

SCHEDULES

SCHEDULE 4

Section 51

TRANSFER OF FUNCTIONS: CONSEQUENTIAL AMENDMENTS

Social Security Administration Act 1992 (c. 5)

- 1 The Social Security Administration Act 1992 has effect subject to the following amendments.
- 2 In section 71(8) (recovery of benefits by deduction from prescribed benefits), after “amount paid” insert “, other than an amount paid in respect of child benefit or guardian’s allowance,”.
- 3 In section 189(8) (powers to make orders exercisable only with Treasury consent), after “made” insert “by the Secretary of State”.

Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

- 4 The Social Security Contributions and Benefits (Northern Ireland) Act 1992 has effect subject to the following amendments.
- 5 In section 171(1) (regulations and orders to be made by the Northern Ireland Department except where provision of the Act otherwise provides), after “to” insert “any provision providing for regulations or orders to be made by the Treasury or the Commissioners of Inland Revenue and to”.
- 6 In section 172(11A) (regulations subject to draft affirmative Parliamentary procedure), for “or 118” substitute “, 118 or 141”.

Social Security Administration (Northern Ireland) Act 1992 (c. 8)

- 7 The Social Security Administration (Northern Ireland) Act 1992 has effect subject to the following amendments.
- 8 In section 69(8) (recovery of benefits by deduction from prescribed benefits), after “amount paid” insert “, other than an amount paid in respect of child benefit or guardian’s allowance,”.
- 9 In sections 132(1) and 133 (orders for uprating of benefits corresponding to those made for Great Britain by Secretary of State), after “Secretary of State” insert “or the Treasury”.
- 10 In section 165(3) (powers to make regulations and orders which are exercisable by statutory rule), after “Act” insert “on the Department or the Lord Chancellor”.
- 11 (1) Section 166 (Parliamentary and Assembly control of orders and regulations) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (5), for the words from “in like” to the end substitute “(in the case of regulations made by the Lord Chancellor in like manner as a statutory instrument, with section 5 of the Statutory Instruments Act 1946 (c. 36) applying accordingly)”.
- (3) In subsection (10A), after “129” insert “, 132, 133, 134”.

Social Security Act 1998 (c. 14)

- 12 The Social Security Act 1998 has effect subject to the following amendments.
- 13 (1) Section 79 (regulations and orders) is amended as follows.
 - (2) In subsection (1), for “subsection (2)” substitute “subsections (2) and (2A)”.
 - (3) After subsection (2) insert—
 - “(2A) Subsection (1) has effect subject to any provision providing for regulations to be made by the Treasury or the Commissioners of Inland Revenue.”
- 14 In section 80(2) (negative Parliamentary procedure for regulations made by Secretary of State), after “Secretary of State” insert “, the Treasury or the Commissioners of Inland Revenue”.
- 15 References in Chapter 2 of Part 1 (social security decisions and appeals) to a decision of the Secretary of State are, where the context so requires in consequence of section 50, to be construed as references to a decision of the Board (or, where the power to decide is exercised by an officer of the Board, an officer of the Board).

Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

- 16 The Social Security (Northern Ireland) Order 1998 has effect subject to the following amendments.
- 17 (1) Article 74 (regulations and orders) is amended as follows.
 - (2) In paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (2A)”.
 - (3) After paragraph (2) insert—
 - “(2A) Paragraph (1) has effect subject to any provision providing for regulations to be made by the Treasury or the Commissioners of Inland Revenue.
 - “(2B) Powers of the Treasury or the Commissioners of Inland Revenue to make regulations under this Order are exercisable by statutory instrument.”
- 18 (1) Article 75 (Assembly etc. control of regulations) is amended as follows.
 - (2) In paragraph (1), for “The regulations to which this paragraph applies” substitute “Where regulations specified in paragraph (2) are made by the Department, they”.
 - (3) After that paragraph insert—
 - “(1A) Where regulations specified in paragraph (2) fall to be made by the Treasury or the Commissioners of Inland Revenue they shall not be made unless a draft of the instrument containing them has been laid before Parliament and approved by a resolution of each House of Parliament.”
 - (4) In paragraph (2), for “Paragraph (1) applies to” substitute “The regulations specified in this paragraph are”.

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

(5) In paragraph (3), for “to which paragraph (1) applies” substitute “specified in paragraph (2)”.

(6) After that paragraph insert—

“(3A) Regulations made under this Order by the Treasury or the Commissioners of Inland Revenue, other than regulations specified in paragraph (2), shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

19 References in Chapter 2 of Part 2 (social security decisions and appeals) to a decision of the Department are, where the context so requires in consequence of section 50, to be construed as references to a decision of the Board (or, where the power to decide is exercised by an officer of the Board, an officer of the Board).

Immigration and Asylum Act 1999 (c. 33)

20 The Immigration and Asylum Act 1999 has effect subject to the following amendments.

21 In section 115(5) and (6) (exclusion of persons subject to immigration control from certain benefits), for “the benefits mentioned in subsection (1)(f) or (g)” substitute “child benefit”.

22 (1) Section 123(9) (regulations about back-dating of benefits where person recorded as refugee) is amended as follows.

(2) After paragraph (b) insert—

“(ba) in relation to child benefit (and guardian’s allowance), regulations made by the Treasury;”.

(3) In paragraphs (c) and (d), after “benefit” insert “(apart from child benefit and guardian’s allowance)”.