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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 271 (C. 22)**

**SOCIAL SECURITY**

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

*Made* - - - -

*14th June 1999*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Article 1(3) and (4) of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999(1) and of all other powers enabling it 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.) (1999 Order) (Commencement No. 2 and Consequential and Transitional Provisions) Order (Northern Ireland) 1999.

(2) In this Order “the Transfer Order” means the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999.

**Appointed days**

2. Subject to Article 4 of this Order, the day appointed for the coming into force of—

- (a) the provisions of the Transfer Order which are specified in Part I of the Schedule to this Order, in so far as they authorise the making of regulations, is 15th June 1999;
- (b) the provisions of the Transfer Order 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 of this Order, the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(2) shall on 5th July 1999 be amended in accordance with paragraphs (2) to (4) of this Article.

(2) In regulation 1 (interpretation)—

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(1) [S.I. 1999/671](#)

(2) [S.R. 1999 No. 162](#), to which there are amendments not relevant to this order

- (a) in paragraph (2)—
  - (i) after the definition of “appeal” there shall be inserted the following definition—
    - ““the Board” means the Commissioners of Inland Revenue;”,
  - (ii) in the definition of “claimant” in paragraph (b) for “the Department” there shall be substituted “an officer of the Board”, and
  - (iii) in the definition of “official error” after “the Department” in each place where it occurs there shall be inserted “or the Board”; and
- (b) after paragraph (2) there shall be inserted the following paragraph—
  - “(2A) In so far as these Regulations relate to a decision made under the Pension Schemes Act by virtue of section 165(2) of that Act(3), any reference to the Department shall 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 Department” there shall be substituted “an officer of the Board”; and
  - (b) in paragraph (11) after sub-paragraph (b) there shall be added—
    - “or
    - (c) in the case of a contributions decision which falls within Part II of Schedule 3 to the Order, a National Insurance Contributions office of the Board or an office of the Department; or
    - (d) in the case of a decision made under the Pension Schemes Act by virtue of section 165(2) of that Act, a National Insurance Contributions office of the Board.”.
- (4) In regulation 33(1) (making of appeals and applications) for sub-paragraph (b) there shall be substituted the following sub-paragraph—
  - “(b) be sent or delivered to—
    - (i) in the case of a contributions decision which falls within Part II of Schedule 3 to the Order, a National Insurance Contributions office of the Board or an office of the Department,
    - (ii) in the case of a decision made under the Pension Schemes Act by virtue of section 165(2) of that Act, a National Insurance Contributions office of the Board,
    - (iii) in any other case, an office of the Department;”.

### **Transitional provision**

4. Notwithstanding paragraph 1(2) of Schedule 7 to the Transfer Order (which provides for certain determinations made by the Department to have effect as if made by the Board), Article 15(2) of the Transfer Order shall not apply with respect to any decision made before 5th July 1999 by the Department on any such question as is mentioned in section 165(1) of the Pensions Act (which includes such a question among the questions to which section 15(1) of the Administration Act applies).

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(3) Section 165 was amended by paragraph 60 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)), substituted by paragraph 99 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and amended by Article 15(2) of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland  
on

L.S.

14th June 1999.

*John O'Neill*  
Assistant Secretary

**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 coming into force on 15th June 1999 for the purpose only of authorising the making of regulations**

<i>Provisions of Transfer Order</i>	<i>Subject Matter</i>
Article 15(2)	Decisions under Pensions Act
The following paragraphs of Schedule 6 and Article 17 in so far as it relates to them—	Amendments relating to decisions and appeals—
paragraph 18	reference of issues by the Department to Inland Revenue
paragraph 27	appeals dependent on issues falling to be decided by Inland Revenue

## PART II

**Provisions coming into force on 5th July 1999**

<i>Provisions of Transfer Order</i>	<i>Subject Matter</i>
Article 15	Decisions under Pensions Act
The following paragraphs of Schedule 6 and Article 17 in so far as it relates to them—	Amendments relating to decisions and appeals—
paragraph 3	provisions concerned with industrial injuries and diseases
paragraph 9	issues for Inland Revenue arising in legal proceedings
paragraph 12(3)	application to pension schemes of social security provision for determination of questions
paragraph 13	questions under Pensions Act arising in legal proceedings
paragraph 14	reports by Inland Revenue about decision making
paragraph 18	reference of issues by the Department to Inland Revenue
paragraph 27	appeals dependent on issues falling to be decided by Inland Revenue
paragraph 28	correction of errors and setting aside of decisions

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<i>Provisions of Transfer Order</i>	<i>Subject Matter</i>
paragraph 30 in so far as it relates to paragraph 23 of Schedule 3 to the 1998 Order	decisions against which an appeal lies
The following repeals in Schedule 9 and Article 24(3) in so far as it relates to them—	Repeals and revocations—
the Pensions Act— section 163(3)	application to pension schemes of social security provision for determination of questions
the 1998 Order— in Schedule 3, paragraph 23	decisions against which an appeal lies
in Schedule 6, paragraphs 98(1) and 100	amendments to sections 163 and 166 of the Pensions Act

### 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.) (Northern Ireland) Order 1999 (“the Transfer Order”).

The provisions of the Transfer Order to which this Order relates are concerned with the determination of issues under the Pension Schemes (Northern Ireland) Act 1993 (c. 49) (“the Pensions Act”) and with the procedures for decision making and appeals on social security matters where other issues arise which fall to be determined by officers of the Commissioners of Inland Revenue (“the Board”). In accordance with Article 2 of this Order, the provisions of the Transfer Order specified in Part I of the Schedule to this Order come into force on 15th 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.

Article 3 of this Order makes consequential amendments to the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999, in particular so that references in those Regulations to the Department of Health and Social Services in the context of decisions under the Pensions 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 officers of the Board.

Article 4 of this Order makes transitional provision, in respect of decisions under section 165(1) of the Pensions Act, in connection with the coming into force of Article 15(2) of the Transfer Order.

Article 23 of the Transfer Order was brought into force on 25th March 1999 by an Order (The Social Security Contributions (Transfer of Functions, etc.) (1999 Order) (Commencement of Article 23) Order (Northern Ireland) 1999) which was not made by a statutory rule and copies of which can be obtained from the Department of Health and Social Services for Northern Ireland, Social Security Policy and Legislation Division, Room D3, Castle Buildings, Stormont, Belfast BT4 3SQ.

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## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order.)*

The following provisions of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 have been brought into force by the Social Security Contributions (Transfer of Functions, etc.) (1999 Order) (Commencement No. 1 and Transitional Provisions) Order (Northern Ireland) 1999 (S.R. 1999 No. 149 (C. 15)) as from the dates shown.

<i>Provision</i>	<i>Date of Commencement</i>
Article 3(1) and Schedule 1	1.4.99
Article 3(2) and Schedule 2 (partially)	1.4.99
Article 4 and Schedule 3	1.4.99
Article 5 and Schedule 4	1.4.99 and 6.4.99
Article 6 and Schedule 5	1.4.99
Article 7	1.4.99 and 6.4.99
Articles 8 and 9	26.3.99 and 1.4.99
Articles 10 and 11	26.3.99, 1.4.99 and 6.4.99
Articles 12 and 13	26.3.99 and 1.4.99
Article 14	1.4.99
Article 17 and Schedule 6 (partially)	26.3.99, 1.4.99 and 6.4.99
Article 18	26.3.99 and 1.4.99
Article 19	1.4.99
Article 21	1.4.99
Article 22	26.3.99
Article 24(2) and Schedule 8	26.3.99 and 1.4.99
Article 24(3) and Schedule 9 (partially)	1.4.99 and 6.4.99