
STATUTORY INSTRUMENTS

1998 No. 2780 (C.66)

FAMILY LAW
CHILD SUPPORT
SOCIAL SECURITY

The Social Security Act 1998
(Commencement No. 2) Order 1998

Made - - - - 12th November 1998

The Secretary of State for Social Security, in exercise of the powers conferred by sections 79(3) and 87(2) and (3) of the Social Security Act 1998⁽¹⁾ 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. 2) Order 1998.

(2) In this Order, except where the context otherwise requires, references to sections and Schedules are references to sections of and Schedules to the Social Security Act 1998.

Appointed days

2. Subject to article 3 of this Order, the day appointed for the coming into force of—
- (a) section 40 (child support: revision of decisions), in so far as it introduces provisions authorising the making of Regulations, paragraph 46(a) of Schedule 7 and section 86(1) in so far as it relates to it is 16th November 1998;
 - (b) section 76 (power to anticipate pensions up-rating order) is 16th November 1998; and
 - (c) section 40 in so far as not already in force is 7th December 1998.

Savings and transitional provisions

3.—(1) From and including 16th November 1998 the references in section 16(1) and (6) of the Child Support Act 1991⁽²⁾ to a decision of the Secretary of State shall be treated as including

(1) 1998 c. 14.
(2) 1991 c. 48.

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references to a decision of the child support officer made on or before the coming into force of section 1(c).

(2) From and including 16th November 1998 until the coming into force of section 41, section 16(1) of the Child Support Act 1991 shall have effect as if the reference to section 17 were omitted.

(3) From and including 16th November 1998 until the coming into force of section 44, section 16(3) of the Child Support Act 1991 shall have effect as if the reference to section 28ZC were omitted.

(4) Notwithstanding the commencement of section 40, section 16 of the Child Support Act 1991 shall continue to apply with respect to any maintenance assessment which takes effect for the purposes of that Act on or before 8th December 1996 as though section 40 had not been commenced.

(5) Notwithstanding the commencement of paragraph 46(a) of Schedule 7, section 5192)(a)(iii) of the Child Support Act 1991 shall continue to apply with respect to—

- (a) reviews under section 16 of that Act of maintenance assessments to which paragraph (4) of this article applies; and
- (b) reviews under sections 17 to 19 of that Act as though paragraph 46(a) had not been commenced until such time as section 41 is commenced.

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

12th November 1998

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the coming into force on 16th November 1998 of powers provided in section 40 of the Social Security Act 1998 (c. 14) enabling Regulations to be made relating to the revision of Child Support decisions and of section 76 of that Act (power to anticipate pensions up-rating order).

The Order further provides for that part of section 40 not already in force to come into force on 7th December 1998.

This Order does not impose a charge on businesses.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions have been brought into force by the Social Security Act 1998 (Commencement No. 1) Order 1998 (S.I.1998/2209).

<i>Provision of Social Security Act 1998</i>	<i>Date of Commencement</i>
Section 2 (except section 2(2)(a))	8th September 1998
Section 3	8th September 1998
Section 16(4) and (5)	8th September 1998 and 6th April 1999
Section 48	8th September 1998
Section 49	8th September 1998
Section 50(1) (partially)	8th September 1998
Section 52	8th September 1998
Section 53	8th September 1998 and 6th April 1999
Section 55	8th September 1998
Section 59	8th September 1998
Section 65	8th September 1998 and 6th April 1999
Section 68	8th September 1998
Section 73	6th April 1999
Section 75	5th October 1998
Section 86(2) and Schedule 8 (partially)	8th September 1998 and 6th April 1999
Schedule 7 in the respects specified below and section 86(1) in so far as it relates to them—	
paragraph 27(a)	8th September 1998
paragraph 49	8th September 1998

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<i>Provision of Social Security Act 1998</i>	<i>Date of Commencement</i>
paragraph 56	8th September 1998 and 6th April 1999
paragraph 57	6th April 1999
paragraph 58(2)	6th April 1999
paragraph 71(d)	8th September 1998 and 6th April 1999
paragraphs 77(1), (6) to (9), (11), (12) and (14) to (16)	8th September 1998 and 6th April 1999
paragraphs 86(2)(a), (3)(a), (4) and (6)	6th April 1999
paragraph 91	8th September 1998 and 6th April 1999
paragraph 99(1) and (4)	8th September 1998 and 6th April 1999
paragraph 100(1)	6th April 1999
paragraph 110(1)(a)	8th September 1998 and 6th April 1999
paragraph 114	8th September 1998 and 6th April 1999