

## SCHEDULES

### SCHEDULE 9

#### NORTHERN IRELAND

#### PART II

##### TRANSFER OF FUNCTIONS RELATING TO COMMISSIONERS

- 2 (1) In this Part—
- " the Commissioners" means the Chief and other Social Security Commissioners for Northern Ireland ;
  - " the Department", except in the expression " the Department of Finance and Personnel", means the Department of Health and Social Services for Northern Ireland.
- (2) The references in paragraphs 3(1)(b) and 4 to service by any person as a Commissioner include references to service treated as service as a Commissioner under paragraph 5(2) of Schedule 10 to the Social Security (Northern Ireland) Act 1975 (service under former enactments).
- 3 (1) The following functions of the Department are hereby transferred to the Lord Chancellor—
- (a) the functions of the Department under paragraphs 4, 6 and 7 of Schedule 10 to the Social Security (Northern Ireland) Act 1975 (payment of remuneration, expenses, and pensions of the Commissioners);
  - (b) the functions of the Department under the provisions of the Judicial Pensions Act (Northern Ireland) 1951 (Gump sums and widow's and children's pensions) and paragraph 3 of Schedule 3 to the Administration of Justice Act 1973 (increase of certain widow's and children's pensions) so far as those provisions apply to service by any person as a Commissioner;
  - (c) the administration of the offices of the Commissioners, including the functions of the Department under paragraph 3 of Schedule 10 to the Social Security (Northern Ireland) Act 1975 (payments in connection with work of tribunals etc.) relating to the work of the Commissioners;
  - (d) the making, under or for the purposes of the enactments mentioned in sub-paragraph (2) below, of regulations with respect to proceedings before the Commissioners, whether for the determination of any matter or for leave to appeal to or from the Commissioners.
- (2) The enactments referred to in sub-paragraph (1)(d) above are—
- (a) sections 6(1) and 10 of the Family Income Supplements Act (Northern Ireland) 1971 ;
  - (b) section 5 of the National Insurance Measure (Northern Ireland) 1974;
  - (c) sections 106(2), 112A and 115(1) of the Social Security (Northern Ireland) Act 1975 ;

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*Status: This is the original version (as it was originally enacted).*

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- (d) Articles 9(1) and 24 of the Child Benefit (Northern Ireland) Order 1975;
  - (e) the definition of " regulations " in Article 2(2), and Articles 4(1) and 19(1), of the Supplementary Benefits (Northern Ireland) Order 1977 ;
  - (f) section 14 of the Social Security Act 1980 ;
  - (g) Article 11(1) of the Social Security (Northern Ireland) Order 1980;
  - (h) Article 6 of the Forfeiture (Northern Ireland) Order 1982 ;
  - (j) Articles 17(5) and 36 of the Social Security (Northern Ireland) Order 1982;
- 4 (1) The functions of the Department of Finance and Personnel, so far as they relate to the functions transferred by paragraph 3 above, are hereby transferred to the Treasury.
- (2) The functions of the Department of Finance and Personnel under the Judicial Pensions Act (Northern Ireland) 1951, so far as it applies to service by any person as a Commissioner, are hereby transferred to the Treasury.
- 5 The functions of the Secretary of State under paragraph 7(5) of Schedule 10 to the Social Security (Northern Ireland) Act 1975 (power of Secretary of State to require person retired on medical grounds to resume duties of Commissioner) are hereby transferred to the Lord Chancellor.
- 6 (1) Subject to any Order made after the passing of this Act by virtue of subsection (1) (a) of section 3 of the Northern Ireland Constitution Act 1973, the matters to which this paragraph applies shall not be transferred matters for the purposes of that Act but shall for the purposes of subsection (2) of that section be treated as specified in Schedule 3 to that Act.
- (2) This paragraph applies to all matters relating to the Commissioners, including procedure and appeals, other than those specified in paragraph 9 of Schedule 2 to the Northern Ireland Constitution Act 1973.
- 7 Regulations made by the Lord Chancellor by virtue of this Part of this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.
- 8 (1) Enactments and instruments passed or made before the coming into operation of this Part of this Schedule shall have effect, so far as may be necessary for the purpose or in consequence of the transfers effected by this Part as if—
- (a) references to the Department or to the Secretary of State were references to the Lord Chancellor ; and
  - (b) references to the Department of Finance and Personnel were references to the Treasury ; and
  - (c) references to moneys appropriated by Measure of the Northern Ireland Assembly were references to money provided by Parliament and references to the Consolidated Fund of Northern Ireland were references to the Consolidated Fund of the United Kingdom.
- (2) This Part of this Schedule shall not affect the validity of anything done (or having effect as done) by or in relation to the Department, the Department of Finance and Personnel or the Secretary of State before the coming into operation of this Part, and anything which at the time of the coming into operation of this Part is in process of being done by or in relation to either of those Departments or the Secretary of State may, if it relates to a function transferred by this Part, be continued by or in relation to the Lord Chancellor or the Treasury, as the case may require.

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- (3) Anything done (or having effect as done) by the Department, the Department of Finance and Personnel or the Secretary of State for the purpose of a function transferred by this Part of this Schedule, if in force at the coming into operation of this Part, shall have effect, as far as required for continuing its effect after the coming into operation of this Part, as if done by the Lord Chancellor or by the Treasury, as the case may require.
- (4) The amendments specified in Part III of this Schedule are without prejudice to the generality of this paragraph.