STATUTORY RULES OF NORTHERN IRELAND

2000 No. 332 (C. 14)

SOCIAL SECURITY

The Welfare Reform and Pensions (1999 Order) (Commencement No. 6 and Transitional and Savings Provisions) Order (Northern Ireland) 2000

Made - - - - 2nd November 2000

The Department for Social Development, in exercise of the powers conferred by Articles 1(2) and 73(4)(*a*) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**1**), and now vested in it(**2**), and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Welfare Reform and Pensions (1999 Order) (Commencement No. 6 and Transitional and Savings Provisions) Order (Northern Ireland) 2000.

(2) In this Order—

(a) any reference to a numbered section is a reference to the section of the Contributions and Benefits Act, and

(b) any reference to a numbered Article or Schedule is to the Article of, or Schedule to, the Welfare Reform and Pensions (Northern Ireland) Order 1999.

Appointed days

2.—(1) In so far as it is not already in operation, the day appointed for the coming into operation of Article 10 (monitoring of employers' payments to personal pension schemes), is 6th April 2001.

(2) In so far as they are not already in operation, the day appointed for the coming into operation of Article 56 (couples to make joint claim for allowance) and Schedule 7 (joint claims for jobseeker's allowance), is 19th March 2001.

(3) Subject to Articles 3 and 4 of this Order, the days appointed for the coming into operation of—

(a) Article 59 (incapacity benefit: restriction to recent contributors);

(b) Article 60 (incapacity benefit: reduction for pension payments);

(c) Article 61 (incapacity benefit: persons incapacitated in youth);

(**1**) S.I.1999/3147 (N.I. 11)
(**2**) *See* Article 8(*b*) of S.R. 1999 No. 481

(d) Article 62 (abolition of severe disablement allowance);

(e) paragraphs 20 (contribution conditions) and 21 (incapacity benefit: rate) of Schedule 8 (welfare benefits: minor and consequential amendments) and Article 67 (welfare benefits: miscellaneous amendments) in so far as it relates to those paragraphs;

(f) paragraph 25 (abolition of severe disablement allowance) of Schedule 8 and Article 67 in so far as it relates to that paragraph, and

(g) Part IV of Schedule 10 (abolition of severe disablement allowance) and Article 76 (repeals) in so far as it relates to that Part,

are as provided in paragraphs (4) and (5).

(4) For the purpose only of authorising the making of regulations, the day appointed is 3rd November 2000.

(5) For all other purposes, the day appointed is 6th April 2001.

(6) The day appointed for the coming into operation of paragraphs 19 and 24 (Assembly, etc. control of regulations and orders) of Schedule 8 and Article 67 in so far as it relates to those paragraphs, is 3rd November 2000.

Transitional provision in relation to incapacity benefit

3.—(1) Notwithstanding the commencement of Article 59, where a person is entitled to incapacity benefit by virtue of paragraph 2 of Schedule 3 to the Contributions and Benefits Act(**3**) (contribution conditions for short-term incapacity benefit) on any day of incapacity for work in a period of incapacity for work beginning before 6th April 2001 which continues, whether or not by virtue of section 30C(**4**) or regulations made thereunder, on or after that date, that paragraph of that Schedule shall have effect in relation to him, in that period of incapacity for work, as if Article 59 had not been commenced.

(2) Notwithstanding the commencement of Article 60 and paragraph 21 of Schedule 8, where a person is entitled to incapacity benefit under sections 30A to 30E(**5**) on any day of incapacity for work in a period of incapacity for work beginning before 6th April 2001 which continues, whether or not by virtue of section 30C or regulations made thereunder, on or after that date, sections 30A to 30E shall have effect in relation to him, in that period of incapacity for work, as if Article 60 and paragraph 21 of Schedule 8 had not been commenced.

Savings for existing severe disablement allowance beneficiaries

4. Notwithstanding the commencement of the provisions referred to in Article 2(3)(*d*), (*f*) and (*g*) of this Order ("severe disablement allowance provisions"), the provisions referred to in paragraph 25 of Schedule 8 and Part IV of Schedule 10 shall continue to have effect, in the period of incapacity for work beginning before 6th April 2001 which would have continued, whether or not by virtue of section 30C or 68(10) or (10A)(**6**) or regulations made thereunder, on or after that date but for the commencement of the severe disablement allowance provisions, as if those provisions had not been commenced—

(a) in relation to a person to whom paragraph (*b*) does not apply, who is entitled to severe disablement allowance under section 68 or 69 on any day of incapacity for work in that period of incapacity for work, or

(**3**) Paragraph 2 was amended by Articles 3(2) and 5(2) of, and paragraph 38(2) of Schedule 1 to, the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))

(**4**) Sections 30C to 30E were inserted by Article 5(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(**5**) Section 30A was inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and section 30B was inserted by Article 4(1) of that Order and the proviso in subsection (3) was amended by paragraphs 14(*b*) and 18(3) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

(**6**) Subsection (10A) was inserted by Article 11(2) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(b) until 6th April 2002, in relation to a person who—

(i) was under the age of 20 years on 6th April 2001, and

(ii) is entitled to severe disablement allowance under section 68(1) on any day of incapacity for work in that period of incapacity for work.

Sealed with the Official Seal of the Department for Social Development on 2nd November 2000.

John O'Neill
Senior Officer of the
Department for Social Development