STATUTORY RULES OF NORTHERN IRELAND

# 1999 No. 271 (C. 22)

# SOCIAL SECURITY

## The Social Security Contributions (Transfer of Functions, etc.) (1999 Order) (Commencement No. 2 and Consequential and Transitional Provisions) Order (Northern Ireland) 1999

*Made - - - - 14th June 1999*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Article 1(3) and (4) of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999(**1**) 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 Social Security Contributions (Transfer of Functions, etc.) (1999 Order) (Commencement No. 2 and Consequential and Transitional Provisions) Order (Northern Ireland) 1999.

(2) In this Order "the Transfer Order" means the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999.

### Appointed days

**2.** Subject to Article 4 of this Order, the day appointed for the coming into force of—

(a) the provisions of the Transfer Order which are specified in Part I of the Schedule to this Order, in so far as they authorise the making of regulations, is 15th June 1999;

(b) the provisions of the Transfer Order which are specified in Part II of that Schedule, in so far as they are not already in force, is 5th July 1999.

### Consequential amendments

**3.**—(1) Subject to Article 4 of this Order, the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**2**) shall on 5th July 1999 be amended in accordance with paragraphs (2) to (4) of this Article.

(2) In regulation 1 (interpretation)—

(**1**) S.I. 1999/671
(**2**) S.R. 1999 No. 162, to which there are amendments not relevant to this order

(a) in paragraph (2)—

(i) after the definition of "appeal" there shall be inserted the following definition—

""the Board" means the Commissioners of Inland Revenue;",

(ii) in the definition of "claimant" in paragraph (b) for "the Department" there shall be substituted "an officer of the Board", and

(iii) in the definition of "official error" after "the Department" in each place where it occurs there shall be inserted "or the Board"; and

(b) after paragraph (2) there shall be inserted the following paragraph—

"(2A) In so far as these Regulations relate to a decision made under the Pension Schemes Act by virtue of section 165(2) of that Act(**3**), any reference to the Department shall be construed as if it were a reference to an officer of the Board.".

(3) In regulation 3 (revision of decisions)—

(a) in paragraph (4) for "the Department" there shall be substituted "an officer of the Board"; and

(b) in paragraph (11) after sub-paragraph (b) there shall be added—

"or

(c) in the case of a contributions decision which falls within Part II of Schedule 3 to the Order, a National Insurance Contributions office of the Board or an office of the Department; or

(d) in the case of a decision made under the Pension Schemes Act by virtue of section 165(2) of that Act, a National Insurance Contributions office of the Board.".

(4) In regulation 33(1) (making of appeals and applications) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

"(b) be sent or delivered to—

(i) in the case of a contributions decision which falls within Part II of Schedule 3 to the Order, a National Insurance Contributions office of the Board or an office of the Department,

(ii) in the case of a decision made under the Pension Schemes Act by virtue of section 165(2) of that Act, a National Insurance Contributions office of the Board,

(iii) in any other case, an office of the Department;".

**Transitional provision**

**4.** Notwithstanding paragraph 1(2) of Schedule 7 to the Transfer Order (which provides for certain determinations made by the Department to have effect as if made by the Board), Article 15(2) of the Transfer Order shall not apply with respect to any decision made before 5th July 1999 by the Department on any such question as is mentioned in section 165(1) of the Pensions Act (which includes such a question among the questions to which section 15(1) of the Administration Act applies).

(**3**) Section 165 was amended by paragraph 60 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)), substituted by paragraph 99 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and amended by Article 15(2) of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on

14th June 1999.

*John O'Neill*
Assistant Secretary