under section 14;
 - (ii) unemployment benefit under section 14;
 - (iii) invalidity pension under section 15; and
 - (iv) invalidity allowance under section 16.]

and references to sections and Schedules are references to sections of, and Schedules to, the Act.

F1 Art. 1(2)(d) added (16.10.2006) by Social Security Act 1998 (Commencement Nos.9 and 11) (Amendment) Order 2006 (S.I. 2006/2540), arts. 1(2), 2(2)

Marginal Citations

M1 S.I. 1999/991, to which there are amendments not relevant to this Order.

Appointed day

2. 6th September 1999 is the day appointed for the coming into force of—

- (a) section 31;
- (b) section 39(3) in so far as it provides that section 61A of the Administration Act ^{M2} shall cease to have effect, and section 86(2) and Schedule 8 in so far as they repeal that section 61A; and
- (c) the provisions specified in Schedule 1 to this Order, in so far as those provisions are not already in force, for the purposes of—
 - (i) benefits under Part II of the Contributions and Benefits Act except child’s special allowance;
 - (ii) severe disablement allowance under sections 68 and 69 of that Act;

Changes to legislation: The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 is up to date with all changes known to be in force on or before 27 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (iii) benefits for the aged under sections 78 and 79 of that Act;
- (iv) increases for dependants under Part IV of that Act; and
- (v) graduated retirement benefit under sections 36 and 37 of the National Insurance Act 1965^{M3}.

Marginal Citations

- M2** Section 61A was inserted by the [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\), section 6\(2\)](#).
- M3** [1965 c. 51](#); sections 36 and 37 remain in force by virtue of the [Social Security \(Graduated Retirement Benefit\) \(No. 2\) Regulations 1978 \(S.I. 1978/393\)](#).

Consequential amendments and modifications

3.—(1) [^{F2}Subject to paragraph (15)] the amendments and modifications made by the following paragraphs of this article shall take effect as from 6th September 1999.

(2) [^{F3} The Social Security Benefit (Dependency) Regulations 1977^{M4} shall as they relate to any of the relevant benefits be modified in accordance with Schedule 2 to this Order.]

(3) Section 36(10) of the National Insurance Act 1965 as continued in force by virtue of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations 1978 shall be omitted.

(4) The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979^{M5} shall be amended in accordance with Schedule 3 to this Order.

(5) The Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations 1979^{M6} shall be amended in accordance with Schedule 4 to this Order.

(6) The Social Security (Severe Disablement Allowance) Regulations 1984^{M7} shall be amended in accordance with Schedule 5 to this Order.

(7) The Income Support (General) Regulations 1987^{M8} shall be amended in accordance with Schedule 6 to this Order.

(8) [^{F3} The Social Security (Claims and Payments) Regulations 1987^{M9} shall as they relate to any of the relevant benefits be modified in accordance with Schedule 7 to this Order.]

(9) [^{F3} The Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988^{M10} shall as they relate to any of the relevant benefits be modified in accordance with Schedule 8 to this Order.]

(10) The Social Security (Incapacity Benefit-Increases for Dependants) Regulations 1994^{M11} shall be amended in accordance with Schedule 9 to this Order.

(11) The Social Security (Incapacity for Work) (General) Regulations 1995^{M12} shall be amended in accordance with Schedule 10 to this Order.

(12) The Disability Working Allowance and Income Support (General) Amendment Regulations 1995^{M13} shall be amended in accordance with Schedule 11 to this Order.

(13) The Social Security (Persons From Abroad) Miscellaneous Amendments Regulations 1996^{M14} shall be amended in accordance with Schedule 12 to this Order.

(14) [^{F3} The Social Security Benefit (Computation of Earnings) Regulations 1996^{M15} shall as they relate to any of the relevant benefits be modified in accordance with Schedule 13 to this Order.]

[^{F4}(15) The amendments in paragraph (16) shall take effect as from 16th October 2006.

(16) In the Social Security (Incapacity Benefit) (Transitional) Regulations 1995—

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- (a) in regulation 11 (transitional awards of short-term incapacity benefit) after paragraph (5) add—

“(6) The transitional award under paragraph (1) is treated as a decision of the Secretary of State under section 8(1) of the Social Security Act 1998 (decisions by Secretary of State) and as an incapacity decision for the purposes of the Social Security and Child Support (Decisions and Appeals) Regulations 1999”; and

- (b) in regulation 17 (transitional awards of long-term incapacity benefit) after paragraph (4) add—

“(5) The transitional award under paragraph (1) is treated as a decision of the Secretary of State under section 8(1) of the Social Security Act 1998 (decision by Secretary of State) and as an incapacity decision for the purposes of the Social Security and Child Support (Decisions and Appeals) Regulations 1999.”.]

- F2** Words in art. 3(1) inserted (16.10.2006) by [Social Security Act 1998 \(Commencement Nos.9 and 11\) \(Amendment\) Order 2006 \(S.I. 2006/2540\)](#), arts. 1(2), **2(3)(a)**
- F3** Art. 3(2), (8), (9), (14) revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**
- F4** Art. 3(15)(16) added (16.10.2006) by [Social Security Act 1998 \(Commencement Nos.9 and 11\) \(Amendment\) Order 2006 \(S.I. 2006/2540\)](#), arts. 1(2), **2(3)(b)**

Modifications etc. (not altering text)

- C1** Art. 3(8)(9) modified (7.4.2003 for specified purposes) by [The Child Benefit and Guardian’s Allowance \(Administration\) Regulations 2003 \(S.I. 2003/492\)](#), regs. 1, 43, **Sch. 3 Pt. 1** (with regs. 1(2), 44)

Marginal Citations

- M4** [S.I. 1977/343](#); amendment was made by the [Health and Social Services and Social Security Adjudications Act 1983 \(c.41\)](#), **Schedule 8**, paragraph 1(3)(a).
- M5** [S.I. 1979/642](#); amendment was made by the [Health and Social Services and Social Security Adjudications Act 1983](#), Schedule 8, paragraph 1(3)(a).
- M6** [S.I. 1979/643](#); amendments were made by the [Social Security Act 1980 \(c.30\)](#), **section 12(a)** and the [Health and Social Services and Social Security Adjudications Act 1983](#), Schedule 8, paragraph 1(3)(a).
- M7** [S.I. 1984/1303](#); the relevant amending instrument is [S.I. 1988/1983](#).
- M8** [S.I. 1987/1967](#); the relevant amending instrument is [S.I. 1996/206](#).
- M9** [S.I. 1987/1968](#); relevant amending instruments are [S.I. 1992/247](#), 1993/2113, 1994/2319, 1996/1460, 1996/2306 and 1998/1381.
- M10** [S.I. 1988/664](#); the relevant amending instruments are [S.I. 1991/2742](#) and 1996/30.
- M11** [S.I. 1994/2945](#), to which there are amendments not relevant to this Order.
- M12** [S.I. 1995/311](#); the relevant amending instrument is [S.I. 1995/987](#).
- M13** [S.I. 1995/482](#); the relevant amending instrument is [S.I. 1995/2303](#).
- M14** [S.I. 1996/30](#).
- M15** [S.I. 1996/2745](#).

Transitional provisions

4. Schedule 14 to this Order shall have effect as from 6th September 1999.

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Savings

5. Notwithstanding the coming into force of section 39(3) (Part II of the Administration Act to cease to have effect)^{F5}, section 86(2) and Schedule 8 (repeals)] or regulation 59 (revocations) of the Regulations—

- (a) sections 18 and 19 of the Administration Act (appeals on questions of law, and review of decisions);
- (b) sections 59 to 61 of, and Schedule 3 to, that Act (regulations about procedural and supplementary matters) as they relate to regulations made in relation to those sections; and
- (c) any regulations made under or in connection with the operation of any of those sections or that Schedule,

shall continue to have effect with respect to any decision given before 6th September 1999 by the Secretary of State under section 17 of that Act (questions for the Secretary of State).

<p>F5 Words in art. 5 inserted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 1, Sch. 20 para. 2(b)</p>

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

Angela Eagle
Parliamentary Under-Secretary of
State, Department of Social Security

Changes to legislation:

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Changes and effects yet to be applied to :

- rev.in pt. and amended by [S.I. 1999/3178 art.3\(1\)\(20\)Sch.20](#)