



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

1999 CHAPTER 2

PART III

MISCELLANEOUS AND SUPPLEMENTAL

23 Power to transfer functions by Order in Council.

(1) Her Majesty may by Order in Council—

- (a) provide for the transfer from the Secretary of State to the Board, or from the Board to the Secretary of State, of any transferable function,
- (b) provide that any transferable function of the Secretary of State is to be exercisable only with the concurrence of the Board or the Treasury, or is to cease to be exercisable only with that concurrence,
- (c) provide that any transferable function of the Board is to be exercisable only with the concurrence of the Secretary of State, or is to cease to be exercisable only with that concurrence, and
- (d) provide that any decision to which this paragraph applies—
 - (i) is to be made by the Secretary of State rather than the Board, or by the Board rather than the Secretary of State, and
 - (ii) is to be made subject to the provisions of Chapter II of Part I of the ^{M1}Social Security Act 1998, or subject to the provisions of Part II of this Act rather than the provisions of that Chapter.

(2) In subsection (1) above “transferable function” means—

- (a) any function relating to contributions or the National Insurance Fund, other than functions under section 1(1) of the ^{M2}Social Security Contributions and Benefits Act 1992 (receipt of contributions) or section 161(1) of the ^{M3}Social Security Administration Act 1992 (control and management of National Insurance Fund),
- (b) any function relating to statutory sick pay or statutory maternity pay,

Changes to legislation: There are currently no known outstanding effects for the Social Security Contributions (Transfer of Functions, etc.) Act 1999, Section 23. (See end of Document for details)

- (c) any function under section 7 of the ^{M4}Social Security Act 1986 (occupational pension schemes becoming contracted-out between 1986 and 1993), so far as that section remains in force by virtue of paragraph 22 of Schedule 6 to the ^{M5}Pension Schemes Act 1993, or
 - (d) any function under Part III of the Pension Schemes Act 1993.
- (3) The decisions to which subsection (1)(d) above applies are—
 - (a) any decision which is or has been specified—
 - (i) in section 8(1) of this Act,
 - (ii) in section 170(2) of the Pension Schemes Act 1993 (as amended by section 16(2) of this Act), or
 - (iii) in paragraph 16 or 17 of Schedule 3 to the Social Security Act 1998, and
 - (b) any other decision relating to contributions, the National Insurance Fund, statutory sick pay, statutory maternity pay or the subject-matter of Part III of the Pension Schemes Act 1993.
- (4) An Order in Council under this section may contain such supplemental, consequential or transitional provision as appears to Her Majesty to be expedient, including provision—
 - (a) for the transfer of any property, rights and liabilities held, enjoyed or incurred by the Secretary of State or the Board in connection with any functions transferred,
 - (b) for the carrying on and completion by or under the authority of the person to whom any functions are transferred of anything commenced by or under the authority of the person from whom they are transferred before the date when the Order takes effect,
 - (c) as to the effect of any provision made by virtue of subsection (1)(d) above on decisions or proceedings made or commenced before the date when the Order takes effect,
 - (d) making such amendments of any enactment, including any enactment contained in this Act, as may be necessary for the purposes of the Order, and
 - (e) for the substitution of the person to whom any functions are transferred for the person from whom they are transferred in any instrument, contract or legal proceedings made or commenced before the date when the Order takes effect.
- (5) A certificate issued by a relevant authority that any property vested in the other relevant authority immediately before an Order under this section takes effect has been transferred by virtue of the Order to the relevant authority issuing the certificate shall be conclusive evidence of the transfer; and in this subsection “relevant authority” means the Secretary of State or the Board.
- (6) In the application of this section to Northern Ireland—
 - (a) references to the Secretary of State include references to the Department of Health and Social Services for Northern Ireland,
 - (b) “contributions” means contributions under Part I of the ^{M6}Social Security Contributions and Benefits (Northern Ireland) Act 1992,
 - (c) references to Chapter II of Part I of, and paragraphs 16 and 17 of Schedule 3 to, the ^{M7}Social Security Act 1998 have effect as references to Chapter II of Part II of, and paragraphs 16 and 17 of Schedule 3 to, the ^{M8}Social Security (Northern Ireland) Order 1998,

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- (d) the reference to the National Insurance Fund has effect as a reference to the Northern Ireland National Insurance Fund,
 - (e) references to section 1(1) of the ^{M9}Social Security Contributions and Benefits Act 1992 and section 161(1) of the ^{M10}Social Security Administration Act 1992 have effect as references to section 1(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and section 141(1) of the ^{M11}Social Security Administration (Northern Ireland) Act 1992,
 - (f) references to section 7 of the ^{M12}Social Security Act 1986 and paragraph 22 of Schedule 6 to the ^{M13}Pension Schemes Act 1993 have effect as references to Article 9 of the ^{M14}Social Security (Northern Ireland) Order 1986 and paragraph 21 of Schedule 5 to the ^{M15}Pension Schemes (Northern Ireland) Act 1993, and
 - (g) the reference to Part III of the ^{M16}Pension Schemes Act 1993 has effect as a reference to Part III of the ^{M17}Pension Schemes (Northern Ireland) Act 1993;
- and for the purposes of this section in its application to Northern Ireland any reference in section 8(1) of this Act or section 170(2) of the Pension Schemes Act 1993 to a decision is to be taken to be a reference to the corresponding decision under Northern Ireland legislation.

Marginal Citations

- M1** 1998 c. 14.
- M2** 1992 c. 4.
- M3** 1992 c. 5.
- M4** 1986 c. 50.
- M5** 1993 c. 48.
- M6** 1992 c. 7.
- M7** 1998 c. 14.
- M8** S.I. 1998/1506 (N.I. 10).
- M9** 1992 c. 4.
- M10** 1992 c. 5.
- M11** 1992 c. 8.
- M12** 1986 c. 50.
- M13** 1993 c. 48.
- M14** S.I. 1986/1888 (N.I. 18).
- M15** 1993 c. 49.
- M16** 1993 c. 48.
- M17** 1993 c. 49.

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