

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the coming into force on 6th September 1999 of further provisions of the Social Security Act 1998 ("the Act") so as to introduce on that date—as respects retirement pension, widow's benefit, incapacity benefit, severe disablement allowance and maternity allowance ("the relevant benefits")—the new arrangements for decision-making and appeals provided for in Chapter II of Part I of the Act.

From 6th September 1999 the Secretary of State will determine whether claimants are incapable of work for the purposes of claims for or awards of benefit notwithstanding that other matters in relation to such claims or awards fall to be determined by adjudication officers or local authorities (article 2(a) and (b)).

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 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 in other statutory instruments in so far as they are concerned with, or make reference to, existing arrangements for decision-making and appeals (article 3 and Schedules 3 to 6 and 9 to 11). Certain other provisions are modified in relation to relevant benefits, pending their amendment once Chapter II of Part I is fully in force in relation to all benefits (article 3 and Schedules 2, 7 to 9 and 13).

This Order makes transitional provision, in particular as to—

a) the manner in which matters which, immediately before 6th September 1999, are awaiting determination under the existing arrangements for decision-making and appeals; and

b) the procedure for determining whether claimants are incapable of work, are to be dealt with on or after that date (article 4 and Schedule 13).

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 1st April 1999 (article 5).

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 25 May 2024. 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

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