

SCHEDULES

SCHEDULE 2

TRANSFER OF FUNCTIONS

PART V

CONSEQUENTIAL PROVISIONS

References to Secretary of State etc.

- 20 In accordance with section 2(1) above—
- (a) section 175 of the Social Security Contributions and Benefits Act 1992 (regulations, orders etc.);
 - (b) section 176(3) of that Act (statutory instruments that are subject to negative procedure);
 - (c) section 189 of the Social Security Administration Act 1992 (regulations and orders);
 - (d) section 190(3) of that Act (certain statutory instruments subject to negative procedure);
 - (e) section 172(9) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (certain statutory instruments subject to negative procedure);
 - (f) section 132(1) of the Social Security Administration (Northern Ireland) Act 1992 (corresponding order for uprating of benefits);
 - (g) section 79(1) of the Social Security Act 1998 (regulations and orders); and
 - (h) section 80(2) of that Act (certain statutory instruments subject to negative procedure),

shall be construed, in relation to tax credit, as if references in those provisions to the Secretary of State were references to the Treasury or, as the case may be, the Board.

- 21 In relation to tax credit, references in Chapter II of Part I of the Social Security Act 1998 (social security decisions and appeals) to a decision of the Secretary of State shall, where the context so requires in consequence of section 2(1) above, be construed as references to a decision of the Board or, as the case may be, an officer of the Board.

References to Department etc.

- 22 In accordance with section 2(1) above—
- (a) section 171(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
 - (b) section 165(1) of the Social Security Administration (Northern Ireland) Act 1992; and

Status: This is the original version (as it was originally enacted).

(c) Article 74(1) of the Social Security (Northern Ireland) Order 1998 (regulations and orders),

(which provide for regulations and orders to be made by the Department) shall be construed, in relation to tax credit, as if the references in those provisions to the Department were references, as the case may be, to the Treasury or the Board.

- 23 In relation to tax credit, references in Chapter II of Part II of the Social Security (Northern Ireland) Order 1998 (social security decisions and appeals) to a decision of the Department shall, where the context so requires in consequence of section 2(1) above, be construed as references to a decision of the Board or, as the case may be, an officer of the Board.

Social Security Contributions and Benefits Act 1992

- 24 Section 123(2) of the Social Security Contributions and Benefits Act 1992 (public inspection of schemes prescribed under section 123(1)) shall be construed, in relation to tax credit, as if the reference to local offices of the Department of Social Security were a reference to offices of the Board.

- 25 Section 175(7) of that Act (regulations and orders exercisable only in conjunction with Treasury) does not apply in relation to regulations made by the Treasury by virtue of section 2(1) above.

Social Security Administration Act 1992

- 26 Sub-paragraphs (i) and (ii) of paragraph (a) of subsection (1) of section 165 of the Social Security Administration Act 1992 (which provides for adjustments between the National Insurance Fund and the Consolidated Fund) shall cease to have effect.

- 27 Section 189(8) of that Act (orders and regulations which require Treasury consent) does not apply in relation to orders made by the Treasury by virtue of section 2(1) above.

Social Security Contributions and Benefits (Northern Ireland) Act 1992

- 28 Section 122(2) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (public inspection of schemes prescribed under section 122(1)) shall be construed, in relation to tax credit, as if the reference to social security offices of the Department were a reference to offices of the Board.

- 29 Any power to make regulations conferred by the Social Security Contributions and Benefits (Northern Ireland) Act 1992 is exercisable, so far as it relates to tax credit, by statutory instrument; and section 171(2) of that Act (regulations etc. to be made by statutory rule) has effect subject to this paragraph.

- 30 Any power under any provision of that Act transferred to the Board by section 2(1) shall, if the Treasury so direct, be exercisable only in conjunction with them.

Social Security Administration (Northern Ireland) Act 1992

- 31 Any power to make regulations or orders conferred by the Social Security Administration (Northern Ireland) Act 1992 is exercisable, so far as it relates to tax credit, by statutory instrument; and section 165(3) of that Act (regulations and orders to be made by statutory rule) has effect subject to this paragraph.

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

- 32 A statutory instrument—
- (a) which contains (whether alone or with other provisions) regulations made under section 1(1) or (1C), 5(1) or 9(2) of the Social Security Administration (Northern Ireland) Act 1992 relating to tax credit; and
 - (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- 33 A statutory instrument containing (whether alone or with other provisions) an order under section 132 of that Act increasing any sum prescribed for the purposes of section 127(5) (appropriate maximum working families' tax credit) or 128(8) (appropriate maximum disabled person's tax credit) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 shall not be made unless a draft of the instrument has been laid before Parliament and been approved by a resolution of each House of Parliament.
- 34 (1) Paragraphs (a) and (b) of subsection (1) of section 145 of the Social Security Administration (Northern Ireland) Act 1992 (which provides for adjustments between the Northern Ireland National Insurance Fund and the Consolidated Fund of Northern Ireland) shall cease to have effect.
- (2) In subsection (3) of that section, for “(a) to (d)” there shall be substituted “(c) or (d)”.
- 35 Any power under any provision of that Act transferred to the Board by section 2(1) above shall, if the Treasury so direct, be exercisable only in conjunction with them.

Social Security (Northern Ireland) Order 1998

- 36 Any power to make regulations conferred by the Social Security (Northern Ireland) Order 1998 is exercisable, so far as it relates to tax credit, by statutory instrument.
- 37 A statutory instrument containing (whether alone or with other provisions) regulations under Article 13(2) of that Order (persons with right of appeal to appeal tribunal) relating to tax credit shall not be made unless a draft of the instrument has been laid before Parliament and been approved by a resolution of each House of Parliament; and Article 75 of that Order (Assembly control of regulations) shall not apply to any such instrument.
- 38 A statutory instrument—
- (a) which contains (whether alone or with other provisions) regulations made under any provision of that Order not mentioned in paragraph 37 above relating to tax credit; and
 - (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament; and Article 75 of that Order shall not apply to any such instrument.