

SCHEDULES

SCHEDULE 4

TRANSITORY MODIFICATIONS

PART I

PROVISIONS NOT YET IN FORCE

Introductory

- 1 (1) If—
- (a) no date has been appointed as the date on which a provision mentioned in column 1 of the following Table is to come into force before 1st July 1992; or
 - (b) a date has been appointed which is later than 1st July 1992,
- then the paragraph of this Schedule mentioned in column 2 of the Table opposite that provision shall have effect until the appointed day.

TABLE

Paragraph 5(1)(b) of Schedule 8 to the Social Security (Northern Ireland) Order 1986.	Paragraph 3.
The repeal in Schedule 10 to the Social Security (Northern Ireland) Order 1986 of section 129(6) of the Social Security (Northern Ireland) Act 1975.	Paragraph 14.
The repeal in Schedule 10 to the Social Security (Northern Ireland) Order 1986 of a reference in paragraph 31 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975.	Paragraph 15.
The repeal in Schedule 10 to the Social Security (Northern Ireland) Order 1986 of the words “Subject to paragraph (5A),” in Article 8(5) of the Social Security Pensions (Northern Ireland) Order 1975.	Paragraph 2.
Article 28 of the Social Security (Northern Ireland) Order 1989.	Paragraph 11.
Paragraph 8(8) of Schedule 1 to the Social Security (Northern Ireland) Order 1989.	Paragraphs 9 and 10.
Article 11 of the Social Security (Northern Ireland) Order 1990.	Paragraph 4.

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Article 19(1) of the Social Security (Northern Ireland) Order 1990. Paragraph 12.

Article 19(2) of the Social Security (Northern Ireland) Order 1990. Paragraph 13.

Article 19(3) of the Social Security (Northern Ireland) Order 1990. Paragraph 5.

Article 19(4) of the Social Security (Northern Ireland) Order 1990. Paragraph 6.

Section 17(8) of the Social Security Act 1990. Paragraph 7.

Section 17(9) of the Social Security Act 1990. Paragraph 8.

(2) If—

- (a) a date has been appointed as the date on which a provision mentioned in column 1 of the Table in sub-paragraph (1) is to come into force for some purposes of that provision but not for others; and
- (b) that date is on or before 1st July 1992,

then the paragraph of this Schedule mentioned in column 2 of the Table opposite that provision shall have effect for those other purposes of that provision (in so far as it is capable of doing so) until the relevant appointed day.

(3) In this paragraph “the appointed day” means—

- (a) in the case mentioned in paragraph (a) of sub-paragraph (1) above, such day as may be appointed by an order under this sub-paragraph; and
- (b) in the case mentioned in paragraph (b) of that sub-paragraph, the day appointed as the day on which the provision mentioned in column 1 of the Table is to come into force.

(4) An order under sub-paragraph (3) above—

- (a) shall, in relation to paragraphs 7 and 8 of this Schedule, be made by the Secretary of State by statutory instrument and, in relation to any other paragraph of this Schedule, shall be made by the Department of Health and Social Services for Northern Ireland by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 ; and
- (b) may appoint different days for different provisions or different purposes of the same provision.

The Contributions and Benefits Act

2 At the beginning of subsection (6) of section 44 of the Contributions and Benefits Act there shall be inserted the words “Subject to subsection (7A) below”.

3 The following subsection shall be inserted after subsection (7) of that section—

“(7A) The Department may prescribe circumstances in which pensioners' earnings factors for any relevant year may be calculated in such manner as may be prescribed.”.

4 In section 131 of that Act subsections (3) and (4) shall be omitted.

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5 In paragraph 6 of Schedule 1 to that Act sub-paragraphs (2) to (4) shall be omitted.

6 The following sub-paragraph shall be substituted for paragraph 6(8) of that Schedule—

“(8) The Inland Revenue shall, at such times, and in such manner as the Department of Finance and Personnel may direct, account to the Department for, and pay to it, the sums estimated by the Inland Revenue, in such manner as may be so directed, to have been received by them as contributions in accordance with regulations made by virtue of this paragraph.”.

7 The following sub-paragraph shall be substituted for paragraph 6(1) of Schedule 2 to that Act—

“(1) Section 88(1), (4) and (5)(a) and (b) of the Taxes Management Act 1970 (interest on tax recovered to make good loss due to taxpayer’s fault) shall apply in relation to any amount due in respect of Class 4 contributions as it applies in relation to income tax; but section 86 of that Act (interest on amounts overdue) shall not apply.”.

8 Paragraph 6(2) of that Schedule shall be omitted.

9 The following sub-paragraph shall be inserted after paragraph 11(12) of Schedule 7 to that Act—

“(12A) The reference in sub-paragraph (11) above to a person who has retired from regular employment includes a reference to—

- (a) a person who under subsection (3) of section 27 of the 1975 Act was treated for the purposes of that Act as having retired from regular employment; and
- (b) a person who under subsection (5) of that section was deemed for those purposes to have retired from it.”.

10 At the end of paragraph 12 of Schedule 7 to that Act there shall be inserted—

“(7) The reference in sub-paragraph (1) above to a person who has retired from regular employment includes a reference to—

- (a) a person who under subsection (3) of section 27 of the 1975 Act was treated for the purposes of that Act as having retired from regular employment; and
- (b) a person who under subsection (5) of that section was deemed for those purposes to have retired from it.”.

The Administration Act

11 Section 99 of the Administration Act shall be omitted.

12 In section 142 of that Act subsection (4) shall be omitted.

13 In section 143 of that Act subsection (5) shall be omitted.

14 The following subsection shall be inserted at the end of section 144 of that Act—

“(7) Any sums repaid to the Department in pursuance of section 119(1) of the 1975 Act (which related to the effect of adjudication and was repealed subject to a saving in relation to certain reviews and appeals) shall—

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- (a) be paid by it into the Consolidated Fund in so far as they represent benefit which under section 143 above is payable out of money appropriated for the purpose and not out of the National Insurance Fund; and
- (b) otherwise, be paid by it into that Fund.”.

This Act

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In Schedule 3 to this Act—

- (a) in the heading before paragraph 18 for the words “provision derived from” there shall be substituted the words “provisions derived from paragraph 18 of Schedule 3 to former Consequential Provisions Act, and”; and
- (b) the following paragraph shall be inserted after that heading—

“17A In determining a woman’s right—

- (a) to a pension or allowance in respect of a deceased person under section 67, 68, 71, 72 or 73 of the 1975 Act; or
- (b) to a pension in respect of a deceased person under paragraph 15 or 16 of Schedule 7 to the Contributions and Benefits Act,

for any period after 25th February 1962, or her right on her re-marriage after that date to a gratuity under section 67 of the 1975 Act, her cohabitation with a man at any time after the deceased’s death but before that date shall be disregarded; but a right to benefit arising by virtue of this paragraph shall not, under Schedule 9 to that Act or Schedule 7 to the Contributions and Benefits Act, affect the right of any other persons to benefit awarded before that date.”.