
STATUTORY INSTRUMENTS

2003 No. 938

**The Tax Credits Act 2002 (Commencement No. 3
and Transitional Provisions and Savings) Order 2003**

Citation and interpretation

1.—(1) This Order may be cited as the Tax Credits Act 2002 (Commencement No.3 and Transitional Provisions and Savings) Order 2003.

(2) In this Order—

“the 2002 Act” means the Tax Credits Act 2002;

“the Administration Act” means the Social Security Administration Act 1992(1);

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992(2).

Appointed day

2. The day appointed for the coming into force of—

(a) section 1(3)(e) of the 2002 Act (abolition of increases in benefits in respect of children under sections 80 and 90 of the Contributions and Benefits Act);

(b) section 60 of, and Schedule 6, to, the 2002 Act, insofar as they repeal the provisions specified in the Schedule to this Order,

is 6th April 2003.

Saving provision

3.—(1) Notwithstanding the coming into force of the specified provisions, the Contributions and Benefits Act and the Administration Act shall, in cases to which paragraph (2) applies, subject to paragraph (3), continue to have effect from the commencement date as if those provisions had not come into force.

(2) This paragraph applies where a person—

(a) is entitled to a relevant increase on the day before the commencement date; or

(b) claims a relevant increase on or after the commencement date and it is subsequently determined that he is entitled to a relevant increase in respect of a period which includes the day before the commencement date.

(3) The provisions saved by paragraph (1) shall continue to have effect until—

(a) subject to sub-paragraph (c), where a relevant increase ceases to be payable to a person to whom paragraph (2) applies for a period greater than 58 days beginning with the day on which it was last payable, on the day 59 days after the day on which it was last payable; or

(1) 1992 c. 5.

(2) 1992 c. 4.

- (b) in any other case, subject to sub-paragraph (c), on the date on which entitlement to a relevant increase ceases;
 - (c) where regulation 6(19) or (23) of the Social Security (Claims and Payments) Regulations 1987(3) applies to a further claim for a relevant increase, on the date on which entitlement to that relevant increase ceases.
- (4) In this article–
- “the commencement date” means 6th April 2003;
 - “a relevant increase” means an increase under section 80 or 90 of the Contributions and Benefits Act;
 - “the specified provisions” means the provisions of the 2002 Act which are brought into force by article 2.

Transitional application of sections 37 and 39A of the Contributions and Benefits Act

4. For the purposes of the continuing application of sections 37 (widowed mother’s allowance) and 39A(4) (widowed parent’s allowance) of the Contributions and Benefits Act in cases to which article 3(2) applies, those sections shall apply as if the amendments specified in paragraphs 26 and 28 of Schedule 3 to the 2002 Act had not come into force.

Transitional application of section 154 of the Administration Act

5. For the purposes of the continuing application of section 154(2)(c) of the Administration Act in cases to which article 3(2) applies, that section shall apply as if it had not been repealed in Schedule 6 to the 2002 Act and the reference to child benefit in that section shall be treated as including a reference to child tax credit under section 8 of the 2002 Act.

Signed by authority of the Secretary of State for Work and Pensions.

26th March 2003

P.Hollis
Parliamentary Under-Secretary of State,
Department for Work and Pensions

27th March 2003

John Heppell
Nick Ainger
Two of the Lords Commissioners of Her
Majesty’s Treasury

(3) S.I.1987/1968.

(4) Section 39A of the Social Security Contributions and Benefits Act 1992 was inserted by section 55(2) of the Welfare Reform and Pensions Act 1999 (c. 30).