

## 1983 No. 16

## SOCIAL SECURITY

**The National Insurance (Non-participation — Transfer of Functions)  
(Transitional) Regulations (Northern Ireland) 1983**

*Made* . . . . . 10th February 1983

*Coming into operation* . . . . . 10th March 1983

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 73(1)(d) of the National Insurance Act (Northern Ireland) 1966(a), section 2 of, and paragraphs 7 and 9 of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975(b) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(c) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

*Citation and commencement*

1. These regulations may be cited as the National Insurance (Non-participation — Transfer of Functions) (Transitional) Regulations (Northern Ireland) 1983 and shall come into operation on 10th March 1983.

*Transfer of the adjudicator's functions to the Occupational Pensions Board*

2. For the purposes of facilitating the winding up of the system of insurance contained in the former principal Act(d) and the disposal of matters connected with that system the provisions of regulations 3, 4, 5 and 6 of these regulations shall have effect for transferring to the Occupational Pensions Board the functions (determination of references and appeals on questions relating to non-participating employments) dischargeable before the coming into operation of these regulations by an adjudicator appointed in accordance with section 73(3) of the National Insurance Act (Northern Ireland) 1966 for the purposes of Part III of that Act.

*Amendment of the National Insurance (Non-participation — Transitional Provisions) (No. 2) (Northern Ireland) Regulations 1975*

3.—(1) The National Insurance (Non-participation — Transitional Provisions) (No. 2) (Northern Ireland) Regulations 1975(e) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 3(1) of the said regulations (continuance of sections of the Act) the words “(1) and (2)” shall be inserted between the words “73” and “(determination)”.

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(a) 1966 c. 6 (N.I.); the relevant provisions of which were repealed by section 100(2)(b) of, and Schedule 28 to, the Social Security Act 1973 (c. 38), but were continued in force by S.R. 1975 No. 48 and by S.R. 1975 No. 51; see also section 3(3) of 1975 c. 18

(b) 1975 c. 18; paragraph 9(1)(b) was amended by section 65(1) of, and paragraph 65 of Schedule 4 to, the Social Security Pensions Act 1975 (c. 60)

(c) 1980 c. 30

(d) The National Insurance Act (Northern Ireland) 1966

(e) S.R. 1975 No. 51

(3) There shall be added to regulation 3 of the said regulations the following paragraph—

“(4) Section 73(1) shall continue in force in the modified form set out in the Schedule to these regulations.”.

(4) There shall be added to the said regulations the following Schedule—

**SCHEDULE** Regulation 3(4)  
**Section 73(1) of the National Insurance Act (Northern Ireland) 1966 as continued in force by these regulations**

**73.—(1) Regulations under section 72(1) shall provide—**

- (a) for the determination by an officer appointed by the Department (in this section referred to as “the registrar”) of any question whether an employment is to be treated as a non-participating employment, or as to the persons in relation to whom or the period for which it is to be so treated, and for the issue, variation and cancellation by the registrar of the certificates under section 55 specifying the employments which are to be so treated;
- (b) for enabling any such question, instead of being determined as aforesaid, to be referred to the Occupational Pensions Board, and for enabling appeals to be brought to the said Board from decisions of the registrar;
- (c) for enabling the functions of the registrar to be exercised by officers appointed to act as his deputies by the Department.”.

*Amendment of the National Insurance (Non-participation – Certificates) Regulations (Northern Ireland) 1960*

**4.—(1) The National Insurance (Non-participation — Certificates) Regulations (Northern Ireland) 1960(a) shall be amended in accordance with the following provisions of this regulation.**

(2) In regulation 1(2) of the said regulations (interpretation) there shall be substituted for the definition of “the adjudicator” the following definition—

““the Board” means the Occupational Pensions Board established under section 66 of the Social Security Act 1973(b);”.

(3) Subject to the provisions of paragraph (2) of this regulation, for every reference to the adjudicator in the said regulations there shall be substituted a reference to the Board.

*Amendment of the National Insurance (Non-participation – Appeals and References) Regulations (Northern Ireland) 1960*

**5.—(1) The National Insurance (Non-participation — Appeals and References) Regulations (Northern Ireland) 1960(c) shall be amended in accordance with the following provisions of this regulation.**

(2) In regulation 1(2) of the said regulations (interpretation) there shall be substituted for the definition of “the adjudicator” the following definition—

““the Board” means the Occupational Pensions Board established under section 66 of the Social Security Act 1973;”.

(3) For regulation 2 of the said regulations (clerk to the adjudicator) there shall be substituted the following regulation—

(a) S.R. & O. (N.I.) 1960 No. 22 to which there are amendments not relevant to these regulations

(b) 1973 c. 38

(c) S.R. & O. (N.I.) 1960 No. 85

*“Clerk to the Board*

2. The Secretary of the Board, or such other person as the Board may from time to time appoint for the purpose, shall act as clerk to the Board for the performance of such duties in connection with appeals and references from the registrar under Part III of the National Insurance Act (Northern Ireland) 1966 as may be required for the purposes of these regulations.’’

(4) Subject to the provisions of paragraphs (2) and (3) of this regulation, for every reference to the adjudicator in the said regulations there shall be substituted a reference to the Board.

(5) In regulation 4(11) of the said regulations for ‘‘him’’ there shall be substituted ‘‘the member who presided, or failing him any 2 other members who participated, when the Board determined the appeal or reference in question’’.

(6) Regulation 4(10) and regulation 5 of the said regulations are hereby revoked.

*Modification of the provisions of Article 63 of the Social Security Pensions (Northern Ireland) Order 1975*

6. Article 63 of the Social Security Pensions (Northern Ireland) Order 1975(a) (references and appeals from the Board to the Court of Appeal on questions of law) shall be modified so as to have effect as if—

- (a) questions of law arising in connection with any matters falling to be determined by the Board by virtue of the provisions of these regulations were included in the questions which the Board may refer to the Court under paragraph (1) of that Article, and
- (b) the rights of appeal to the Court of Appeal conferred by paragraph (3) of that Article upon persons aggrieved included the right to appeal on a question of law against any decision of the Board on any matter falling to be determined by them by virtue of the provisions of these regulations, and
- (c) the other provisions of that Article applied, as the case may require, to references and appeals to which paragraphs (1) and (3) of that Article apply by virtue of the provisions of these regulations.

*Amendment of the National Insurance (Non-participation – Transitional Provisions) (Northern Ireland) Regulations 1975*

7. In regulation 2(4) of the National Insurance (Non-participation — Transitional Provisions) (Northern Ireland) Regulations 1975(b) for ‘‘1983’’ there shall be substituted ‘‘1985’’.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 10th February 1983.

(L.S.)

A. N. Burns

Assistant Secretary

## EXPLANATORY NOTE

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

These regulations provide for the functions previously dischargeable by an adjudicator appointed in accordance with section 73(3) of the National Insurance Act (Northern Ireland) 1966 ("the 1966 Act") in relation to references by and appeals from the registrar of non-participating employments ("the registrar") to be dischargeable by the Occupational Pensions Board ("the Board").

Regulation 2 is a general declaratory provision as to the transfer from the adjudicator to the Board of the determination of appeals and references from the registrar.

Regulation 3 amends the National Insurance (Non-participation — Transitional Provisions) (No. 2) (Northern Ireland) Regulations 1975 so as to continue in force section 73(1) and (2) of the 1966 Act. Subsection (1) (power to provide by regulations for the method of determination of certain questions as to non-participating employments under Part III of the Act ("Part III questions")) is continued in force in modified form: subsection (2) (power to provide by regulations for incidental matters affecting the registrar and employers) is continued in force unaltered. Subsection (3) (appointment of an adjudicator) is no longer continued in force.

Regulation 4 further amends the National Insurance (Non-participation — Certificates) Regulations (Northern Ireland) 1960 so as to substitute the Board for the adjudicator as the recipient of references by and appeals from the registrar on Part III questions.

Regulation 5 amends the National Insurance (Non-participation — Appeals and References) Regulations (Northern Ireland) 1960, which relate to the procedure to be followed on references by and appeals from the registrar on Part III questions, so as to make them apply with minor alterations to the Board instead of to the adjudicator. It also revokes regulations 4(10) and 5 of those regulations.

Regulation 6 extends the provisions of Article 63 of the Social Security Pensions (Northern Ireland) Order 1975 so as to enable the existing provision for appeals and references to the Court of Appeal on questions of law arising on determinations by the Board to apply also to their determinations on Part III questions.

Regulation 7 amends the National Insurance (Non-participation — Transitional Provisions) (Northern Ireland) Regulations 1975 so as to postpone for an additional two years the terminal date of any possible extension of the settlement period in connection with non-participating employments.