
STATUTORY INSTRUMENTS

1999 No. 1662 (C.47)

SOCIAL SECURITY

The Social Security Contributions (Transfer of Functions, etc.) Act 1999 (Commencement No. 2 and Consequential and Transitional Provisions) Order 1999

Made - - - - *13th June 1999*

The Secretary of State for Social Security, in exercise of the powers conferred on him by section 28(3) and (4) of the Social Security Contributions (Transfer of Functions, etc.) Act 1999(1), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (Commencement No. 2 and Consequential and Transitional Provisions) Order 1999.

(2) In this Order, unless the context otherwise requires—

“the Act” means the Social Security Contributions (Transfer of Functions, etc.) Act 1999; and references to sections and Schedules are references to sections of, and Schedules to, the Act.

Appointed days

2. Subject to article 4 below, the day appointed for the coming into force of—

- (a) the provisions of the Act which are specified in Part I of the Schedule to this Order, in so far as they authorise the making of Regulations, is 14th June 1999;
- (b) the provisions of the Act which are specified in Part II of that Schedule, in so far as they are not already in force, is 5th July 1999.

Consequential amendments

3.—(1) Subject to article 4 below, the Social Security and Child Support (Decisions and Appeals) Regulations 1999(2) shall on 5th July 1999 be amended in accordance with the following paragraphs of this article.

(2) In regulation 1 (interpretation)—

(1) 1999 c. 2.
(2) S.I. 1999/991, regulation 3 is amended by S.I. 1999/1623.

- (a) in paragraph (3)—
 - (i) after the definition of “appeal” there shall be inserted the following definition:—
 - ““the Board” means the Commissioners of Inland Revenue;”,
 - (ii) in paragraph (b) of the definition of “claimant”, for “the Secretary of State” there shall be substituted “an officer of the Board”, and
 - (iii) in the definition of “official error”, after “Social Security” there shall be inserted “, the Board”, and for “either Department” (in both places where those words occur) there shall be substituted “any of those Departments”;
- (b) after paragraph (3) there shall be inserted the following paragraph:—
 - “(3A) In these Regulations as they relate to any decision made under the Pension Schemes Act 1993 by virtue of section 170(2) of that Act, any reference to the Secretary of State is to be construed as if it were a reference to an officer of the Board.”.
- (3) In regulation 3 (revision of decisions)—
 - (a) in paragraph (4), for “the Secretary of State” there shall be substituted “an officer of the Board”; and
 - (b) in paragraph (11), after sub-paragraph (b) there shall be inserted
 - “; or
 - (c) in the case of a contributions decision which falls within Part II of Schedule 3 to the Act(3), any National Insurance Contributions office of the Board or any office of the Department of Social Security; or
 - (d) in the case of a decision made under the Pension Schemes Act 1993 by virtue of section 170(2) of that Act(4), any National Insurance Contributions office of the Board.”.
- (4) In regulation 33(2) (making of appeals and applications—meaning of “appropriate office”)—
 - (a) in sub-paragraph (c) after “office” there shall be inserted “of the Board, or any office of the Department of Social Security”; and
 - (b) after sub-paragraph (c) there shall be inserted the following sub-paragraph:—
 - “(cc) in the case of a decision made under the Pension Schemes Act 1993 by virtue of section 170(2) of that Act, any National Insurance Contributions office of the Board;”.

Transitional provision

4. Notwithstanding paragraph 1(2) of Schedule 8 (which provides for certain determinations made by the Secretary of State to have effect as if made by the Board) section 16(2) shall not apply with respect to any decision given before 5th July 1999 by the Secretary of State of any such question as is mentioned in section 170(1) of the Pension Schemes Act 1993 (which includes such a question among the questions to which section 17(1) of the Social Security Administration Act 1992(5) applies).

-
- (3) Schedule 3 is amended by paragraph 36 of Schedule 7 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) (“the Act”).
 - (4) 1993 c. 48; section 170 has been amended by paragraph 42 of Schedule 3, paragraph 70 of Schedule 5, and Part III of Schedule 7 to the Pensions Act 1995 (c. 26). A new section 170 is substituted by paragraph 131 of Schedule 7 to the Social Security Act 1998 (c. 14) and amended by section 16(2) of the Act.
 - (5) 1992 c. 5.

Signed by authority of the Secretary of State for Social Security.

13th June 1999

Stephen C. Timms
Minister of State,
Department of Social Security

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

article 2

PART I

PROVISIONS OF THE ACT COMING INTO FORCE ON 14TH JUNE 1999 FOR THE PURPOSE ONLY OF AUTHORISING THE MAKING OF REGULATIONS

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 16(2)	Decisions under the Pension Schemes Act 1993(6)
Schedule 7 in the respects specified below, and section 18 in so far as it relates to them—	Amendments relating to decisions and appeals—
paragraph 24	reference of issues by Secretary of State to Inland Revenue
paragraph 33	appeals dependent on issues falling to be decided by Inland Revenue

PART II

PROVISIONS OF THE ACT COMING INTO FORCE ON 5TH JULY 1999

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 16	Decisions under the Pension Schemes Act 1993
Schedule 7 in the respects specified below, and section 18 in so far as it relates to them—	Amendments about decisions and appeals—
paragraph 4	provisions concerned with industrial injuries and diseases
paragraph 12	issues for Inland Revenue arising in legal proceedings
paragraph 14	financial review and report as to operation of social security legislation
paragraph 18(3)	application to pension schemes of social security provision for determination of questions
paragraph 19	questions under the Pension Schemes Act 1993 arising in legal proceedings
paragraph 20	reports by Inland Revenue about decision-making
paragraph 24	reference of issues by Secretary of State to Inland Revenue

(6) 1993 c. 48.

<i>Provisions of the Act</i>	<i>Subject matter</i>
paragraph 33	appeals dependent on issues falling to be decided by Inland Revenue
paragraph 34	correction of errors and setting aside of decisions
paragraph 36, in so far as it relates to paragraph 23 of Schedule 3 to the Social Security Act 1998 ⁽⁷⁾	decisions against which an appeal lies
Schedule 10, in respect of the repeals specified below, and section 26(3) in so far as it relates to them—	Repeals and revocations—
in the Pension Schemes Act 1993, section 167(3)	application to pension schemes of social security provision for determination of questions
in the Social Security Act 1998—	
in Schedule 3 to that Act, paragraph 23	decisions against which an appeal lies
in Schedule 7 to that Act, paragraphs 130(1) and 132	amendments in sections 167 and 171 of the Pension Schemes Act 1993

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force further provisions of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (“the Act”) which provides for the transfer from the Secretary of State to the Commissioners of Inland Revenue (“the Board”) of certain functions, including decision-making functions, relating to social security contributions, statutory sick pay, statutory maternity pay and contracted-out pension schemes.

The provisions of the Act to which this Order relates are concerned with the determination of issues under the Pension Schemes Act 1993 (“the 1993 Act”), and with the procedures for decision-making and appeals about social security matters where other issues arise which fall to be determined by officers of the Board. In accordance with article 2 of this Order, the provisions of the Act specified in Part I of the Schedule to the Order come into force on 14th June 1999 in so far as they authorise the making of Regulations, and the provisions specified in Part II of that Schedule come into force on 5th July 1999.

This Order also makes consequential amendments in the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991), in particular so that references in those Regulations to the Secretary of State in the context of decisions under the 1993 Act are replaced by, or construed as, references to an officer of the Board, and so that documents relating to such decisions are sent to offices of the Board (article 3).

⁽⁷⁾ 1998 c. 14.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Article 4 of this Order makes transitional provision, in respect of decisions under section 170(1) of the 1993 Act, in connection with the coming into force of section 16(2) of the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (Commencement No. 1 and Transitional Provisions) Order 1999 (S.I. 1999/527 (C.11)).

<i>Provision of the Act</i>	<i>Date of commencement</i>
Section 1(1) and Schedule 1 (partially)	1st April 1999
Section 1(2) and Schedule 2 (partially)	1st April 1999
Section 2 and Schedule 3	1st April 1999
Section 3 (partially)	1st April 1999
Section 4 and Schedule 4	1st April 1999 and 6th April 1999
Section 5 and Schedule 5	1st April 1999 and 6th April 1999
Section 6 and Schedule 6	1st April 1999
Section 7	1st April 1999
Section 8	1st April 1999 and 6th April 1999
Sections 9 and 10	1st April 1999
Section 11	1st April 1999 and 6th April 1999
Section 12	1st April 1999 and 6th April 1999
Sections 13 to 15	1st April 1999
Section 18 and Schedule 7 (partially)	4th March 1999, 1st April 1999 and 6th April 1999
Section 19	4th March 1999 and 1st April 1999
Sections 21 and 22	1st April 1999
Section 23	1st April 1999
Section 26(2) and Schedule 9	4th March 1999, 1st April 1999 and 6th April 1999
Section 26(3) and Schedule 10 (partially)	1st April 1999 and 6th April 1999