
STATUTORY INSTRUMENTS

1984 No. 1818

MINISTERS OF THE CROWN

The Transfer of Functions (Social Security Commissioners) Order 1984

<i>Made</i>	- - - -	<i>22nd November</i>
		<i>1984</i>
<i>Laid before Parliament</i>		<i>30th November 1984</i>
<i>Coming into Operation</i>		<i>1st January 1985</i>

At the Court at Buckingham Palace, the 22nd day of November 1984

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

Citation, interpretation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Social Security Commissioners) Order 1984.

(2) In this Order “the Commissioners” means the Social Security Commissioners.

(3) This Order comes into operation on 1st January 1985.

Transfer of functions

2. The following functions of the Secretary of State are transferred to the Lord Chancellor—

- (a) the functions of the Secretary of State under paragraph 4 of Schedule 10 to the Social Security Act 1975 (payment of remuneration and expenses of the Commissioners) and section 13 of the Judicial Pensions Act 1981 (pensions of the Commissioners);
- (b) the administration of the offices of the Commissioners in England and Wales, including the functions of the Secretary of State under paragraph 3 of Schedule 10 to the Social Security Act 1975 (payments in connection with work of tribunals) relating to the work of the Commissioners in England and Wales;
- (c) the making, under or for the purposes of the provisions mentioned in the Schedule to this Order, of regulations with respect to proceedings before the Commissioners, whether for the determination of any matter or for leave to appeal to or from the Commissioners.

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Consequential amendments

3. In the following provisions for “the Secretary of State”, in each place where it occurs, substitute “the Lord Chancellor”—

paragraph 4 of Schedule 10 to the Social Security Act 1975,
section 14(8)(a) of the Social Security Act 1980,
section 13(1) of the Judicial Pensions Act 1981, and
section 4(2) of the Forfeiture Act 1982.

Supplementary

4.—(1) Enactments passed and instruments made before the coming into operation of this Order have effect, so far as may be necessary for the purpose or in consequence of the transfers effected by this Order, as if references to the Secretary of State or his Department or to an officer of his (including references which are to be construed as such references) were references to the Lord Chancellor or to his Department or to an officer of his, as the case may require.

(2) This Order does not affect the validity of anything done (or having effect as done) by or in relation to the Secretary of State before the coming into operation of this Order, and anything which at the time of the coming into operation of this Order is in process of being done by or in relation to the Secretary of State may, if it relates to a function transferred by this Order, be continued by or in relation to the Lord Chancellor.

(3) Anything done (or having effect as done) by the Secretary of State for the purpose of a function transferred by this Order, if in force at the coming into operation of this Order, has effect, so far as required for continuing its effect after the coming into operation of this Order, as if done by the Lord Chancellor.

G.I. de Deney
Clerk of the Privy Council

SCHEDULE

Article 2(c)

PROVISIONS REFERRED TO IN ARTICLE 2(c)

Sections 6(1) and 10 of the Family Income Supplements Act 1970**(1)**

Section 6 of the National Insurance Act 1974**(2)**

Sections 112(3) and (5) and 115(1) of, and the definitions of “prescribed” and “regulations” in Schedule 20 to, the Social Security Act 1975.

Sections 7 and 22(1) of the Child Benefit Act 1975.

Sections 2(1) and 14(1), and the definition of “regulations” in section 34(1) , of the Supplementary Benefits Act 1976**(3)**

Sections 14 and 15(1) and (2) of the Social Security Act 1980**(4)**

Section 15(5), and the definition of “regulations” in section 47, of, and Schedule 3 to, the Social Security and Housing Benefits Act 1982.

Section 4 of the Forfeiture Act 1982.

EXPLANATORY NOTE

This Order transfers to the Lord Chancellor from the Secretary of State the latter's functions in respect of—

- (a) the remuneration, expenses and pensions of the Social Security Commissioners,
- (b) the administration of their offices in England and Wales, and
- (c) the making of regulations with respect to proceedings before them.

(1) section 6(1) was substituted by the Health and Social Services and Social Security Adjudications Act 1983 (c.41) Schedule 8, paragraph 16.

(2) section 6 was amended by the Social Security (Consequential Provisions) Act 1975 (c.18) Schedule 2, paragraph 70, the Social Security Pensions Act 1975 (c.60) Schedule 4, paragraph 35, the Child Benefit Act 1975 (c.61) Schedule 4, paragraph 8, the Supplementary Benefits Act 1976 (c.71) Schedule 7, paragraph 36 and the Social Security and Housing Benefits Act 1982 (c.24) Schedule 4, paragraph 7.

(3) section 2(1) was substituted by the Health and Social and Social Security Adjudications Act 1983 Schedule 8, paragraph 14.

(4) section 15(1) was amended by the Health and Social Services and Social Security Adjudications Act 1983 Schedule 8, paragraph 18.