

2006 No. 2540

SOCIAL SECURITY

**The Social Security Act 1998 (Commencement Nos. 9 and 11)
(Amendment) Order 2006**

Made - - - - 20th September 2006

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 87(2) and (3) of the Social Security Act 1998(a).

Citation

1.—(1) This Order may be cited as the Social Security Act 1998 (Commencement Nos. 9 and 11) (Amendment) Order 2006.

(2) The provisions of this Order shall take effect as from 16th October 2006.

Amendment of Social Security Act 1998 (Commencement No. 9 etc.) Order 1999

2.—(1) The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999(b) is amended as follows.

(2) In Article 1(2) (citation and interpretation) after paragraph (c) add—

“(d) “relevant benefit” also means the following benefits under the Social Security Act 1975(c)—

- (i) sickness benefit under section 14;
- (ii) unemployment benefit under section 14;
- (iii) invalidity pension under section 15; and
- (iv) invalidity allowance under section 16.”.

(3) In Article 3 (consequential amendments and modifications)—

- (a) in paragraph (1), at the beginning, insert “Subject to paragraph (15)”; and
- (b) after paragraph (14) add—

“(15) The amendments in paragraph (16) shall take effect as from 16th October 2006.

(16) In the Social Security (Incapacity Benefit) (Transitional) Regulations 1995(d)—

- (a) in regulation 11 (transitional awards of short-term incapacity benefit) after paragraph (5) add—

“(6) The transitional award under paragraph (1) is treated as a decision of the Secretary of State under section 8(1) of the Social Security Act 1998 (decisions by

(a) 1998 c.14.

(b) S.I. 1999/2422 (C.61). Article 3 was amended by S.I. 1999/3178.

(c) 1975 c.14. These provisions were consolidated in the Social Security Contributions and Benefits Act 1992 (c.4).

(d) S.I. 1995/310. Paragraph (4) was amended and paragraph (5) was inserted by S.I. 1996/3207.

Secretary of State) and as an incapacity decision for the purposes of the Social Security and Child Support (Decisions and Appeals) Regulations 1999(a)”; and

(b) in regulation 17(b) (transitional awards of long-term incapacity benefit) after paragraph (4) add—

“(5) The transitional award under paragraph (1) is treated as a decision of the Secretary of State under section 8(1) of the Social Security Act 1998 (decision by Secretary of State) and as an incapacity decision for the purposes of the Social Security and Child Support (Decisions and Appeals) Regulations 1999.”.

(4) In paragraph 4(1) of Schedule 14 (transitional provisions)—

(a) in sub-paragraph (a) omit “or”; and

(b) after sub-paragraph (a) insert—

“(aa) under or by virtue of Part III of the Social Security Act 1975; or”.

Amendment of Social Security Act 1998 (Commencement No. 11 etc.) Order 1999

3.—(1) The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999(c) is amended as follows .

(2) In Article 1(2) (citation and interpretation) after sub-paragraph (c) add—

“(d) “relevant benefit” also means—

(i) an attendance allowance under section 35(d) 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(e).”.

(3) In Article 3(f) (consequential amendments and modification)—

(a) in paragraph (1), at the beginning, insert “Subject to paragraph (15)”; and

(b) after paragraph (15) insert—

“(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(g) (reviews) after “appellate authorities” insert “and sections 9 and 10 of the Social Security Act 1998 (revision and supersession of decisions)”.

(4) In paragraph 4(1) of Schedule 16 (transitional provisions in relation to relevant benefits)—

(a) in sub-paragraph (a) omit “or”; and

(b) after sub-paragraph (a) insert—

“(aa) under or by virtue of Part III of the Social Security Act 1975; or”;

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

James Plaskitt
Parliamentary Under Secretary of State,
Department for Work and Pensions

20th September 2006

(a) S.I. 1999/991.

(b) Regulation 17 was amended by S.I. 1996/3207.

(c) S.I. 1999/2860 (C.75).

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

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

(f) Article 3 was amended by S.I. 1999/3178.

(g) S.I. 1991/2891.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 (“the No. 9 Order”) and the Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (“the No. 11 Order”).

Article 2 amends the No. 9 Order. Paragraph (2) adds a further definition of “relevant benefit”. Paragraph (3) amends Article 3 to make consequential amendments to the Social Security (Incapacity Benefit) (Transitional) Regulations 1995. Paragraph (4) provides that decisions made by the Adjudication Officer in respect of those relevant benefits are treated as decisions of the Secretary of State.

Article 3 amends the No. 11 Order. Paragraph (2) adds a further definition of “relevant benefit”. Paragraph (3) amends Article 3 to make consequential amendments to the Social Security (Introduction of Disability Living Allowance) Regulations 1991. Paragraph (4) provides that decisions of the Adjudication Officer in respect of those relevant benefits are treated as decisions of the Secretary of State.

A full regulatory impact assessment has not been carried out in respect of this Order as it does not impose a cost on business, charities or the voluntary sector.

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(Amendment) Order 2006

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