

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,

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—
 - (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;

(a) 1998 c.14.

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

- (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, precluded from regular employment by responsibilities at home.

Consequential amendments and modifications

3.—(1) The amendments and modifications made by the following paragraphs of this article shall take effect as from 18th October 1999.

(2) The Social Security Benefit (Dependency) Regulations 1977(a) shall as they relate to relevant benefit be modified in accordance with Schedule 2 to this Order.

(3) The Social Security (Claims and Payments) Regulations 1987(b) shall as they relate to relevant benefit be modified in accordance with Schedule 3 to this Order.

(4) The Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988(c) shall as they relate to relevant benefit be modified in accordance with Schedule 4 to this Order.

(5) The Community Charges (Deductions from Income Support) (Scotland) Regulations 1989(d) shall as they relate to jobseeker's allowance be modified in accordance with Schedule 5 to this Order.

(6) The Community Charges (Deduction from Income Support) (No. 2) Regulations 1990(e) shall as they relate to jobseeker's allowance be modified in accordance with Schedule 6 to this Order.

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

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

(9) The Fines (Deductions from Income Support) Regulations 1992(h) shall as they relate to jobseeker's allowance be modified in accordance with Schedule 9 to this Order.

(10) The Council Tax (Deductions from Income Support) Regulations 1993(i) shall as they relate to jobseeker's allowance be modified in accordance with Schedule 10 to this Order.

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

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

(13) The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996(l) shall as they relate to jobseeker's allowance be modified in accordance with Schedule 13 to this Order.

(14) The Social Security (Back to Work Bonus) (No. 2) Regulations 1996(m) shall be modified in accordance with Schedule 14 to this Order in relation to any sum to which a person may be entitled under section 26 of the Jobseekers Act by virtue of his having been in receipt of a jobseeker's allowance.

(a) 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).

(b) S.I. 1987/1968; the relevant amending instruments are S.I. 1988/522, 1989/136, 1989/1686, 1991/2284, 1992/247, 1992/1026, 1992/2741, 1992/2595, 1992/3147, 1993/478, 1993/2113, 1994/2319, 1995/1613, 1996/481, 1996/1460, 1996/2306, 1996/2344, 1998/1174 and 1998/1381.

(c) S.I. 1988/664; the relevant amending instruments are S.I. 1991/2742, 1996/30 and 1996/1345.

(d) S.I. 1989/507; the relevant amending instruments are S.I. 1990/113, 1992/1026 and 1996/2344.

(e) S.I. 1990/545; the relevant amending instruments are S.I. 1992/1026, 1993/2113 and 1996/2344.

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

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

(h) S.I. 1992/2182; the relevant amending instruments are S.I. 1996/2344 and 1997/827.

(i) S.I. 1993/494; the relevant amending instruments are S.I. 1996/2344 and 1997/827.

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

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

(l) S.I. 1996/2349.

(m) S.I. 1996/2570; the relevant amending instrument is S.I. 1997/454.

(15) The Social Security Benefit (Computation of Earnings) Regulations 1996^(a) shall as they relate to relevant benefit be modified in accordance with Schedule 15 to this Order.

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) 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 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

(a) S.I. 1996/2745.

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
Section 17	Finality of decisions
Sections 18(1) and 19(h)	Matters arising as respects decisions, and medical examination required by Secretary of State
Section 20(i)	Medical examination required by appeal tribunal
Sections 21(i) 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(j) (except subsection (3)(c) and (e))	Correction of errors, and setting aside of decisions
Section 39(j)	Interpretation etc. of Chapter II of Part I of the Act

(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.

(h) Sections 18 and 19 are amended by paragraphs 29 and 30 respectively of Schedule 7 to the Transfer Act.

(i) Sections 20 and 21 are amended by paragraphs 31 and 32 respectively of Schedule 7 to the Transfer Act.

(j) Sections 28 and 39 are amended by paragraphs 34 and 35 respectively of Schedule 7 to the Transfer Act.

<i>Provision of the Act</i>	<i>Subject matter</i>
Sections 45 to 47	Vaccine damage payments: decisions reversing earlier decisions, appeals to appeal tribunals and correction of errors etc.
Schedule 7(a) in the respects specified below, and section 86(1) in so far as it relates to them—	Minor and consequential amendments—
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(b) 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	
Paragraphs 5 to 10	vaccine damage payments
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

(a) Certain provisions of Schedule 7 are repealed by Schedule 10 to the Transfer Act.
(b) 1992 c.53.

<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.

**MODIFICATION OF THE SOCIAL SECURITY BENEFIT (DEPENDENCY)
REGULATIONS 1977**

As if in regulation 1(2)(a) (interpretation), for the definition of “the determining authority” there were substituted the following definition—

““the determining authority” means, as the case may require, the Secretary of State, an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998, the Chief or any other Social Security Commissioner, or a tribunal consisting of three or more such Commissioners constituted in accordance with section 16(7) of that Act;”.

SCHEDULE 3

**MODIFICATION OF THE SOCIAL SECURITY (CLAIMS AND PAYMENTS)
REGULATIONS 1987**

1. As if in regulation 2(1)(b) (interpretation), in the definition of “claim for benefit” for the words “the review of an award or” (in both places where the expression occurs) there were substituted the words “a revision under section 9 of the Social Security Act 1998 or a supersession under section 10 of that Act of”.

2. As if in regulation 3(g)(c) (claims not required for entitlement to benefit in certain cases)—
(a) in sub-paragraph (ii)—

(i) for the words “37(1A)” there were substituted the words “16(2) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999”;

(ii) after the words “ought to be revised” there were inserted the words “under section 9 of the Social Security Act 1998 or superseded under section 10 of that Act”; and

(b) in sub-paragraph (iv) after the words “should be revised” there were inserted the words “or superseded”.

3. As if in regulation 13 (advance claims and awards)—

(a) in paragraph (1) for the words—

(i) “adjudicating authority” there were substituted the words “Secretary of State”;

(ii) “that authority” there were substituted the words “Secretary of State”; and

(b) in paragraph (2), for the words “An award under paragraph (1)(b) shall be reviewed by the adjudicating authority” there were substituted the words “A decision pursuant to paragraph (1)(b) to award benefit may be revised under section 9 of the Social Security Act 1998”.

4. As if in regulation 13A(d) (advance award of disability living allowance)—

(a) in paragraph (1) for the words—

(i) “adjudicating authority” there were substituted the words “Secretary of State”;

(ii) “that authority” there were substituted the words “Secretary of State”; and

(b) in paragraph (3), for the words “An award under paragraph (1) or (2) shall be reviewed by the adjudicating authority” there were substituted the words “A decision pursuant to paragraph (1) or (2) to award benefit may be revised under section 9 of the Social Security Act 1998”.

5. As if in regulation 13C(e) (further claim for and award of disability living allowance)—

(a) for the words “adjudicating authority” in both places where they occur there were substituted the words “Secretary of State”; and

(b) for the word “reviewed” there were substituted the word “revised”.

(a) Amendment was made by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 8, paragraph 1(3)(a).

(b) There are amendments to regulation 2 which are not relevant to this Order.

(c) Regulation 3(g) was inserted by S.I. 1996/1460.

(d) Regulation 13A was inserted by S.I. 1992/2741.

(e) Regulation 13C was inserted by S.I. 1992/2741.

6. As if in regulation 17(4) (duration of awards) the words from “; and where those” to the end were omitted.

7. As if in regulation 26A(a) (jobseeker’s allowance) for the word “revised” in each place where it occurs there were substituted the words “revised or superseded”.

8. As if in the heading to Part V, the words “SUSPENSION AND” were omitted.

9. As if regulations 37 to 37B(b) (suspension and withholding of benefit) were omitted.

10. As if in regulation 38(2A)(c) (extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period)—

(a) for the words “adjudicating authority” in both places where they occur there were substituted the words “Secretary of State”;

(b) in sub-paragraph (a) for the words “the Secretary of State has” there were substituted the word “he”;

(c) in sub-paragraph (c)—

(i) the words “the Secretary of State has certified” were omitted;

(ii) the word “that” in each place where it occurs were omitted;

(iii) in head (ii), for the word “him” there were substituted the words “the Secretary of State”.

11. As if in paragraph 1(2)(a)(d) of Schedule 2 (special provisions relating to claims for jobseeker’s allowance during periods connected with public holidays) for the words “an adjudication officer” there were substituted the words “the Secretary of State”.

12. As if in Schedule 9 (deductions from benefit and direct payment to third parties)—

(a) in paragraphs 3 to 7B and 9(e) for the words “adjudicating authority” in each place where they occur there were substituted the words “Secretary of State”; and

(b) in paragraph 6(4)(f) for the word “reviewed” there were substituted the words “revised or superseded”.

13. As if in paragraph 3(1)(g) of Schedule 9A (deductions of mortgage interest from benefit and payment to qualifying lenders)—

(a) for the words “adjudicating authority” there were substituted the words “Secretary of State”; and

(b) for the words “the Secretary of State” there were substituted the word “him”.

SCHEDULE 4

Article 3(4)

MODIFICATION OF THE SOCIAL SECURITY (PAYMENTS ON ACCOUNT, OVERPAYMENTS AND RECOVERY) REGULATIONS 1988

1. As if in regulation 1(2)(h) (interpretation), for the definition of “adjudicating authority” there were substituted the following definition—

““adjudicating authority” means, as the case may require, the Secretary of State, an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998, the Chief or other Commissioner, or a tribunal consisting of any three or more Commissioners constituted in accordance with section 16(7) of that Act;”.

(a) Regulation 26A was inserted by S.I. 1996/1460 and amended by S.I. 1998/1174.

(b) Regulations 37, 37A and 37B were substituted for regulation 37 by S.I. 1992/247. Regulation 37 was amended by S.I. 1993/2113, 1996/1460 and 1996/2306. Regulation 37A was substituted by S.I. 1998/1381. Regulations 37AA and 37AB were inserted by S.I. 1994/2319. Regulation 37AA was amended by S.I. 1996/2306 and 1996/1460.

(c) Regulation 38(2A) was inserted by S.I. 1989/1686 and amended by S.I. 1993/2113.

(d) Paragraph 1 was amended by S.I. 1996/1460.

(e) The relevant amending instruments are S.I. 1988/522, 1989/136, 1989/1686, 1991/2284, 1992/1026, 1992/2595, 1992/3147, 1994/2319 and 1996/1460. Paragraph 7A was inserted by S.I. 1993/478 and amended by S.I. 1993/2113 and 1996/481. Paragraph 7B was inserted by S.I. 1996/2344.

(f) The relevant amending instrument is S.I. 1992/2595.

(g) Schedule 9A was inserted by S.I. 1992/1026 and amended by S.I. 1995/1613 and S.I. 1996/1460.

(h) The relevant amending instrument is S.I. 1991/2742.

2. As if in regulation 2(1)(b)(a) (making of interim payments), for the words “a reference, review,” there were substituted the word “an”.

3. As if in regulation 5(2) (offsetting prior payment against a subsequent award)—

(a) for Case 1 there were substituted the following case—

“Case 1: Payment pursuant to a decision which is revised or superseded, or overturned on appeal

Where a person has been paid a sum by way of benefit pursuant to a decision which is subsequently revised under section 9 of the Social Security Act 1998, superseded by a decision under section 10 of that Act or overturned on appeal”; and

(b) in Case 2, the words “, on review or appeal,” were omitted.

4. As if in regulation 8(2)(b) (duplication and prescribed payments) for the words “on review” there were substituted the words “by way of revision or supersession”.

5. As if in the heading to Part VI the words “REVISION OF DETERMINATION AND” were omitted.

6. As if in regulation 12 (circumstances in which determination need not be revised) for the words—

(a) “or revision of determination” there were substituted the words “, revision or supersession”; and

(b) “for reviewing and revising the determination under which payment was made” there were substituted the words “for the decision pursuant to which the payment was made to be revised under section 9 of the Social Security Act 1998 or superseded under section 10 of that Act”.

SCHEDULE 5

Article 3(5)

MODIFICATION OF THE COMMUNITY CHARGES (DEDUCTIONS FROM INCOME SUPPORT) (SCOTLAND) REGULATIONS 1989

1. As if in regulation 1(2)(c) (interpretation)—

(a) the definition of “adjudication officer” were omitted;

(b) for the definition of “Commissioner” there were substituted the following definition—

““Commissioner” means the Chief or any other Social Security Commissioner appointed in accordance with section 14(12) of, and Schedule 4 to, the Social Security Act 1998 and includes a Tribunal of Commissioners constituted in accordance with section 16(7) of that Act;” and

(c) for the definition of “tribunal” there were substituted the following definition—

““tribunal” means an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998; and”.

2. As if in regulation 2(d) (deductions from income support or jobseeker’s allowance)—

(a) in paragraph (4)—

(i) the words “refer it to an adjudication officer who shall” were omitted;

(ii) in sub-paragraph (a)—

(aa) for the words “the Secretary of State” there were substituted the word “him”;

(bb) for the words “adjudication officer” there were substituted the words “Secretary of State”;

(iii) in sub-paragraph (aa)—

(aa) for the words “the Secretary of State” there were substituted the word “him”;

(bb) for the words “the adjudication officer” there were substituted the word “he”;
and

(a) The relevant amending instrument is S.I. 1996/30.

(b) The relevant amending instrument is S.I. 1996/1345.

(c) The relevant amending instrument is S.I. 1990/113.

(d) The relevant amending instruments are S.I. 1990/113, 1992/1026 and 1996/2344.

- (b) in paragraph (5)—
 - (i) for the words “or review” there were substituted the words “, revision or supersession”;
 - (ii) for the words “adjudication officer” there were substituted the words “Secretary of State”.
- 3. As if in regulation 2A(a) (deductions from debtor’s jobseeker’s allowance) for the words—
 - (a) “adjudication officer” in both places in which they occur there were substituted the words “Secretary of State”; and
 - (b) “the Secretary of State” in both places in which they occur there were substituted the word “he”.
- 4. As if in regulation 3 (notification of decision)—
 - (a) for the words “the adjudication officer’s” there were substituted the word “his”; and
 - (b) the words “after he receives that decision” were omitted.
- 5. As if regulation 5 (appeal) there were substituted the following regulation—
 - “5.—(1) Where the Secretary of State has determined a question under regulation 2(4), the debtor may appeal to a tribunal.
 - (2) Subject to section 13 of the Social Security Act 1998, an appeal lies to a Commissioner from the decision of a tribunal.”
- 6. As if regulations 6 to 11 were omitted.
- 7. As if Schedules 1 and 2 were omitted.

SCHEDULE 6

Article 3(6)

MODIFICATION OF THE COMMUNITY CHARGES (DEDUCTIONS FROM INCOME SUPPORT) (NO. 2) REGULATIONS 1990

- 1. As if in regulation 1(2)(b) (interpretation)—
 - (a) the definition of “adjudication officer” were omitted;
 - (b) for the definition of “Commissioner” there were substituted the following definition—
 - ““Commissioner” means the Chief or any other Social Security Commissioner appointed in accordance with section 14(12) of, and Schedule 4 to, the Social Security Act 1998 and includes a Tribunal of Commissioners constituted in accordance with section 16(7) of that Act;”;
 - (c) for the definition of “tribunal” there were substituted the following definition—
 - ““tribunal” means an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998; and”.
- 2. As if in regulation 2(c) (deductions from income support or jobseeker’s allowance)—
 - (a) in paragraph (4)—
 - (i) the words “refer it to an adjudication officer who shall” were omitted;
 - (ii) in sub-paragraph (a)—
 - (aa) for the words “the Secretary of State” there were substituted the word “him”;
 - (bb) for the words “adjudication officer” there were substituted the words “Secretary of State”;
 - (iii) in sub-paragraph (aa)—
 - (aa) for the words “the Secretary of State” there were substituted the word “him”;
 - (bb) for the words “the adjudication officer” there were substituted the word “he”;
 - (iv) in sub-paragraph (b) for the words “adjudication officer” there were substituted the words “Secretary of State”;

(a) Regulation 2A was inserted by S.I. 1996/2344.

(b) There are amendments to regulation 1 which are not relevant to this Order.

(c) The relevant amending instruments are S.I. 1992/1026, 1993/2113 and 1996/2344.

- (b) in paragraph (5) for the words “refer those further applications to the adjudication officer” there were substituted the words “determine those further applications”; and
 - (c) in paragraph (6)—
 - (i) for the words “or review” there were substituted the words “, revision or supersession”;
 - (ii) for the words “adjudication officer” there were substituted the words “Secretary of State”.
3. As if in regulation 2A(a) (deductions from debtor’s jobseeker’s allowance) for the words—
 - (a) “adjudication officer” in both places where they occur there were substituted the words “Secretary of State”; and
 - (b) “the Secretary of State” in both places where they occur there were substituted the word “he”.
 4. As if in regulation 3 (notification of decision)—
 - (a) for the words “the adjudication officer’s” there were substituted the word “his”; and
 - (b) the words “after he receives that decision” were omitted.
 5. As if for regulation 5 (appeal) there were substituted the following regulation—
 - “5.—(1) Where the Secretary of State has determined a question under regulation 2(4), the debtor may appeal to a tribunal.
 - (2) Subject to section 13 of the Social Security Act 1998, an appeal lies to a Commissioner from the decision of a tribunal.”
 6. As if regulations 6 to 11 were omitted.
 7. As if Schedules 1 and 2 were omitted.

SCHEDULE 7

Article 3(7)

AMENDMENT OF THE SOCIAL SECURITY (DISABILITY LIVING ALLOWANCE) REGULATIONS 1991

1. In regulation 1(2)(b) (interpretation)—
 - (a) after the definition of “the Administration Act” there shall be inserted the following definition—
 - ““the 1998 Act” means the Social Security Act 1998”; and
 - (b) for the definition of “adjudicating authority” there shall be substituted the following definition—
 - ““adjudicating authority” means, as the case may require, the Secretary of State, an appeal tribunal constituted under Chapter I of Part I of the 1998 Act, the Chief or any other Social Security Commissioner, or a tribunal consisting of any three or more such Commissioners constituted in accordance with section 16(7) of that Act;”.
2. In regulation 2(4)(b), for the word “review” there shall be substituted the words “revision under section 9 of the 1998 Act or supersession under section 10 of that Act”.
3. Regulations 5A, 5B and 5C(c) (medical examination, withholding of benefit and payment of withheld benefit) are hereby revoked.
4. In regulations 9A(2)(a)(d) in the substituted paragraph (2B)(b) and (c), 10(6)(b) and (c) and 12B(9A)(b) and (c) for the word “review” there shall be substituted the words “revision under section 9 of the 1998 Act or supersession under section 10 of that Act”.
5. In Schedule 1(e) (persons aged 65 and over)—
 - (a) for the word “Review” where it appears in the heading to paragraph 1 there shall be substituted the words “Revision or supersession”;

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- (a) Regulation 2A was inserted by S.I. 1996/2344.
 - (b) The relevant amending instrument is S.I. 1993/1939.
 - (c) Regulations 5A, 5B and 5C were inserted by S.I. 1997/1839.
 - (d) Regulation 9A was inserted by S.I. 1994/1779.
 - (e) The relevant amending instrument is S.I. 1993/1939.

- (b) in paragraph 1(1)(c) for the words “in writing is made in accordance with section 30(7) or 35(4) of the Administration Act for that award to be reviewed;” there shall be substituted the words “is made in accordance with section 9 of the 1998 Act or section 10 of that Act for that award to be revised or superseded;”;
- (c) in paragraph 1(1)(d) for the words “both reviewed and revised” there shall be substituted the words “revised or superseded”;
- (d) in paragraph 1(2) for the words “revised award” there shall be substituted the words “revision or supersession”;
- (e) in paragraph 1(3) the words “for review” shall be omitted and for the word “reviewed” there shall be substituted the word “superseded”;
- (f) for the word “Reviews” where it appears in the heading to paragraph 2 there shall be substituted the words “Revision or supersession”;
- (g) in paragraph 2 for the word “review” there shall be substituted the words “revision or supersession”, for the word “reviews” there shall be substituted the words “revisions or supersessions” and for the word “reviewed” where it first appears there shall be substituted the words “revised or superseded”;
- (h) in paragraph 2(b) for the words “reviewed and revised” there shall be substituted the word “superseded”;
- (i) in paragraph 3(1)(a) for the words “revised on a review under section 30, 31 or 35 of the Administration Act” there shall be substituted the words “revised under section 9 of the 1998 Act or superseded under section 10 of that Act”;
- (j) in paragraph 3(2) for the words “under review” there shall be substituted the words “being revised or superseded”; and
- (k) in paragraphs 5(1)(a), 6(1)(a) and 7(1)(a) for the words “revised on a review under section 30, 31 or 35 of the Administration Act” there shall be substituted the words “revised under section 9 of the 1998 Act or superseded under section 10 of that Act”.

SCHEDULE 8

Article 3(8)

AMENDMENT OF THE SOCIAL SECURITY (ATTENDANCE ALLOWANCE) REGULATIONS 1991

1. In regulations 7A(2)(a)(a) in the substituted paragraph (1A)(b) and (c) and 8(4)(b) and (c) for the word “review” there shall be substituted the words “revision under section 9 of the Social Security Act 1998 or supersession under section 10 of that Act”.
2. Regulations 8C, 8D and 8E(a) (medical examination, withholding of benefit and payment of withheld benefit) are hereby revoked.

SCHEDULE 9

Article 3(9)

MODIFICATION OF THE FINES (DEDUCTIONS FROM INCOME SUPPORT) REGULATIONS 1992

1. As if in regulation 1(2)(b) (interpretation)—
 - (a) the definition of “adjudication officer” were omitted;
 - (b) for the definition of “Commissioner” there were substituted the following definition—

““Commissioner” means the Chief or any other Social Security Commissioner appointed in accordance with section 14(12) of, and Schedule 4 to, the Social Security Act 1998 and includes a Tribunal of Commissioners constituted in accordance with section 16(7) of that Act;”;
 - (c) for the definition of “tribunal” there were substituted the following definition—

““tribunal” means an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998; and”.
2. As if for the heading to regulation 4 there were substituted “Determination of application”.

(a) Regulations 7A, 8C, 8D and 8E were inserted by S.I. 1994/1779.

(b) There are amendments to regulation 1 which are not relevant to this Order.

3. As if in regulation 4(a)—
 - (a) in paragraph (1)—
 - (i) the words “refer it forthwith to an adjudication officer who shall” were omitted;
 - (ii) for the words “the Secretary of State” there were substituted the word “him”;
 - (b) in paragraphs (2) and (2A) for the words—
 - (i) “adjudication officer” there were substituted the words “Secretary of State”;
 - (ii) “the Secretary of State” there were substituted the word “him”;
 - (c) in paragraph (3)—
 - (i) for the words “adjudication officer” there were substituted the words “Secretary of State”;
 - (ii) for the words “reference from the Secretary of State” there were substituted the word “application”.
4. As if in regulation 5 (notification of decision)—
 - (a) for the words “the adjudication officer’s” there were substituted the word “his”; and
 - (b) the words “from the date on which he receives that decision” were omitted.
5. As if in regulations 6(b) (deductions from offender’s income support or income-based job-seeker’s allowance) and 6A (deductions from offender’s contribution-based jobseeker’s allowance) for the words—
 - (a) “adjudication officer” there were substituted the words “Secretary of State”; and
 - (b) “the Secretary of State” there were substituted the word “he”.
6. As if in regulation 7(5) (circumstances, time of making and termination of deductions) for the words “refer those further applications to the adjudication officer” there were substituted the words “determine those further applications”.
7. As if for regulation 9 (appeal) there were substituted the following regulation—

“9.—(1) Where the Secretary of State has determined a question under regulation 4, the offender may appeal to a tribunal.

(2) Subject to section 13 of the Social Security Act 1998, an appeal lies to a Commissioner from the decision of a tribunal.”
8. As if regulations 10 to 15 were omitted.
9. As if Schedules 1 and 2 were omitted.

SCHEDULE 10

Article 3(10)

MODIFICATION OF THE COUNCIL TAX (DEDUCTIONS FROM INCOME SUPPORT) REGULATIONS 1993

1. As if in regulation 1(2)(c) (interpretation)—
 - (a) the definition of “adjudication officer” were omitted;
 - (b) for the definition of “Commissioner” there were substituted the following definition—

““Commissioner” means the Chief or any other Social Security Commissioner appointed in accordance with section 14(12) of, and Schedule 4 to, the Social Security Act 1998 and includes a Tribunal of Commissioners constituted in accordance with section 16(7) of that Act;”;
 - (c) for the definition of “tribunal” there were substituted the following definition—

““tribunal” means an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998.”.
2. As if for the heading to regulation 5 there were substituted “Determination of application”.
3. As if in regulation 5(d)—
 - (a) in paragraph (1)—
 - (i) the words “refer it forthwith to an adjudication officer who shall” were omitted;
 - (ii) for the words “the Secretary of State” there were substituted the word “him”;

(a) The relevant amendments are S.I. 1996/2344 and 1997/827.
 (b) Regulation 6 was amended and regulation 6A was inserted by S.I. 1996/2344.
 (c) There are amendments to regulation 1 which are not relevant to this Order.
 (d) The relevant amending instruments are S.I. 1996/2344 and 1997/827.

- (b) in paragraphs (2) and (2A) for the words—
 - (i) “adjudication officer” there were substituted the words “Secretary of State”;
 - (ii) “the Secretary of State” there were substituted the word “him”;
- (c) in paragraph (3)—
 - (i) for the words “adjudication officer” there were substituted the words “Secretary of State”;
 - (ii) for the words “reference from the Secretary of State” there were substituted the word “application”.
- 4. As if in regulation 6 (notification of decision)—
 - (a) for the words “the adjudication officer’s” there were substituted the word “his”; and
 - (b) the words “from the date on which he receives that decision” were omitted.
- 5. As if in regulations 7(a) (deductions from debtor’s income support or income-based jobseeker’s allowance) and 7A (deductions from debtor’s contribution-based jobseeker’s allowance) for the words—
 - (a) “adjudication officer” there were substituted the words “Secretary of State”; and
 - (b) “the Secretary of State” there were substituted the word “he”.
- 6. As if in regulation 8(4) (circumstances, time of making and termination of deductions) for the words “refer those further applications to the adjudication officer” there were substituted the words “determine those further applications”.
- 7. As if for regulation 10 (appeal) there were substituted the following regulation—
 - “10.—(1) Where the Secretary of State has determined a question under regulation 5, the debtor may appeal to a tribunal.
 - (2) Subject to section 13 of the Social Security Act 1998, an appeal lies to a Commissioner from the decision of a tribunal.”
- 8. As if regulations 11 to 16 were omitted.
- 9. As if Schedules 1 and 2 were omitted.

SCHEDULE 11

Article 3(11)

AMENDMENT OF THE SOCIAL SECURITY (INCAPACITY FOR WORK) (GENERAL) REGULATIONS 1995

- 1. In regulation 2(1)(b) (interpretation) the definition of “disability appeal tribunal” shall be omitted.
- 2. In regulation 17(1)(c) the words “a disability appeal tribunal or” shall be omitted, and after the words “the Disability Living Allowance Advisory Board” there shall be inserted the words “or as a panel member with a disability qualification, as defined in regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999, acting as a member of an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998”.

SCHEDULE 12

Article 3(12)

AMENDMENT OF THE JOBSEEKER’S ALLOWANCE REGULATIONS 1996

- 1. In regulation 31(g)—
 - (a) in sub-paragraph (ii) for the word “review” there shall be substituted the words “revision or supersession”;
 - (b) in sub-paragraph (iii) for the words—
 - (i) “a social security appeal tribunal” there shall be substituted the words “an appeal tribunal”; and
 - (ii) “on a review” there shall be substituted the words “following a revision or supersession”.
- 2. In regulations 31(g), 32, 33, 35, 39, 40, 55(1)(b), 68(1) and (2), 70, 94(9), 101(8) and (11), 105(4), (12) and (13), 139, 140, 141(3), 147(6)(b) and 163(3) in the substituted regulation 101(9) and (11), Schedule 2 paragraph 17(2) and (7)(a) and Schedule 4 paragraph 10(3)(d)(c) for the

(a) Regulation 7 was amended and regulation 7A was inserted by S.I. 1996/2344.

(b) There are amendments to regulation 2 which are not relevant to this Order.

(c) The relevant amending instruments are S.I. 1996/1516, 1997/1827, 1997/2863 and 1999/264.

words “an adjudication officer” and “the adjudication officer” in each place where they occur there shall be substituted the words “the Secretary of State”.

3. In the heading to regulation 32 the words “by an Adjudication Officer” shall be omitted.

4. Regulations 41 to 45 are hereby revoked.

5. In regulations 51(2)(b)(ii), 104(1), 106(1) and 111(b)(i) and Schedule 2 paragraphs 12(6) and 13(2)(a)(a) for the word “review” in each place where it occurs there shall be substituted the word “suppression”.

6. In regulation 105(12) for the words “subsequent review” there shall be substituted the words “review or supersession”.

7. In regulation 140A(b) for the words “regulation 56A(6) of the Social Security (Adjudication) Regulations 1995” there shall be substituted the words “regulation 7(8) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999”.

8. In regulation 141(5) for the words “regulation 37 of the Claims and Payments Regulations” there shall be substituted the words “regulation 16 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999”.

9. In regulations 142(3) and 146(1)(a) for the words “section 5(1)(n) of the Administration Act” there shall be substituted the words “section 21 of the Social Security Act 1998”.

10. In paragraphs 12(8)(b) and 13(1)(b) of Schedule 2 for the words “or review” there shall be substituted the words “, revision or supersession”.

11. In paragraph 13(1)(a)(i)(c) of Schedule 2 for the word “review” there shall be substituted the word “revision”.

SCHEDULE 13

Article 3(13)

MODIFICATION OF THE EMPLOYMENT PROTECTION (RECOUPMENT OF JOBSEEKER’S ALLOWANCE AND INCOME SUPPORT) REGULATIONS 1996

1. As if in the heading to Part IV (determination and review of benefit recouped) the words “AND REVIEW” were omitted.

2. As if the following paragraphs were substituted for paragraphs (2) and (3) of regulation 10 (provisions relating to determination of amount paid by way of or paid as on account of benefit)—

“(2) Where an employee has given notice in writing to the Secretary of State under paragraph (1) above that he does not accept that an amount specified in the recoupment notice is correct, the Secretary of State shall decide the question as to the amount of jobseeker’s allowance paid in respect of the period to which the prescribed element is attributable or, as appropriate, in respect of so much of the protected period as falls before the date on which the employer complies with Regulation 6 above.

(2A) The Secretary of State may revise either upon application made for the purpose or on his own initiative a decision under paragraph (2) above.

(2B) The employee shall have a right of appeal to an appeal tribunal constituted under Chapter I of Part I of the 1998 Act against a decision of the Secretary of State whether as originally made under paragraph (2) or as revised under paragraph (2A) above.

(2C) The Social Security and Child Support (Decisions and Appeals) Regulations 1999 shall apply for the purposes of paragraphs (2A) and (2B) above as though a decision of the Secretary of State under paragraph (2A) above were made under section 9 of the 1998 Act and any appeal under paragraph (2B) were made under section 12 of that Act.

(2D) In this Regulation “the 1998 Act” means the Social Security Act 1998.

(3) Where the Secretary of State recovers too much money from an employer under these Regulations the Secretary of State shall pay to the employee an amount equal to the excess.”.

(a) The relevant amending instruments are S.I. 1996/1516 and 1997/65.

(b) Regulation 140A was inserted by S.I. 1997/2863.

(c) The relevant amending instrument is S.I. 1996/1516.

SCHEDULE 14

Article 3(14)

MODIFICATION OF THE SOCIAL SECURITY (BACK TO WORK BONUS) (NO. 2) REGULATIONS 1996

1. As if in regulations 5(4)(c)(ii) and (6)(a), 8(5)(b) and 25(1) for the words “the adjudication officer” there were substituted the words “the Secretary of State”.
2. As if in regulation 8(4)(c) and (d) for the word “review” there were substituted the words “revision or supersession”.
3. As if in regulation 9(2) the words “upon the adjudication officer” were omitted.

SCHEDULE 15

Article 3(15)

MODIFICATION OF THE SOCIAL SECURITY (COMPUTATION OF EARNINGS) REGULATIONS 1996

1. Subject to the following provisions of this Schedule, as if for the words “the adjudicating authority” and “an adjudicating authority” in each place where they occur there were substituted the words “the Secretary of State”.
2. As if in regulation 2(1) (interpretation), the definition of “adjudicating authority” were omitted.
3. As if in regulation 4 (notional earnings)—
 - (a) in paragraph (1) for the words “of the determination of the claim or of any subsequent review the adjudicating authority shall treat the claimant” there were substituted the words “on which a decision falls to be made by the Secretary of State under Chapter II of Part I of the Social Security Act 1998 or regulations made thereunder the claimant shall be treated”; and
 - (b) in paragraph (2) for the words “the adjudicating authority shall treat the claimant” there were substituted the words “the claimant shall be treated”.
4. As if in regulation 6(8) (calculation of earnings of employed earners) in paragraph (b)(ii)(bb) of the definition of “part-time employment”, for the words “of review” there were substituted the words “on which a revision or supersession of a decision falls to be made”.
5. As if in regulation 13(8) (calculation of net profit of self-employed earners), for the words “The adjudicating authority shall refuse to make a deduction” there were substituted the words “A decision shall not be made”.
6. As if in regulation 14(2) (deduction of tax and contributions for self-employed earners) for the words “of the determination of the claim or of any subsequent review” in both places where they occur there were substituted the words “on which a decision is made by the Secretary of State under Chapter II of Part I of the Social Security Act 1998 or regulations made thereunder”.
7. As if regulation 16 (transitional provision to suspend benefit and make interim payments) were omitted.

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(b);

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

(a) Regulation 5 was amended by S.I. 1997/454.

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

(c) S.I. 1987/1968.

“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(a) or the Jobseeker’s Allowance (Transitional Provisions) Regulations 1996(b).

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 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

(a) S.I. 1991/2891.

(b) S.I. 1996/2567.

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

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.

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.

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

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)(b) of that regulation 29 or paragraph (1A)(b) 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(c) 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)(d) 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.

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.

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

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

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

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

(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 against any of the diseases to which that Act applies; and

(b) which was not determined before 18th October 1999,

shall be treated as an appeal under section 4(b) (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.

(a) Section 3A is inserted by section 45 of the Act.
(b) Section 4 is substituted by section 46 of the Act.

**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).

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).

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), the Social Security Act 1998 (Commencement No. 2) Order 1998 (S.I. 1998/2780), the Social Security Act 1998 (Commencement No. 3) Order 1999 (S.I. 1999/418), the Social Security Act 1998 (Commencement No. 4) Order 1999 (S.I. 1999/526), the Social Security Act 1998 (Commencement No. 5) Order 1999 (S.I. 1999/528), the Social Security Act 1998 (Commencement No. 6) Order 1999 (S.I. 1999/1055), the Social Security Act 1998 (Commencement No. 7, and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/1510), the Social Security Act 1998 (Commencement No. 8, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/1958), the Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2422) and the Social Security Act 1998 (Commencement No. 10 and Transitional Provisions) Order 1999 (S.I. 1999/2739).

<i>Provision of Social Security Act 1998</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
* (a) Section 1(a)	5th July, 6th September and 5th October 1999	1999/1958, 2422 and 2739
Section 1(c)	1st June 1999	1999/1510
Section 2 (except section 2(2)(a))	8th September 1998	1998/2209
*Section 2(2)(a)	5th July, 6th September and 5th October 1999	1999/1958, 2422 and 2739
Section 3	8th September 1998	1998/2209
*Section 4(1)(a) and (2)(a)	5th July, 6th September and 5th October 1999	1999/1958, 2422 and 2739
Section 4(1)(b) and (2)(b)	1st June 1999	1999/1510
Section 5	1st June 1999	1999/1510
Sections 6 and 7	4th March and 1st June 1999	1999/528 and 1510
*Section 8(1)(a) and (c), (2) and (3)(a)	5th July, 6th September and 5th October 1999	1999/1958, 2422 and 2739
*Section 8(3)(g)	5th July 1999	1999/1958
*Section 8(3)(d) and (e)	5th October 1999	1999/2739
*Section 8(4) and (5)	5th July, 6th September and 5th October 1999	1999/1958, 2422 and 2739
*Sections 9 to 12	4th March, 5th July, 6th September and 5th October 1999	1999/528, 1958, 2422 and 2739
*Section 13	5th July, 6th September and 5th October 1999	1999/1958, 2422 and 2739
*Section 14 and Schedule 4	4th March, 5th July, 6th September and 5th October 1999	1999/528, 1958, 2422 and 2739
*Section 15	4th March, 5th July, 6th September and 5th October 1999	1999/528, 1958, 2422 and 2739
*Section 16 and Schedule 5	8th September 1998, 4th March, 6th April, 5th July, 6th September and 5th October 1999	1998/2209 and 1999/528, 1958, 2422 and 2739

(a) In this note an asterisk indicates that the provision or provisions in the entry to which it relates has or have been commenced in part only.

<i>Provision of Social Security Act 1998</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
*Sections 17 and 18(1)	4th March, 5th July, 6th September and 5th October 1999	1999/528, 1958, 2422 and 2739
*Section 19	5th July, 6th September and 5th October 1999	1999/528, 2422 and 2739
*Sections 20 to 26 (except section 26(8))	4th March, 5th July, 6th September and 5th October 1999	1999/528, 1958, 2422 and 2739
Section 26(8)	1st June 1999	1999/1510
*Section 27	5th July, 6th September and 5th October 1999	1999/1958, 2422 and 2739
*Section 28 (except subsection (3)(d) and (e))	4th March, 5th July, 6th September and 5th October 1999	1999/528, 1958, 2422 and 2739
*Sections 29 and 30	5th July 1999	1999/1958
Section 31	4th March and 6th September 1999	1999/528 and 2422
*Section 38(1)(a) and (3)	4th March 1999	1999/528
*Section 39	5th July, 6th September and 5th October 1999	1999/1958, 2422 and 2739
Section 40	16th November and 7th December 1998	1998/2780
Sections 41 to 44	4th March 1999 and 1st June 1999	1999/528 and 1510
*Section 45 in so far as it inserts section 3A(1), (3) and (4) into the Vaccine Damage Payments Act 1979(a)	4th March 1999	1999/528
*Section 46 in so far as it substitutes section 4(2) and (3) of the Vaccine Damage Payments Act 1979	4th March 1999	1999/528
*Section 47 in so far as it inserts section 7A into the Vaccine Damage Payments Act 1979	4th March 1999	1999/528
Sections 48 and 49	8th September 1998	1998/2209
Section 50(1)	8th September 1998	1998/2209
Section 51	23rd February and 6th April 1999	1999/418
Section 52	8th September 1998	1998/2209
Section 53	8th September 1998 and 6th April 1999	1998/2209
Section 54	4th March and 6th April 1999	1999/526
Section 55	8th September 1998	1998/2209
Section 56	4th March and 6th April 1999	1999/526
Section 57	4th March and 6th April 1999	1999/526

(a) 1979 c. 17.

<i>Provision of Social Security Act 1998</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Section 59	8th September 1998	1998/2209
Section 60	4th March and 6th April 1999	1999/526
Section 61	4th March and 6th April 1999	1999/526
Section 62	6th April 1999	1999/526
Section 63	4th March and 6th April 1999	1999/526
Section 64	6th April 1999	1999/526
Section 65	8th September 1998 and 6th April 1999	1998/2209
Section 68	8th September 1998	1998/2209
Sections 70 and 71	5th April 1999	1999/1055
Section 73	6th April 1999	1998/2209
Section 74	4th March 1999	1999/528
Section 75	5th October 1998	1998/2209
Section 76	16th November 1998	1998/2780
*Schedule 1, paragraphs 1 to 9 and 11 to 13	4th March and 1st June 1999	1999/528 and 1510
*Schedule 2, paragraphs 4, 5, 6(a) and 9	4th March and 5th July 1999	1999/528 and 1958
*Schedule 3, paragraphs 1, 2, 3(a) and (c), 4 to 7 and 9	4th March and 5th July 1999	1999/528 and 1958
Schedule 7 in the respects specified below and section 86(1) in so far as it relates to them—		
paragraphs 1 and 2	1st June 1999	1999/1510
*paragraph 4(2)	1st June 1999	1999/1510
paragraph 4(3)	1st June 1999	1999/1510
*paragraphs 8 and 9	4th March 1999	1999/528
*paragraph 11	5th July and 6th September 1999	1999/1958 and 2422
paragraphs 12 to 14	6th April 1999	1999/526
paragraph 16	6th April 1999	1999/418
paragraphs 18 to 26	1st June 1999	1999/1510
paragraph 27	8th September 1998 and 1st June 1999	1998/2209 and 1999/1510
paragraphs 28 to 34	1st June 1999	1999/1510
paragraph 35	4th March and 1st June 1999	1999/528 and 1510
paragraphs 36 to 38	1st June 1999	1999/1510
paragraph 39	4th March and 1st June 1999	1999/528 and 1510
paragraph 40	4th March and 1st June 1999	1999/528 and 1510
paragraphs 41 and 42	1st June 1999	1999/1510
paragraphs 43 and 44	4th March and 1st June 1999	1999/528 and 1510
paragraph 45	1st June 1999	1999/1510
paragraph 46	16th November 1998, 4th March and 1st June 1999	1998/2780 and 1999/528 and 1510

<i>Provision of Social Security Act 1998</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
*paragraph 47	1st June 1999	1999/1510
paragraph 48	1st June 1999	1999/1510
paragraph 49	8th September 1998	1998/2209
paragraphs 50 and 51	1st June 1999	1999/1510
paragraphs 52 to 54	4th March and 1st June 1999	1999/528 and 1510
paragraph 56	8th September 1998 and 6th April 1999	1998/2209
paragraph 57	6th April 1999	1998/2209
paragraph 58(1)	6th April 1999	1999/418
paragraph 58(2)	6th April 1999	1998/2209
paragraphs 59 to 61	6th April 1999	1999/418
paragraph 62	6th September 1999	1999/2422
*paragraphs 63 to 65	5th July 1999	1999/1958
*paragraphs 66 to 70	5th July and 6th September 1999	1999/1958 and 2422
*paragraph 71	8th September 1998 and 6th April, 5th July and 5th September 1999	1998/2209, 1999/418, 1958 and 2422
paragraph 72(3) and (4)	5th April 1999	1999/1055
paragraphs 74 and 75	6th April 1999	1999/418
paragraph 76	6th September 1999	1999/2422
paragraph 77(1), (6) to (9), (11), (12) and (14) to (16)	8th September 1998 and 6th April 1999	1998/2209
paragraph 77(2) to (5)	6th April 1999	1999/418
paragraph 78	6th September 1999	1999/2422
*paragraphs 79(1) and 81	5th July, 6th September and 5th October 1999	1999/1958, 2422 and 2739
*paragraph 84	5th July 1999	1999/1958
paragraph 85	6th April 1999	1999/526
paragraph 86	6th April 1999	1998/2209 and 1999/526
paragraph 87	6th April 1999	1999/526
*paragraphs 88 and 89	5th July, 6th September and 5th October 1999	1999/1958, 2422 and 2739
paragraph 90	6th April 1999	1999/418
paragraph 91	8th September 1998 and 6th April 1999	1998/2209
paragraphs 92 to 94	6th April 1999	1999/418
paragraph 99	8th September 1998 and 6th April 1999	1998/2209 and 1999/418 and 526
paragraph 100(1)	6th April 1999	1998/2209
paragraph 100(2)	6th April 1999	1999/526
*paragraph 101	5th July 1999	1999/1958
*paragraph 102	5th July and 6th September 1999	1999/1958 and 2422
paragraph 104	4th March 1999	1999/528
paragraph 105	5th July 1999	1999/528

<i>Provision of Social Security Act 1998</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
*paragraphs 106 to 108	5th July, 6th September and 5th October 1999	1999/1958, 2422 and 2739
*paragraph 109	6th September and 5th October 1999	1999/2422 and 2739
paragraph 110(1)(a)	8th September 1998 and 6th April 1999	1998/2209
paragraph 110(1)(b)	6th April 1999	1999/418
*paragraph 111(b)	5th July 1999	1999/1958
*paragraph 112	6th September and 5th October 1999	1999/2422 and 2739
paragraph 114	8th September 1998 and 6th April 1999	1998/2209
*paragraph 115	5th July 1999	1999/1958
*paragraph 118(1)	1st June 1999	1999/1510
*paragraph 121	4th March 1999	1999/528
paragraph 121(1)	1st June 1999	1999/1510
*paragraph 121(2)(a) and (c)	6th September and 5th October 1999	1999/2422 and 2739
paragraphs 122, 123(1)(b) and 124(1)(b)	1st June 1999	1999/1510
*paragraph 123(1)(a)	6th September and 5th October 1999	1999/2422 and 2739
paragraphs 123(2) and 124(2)	1st June 1999	1999/1510
*paragraph 124(1)(a)	6th September and 5th October 1999	1999/2422 and 2739
paragraphs 126 to 128	6th April 1999	1999/418
*paragraphs 129 and 130(2)	5th July 1999	1999/1958
*paragraph 131	4th March and 5th July 1999	1999/528 and 1958
paragraph 133	6th April 1999	1999/418
*paragraph 149	4th March 1999	1999/528
*Section 86(2) and Schedule 8	8th September 1998 and 5th and 6th April, 1st June, 5th July and 6th September 1999	1998/2209 and 1999/418, 526, 1055, 1510, 1958 and 2422

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