1983 No. 16

SOCIAL SECURITY

The National Insurance (Non-participation — Transfer of Functions) (Transitional) Regulations (Northern Ireland) 1983

Made . . . . . *10th February 1983*

Coming into operation . . . *10th March 1983*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 73(1)(*d*) of the National Insurance Act (Northern Ireland) 1966(**a**), section 2 of, and paragraphs 7 and 9 of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975(**b**) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**c**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation and commencement

1. These regulations may be cited as the National Insurance (Non-participation — Transfer of Functions) (Transitional) Regulations (Northern Ireland) 1983 and shall come into operation on 10th March 1983.

Transfer of the adjudicator's functions to the Occupational Pensions Board

2. For the purposes of facilitating the winding up of the system of insurance contained in the former principal Act(**d**) and the disposal of matters connected with that system the provisions of regulations 3, 4, 5 and 6 of these regulations shall have effect for transferring to the Occupational Pensions Board the functions (determination of references and appeals on questions relating to non-participating employments) dischargeable before the coming into operation of these regulations by an adjudicator appointed in accordance with section 73(3) of the National Insurance Act (Northern Ireland) 1966 for the purposes of Part III of that Act.

Amendment of the National Insurance (Non-participation – Transitional Provisions) (No. 2) (Northern Ireland) Regulations 1975

3.—(1) The National Insurance (Non-participation — Transitional Provisions) (No. 2) (Northern Ireland) Regulations 1975(**e**) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 3(1) of the said regulations (continuance of sections of the Act) the words "(1) and (2)" shall be inserted between the words "73" and "(determination".

(**a**) 1966 c. 6 (N.I.); the relevant provisions of which were repealed by section 100(2)(*b*) of, and Schedule 28 to, the Social Security Act 1973 (c. 38), but were continued in force by S.R. 1975 No. 48 and by S.R. 1975 No. 51; *see* also section 3(3) of 1975 c. 18

(**b**) 1975 c. 18; paragraph 9(1)(*b*) was amended by section 65(1) of, and paragraph 65 of Schedule 4 to, the Social Security Pensions Act 1975 (c. 60)

(**c**) 1980 c. 30

(**d**) The National Insurance Act (Northern Ireland) 1966

(**e**) S.R. 1975 No. 51

(3) There shall be added to regulation 3 of the said regulations the following paragraph—

"(4) Section 73(1) shall continue in force in the modified form set out in the Schedule to these regulations.".

(4) There shall be added to the said regulations the following Schedule—

"

SCHEDULE Regulation 3(4)

Section 73(1) of the National Insurance Act (Northern Ireland) 1966 as continued in force by these regulations

73.—(1) Regulations under section 72(1) shall provide—

(*a*) for the determination by an officer appointed by the Department (in this section referred to as "the registrar") of any question whether an employment is to be treated as a non-participating employment, or as to the persons in relation to whom or the period for which it is to be so treated, and for the issue, variation and cancellation by the registrar of the certificates under section 55 specifying the employments which are to be so treated;

(*b*) for enabling any such question, instead of being determined as aforesaid, to be referred to the Occupational Pensions Board, and for enabling appeals to be brought to the said Board from decisions of the registrar;

(*c*) for enabling the functions of the registrar to be exercised by officers appointed to act as his deputies by the Department.".

Amendment of the National Insurance (Non-participation – Certificates) Regulations (Northern Ireland) 1960

4.—(1) The National Insurance (Non-participation — Certificates) Regulations (Northern Ireland) 1960(**a**) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) of the said regulations (interpretation) there shall be substituted for the definition of "the adjudicator" the following definition—

""the Board" means the Occupational Pensions Board established under section 66 of the Social Security Act 1973(**b**);".

(3) Subject to the provisions of paragraph (2) of this regulation, for every reference to the adjudicator in the said regulations there shall be substituted a reference to the Board.

Amendment of the National Insurance (Non-participation – Appeals and References) Regulations (Northern Ireland) 1960

5.—(1) The National Insurance (Non-participation — Appeals and References) Regulations (Northern Ireland) 1960(**c**) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) of the said regulations (interpretation) there shall be substituted for the definition of "the adjudicator" the following definition—

""the Board" means the Occupational Pensions Board established under section 66 of the Social Security Act 1973;".

(3) For regulation 2 of the said regulations (clerk to the adjudicator) there shall be substituted the following regulation—

(**a**) S.R. & O. (N.I.) 1960 No. 22 to which there are amendments not relevant to these regulations
(**b**) 1973 c. 38
(**c**) S.R. & O. (N.I.) 1960 No. 85