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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 149**

**The Social Security Contributions (Transfer of Functions, etc.) (1999 Order) (Commencement No. 1 and Transitional Provisions) Order (Northern Ireland) 1999**

**Decisions and appeals**

4.—(1) Subject to paragraph (2) of this Article, where—

(a) a person has before 1st April 1999 applied—

(i) in accordance with regulations made under section 56(1) of the Administration Act for the determination by the Department of any such question as is mentioned in section 15(1)(2) of the Administration Act, or

(ii) in accordance with regulations under paragraph (b) of subsection (3) of section 18 of the Administration Act for the determination by an adjudication officer of any question mentioned in that subsection, and

(b) that question has not been determined before that date,

the question shall on or after that date be treated in accordance with paragraph (3) of this Article as being for the decision of an officer of the Board under Article 7(1) of the Transfer Order.

(2) Paragraph (1) of this Article—

(a) shall apply in relation to any such question as is mentioned in paragraph (b) of section 15(1) of the Administration Act only in so far as that question raises an issue of a kind specified in paragraph (c), (d) or (e) of Article 7(1) of the Transfer Order, and

(b) shall not apply in relation to any such question as is mentioned in paragraph (e) or (f) of that section.

(3) A question to which paragraph (1) of this Article applies—

(a) by virtue only of paragraph (2)(a) of this Article, shall be treated as falling to be decided under paragraph (c), (d) or, as the case may be, (e) of Article 7(1) of the Transfer Order;

(b) in any other case, shall be treated as falling to be decided under such provision of the Transfer Order as is specified in column (2) of the following Table in relation to the provision of the Administration Act (specified in column (1) of that Table) in which that question is mentioned.

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(1) Section 56 was amended by paragraph 27 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and paragraph 8 of Schedule 1 to the Industrial Tribunals (Northern Ireland) Order 1996 (S.I. 1996/1921 (N.I. 18))

(2) Section 15(1) was amended by paragraph 24 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 and S.R. 1995 No. 69

TABLE

Column (1) <i>Provision of Administration Act</i>	Column (2) <i>Provision of Transfer Order</i>
Section 15(1)(a)	Article 7(1)(a)
Section 15(1)(c)	Article 7(1)(c)
Section 15(1)(d)	Article 7(1)(b)
Section 15(1)(g)(i) or (vi)	Article 7(1)(f)
Section 15(1)(g)(ii) to (v)	Article 7(1)(g)
Section 15(1)(h)(i) or (v)	Article 7(1)(f)
Section 15(1)(h)(ii) to (iv)	Article 7(1)(g)
Section 15(1)(i)	Article 7(1)(i)
Section 18(3)	Article 7(1)(f)

(4) Where, by virtue of paragraph (1)(a)(i) of this Article, a question falls to be decided by an officer of the Board, that question shall until the relevant date be treated for the purposes of paragraphs (2)(b) and (3)(c)(ii) of Regulation 28D of Schedule 1 to the Social Security (Contributions) Regulations (Northern Ireland) 1979(3) (remission of interest) as if it were a question for determination under section 15(1) of the Administration Act.

(5) In paragraph (4) of this Article, “the relevant date” means the date on which—

- (a) the question is determined by the officer of the Board, or
- (b) those provisions of that Regulation cease to be in operation,

whichever first occurs.

(6) 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), Part III of the Transfer Order shall not apply with respect to any decision given before 1st April 1999—

- (a) by the Department on any such question as is mentioned in section 15(1) of the Administration Act;
- (b) by the Department of any such question as is mentioned in section 165(1) of the Pension Schemes (Northern Ireland) Act 1993(4) (which includes such a question among the questions to which section 15(1) of the Administration Act applies), or
- (c) by an adjudication officer of the question mentioned in section 18(3) of the Administration Act.

(7) Where, before 1st April 1999, the Department has determined a question to which section 165(7) of the Pension Schemes (Northern Ireland) Act 1993 (certain questions arising under Part III of that Act) applies, that determination shall, on and after that date, be treated for the purposes of the Occupational and Personal Pension Schemes (Contracting-out etc: Review of Determinations) Regulations (Northern Ireland) 1997(5) as if it had been made by the Board.

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(3) [S.R. 1979 No. 186](#); Regulation 28D was inserted by [S.R. 1993 No. 130](#)

(4) [1993 c. 49](#); section 165 was amended by paragraph 60 of Schedule 3 and Parts I and III of Schedule 5 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

(5) [S.R. 1997 No. 140](#)