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STATUTORY INSTRUMENTS

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**2002 No. 1397**

**MINISTERS OF THE CROWN**

**The Secretaries of State for Education and  
Skills and for Work and Pensions Order 2002**

<i>Made</i>	- - - -	<i>22nd May 2002</i>
<i>Laid before Parliament</i>		<i>6th June 2002</i>
<i>Coming into force</i>	- -	<i>27th June 2002</i>

At the Court at Buckingham Palace, the 22nd day of May 2002

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 1 and 2 of the Ministers of the Crown Act 1975(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation and commencement**

1.—(1) This Order may be cited as the Secretaries of State for Education and Skills and for Work and Pensions Order 2002.

(2) This Order shall come into force on 27th June 2002.

**Interpretation**

2. In this Order “instrument”, without prejudice to the generality of that expression, includes in particular Royal Charters, Royal Warrants, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents.

**Incorporation of the Secretary of State for Education and Skills**

3.—(1) The person who at the coming into force of this Order is the Secretary of State for Education and Skills and any successors to that person shall be, by that name, a corporation sole.

(2) The corporate seal of the Secretary of State for Education and Skills shall—

- (a) be authenticated by the signature of a Secretary of State or a person authorised by a Secretary of State to act in that behalf, and
  - (b) be officially and judicially noticed.
- (3) Every document purporting to be an instrument made or issued by the Secretary of State for Education and Skills and to be—
- (a) sealed with his corporate seal authenticated in the manner provided by paragraph (2), or
  - (b) signed or executed by a person authorised by a Secretary of State to act in that behalf,
- shall be received in evidence and deemed to be so made or issued without further proof, unless the contrary is shown.
- (4) A certificate signed by the Secretary of State for Education and Skills that any instrument purporting to be made or issued by—
- (a) the Secretary of State for Education and Skills, or
  - (b) the Secretary of State for Education and Employment,
- was so made or issued shall be conclusive evidence of that fact.
- (5) The Documentary Evidence Act 1868(2) shall apply in relation to the Secretary of State for Education and Skills—
- (a) as if references to orders and regulations included references to any document, and
  - (b) as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.

### **Incorporation of the Secretary of State for Work and Pensions**

- 4.—(1) The person who at the coming into force of this Order is the Secretary of State for Work and Pensions and any successors to that person shall be, by that name, a corporation sole.
- (2) The corporate seal of the Secretary of State for Work and Pensions shall—
- (a) be authenticated by the signature of a Secretary of State or a person authorised by a Secretary of State to act in that behalf, and
  - (b) be officially and judicially noticed.
- (3) Every document purporting to be an instrument made or issued by the Secretary of State for Work and Pensions and to be—
- (a) sealed with his corporate seal authenticated in the manner provided by paragraph (2), or
  - (b) signed or executed by a person authorised by a Secretary of State to act in that behalf,
- shall be received in evidence and deemed to be so made or issued without further proof, unless the contrary is shown.
- (4) A certificate signed by the Secretary of State for Work and Pensions that any instrument purporting to be made or issued by—
- (a) the Secretary of State for Work and Pensions, or
  - (b) the Secretary of State for Social Security,
- was so made or issued shall be conclusive evidence of that fact.
- (5) The Documentary Evidence Act 1868 shall apply in relation to the Secretary of State for Work and Pensions—
- (a) as if references to orders and regulations included references to any document, and

- (b) as if the officers mentioned in column 2 of the Schedule included any officer authorised to act on behalf of the Secretary of State.

### **Transfer of certain functions to Secretary of State for Education and Skills**

5. The functions of the Secretary of State for Education and Employment under the following enactments are hereby transferred to the Secretary of State for Education and Skills—

- (a) section 2(1) of the Commonwealth Institute Act 1958(3) (trustees), and  
(b) paragraph 4(1)(c) of Schedule 1 to the Professions Supplementary to Medicine Act 1960(4) (constitution of boards).

### **Education functions**

6.—(1) In this article “the education functions” means the functions which were entrusted to the Secretary of State for Education and Employment immediately before 7th June 2001 and have, before the making of this Order, been entrusted to the Secretary of State for Education and Skills.

(2) All property, rights and liabilities to which the Secretary of State for Education and Employment is entitled or subject at the coming into force of this Order in connection with the education functions are hereby transferred to the Secretary of State for Education and Skills.

(3) Any contract, offer, warrant or other thing which—

- (a) has been, or has effect as if, made, issued or done by or in relation to the Secretary of State for Education and Employment in connection with the education functions, or anything transferred by paragraph (2), and  
(b) is in force at the coming into force of this Order,

shall have effect as if made, issued or done by or in relation to the Secretary of State for Education and Skills.

(4) Without prejudice to paragraph (3), anything (including any legal proceedings) which, at the coming into force of this order, is in the process of being done by or in relation to the Secretary of State for Education and Employment may, so far as it relates to—

- (a) any of the education functions, or  
(b) anything to which paragraph (2) or (3) relates,

be continued by or in relation to the Secretary of State for Education and Skills.

(5) Subject to article 12, any enactment or instrument passed or made before the coming into force of this Order shall have effect, so far as may be necessary for the purposes of or in consequence of the entrusting to the Secretary of State for Education and Skills of the education functions, as if any reference to the Secretary of State for Education and Employment, to the Department for Education and Employment or to an officer of the Secretary of State for Education and Employment (including any reference which is to be construed as such a reference) were a reference to the Secretary of State for Education and Skills, to the Department for Education and Skills or, as the case may be, to an officer of the Secretary of State for Education and Skills.

(6) Documents or forms printed for use in connection with any of the education functions may be used in connection with those functions notwithstanding that they contain, or are to be construed as

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(3) 1958 c. 16; section 2(1) was amended by the Secretary of State for Commonwealth Affairs Order 1966 (S.I. 1966/950), the Transfer of Functions (Miscellaneous) Order 1967 (S.I. 1967/486), the Secretary of State for Foreign and Commonwealth Affairs Order 1968 (S.I. 1968/1657) and the Transfer of Functions (Education and Employment) Order 1995 (S.I. 1995/2986) art. 11, Sch. para. 3.

(4) 1960 c. 66; amended by the Transfer of Functions (Education and Employment) Order 1995 (S.I. 1995/2986) art. 11, Sch., para. 4; prospectively repealed by the Health Act 1999 (c. 8) ss. 60(3), 65(2), Sch. 5 as from a day to be appointed under section 67(1) of that Act.

containing, references to the Secretary of State for Education and Employment, to the Department for Education and Employment or to an officer of the Department for Education and Employment; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references shall be construed as references to the Secretary of State for Education and Skills, to the Department for Education and Skills or, as the case may be, to an officer of the Secretary of State for Education and Skills.

### **Functions under Trading Representations (Disabled Persons) Act 1958**

7. The functions under section 1(2)(d) of the Trading Representations (Disabled Persons) Act 1958(5) (which relates to exemption) are hereby transferred to the Secretary of State.

### **Employment functions**

8.—(1) In this article “the employment functions” means the functions which were entrusted to the Secretary of State for Education and Employment immediately before 7th June 2001 and have, before the making of this Order, been entrusted to the Secretary of State for Work and Pensions.

(2) All property, rights and liabilities to which the Secretary of State for Education and Employment is entitled or subject at the coming into force of this Order in connection with the employment functions are hereby transferred to the Secretary of State for Work and Pensions.

(3) Any contract, offer, warrant or other thing which—

- (a) has been, or has effect as if, made, issued or done by or in relation to the Secretary of State for Education and Employment in connection with the employment functions, the function transferred by article 7 or anything transferred by paragraph (2), and
- (b) is in force at the coming into force of this Order,

shall have effect as if made, issued or done by or in relation to the Secretary of State for Work and Pensions.

(4) Without prejudice to paragraph (3), anything (including any legal proceedings) which, at the coming into force of this order, is in the process of being done by or in relation to the Secretary of State for Education and Employment may, so far as it relates to—

- (a) any of the employment functions, or
- (b) anything to which paragraph (2) or (3) relates,

be continued by or in relation to the Secretary of State for Work and Pensions.

(5) Subject to article 12, any enactment or instrument passed or made before the coming into force of this Order shall have effect, so far as may be necessary for the purposes of or in consequence of the entrusting to the Secretary of State for Work and Pensions of the employment functions, as if any reference to the Secretary of State for Education and Employment, to the Department for Education and Employment or to an officer of the Secretary of State for Education and Employment (including any reference which is to be construed as such a reference) were a reference to the Secretary of State for Work and Pensions, to the Department for Work and Pensions or, as the case may be, to an officer of the Secretary of State for Work and Pensions.

(6) Documents or forms printed for use in connection with any of the employment functions may be used in connection with those functions notwithstanding that they contain, or are to be construed as containing, references to the Secretary of State for Education and Employment, to the Department for Education and Employment or to an officer of the Secretary of State for Education and Employment; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references shall be construed as references to the Secretary of State for Work and

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(5) 1958 c. 49; amended by the Trading Representations (Disabled Persons) (Amendment) Act 1972 (c. 45) s.1, Sch.

Pensions, to the Department for Work and Pensions or, as the case may be, to an officer of the Secretary of State for Work and Pensions.

### **Social security functions**

9.—(1) In this article “the social security functions” means the functions which were entrusted to the Secretary of State for Social Security immediately before 7th June 2001 and have, before the making of this Order, been entrusted to the Secretary of State for Work and Pensions.

(2) All property, rights and liabilities to which the Secretary of State for Social Security is entitled or subject at the coming into force of this Order in connection with the social security functions are hereby transferred to the Secretary of State for Work and Pensions.

(3) Any contract, offer, warrant or other thing which—

(a) has been, or has effect as if, made, issued or done by or in relation to the Secretary of State for Social Security in connection with the social security functions or anything transferred by paragraph (2), and

(b) is in force at the coming into force of this Order,

shall have effect as if made, issued or done by or in relation to the Secretary of State for Work and Pensions.

(4) Without prejudice to paragraph (3), anything (including any legal proceedings) which, at the coming into force of this order, is in the process of being done by or in relation to the Secretary of State for Social Security may, so far as it relates to—

(a) any of the social security functions, or

(b) anything to which paragraph (2) or (3) relates,

be continued by or in relation to the Secretary of State for Work and Pensions.

(5) Subject to article 12, any enactment or instrument passed or made before the coming into force of this Order shall have effect, so far as may be necessary for the purposes of or in consequence of the entrusting to the Secretary of State for Work and Pensions of the social security functions, as if any reference to the Secretary of State for Social Security, to the Department of Social Security or to an officer of the Secretary of State for Social Security (including any reference which is to be construed as such a reference) were a reference to the Secretary of State for Work and Pensions, to the Department for Work and Pensions or, as the case may be, to an officer of the Secretary of State for Work and Pensions.

(6) Documents or forms printed for use in connection with any of the social security functions may be used in connection with those functions notwithstanding that they contain, or are to be construed as containing, references to the Secretary of State for Social Security, to the Department of Social Security or to an officer of the Secretary of State for Social Security; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references shall be construed as references to the Secretary of State for Work and Pensions, to the Department for Work and Pensions or, as the case may be, to an officer of the Secretary of State for Work and Pensions.

### **Work permit functions**

10.—(1) In this article “the work permit functions” means the functions which were entrusted to the Secretary of State for Education and Employment immediately before 7th June 2001 and have, before the making of this Order, been entrusted to the Secretary of State for the Home Department.

(2) All property, rights and liabilities to which the Secretary of State for Education and Employment is entitled or subject at the coming into force of this Order in connection with the work permit functions are hereby transferred to the Secretary of State for the Home Department.

(3) Any contract, offer, warrant or other thing which—

- (a) has been, or has effect as if, made, issued or done by or in relation to the Secretary of State for Education and Employment in connection with the work permit functions or anything transferred by paragraph (2), and
- (b) is in force at the coming into force of this Order,

shall have effect as if made, issued or done by or in relation to the Secretary of State for the Home Department.

(4) Without prejudice to paragraph (3), anything (including any legal proceedings) which, at the coming into force of this order, is in the process of being done by or in relation to the Secretary of State for Education and Employment may, so far as it relates to—

- (a) any of the work permit functions, or
- (b) anything to which paragraph (2) or (3) relates,

be continued by or in relation to the Secretary of State for the Home Department.

(5) Subject to article 12, any enactment or instrument passed or made before the coming into force of this Order shall have effect, so far as may be necessary for the purposes of or in consequence of the entrusting to the Secretary of State for the Home Department of the work permit functions, as if any reference to the Secretary of State for Education and Employment, to the Department for Education and Employment or to an officer of the Secretary of State for Education and Employment (including any reference which is to be construed as such a reference) were a reference to the Secretary of State for the Home Department, to the Home Department or, as the case may be, to an officer of the Secretary of State for the Home Department.

(6) Documents or forms printed for use in connection with any of the work permit functions may be used in connection with those functions notwithstanding that they contain, or are to be construed as containing, references to the Secretary of State for Education and Employment, to the Department for Education and Employment or to an officer of the Secretary of State for Education and Employment; and for the purposes of the use of any such documents or forms after the coming into force of this Order, those references shall be construed as references to the Secretary of State for the Home Department, to the Home Department or, as the case may be, to an officer of the Secretary of State for the Home Department.

### **Functions under Greater London Council (General Powers) Act 1975**

**11.** The functions conferred by section 3 of the Greater London Council (General Powers) Act 1975(6) (protection for fire brigade in respect of certain substances) on the Secretary of State as defined for the purposes of that section are hereby transferred to the Secretary of State.

### **Consequential amendments**

**12.** The enactments mentioned in the Schedule to this Order shall have effect with the amendments specified.

*G. C. Donald*  
Deputy Clerk of the Privy Council

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(6) 1975 c. xxx; section 3 was amended by the Local Government Reorganisation (Miscellaneous Provisions) (No. 4) Order 1986 (S.I. 1986/452) art. 2, Sch.1, para. 6.

## SCHEDULE

Article 12

### CONSEQUENTIAL AMENDMENTS

#### PART I

#### ACTS

##### **Commonwealth Institute Act 1958 (c. 16)**

1. In section 2(1) of the Commonwealth Institute Act 1958 (trustees), for “the Secretary of State for Education and Employment” there is substituted “the Secretary of State for Education and Skills”.

##### **Trading Representations (Disabled Persons) Act 1958 (c. 49)**

2. In section 1(2)(d) of the Trading Representations (Disabled Persons) Act 1958 (which relates to exemption), for the words from “exempted” to “from” there is substituted “exempted by the Secretary of State from”.

##### **Professions Supplementary to Medicine Act 1960 (c. 66)**

3. In paragraph 4(1)(c) of Schedule 1 to the Professions Supplementary to Medicine Act 1960 (constitution of boards), for “the Secretary of State for Education and Employment” there is substituted “the Secretary of State for Education and Skills”.

##### **Parliamentary Commissioner Act 1967 (c. 13)**

4. In Schedule 2 to the Parliamentary Commissioner Act 1967(7) (departments, etc subject to investigation)—

- (a) the entries relating to the Department for Education and Employment and the Department of Social Security are hereby repealed, and
- (b) there are inserted at the appropriate places “Department for Education and Skills” and “Department for Work and Pensions”.

##### **Greater London Council (General Powers) Act 1975 (c. xxx)**

5. In section 3(15) of the Greater London Council (General Powers) Act 1975 (protection for fire brigade in respect of certain substances), the definition of “the Secretary of State” is hereby repealed.

##### **Income and Corporation Taxes Act 1988 (c. 1)**

6. In section 152(7) of the Income and Corporation Taxes Act 1988(8) (notification by benefit officer), for the words from “in Great Britain” to “as the case may be” there is substituted “in Great Britain, of the Department for Work and Pensions”.

(7) Relevant amendments are as follows—

- (i) Schedule 2 was substituted by the Parliamentary and Health Service Commissioners Act 1987 (c. 39) s. 1(2). Sch. 1,
  - (ii) the entry relating to the Department for Education and Employment was inserted by the Transfer of Functions (Education and Employment) Order 1995 (S.I. 1995/2986) art. 11, Sch., para. 5, and
  - (iii) the entry relating to the Department of Social Security was inserted by the Transfer of Functions (Health and Social Security) Order 1988 (S.I. 1988/1843) art. 5(2).
- (8) Section 152(7) was amended by the Transfer of Functions (Health and Social Security) Order 1988 (S.I. 1988/1843) art. 5, Sch. 3, para. 4 and modified by the Transfer of Functions (Education and Employment) Order 1995 (S.I. 1995/2986) art. 6(5).

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### **Social Security Contributions and Benefits Act 1992 (c. 4)**

7. In section 123(2) of the Social Security Contributions and Benefits Act 1992 (income-related benefits), for “the Department of Social Security” there is substituted “the Department for Work and Pensions”.

### **Social Security Administration Act 1992 (c. 5)**

8.—(1) The Social Security Administration Act 1992 is amended as follows.

(2) In section 181 (impersonation of officers), for “the Secretary of State for Social Security” there is substituted “the Secretary of State for Work and Pensions”.

(3) In section 182 (illegal possession of documents), for “the Secretary of State for Social Security” there is substituted “the Secretary of State for Work and Pensions”.

(4) In Schedule 4(9) (persons employed in social security administration or adjudication)—

(a) in Part I, under “Government departments”, for paragraphs (a) and (b) there is substituted—

“(a) the Department for Work and Pensions;” and

(b) in Part 2, for paragraphs 1 and 2 there is substituted—

“1. The reference in Part 1 of this Schedule to the Department for Work and Pensions is a reference to that Department only to the extent that the functions carried out in it relate to social security, to child support or to occupational or personal pension schemes.

1A. The reference in Part 1 of this Schedule to the Department for Work and Pensions includes a reference to—

- (a) the former Department of Social Security,
- (b) the former Department for Education and Employment, to the extent that the functions carried out in it related to a jobseeker’s allowance or to unemployment benefit or income support or to the former supplementary benefit,
- (c) the former Department of Health and Social Security, to the extent that the functions carried out in it related to social security or to occupational or personal pension schemes or to war pensions,
- (d) the former Ministry of Pensions and National Insurance,
- (e) the former Ministry of Social Security, and
- (f) any other former government department, to the extent that the functions carried out in it related to social security or to occupational or personal pensions or to war pensions,

and paragraph 1 above does not apply for the purposes of this paragraph.”.

### **Pension Schemes Act 1993 (c. 48)**

9.—(1) The Pension Schemes Act 1993 is amended as follows.

(2) In section 158(7) (disclosure of information between government departments etc), for “the Department of Social Security” there is substituted “the Department for Work and Pensions”.

(3) In section 158A(1)(10) (other disclosures by the Secretary of State), for “the Department of Social Security” there is substituted “the Department for Work and Pensions”.

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(9) Paragraph 2 of Part 2 of Schedule 4 was amended by the Jobseekers Act 1995 (c. 18) s. 41(4), Sch. 2, para. 74.

(10) Section 158A was inserted by the Pensions Act 1995 (c. 26) s. 173, Sch. 6, para. 9.



### **Finance Act 1994 (c. 9)**

10. For paragraph 3(3)(a) of Schedule 7A to the Finance Act 1994(11) (insurance premium tax: contracts that are not taxable) there is substituted—

“(a) the Department for Work and Pensions;”.

### **Value Added Tax Act 1994 (c. 23)**

11. In Schedule 8 to the Value Added Tax Act 1994 (zero-rating), in paragraph (b) of Note (6) to Group 12 (aids for the handicapped etc), for “the Department of Social Security” there is substituted “the Department for Work and Pensions”.

### **Jobseekers Act 1995 (c. 18)**

12. Paragraph 74 of Schedule 2 to the Jobseekers Act 1995 (consequential amendments) is hereby repealed.

### **Nursery Education and Grant-Maintained Schools Act 1996 (c. 50)**

13. In paragraph 1(1)(a) of Schedule 2 to the Nursery Education and Grant-Maintained Schools Act 1996 (nursery education grants: disclosure of information), for “the Department for Education and Employment”, in both places where those words occur, there is substituted “the Department for Education and Skills”.

### **School Standards and Framework Act 1998 (c. 31)**

14. In paragraph 9 of Schedule 5 to the School Standards and Framework Act 1998 (adjudicators), for “the Department for Education and Employment” there is substituted “the Department for Education and Skills”.

### **Tax Credits Act 1999 (c. 10)**

15. In paragraph 24 of Schedule 2 to the Tax Credits Act 1999 (construction of references in section 123 of the Social Security Contributions and Benefits Act 1992 to local offices of the Department of Social Security), for “the Department of Social Security” there is substituted “the Department for Work and Pensions”.

### **Regulation of Investigatory Powers Act 2000 (c. 23)**

16. In Part 1 of Schedule 1 to the Regulation of Investigatory Powers Act 2000 (relevant authorities for the purposes of sections 28 and 29)—

- (a) the entry relating to the Department of Social Security is hereby repealed, and
- (b) there is inserted at the appropriate place “The Department for Work and Pensions”.

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(11) Schedule 7A was inserted by the Insurance Premium Tax (Taxable Insurance Contracts) Order 1994 (S.I. 1994/1698) art. 5.

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## PART II

### SUBORDINATE LEGISLATION

#### **Company and Business Names Regulations 1981 (S.I.1981/1685)**

17. In the Schedule to the Company and Business Names Regulations 1981(12) (names requiring approval of Secretary of State), in Column (2), for “Department for Education and Employment”, in both places where those words occur, there is substituted “Department for Education and Skills”.

#### **Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968)**

18.—(1) The Social Security (Claims and Payments) Regulations 1987 are amended as follows.

(2) In regulation 2(1) (interpretation), for the definition of “appropriate office”(13) there is substituted—

““appropriate office” means an office of the Department for Work and Pensions;”.

(3) In regulation 19(5)(d)(14) (time for claiming benefit), for “Department of Social Security or of the Department for Education and Employment” there is substituted “Department for Work and Pensions”.

(4) In regulation 26A(2)(15) (jobseeker’s allowance), the words from “except” to the end are hereby revoked.

#### **Housing Benefit (General) Regulations 1987 (S.I. 1987/1971)**

19.—(1) The Housing Benefit (General) Regulations 1987(16) are amended as follows.

(2) In regulation 2(1)(17) (interpretation)—

(a) for the definition of “appropriate DHSS office” there is substituted—

““appropriate DWP office” means an office of the Department for Work and Pensions which is normally open to the public for the receipt of claims for income support or a jobseeker’s allowance;”, and

(c) in the definition of “gateway office” for “appropriate DSS office” there is substituted “appropriate DWP office”.

(3) In subsequent provisions, for “appropriate DHSS office” or “appropriate DSS office”, wherever occurring, there is substituted “appropriate DWP office”.

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(12) In Column (2) the entry relating to “Polytechnic” (as inserted by the Company and Business Names (Amendment) Regulations 1982 (S.I. 1982/1653) reg. 2) and the entry relating to “Special School” were substituted by the Company and Business Names (Amendment) Regulations 1995 (S.I. 1995/3022) reg. 3.

(13) The definition of “appropriate office” was amended by the Social Security (Claims and Payments) (Jobseeker’s Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460) reg. 2(2) and modified by the Transfer of Functions (Health and Social Security) Order 1988 (S.I. 1988/1843) art. 5(3).

(14) Regulation 19 was substituted by the Social Security (Miscellaneous Amendments) (No. 2) Regulations 1997 (S.I. 1997/793) reg. 6; regulation 19(5)(d) was amended by the Tax Credits (Claims and Payments) (Amendment) Regulations 1999 (S.I. 1999/2572) reg. 10(a) and by the Social Security (Claims and Information) Regulations 1999 (S.I. 1999/3108) reg. 18, Sch. 3, para. 2(1), (6).

(15) Regulation 26A was inserted by the Social Security (Claims and Payments) (Jobseeker’s Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460) reg. 2(14).

(16) Relevant amending instruments (see also the next footnote below) are the Income-Related Benefits (Miscellaneous Amendments) Regulations 1990 (S.I. 1990/671), the Housing Benefit (General) Amendment Regulations 1991 (S.I. 1991/235), the Housing Benefit and Community Charge Benefits (Miscellaneous) Amendment Regulations 1991 (S.I. 1991/1599), the Housing Benefit, Supply of Information and Council Tax Benefit (Amendment) Regulations 1996 (S.I. 1996/194), the Housing Benefit and Council Tax Benefit (General) Amendment (No. 2) Regulations 1999 (S.I. 1999/1539) and the Housing Benefit and Council Tax Benefit (Extended Payments) Regulations 2001 (S.I. 2001/537).

(17) The definition of “appropriate DHSS office” in regulation 2(1) was amended by the Housing Benefit, Council Tax Benefit and Supply of Information (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1510) reg. 2(2).

- (4) In regulation 99(3)(18) (recoverable overpayments)—
- (a) in sub-paragraph (c), for paragraphs (i) to (iii) there is substituted—
- “(i) the Department for Work and Pensions; or  
(ii) the Commissioners of Inland Revenue,” and
- (b) in sub-paragraph (d), for “either Department” there is substituted “the Department”.

### **Housing Benefit (Supply of Information) Regulations 1988 (S.I. 1988/662)**

**20.**—(1) The Housing Benefit (Supply of Information) Regulations 1987(19) are amended as follows.

(2) In regulation 1(2)(20) (interpretation), for the definition of “appropriate DHSS office” there is substituted—

““appropriate DWP office” means an office of the Department for Work and Pensions which is normally open to the public for the receipt of claims for income support or a jobseeker’s allowance;”.

(3) In subsequent provisions, for “appropriate DHSS office” or “appropriate DSS office”, wherever occurring, there is substituted “appropriate DWP office”.

### **Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814)**

**21.**—(1) The Council Tax Benefit (General) Regulations 1992 are amended as follows.

(2) In regulation 2(1)(21) (interpretation), in the definition of “appropriate social security office”, for the words from “Department of Social Security” to the end there is substituted “Department for Work and Pensions which is normally open to the public for the receipt of claims for income support or a jobseeker’s allowance”.

(3) In regulation 84(3)(22) (recoverable excess benefit)—

(a) in sub-paragraph (c), for paragraphs (i) to (iii) there is substituted—

“(i) the Department for Work and Pensions; or  
(ii) the Commissioners of Inland Revenue,” and

(b) in sub-paragraph (d), for “either Department” there is substituted “the Department”.

(4) In regulation 92(1)(j) (information to be supplied by the Secretary of State to an appropriate authority), for “appropriate DSS office” there is substituted “appropriate social security office”.

### **Fines (Deductions from Income Support) Regulations 1992 (S.I. 1992/2182)**

**22.** In regulation 1(2) of the Fines (Deductions from Income Support) Regulations 1992(23) (interpretation), in the definition of “social security office”, for the words from “Department of

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(18) Regulation 99(3) was substituted by the Housing Benefit and Council Tax Benefit (Decisions and Appeals and Discretionary Financial Assistance) (Consequential Amendments and Revocations) Regulations 2001 (S.I. 2001/1605) reg. 9(2).

(19) Relevant amendments (see also in the next footnote below) are made by the Housing Benefit and Community Charge Benefits (Miscellaneous Amendments) Regulations 1992 (S.I. 1992/432) reg. 18(c).

(20) The definition of “appropriate DHSS office” was amended by the Housing Benefit, Council Tax Benefit and Supply of Information (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1510) reg. 51.

(21) The definition of “appropriate social security office” was amended by the Housing Benefit, Council Tax Benefit and Supply of Information (Jobseeker’s Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1510) reg. 24 and modified by the Transfer of Functions (Education and Employment) Order 1995 (S.I. 1995/2986) art. 6(5).

(22) Regulation 84(3) was substituted by the Housing Benefit and Council Tax Benefit (Decisions and Appeals and Discretionary Financial Assistance) (Consequential Amendments and Revocations) Regulations 2001 (S.I. 2001/1605) reg. 9(1).

(23) The definition of “social security office” was amended by the Social Security (Jobseeker’s Allowance Consequential Amendments) (Deductions) Regulations 1996 (S.I. 1996/2344) reg. 10.

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Social Security” to the end there is substituted “Department for Work and Pensions which is open to the public for the receipt of claims for income support or a jobseeker’s allowance.”.

#### **Council Tax (Deductions from Income Support) Regulations 1993 (S.I. 1993/494)**

23. In regulation 1(2) of the Council Tax (Deductions from Income Support) Regulations 1993(24) (interpretation), in the definition of “social security office”, for the words from “Department of Social Security” to the end there is substituted “Department for Work and Pensions which is open to the public for the receipt of claims for income support or a jobseeker’s allowance.”.

#### **Income Tax (Sub-contractors in the Construction Industry) Regulations 1993 (S.I. 1993/743)**

24. In regulation 23A(4) of the Income Tax (Sub-contractors in the Construction Industry) Regulations 1993(25) (evidence of unemployment), for “Employment Service or of the Department of Social Security, as the case may be,” there is substituted “Department for Work and Pensions”.

#### **Income Tax (Employments) Regulations 1993 (S.I. 1993/744)**

25.—(1) The Income Tax (Employments) Regulations 1993 are amended as follows.

(2) In regulation 36(7) (trade disputes), for “Department of Employment or the Department of Social Security, as the case may be,” there is substituted “Department for Work and Pensions”.

(3) In regulation 94(a) (meaning of “the Department” in Chapter III of Part VII), for “the Department of Employment or, as the case may be, the Department of Social Security” there is substituted “the Department for Work and Pensions”.

#### **Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207)**

26. In regulation 34(a) of the Jobseeker’s Allowance Regulations 1996 (jobseeker’s agreement treated as having been made), for “Department for Education and Employment or of the Department of Social Security” there is substituted “Department for Work and Pensions”.

#### **Social Security (Back to Work Bonus) (No. 2) Regulations 1996 (S.I. 1996/2570)**

27.—(1) The Social Security (Back to Work Bonus) (No. 2) Regulations 1996 are amended as follows.

(2) In regulation 8(12) (amount payable), for “Department of Social Security or the Department for Education and Employment” there is substituted “Department for Work and Pensions”.

(3) In regulation 22(2) (claiming a bonus), for “Department of Social Security or of the Department for Education and Employment” there is substituted “Department for Work and Pensions”.

(4) In regulation 23(4) (claims: further provisions), for “Department of Social Security or the Department for Education and Employment” there is substituted “Department for Work and Pensions”.

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(24) The definition of “social security office” was amended by the Social Security (Jobseeker’s Allowance Consequential Amendments) (Deductions) Regulations 1996 (S.I. 1996/2344) reg. 17.

(25) Regulation 23A was inserted by the Income Tax (Sub-contractors in the Construction Industry) (Amendment) Regulations 1998 (S.I. 1998/2622) reg. 17.

### **Housing Renewal Grants (Prescribed Form and Particulars) Regulations 1996 (S.I. 1996/2891)**

28. In the form set out in the Schedule to the Housing Renewal Grants (Prescribed Forms and Particulars) Regulations 1996(26) (form entitled “Owner-occupier’s and tenant’s applications for housing renewal grants”), in question 3.38, for “Secretary of State for Education and Employment” there is substituted “Secretary of State for Education and Skills”.

### **Social Security (Child Maintenance Bonus) Regulations 1996 (S.I. 1996/3195)**

29. In regulation 1(2) of the Social Security (Child Maintenance Bonus) Regulations 1996 (interpretation), in the definition of “appropriate office”, for “Department of Social Security or the Department for Education and Employment” there is substituted “Department for Work and Pensions”.

### **Relocation Grants (Form of Application) Regulations 1997 (S.I. 1997/2847)**

30. In the form set out in the Schedule to the Relocation Grants (Form of Application) Regulations 1997(27) (form entitled “Application for relocation grant”), in question 4.38, for “Secretary of State for Education and Employment” there is substituted “Secretary of State for Education and Skills”.

### **Income-related Benefits (Subsidy to Authorities) Order 1998 (S.I. 1998/562)**

31. For article 18(4)(a)(28) of the Income-related Benefits (Subsidy to Authorities) Order 1998 (additions to subsidy) there is substituted—

“(a) by an officer of the Department for Work and Pensions, acting as such, or a person providing services to that Department;”.

### **Building Societies (Business Names) Regulations 1998 (S.I. 1998/3186)**

32. In the Schedule to the Building Societies (Business Names) Regulations 1998 (names requiring approval of the Building Societies Commission), in Column (2), for “Department for Education and Employment”, in both places where those words occur, there is substituted “Department for Education and Skills”.

### **Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 (S.I. 1999/2277)**

33. In paragraph 19 of Part II of Schedule 2 to the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 (which specifies certain employers for the purposes of the enactments relating to redundancy which are modified by Part I of that Schedule), after “Secretary of State for Education and Employment” there is inserted “or the Secretary of State for Education and Skills”.

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(26) Question 3.38 was amended by the Housing Renewal Grants (Prescribed Form and Particulars) (Amendment) (England) Regulations 2001 (S.I. 2001/789) reg. 2, Sch., para. 4.

(27) Question 4.38 was amended by the Relocation Grants (Form of Application) (Amendment) (England) Regulations 2001 (S.I. 2001/780) reg. 2, Sch., para. 4.

(28) Paragraph 18(4) was substituted by the Income-related Benefits (Subsidy to Authorities) Amendment (No. 2) Order 2000 (S.I. 2000/2340) art. 2.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order in Council, made under the Ministers of the Crown Act 1975, constitutes the Secretary of State for Education and Skills and the Secretary of State for Work and Pensions as corporations sole (articles 3 and 4). Those articles also provide for the authentication of the corporate seals, the making of instruments by those Secretaries of State and related matters.

Article 6 transfers to the Secretary of State for Education and Skills all the property, rights and liabilities of the Secretary of State for Education and Employment in connection with the functions formerly entrusted to the Secretary of State for Education and Employment and now entrusted to the Secretary of State for Education and Skills. These functions relate to education.

Article 8 transfers to the Secretary of State for Work and Pensions all the property, rights and liabilities of the Secretary of State for Education and Employment in connection with the functions formerly entrusted to the Secretary of State for Education and Employment and now entrusted to the Secretary of State for Work and Pensions. These functions relate to employment.

Article 9 transfers to the Secretary of State for Work and Pensions all the property, rights and liabilities of the Secretary of State for Social Security in connection with the functions formerly entrusted to the Secretary of State for Social Security and now entrusted to the Secretary of State for Work and Pensions. These functions relate to social security, including child support. They do not include the functions relating to war pensions that have been entrusted to the Secretary of State for Defence.

Article 10 transfers to the Secretary of State for the Home Department all the property, rights and liabilities of the Secretary of State for Education and Employment in connection with the functions formerly entrusted to the Secretary of State for Education and Employment and now entrusted to the Secretary of State for the Home Department. These functions relate to the grant of work permits for immigration purposes.

Each of Articles 6, 8, 9 and 10 also contains consequential provisions relating to the entrusting of the functions in question to the Secretary of State to whom they are now entrusted.

Articles 5, 7 and 11 deal with functions under the miscellaneous enactments specified in them. Article 5 transfers to the Secretary of State for Education and Skills the functions of the Secretary of State for Education and Employment under the enactments mentioned in that Article. Article 7 transfers to the Secretary of State functions under section 1(2)(d) of the Trading Representations (Disabled Persons) Act 1958 (with a view to the exercise of these functions by the Secretary of State for Work and Pensions), while article 11 transfers to the Secretary of State certain functions under the Greater London Council (General Powers) Act 1975 (with a view to the exercise of these functions by the Secretary of State for Transport, Local Government and the Regions).

Nothing in this Order alters the functions of the National Assembly for Wales.