Social Security Contributions (Transfer of Functions, etc.) Act 1999

1999 CHAPTER 2

PART I

GENERAL

Transfer of functions

1 Transfer to Board of certain functions relating to contributions, etc

(1) Schedule 1 to this Act (which contains amendments transferring to the Board certain functions of the Secretary of State which have been exercised by the Contributions Agency and certain associated functions of the Secretary of State in relation to benefits, together with other amendments related to the transfer of those functions) shall have effect.

(2) The functions of the Secretary of State under the provisions of subordinate legislation specified in Schedule 2 to this Act are hereby transferred to the Board.

2 Transfer of other functions to Treasury or Board

Schedule 3 to this Act (which contains amendments transferring to the Treasury or the Board certain other functions of the Secretary of State, together with amendments related to the transfer of those functions) shall have effect.

Exercise by Board of functions transferred to them

3 General functions of Board

(1) Contributions shall be under the care and management of the Board.

(2) Subject to subsection (3) below, for the purposes of the Inland Revenue Regulation Act 1890 ("the 1890 Act") the definition of "inland revenue" in section 39 of that Act shall be taken to include contributions.

(3) The following provisions of the 1890 Act shall not apply in relation to contributions—
- (a) section 13 (duty of Commissioners in relation to collection and the keeping of accounts), so far as relating to the keeping of accounts,
- (b) sections 21 and 22 (proceedings for fines, etc),
- (c) section 27 (officers may conduct proceedings before justices),
- (d) section 32 (power to reward informers),
- (e) section 34 (expenses of prosecutions), and
- (f) section 35 (power to mitigate fines and stay proceedings).

(4) The reference in section 10 of the Exchequer and Audit Departments Act 1866 (gross revenues of Board and of Commissioners of Customs and Excise to be paid into Exchequer) to the gross revenues of the department of the Inland Revenue shall not be taken to include—
- (a) contributions, or
- (b) any sums (other than contributions) which are payable into the National Insurance Fund or the Northern Ireland National Insurance Fund.

(5) In any declaration for the purposes of section 6 of the Taxes Management Act 1970 (declarations on taking office), whether made before or after the commencement of this section, the reference to an offence relating to inland revenue shall be taken to include a reference to—
- (a) an offence relating to contributions, statutory sick pay or statutory maternity pay, or
- (b) an offence under regulations made under Part III of the Pension Schemes Act 1993 or Part III of the Pension Schemes (Northern Ireland) Act 1993.

(6) In Schedule 2 to the Social Security Contributions and Benefits Act 1992 (levy of Class 4 contributions with income tax) and Schedule 2 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992, paragraph 6(2) (which is superseded by subsection (1) above) shall cease to have effect.

(7) In this section "contributions" includes contributions under Part I of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

4 Recovery of contributions where income tax recovery provisions not applicable

The provisions of Schedule 4 shall have effect with respect to the recovery of—
- (a) those Class 1, Class 1A, Class 1B and Class 2 contributions to which regulations under paragraph 6 of Schedule 1 to the Social Security Contributions and Benefits Act 1992 (power to combine collection of contributions with income tax) do not apply,
- (b) Class 4 contributions payable by virtue of regulations under section 18 of that Act, and
- (c) interest or penalties payable under regulations made under paragraph 7A or 7B of Schedule 1 to that Act.

5 Powers relating to enforcement

Schedule 5 to this Act (which relates to the enforcement powers of the Board in relation to functions transferred to them by this Act) shall have effect.

6 Disclosure of information

Schedule 6 to this Act (which contains amendments relating to the supply or disclosure of information) shall have effect.

7 Use of information by Board

(1) Information which is held—

(a) by the Board, or

(b) by a person providing services to the Board, in connection with the provision of those services,

for the purposes of functions specified in any paragraph of subsection (2) below may be used for the purposes of, or for any purposes connected with, the exercise of functions specified in any other paragraph of that subsection, and may be supplied to any person providing services to the Board for those purposes.

(2) The functions referred to in subsection (1) above are—

(a) the functions of the Board in relation to tax,

(b) their functions in relation to contributions, statutory sick pay and statutory maternity pay, and

(c) their functions under Part III of the Pension Schemes Act 1993 or Part III of the Pension Schemes (Northern Ireland) Act 1993.

(3) In subsection (2)(b) above "contributions" includes contributions under Part I of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.