

1999 No. 2860 (C. 75)

SOCIAL SECURITY

PUBLIC HEALTH

The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999

Made - - - -

16th October 1999

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 79(3) and (4) and 87(2) and (3) of the Social Security Act 1998(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 1998 (Commencement No. 11, 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(b);
- (c) “relevant benefit” means any of the benefits to which article 2(c)(i) and (ii) of this Order refers,

▶¹(d) “relevant benefit” also means—

- (i) an attendance allowance under section 35(c) of the Social Security Act 1975;
- (ii) a mobility allowance under section 37A of that Act;
- (iii) supplementary benefit under section 1 of the Supplementary Benefit Act 1976(d).◀

¹Sub-para. (d) added to art. 1(2) by art. 3(2) of S.I. 2006/2540 as from 16.10.06.

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

Appointed Day

2. 18th October 1999 is the day appointed for the coming into force of—

- (a) sections 18(2), 32 and 34;
- (b) section 39(3) in so far as it provides that section 63 of the Administration Act shall cease to have effect, and section 86(2) and Schedule 8 in so far as they repeal that section 63; 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—

(a) 1998 c. 14.

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

(c) Sections 35 and 37A were repealed by the Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21).

(d) 1976 c. 71. This Act was repealed by the Social Security Act 1986 (c. 50), Schedule 11.

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- (i) attendance allowance, disability living allowance and invalid care allowance under Part III of the Contributions and Benefits Act;
- (ii) jobseeker's allowance under Part I of the Jobseekers Act and any sum payable under section 26 of that Act;
- (iii) vaccine damage payments under the Vaccine Damage Payments Act;
- (iv) decisions whether a person is entitled to be credited with earnings or contributions in accordance with regulations made under section 22(5) of the Contributions and Benefits Act; and
- (v) decisions whether a person was, within the meaning of regulations, secluded from regular employment by responsibilities at home.

Consequential amendments and modifications

¹Words inserted in art. 3(1) & paras. (16) & (17) added by art. 3(3)(a) & (b) of S.I. 2006/2540 as from 16.10.06.

²Paras. (2) to (6), (9), (10) and (13) to (15) of art.3 revoked by para. 1(c) of Sch. 20 to S.I. 1999/3178 as from 29.11.99.

3.—(1) ►¹Subject to paragraph (15)◄ the amendments and modifications made by the following paragraphs of this article shall take effect as from 18th October 1999.

(2)-(6) ►²◄

(7) The Social Security (Disability Living Allowance) Regulations 1991(a) shall be amended in accordance with Schedule 7 to this Order.

(8) The Social Security (Attendance Allowance) Regulations 1991(b) shall be amended in accordance with Schedule 8 to this Order.

(9)-(10) ►²◄

(11) The Social Security (Incapacity for Work) (General) Regulations 1995(c) shall be amended in accordance with Schedule 11 to this Order.

(12) The Jobseeker's Allowance Regulations 1996(d) shall be amended in accordance with Schedule 12 to this Order.

(13)-(15) ►²◄

►¹(16) The amendment in paragraph (17) shall take effect from 16th October 2006.

(17) In regulation 14(1) of the Social Security (Introduction of Disability Living Allowance) Regulations 1991(e) (reviews) after "appellate authorities" insert "and sections 9 and 10 of the Social Security Act 1998 (revision and supersession of decisions)".◄

Transitional provisions

4. Schedules 16 to 18 to this Order shall have effect as from 18th October 1999 in relation to relevant benefit, vaccine damage payments, and credits of contributions or earnings and home responsibilities protection respectively.

Savings

5. Notwithstanding the coming into force of section 39(3) (Part II of the Administration Act to cease to have effect ►³, 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

(a) S.I. 1991/2890; the relevant amending instruments are S.I. 1993/1939, 1994/1779 and 1997/1839.

(b) S.I. 1992/2740; the relevant amending instrument is S.I. 1994/1779.

(c) S.I. 1995/311, to which there are amendments not relevant to this Order.

(d) S.I. 1996/207; the relevant amending instruments are S.I. 1996/1516, 1997/65, 1997/1827, 1997/2863 and 1999/264.

(e) S.I. 1991/2891.

³Words inserted in art. 5 by para. 2(c) of Sch. 20 to S.I. 1999/3178 as from 29.11.99.

- (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 18th October 1999 by the Secretary of State under section 17 of that Act (questions for the Secretary of State).

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

16th October 1999

P. Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

SCHEDULE 1

Article 2(c)

PROVISIONS BROUGHT INTO FORCE ON 18TH OCTOBER 1999 FOR THE PURPOSES SPECIFIED IN ARTICLE 2(c)

<i>Provision of the Act</i>	<i>Subject matter</i>
Section 1(a)	Transfer of functions of adjudication officers to Secretary of State
Section 2(2)(a)	Use of computers
Section 4(1)(a) and (c) and (2)(a) and (c)	Unified appeal tribunals
Section 8(1)(a) and (c), (2), (3)(a) and (b), (4) and (5)(a)	Decisions by Secretary of State
Sections 9 and 10(a)	Revision, and decisions superseding earlier decisions
Section 11(1) and (2), and (3) except the definition of “the current legislation” in so far as it relates to the Social Security (Recovery of Benefits) Act 1997 (b) and the definition of “the former legislation” in so far as it relates to the National Insurance Acts 1965(c) to 1974, the National Insurance (Industrial Injuries) Acts 1965(d) to 1974 and Part II of the Social Security Act 1986(e)	Regulations with respect to decisions, and assistance from experts
Section 12(1)(a) (in so far as it relates to paragraphs 1, 3, 5, 6(a) and (b)(ii), and 7 to 9 of Schedule 2) and (b) (in so far as it relates to paragraphs 1 to 6, 8, 9, 16 and 17 of Schedule 3), (2), (3), (4) and (6) to (9)(f)	Appeal to appeal tribunal
Section 13	Redetermination etc. of appeals by tribunal
Section 14 and Schedule 4(g)	Appeal from tribunal to Commissioner
Section 15	Appeal from Commissioner on point of law
Section 16 and Schedule 5	Procedure
(a) Sections 8 and 10 are amended by paragraphs 22 and 23 respectively of Schedule 7 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) (“the Transfer Act”).	
(b) 1997 c. 27.	
(c) 1965 c. 51.	
(d) 1965 c. 52.	
(e) 1986 c. 50.	
(f) Section 12 and Schedule 3 are amended by paragraphs 25 and 36 respectively of Schedule 7 to the Transfer Act.	
(g) Sections 13 and 14 are amended by paragraphs 26 and 27 respectively of Schedule 7 to the Transfer Act.	

<i>Provision of the Act</i>	<i>Subject matter</i>
Section 17	Finality of decisions
Sections 18(1) and 19(a)	Matters arising as respects decisions, and medical examination required by Secretary of State
Section 20(b)	Medical examination required by appeal tribunal
Sections 21(c) to 27 (except section 26(8))	Suspension and termination of benefit, decisions and appeals involving issues that arise on appeal in other cases, and restrictions on entitlement in cases of error
Section 28(d) (except subsection (3)(c) and (e))	Correction of errors, and setting aside of decisions
Section 39(e)	Interpretation etc. of Chapter II of Part I of the Act
Sections 45 to 47	Vaccine damage payments: decisions reversing earlier decisions, appeals to appeal tribunals and correction of errors etc.
Schedule 7(f) in the respects specified below, and section 86(1) in so far as it relates to them—	
Paragraph 4(2) in so far as it applies to the entries relating to regional or other full-time chairmen of disability appeal tribunals, members of a panel appointed under section 6 of the Tribunals and Inquiries Act 1992(g) of persons to act as chairmen of disability appeal tribunals, and members of a panel of persons appointed to serve on a vaccine damage tribunal	
Minor and consequential amendments—	
Paragraphs 5 to 10	vaccine damage payments

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- (a) Sections 18 and 19 are amended by paragraphs 29 and 30 respectively of Schedule 7 to the Transfer Act.
 - (b) Sections 20 and 21 are amended by paragraphs 31 and 32 respectively of Schedule 7 to the Transfer Act.
 - (c) Sections 20 and 21 are amended by paragraphs 31 and 32 respectively of Schedule 7 to the Transfer Act.
 - (d) Sections 28 and 39 are amended by paragraphs 34 and 35 respectively of Schedule 7 to the Transfer Act.
 - (e) Sections 28 and 39 are amended by paragraphs 34 and 35 respectively of Schedule 7 to the Transfer Act.
 - (f) Certain provisions of Schedule 7 are repealed by Schedule 10 to the Transfer Act.
 - (g) 1992 c. 53.

Sch. 1

<i>Provision of the Act</i>	<i>Subject matter</i>
Paragraphs 15 and 17	recovery of outstanding community charge by deductions from jobseeker's allowance
Paragraph 55	recovery of fines etc. by deductions from jobseeker's allowance
Paragraphs 66 to 71(a)	miscellaneous provisions relating to benefits
Paragraph 79(1)	claims and payments
Paragraph 81	overpayments
Paragraph 82	recovery of jobseeker's allowance: severe hardship cases
Paragraphs 88 and 89	disclosure of information, and notification of deaths
Paragraph 96	effect of alteration of rates of a jobseeker's allowance
Paragraph 98	implementation of increases in income-based jobseeker's allowance due to attainment of particular ages
Paragraph 102	financial review and report
Paragraph 106	reciprocal arrangements with Northern Ireland: income-related benefits and child benefit
Paragraphs 107 and 108	reciprocal agreements and travelling expenses
Paragraph 109	regulations and orders under the Administration Act
Paragraph 117	recovery of council tax etc. by deductions from jobseeker's allowance
Paragraph 118(1) in so far as it substitutes for the words "paragraph 38(a), 41(b), 41(e) or 43" the words "paragraph 38(a)"	appointment of chairmen of certain tribunals
Paragraph 118(2)	in so far as it relates to the tribunals specified in paragraph 41(b) of Schedule 1 to the Tribunals and Inquiries Act 1992
Paragraph 119	concurrence required for removal of members of certain tribunals
Paragraph 121(2)(a), and (b) in so far as it relates to sub-paragraphs (b) and (e) of paragraph 41 of Schedule 1 to that Act	Tribunals under supervision of Council on Tribunals
Paragraph 121(2)(a), and (b) in so far as it relates to sub-paragraphs (b) and (e) of paragraph 41 of Schedule 1 to that Act	Tribunals under supervision of Council on Tribunals

<i>Provision of the Act</i>	<i>Subject matter</i>
Paragraph 123(2) in so far as it applies to the entries relating to chairmen of disability appeal tribunals in Part II of Schedule 1 to the Judicial Pensions and Retirement Act 1993(a)	judicial pensions - other appointments
Paragraph 124(2) in so far as it applies to the entries relating to chairmen of disability appeal tribunals and vaccine damage tribunals in Schedule 5 to that Act	judicial retirement - the relevant offices
Paragraphs 134 to 146	jobseeker's allowance
Paragraph 147	power to provide for recoupment of benefits
Schedule 8 in respect of the repeals specified below, and section 86(2) in so far as it relates to them—	Repeals—
The entries in Part III of Schedule 1 to the House of Commons Disqualification Act 1975(b) relating to regional or other full-time chairmen of disability appeal tribunals, members of a panel appointed under section 6 of the Tribunals and Inquiries Act 1992 of persons to act as chairmen of disability appeal tribunals, members of a panel of persons who may be appointed to serve on a vaccine damage tribunal, and the President of disability appeal tribunals	
In the Vaccine Damage Payments Act 1979(c)— in section 5, subsections (1) to (3) and (5) in section 7(3), the words from “and in relation to” to the end Section 12(1)	
In the Judicial Pensions and Retirement Act 1993— in Schedule 1, in Part II, and in Schedule 5, the entries relating to chairmen of disability appeal tribunals and to chairmen of vaccine damage tribunals	
In the Jobseekers Act 1995(d)— in section 6(6), the words “(“the first determination”)” in section 7(7), the words “(“the first determination”)” Section 9(9) Section 10(8) Section 11 in section 28, subsections (1)(b) and (3) in section 35(1), the definition of “adjudication officer” in Schedule 2, paragraphs 20(3), 41 to 47 and 57	

- (a) 1993 c. 8.
 (b) 1975 c. 24.
 (c) 1979 c. 17.
 (d) 1995 c. 18.

¹Schs. 2 to 6, 9, 10 and 13 to 15 revoked by para. 1(c) of Sch. 20 to S.I. 1999/3178 as from 29.11.99.

►¹◀

[Schedule 7 amends regulations 1(2), 2, 5, 5B, 5C, 9A(2) of, and Schedule 1 to S.I. 1991/2890.]

[Schedule 8 amends regulation 7A, 8C, 8D and 8E of S.I. 1992/2740.]

►¹◀

[Schedule 11 amends regulations 2(1) and 17(1) of S.I. 1995/311.]

[Schedule 12 amends regulations 31 to 33, 35, 39, 40, 41 to 45, 51(2)(b), 55(1)(b), 68, 70, 94(9), 101, 104(1), 105, 106(1), 111(b)(i), 139 to 142, 146(1)(a), 147(6)(b) and 163(3) of, and Schedules 2 and 4 to S.I. 1996/207.]

►¹◀

SCHEDULE 16

Article 4

TRANSITIONAL PROVISIONS IN RELATION TO RELEVANT BENEFIT

1. In this Schedule—

“the Adjudication Regulations” means the Social Security (Adjudication) Regulations 1995(a);

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987(b);

“claimant” and “legally qualified panel member” have the meanings they bear in regulation 1(3) of the Regulations; and

any reference to a decision includes a reference to a decision which fell to be made under the Social Security (Introduction of Disability Living Allowance) Regulations 1991(c) or the Jobseeker’s Allowance (Transitional Provisions) Regulations 1996(d).

2. A decision which fell to be made before 18th October 1999, but which was not made before that date—

(a) on a claim for; or

(b) under or by virtue of Part II of the Administration Act in relation to,

(a) S.I. 1995/1801: regulations 3 and 10 were amended by S.I. 1996/182 and 2450.

(b) S.I. 1987/1968.

(c) S.I. 1991/2891.

(d) S.I. 1996/2567.

a relevant benefit (other than a decision which fell to be made on appeal) shall be made by the Secretary of State under paragraph (a) or, as the case may be, paragraph (c) of section 8(1).

3.—(1) Any application duly made before 18th October 1999 under Part II of the Administration Act for a review of a decision (other than a decision made on appeal) in relation to a relevant benefit which was not decided before that date shall on or after that date be treated as an application to the Secretary of State—

- (a) where the application is made—
 - (i) within three months of the date on which the applicant was notified of the decision, or within such longer period as may be allowed under sub-paragraph (3) below; and
 - (ii) other than on the ground of a relevant change of circumstances, for a revision of that decision under section 9; or
- (b) in any other case, for a decision under section 10 to supersede that decision.

(2) Any application duly made before 18th October 1999 under Part II of the Administration Act for a review of a decision made on appeal in relation to a relevant benefit shall on or after that date be treated as an application to the Secretary of State for a decision under section 10 to supersede that decision.

(3) Subject to sub-paragraphs (4) and (5) below, the period of three months specified in sub-paragraph (1)(a) above may be extended where an application for such an extension is made before 18th November 2000 by a claimant or a person acting on his behalf containing—

- (a) the grounds on which an extension of time is sought; and
- (b) sufficient details of the decision to enable it to be identified.

(4) An application for an extension of time shall not be granted under sub-paragraph (3) above unless the Secretary of State is satisfied that—

- (a) it is reasonable to grant that application;
- (b) the application for review has merit; and
- (c) special circumstances are relevant to the application for extension of time as a result of which it was not practicable for the application for review to be made within three months of the date of the adjudication officer's decision being notified to the claimant.

(5) In deciding whether to grant an extension of time no account shall be taken of the following factors—

- (a) that the claimant or any person acting for him misunderstood or was unaware of the law applicable to his case (including misunderstanding or being unaware of the period specified in sub-paragraph (1)(a) above); or
- (b) that a Commissioner or a court has taken a different view of the law from that previously understood and applied by the adjudication officer.

(6) Where, by virtue of sub-paragraph (1)(b) or (2) above—

- (a) a decision is made under section 10 which is advantageous to the applicant; and
- (b) the same decision could have been made on a review prior to 18th October 1999,

that decision shall take effect from the date on which it would have taken effect had the decision been so made.

(7) Notwithstanding regulation 7(9) of the Regulations, but subject to sub-paragraph (6) above, where in any case relating to attendance allowance or disability living allowance a decision is made under section 10, on the basis of a relevant change of circumstances which occurred before 18th October 1999 and the decision is advantageous to the claimant, the decision shall take effect from—

- (a) where the decision is made on the Secretary of State's own initiative, the date of that decision;
- (b) in a case where the change is relevant to the question of entitlement to a particular rate of benefit and the claimant notifies the change before a date one month after he satisfies the conditions of entitlement to that rate or within such longer period as may be allowed under regulation 8 of the Regulations, the first pay day (as specified in Schedule 6 to the Claims and Payments Regulations) after he satisfied those conditions;
- (c) in a case where the change is relevant to the question of whether benefit is payable and the claimant notifies the change before a date one month after the change or within such longer period as may be allowed under regulation 8 of the Regulations, the first pay day (as specified in Schedule 6 to the Claims and Payments Regulations) after the change occurred; or
- (d) in any other case, the date of the application for the superseding decision.

4.—(1) A decision (other than a decision of a social security appeal tribunal, a disability appeal tribunal, a medical appeal tribunal or a Commissioner) made before 18th October 1999—

- (a) on a claim for; ►¹◄
- ¹(aa) under or by virtue of Part III of the Social Security Act 1975; or ◄
- (b) under or by virtue of Part II of the Administration Act in relation to,

¹Words in para. 4(1)(a) and sub-para. (aa) added by art. 3(4)(a) & (b) of S.I. 2006/2540 as from 16.10.06.

a relevant benefit, shall be treated on or after that date as a decision of the Secretary of State under paragraph (a) or, as the case may be, paragraph (c) of section 8(1).

(2) Where, before 18th October 1999, any person was required to give notice to the claimant of a decision referred to in sub-paragraph (1) above, and such notice has not been given to the claimant before that date, the Secretary of State shall on or after that date give notice to the claimant of that decision.

5.—(1) This paragraph applies where the time limit for making an appeal to a social security appeal tribunal, a disability appeal tribunal or a medical appeal tribunal in respect of a decision in relation to a relevant benefit made before 18th October 1999 has not expired before that date.

(2) Where sub-paragraph (1) applies, regulation 3 of the Adjudication Regulations as it relates to the period within which an appeal may be made, or an extension of that period, shall, notwithstanding regulation 59 of the Regulations, continue to have effect, subject to the modifications in sub-paragraph (3) below, with respect to an appeal tribunal made on or after 18th October 1999 in relation to that decision.

(3) The modifications referred to in sub-paragraph (2) above are as if—

- (a) references to—
 - (i) a chairman or a person considering the application were references to a legally qualified panel member;
 - (ii) a tribunal where references to an appeal tribunal constituted under Chapter I of Part I of the Act;
- (b) in paragraph (3E)(a) for the words from “6 years” to the end of the paragraph there were substituted the words “18th November 2000”.

(4) Notwithstanding regulation 3 of the Regulations, the Secretary of State may revise under section 9 of the Act a decision made before 18th October 1999 on a claim for or award of a relevant benefit (other than a decision made on appeal)—

- (a) pursuant to an application for a review of a decision made within three months of the notification of that decision; or
- (b) where an appeal has been duly made against that decision but not determined.

(5) Where a decision is revised pursuant to sub-paragraph (4) the appeal shall lapse unless the decision as revised is not more advantageous to the appellant than the decision before it was revised.

(a) Regulation 3E was inserted by S.I. 1996/182.

6. An appeal to a social security appeal tribunal, a disability appeal tribunal or a medical appeal tribunal in relation to a relevant benefit which was duly made before 18th October 1999 and which has not been determined before that date shall, without prejudice to Chapter III of Part V of the Regulations, be treated on or after that date as an appeal duly made to an appeal tribunal in relation to a decision of the Secretary of State under section 8.

7.—(1) This paragraph applies where a clerk to a social security appeal tribunal, a disability appeal tribunal or a medical appeal tribunal has before 18th October 1999 given a direction under regulation 22(1), regulation 29(1) or regulation 38(1)(a), as the case may be, of the Adjudication Regulations in connection with an appeal in relation to a relevant benefit to that tribunal, and the notification mentioned in paragraph (1A)(b) of that regulation 22, paragraph (1A)(c) of that regulation 29 or paragraph (1A)(d) of that regulation 38 has not been received by the clerk before that date.

(2) A notification in response to such a direction given under that regulation 22(1), regulation 29(1) or regulation 38(1) shall be—

- (a) in writing; and
- (b) made within 14 days of receipt of the direction or within such other period as the clerk to an appeal tribunal may direct.

(3) An appeal may be struck out by the clerk to an appeal tribunal where the notification referred to in sub-paragraph (2) above is not received within the period specified in that sub-paragraph.

(4) An appeal which has been struck out in accordance with sub-paragraph (3) above shall be treated for the purpose of reinstatement as if it had been struck out under regulation 46 of the Regulations.

(5) An oral hearing of the appeal shall be held where—

- (a) a notification is received by the clerk to the appeal tribunal under sub-paragraph (2) above; or
- (b) the chairman of the appeal tribunal or, in the case of an appeal tribunal which has only one member, that member of the appeal tribunal is satisfied that such a hearing is necessary to enable the appeal tribunal to reach a decision.

8. Where an appeal to a social security appeal tribunal, a disability appeal tribunal or a medical appeal tribunal in relation to a relevant benefit has been struck out under regulation 7(e) of the Adjudication Regulations, a legally qualified panel member may on or after 18th October 1999, on an application made by any party to the proceedings not later than three months from the date of the order under paragraph (1) of that regulation, reinstate the appeal if he is satisfied that—

- (a) the applicant did not receive a notice under paragraph (2) of that regulation; and
- (b) the conditions in paragraph (2A)(f) of that regulation were not satisfied,

and the appeal shall then be treated as an appeal to an appeal tribunal in relation to a decision of the Secretary of State under section 8.

9. An appeal tribunal shall completely rehear any appeal to a social security appeal tribunal, a disability appeal tribunal or a medical appeal tribunal in relation to a relevant benefit which stands adjourned immediately before 18th October 1999.

10. Where, before 18th October 1999, a case fell to be referred by a medical appeal tribunal to an adjudication officer under any provision of the Social Security (Introduction of Disability Living Allowance) Regulations 1991, the appeal tribunal hearing the appeal on or after that date shall refer the case to the Secretary of State to be decided under section 8.

(a) Regulation 38(1) was substituted by S.I. 1996/2450.

(b) Paragraph (1A) was inserted by S.I. 1996/2450.

(c) Paragraph (1A) was inserted by S.I. 1996/2450.

(d) Paragraph (1A) was inserted by S.I. 1996/2450.

(e) Regulation 7 was amended by S.I. 1996/2450.

(f) Paragraph (2A) was inserted by S.I. 1996/2450.

11. A copy of a statement of—

- (a) the reasons for a decision of a social security appeal tribunal, a disability appeal tribunal or, as the case may be, a medical appeal tribunal in relation to a relevant benefit; and
- (b) its findings on questions of fact material thereto,

shall be supplied to each party to the proceedings before that tribunal, if requested by any such party within 21 days of the date on which notification of that decision was given or sent.

12.—(1) Subject to sub-paragraph (2) below, any decision of a social security appeal tribunal, a disability appeal tribunal or a medical appeal tribunal in relation to a relevant benefit shall be treated as a decision of an appeal tribunal made under section 12.

(2) Where sub-paragraph (1) above applies, any application for leave to appeal which is made for the purposes of section 14(10)(a) shall be made no later than three months after the date on which a copy of the statement of the reasons for the decision of the social security appeal tribunal, disability appeal tribunal or, as the case may be, medical appeal tribunal was given or sent to the applicant.

13.—(1) Subject to sub-paragraph (3) below, regulation 10 of the Adjudication Regulations, and regulation 3 of those Regulations in so far as it relates to that regulation 10, shall, notwithstanding regulation 59 of the Regulations, continue to have effect, subject to the modifications specified in sub-paragraph (2) below, in relation to any application to set aside a decision of a social security appeal tribunal, disability appeal tribunal or medical appeal tribunal in relation to a relevant benefit.

(2) The modifications referred to in sub-paragraph (1) above are as if in regulation 3 for the reference to a chairman and in regulation 10(1) the first reference to the adjudicating authority which gave the decision and to an authority of like status, there were substituted references to a legally qualified panel member.

(3) Paragraph (1) above shall not apply in any case where an application to set aside a decision of a social security appeal tribunal, disability appeal tribunal or medical appeal tribunal is made after 18th November 2000.

14. Where, immediately before 18th October 1999, payment of a relevant benefit was suspended or withheld by virtue of any provision of Part V of the Claims and Payments Regulations (suspension and extinguishment), the provisions of Chapter I of Part III of the Regulations (suspension and termination) shall apply with respect to that suspension or withholding as if it were a suspension imposed by virtue of those provisions.

15. For the purpose of section 10(1)(b), a decision of a Commissioner made before 18th October 1999 as respects a relevant benefit shall be treated as a decision of a Commissioner made under section 14.

SCHEDULE 17

Article 4

TRANSITIONAL PROVISIONS IN RELATION TO VACCINE DAMAGE PAYMENTS

1. An application duly made for a reconsideration of a determination that a payment should not be made under section 1(1) of the Vaccine Damage Payments Act which was not determined before 18th October 1999 shall be treated as an application under section 3A (decisions reversing earlier decisions) of that Act^(a) for a reversal of a decision.

2. An application—

- (a) duly made for a review of a determination that a person is, or where he has died, was immediately before his death severely disabled (within the meaning of section 1(4) of the Vaccine Damage Payments Act) as a result of vaccination
- (b) which was not determined before 18th October 1999,

^(a) Section 3A is inserted by section 45 of the Act.

shall be treated as an appeal under section 4(a) (appeals to appeal tribunals) of that Act to an appeal tribunal.

3. Where a review by a vaccine damage tribunal stands adjourned immediately before 18th October 1999 the case shall be reheard by an appeal tribunal as an appeal under section 4 (appeals to appeal tribunals) of the Vaccine Damage Payments Act.

4. A decision upon review of a vaccine damage tribunal shall be treated as a decision upon appeal of an appeal tribunal under section 4 (appeals to appeal tribunals) of the Vaccine Damage Payments Act.

SCHEDULE 18

Article 4

TRANSITIONAL PROVISION IN RELATION TO CREDITS OF CONTRIBUTIONS OR EARNINGS AND HOME RESPONSIBILITIES PROTECTION

A decision which fell to be made, but which was now made, before 18th October 1999 under or by virtue of Part II of the Administration Act as to whether—

- (a) a person is entitled to be credited with earnings or contributions in accordance with regulations made under section 22(5) of the Contributions and Benefits Act; or
- (b) a person was (within the meaning of regulations) precluded from regular employment by responsibilities at home,

shall be made by the Secretary of State under paragraph (c) of section 8(1).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the coming into force on 18th October 1999 of further provisions of the Social Security Act 1998 (“the Act”) so as to introduce on that date - as respects attendance allowance, disability living allowance, invalid care allowance and jobseeker’s allowance (defined as “relevant benefit”), vaccine damage payments, home responsibilities protection and credits - the new arrangements for decision-making and appeals provided for in Chapter II of Part I of the Act.

The provisions brought into force by article 2(c) and Schedule 1 relate in particular to the transfer of decision-making functions from adjudication officers to the Secretary of State, and from social security appeal tribunals, disability appeal tribunals and medical appeal tribunals to appeal tribunals constituted under Chapter I of Part I of the Act, and provide for the exercise of such functions under the provisions of Chapter II of that Part (which replace the adjudication arrangements currently in force under Part II of the Social Security Administration Act 1992) (“the Administration Act”).

This Order makes consequential amendments and modifications in other statutory instruments in so far as they are concerned with, or make reference to, existing arrangements for decision-making and appeals, specifically in relation to relevant benefit (article 3 and Schedules 5 to 14). Certain other provisions (for example, those which relate to claims and payments generally) are modified in relation to relevant benefit (article 3 and Schedules 2 to 4 and 15).

(a) Section 4 is substituted by section 46 of the Act.

This Order makes transitional provision, in particular as to the manner in which matters which, immediately before 18th October 1999, are awaiting determination under the existing arrangements for decision-making and appeals are to be dealt with on or after that date (article 4 and Schedules 16 to 18). These include questions which fell to be dealt with under the Social Security (Introduction of Disability Living Allowance) Regulations 1991 and the Jobseeker's Allowance (Transitional Provisions) Regulations 1996.

Savings are made as respects certain provisions of the Administration Act and regulations made under them in relation to certain decisions taken by the Secretary of State before 18th October 1999 (article 5).

[See Annex 2 on page 1.3291 for details of earlier commencement orders]