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STATUTORY INSTRUMENTS

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**1999 No. 527**

**The Social Security Contributions (Transfer of Functions, etc.) Act 1999 (Commencement No. 1 and Transitional Provisions) Order 1999**

**Decisions and appeals**

4.—(1) Subject to paragraph (2) below, where—

(a) a person has before 1st April applied—

(i) in accordance with regulations made under section 58 of the Administration Act for the determination by the Secretary of State of any such question as is mentioned in section 17(1) of that Act, or

(ii) in accordance with regulations made under paragraph (b) of subsection (3) of section 20 of that Act for the determination by an adjudication officer of any question mentioned in that subsection; and

(b) that question has not been determined before that date,

the question shall on or after that date be treated in accordance with paragraph (3) below as being for the decision of an officer of the Board under section 8(1) of the Act.

(2) Paragraph (1) above—

(a) shall apply in relation to any such question as is mentioned in paragraph (b) of section 17(1) of the Administration Act only in so far as that question raises an issue of a kind specified in paragraph (c), (d) or (e) of section 8(1) of the Act; and

(b) shall not apply in relation to any such question as is mentioned in paragraph (e) or (f) of that section 17(1).

(3) A question to which paragraph (1) above applies—

(a) by virtue only of paragraph (2)(a) above, shall be treated as falling to be decided under paragraph (c), (d) or, as the case may be, (e) of section 8(1) of the Act;

(b) in any other case, shall be treated as falling to be decided under such provision of the Act as is specified in column (2) of the Table below in relation to the provision of the Administration Act (specified in column (1) of that Table) in which that question is mentioned.

**TABLE**

<i>(1)</i> <i>Provision of Administration Act</i>	<i>(2)</i> <i>Provision of the Act</i>
Section 17(1)(a)	Section 8(1)(a)
Section 17(1)(c)	Section 8(1)(c)
Section 17(1)(d)	Section 8(1)(b)
Section 17(1)(g)(i) or (vi)	Section 8(1)(f)

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*Status: This is the original version (as it was originally made).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

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<i>(1)</i> <i>Provision of Administration Act</i>	<i>(2)</i> <i>Provision of the Act</i>
Section 17(1)(g)(ii) to (v)	Section 8(1)(g)
Section 17(1)(h)(i) or (v)	Section 8(1)(f)
Section 17(1)(h)(ii) to (iv)	Section 8(1)(g)
Section 17(1)(i)	Section 8(1)(i)
Section 20(3)	Section 8(1)(f)

(4) Where, by virtue of paragraph (1)(a)(i) above, a question falls to be decided by an officer of the Board, that question shall until the relevant date be treated for the purposes of paragraphs (2) (b) and (3)(c)(ii) of regulation 28D of Schedule 1 to the Social Security (Contributions) Regulations 1979 (remission of interest pending determination of questions)(1) as if it were a question for determination under section 17(1) of the Administration Act.

(5) In paragraph (4) above, “the relevant date” means the date on which—

- (a) the question is determined by the officer of the Board; or
- (b) those provisions of that regulation 28D cease to be in force,

whichever first occurs.

(6) 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), Part II of the Act shall not apply with respect to any decision given before 1st April 1999—

- (a) by the Secretary of State on any such question as is mentioned in section 17(1) of the Administration Act;
- (b) by the Secretary of State of any such question as is mentioned in section 170(1) of the Pensions Schemes Act 1993(2) (which includes such a question among the questions to which section 17(1) of the Administration Act applies); or
- (c) by an adjudication officer of the question mentioned in section 20(3) of that Act.

(7) Where, before 1st April 1999, the Secretary of State has determined a question to which section 170(7) of the Pension Schemes Act 1993 applies (certain questions arising under Part III of that Act), that determination shall, on and after that date, be treated for the purposes of the Occupational and Personal Pension Schemes (Contracting-out etc: Review of Determinations) Regulations 1997(3) as if it had been made by the Board.

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(1) S.I. 1979/591; regulation 28D was inserted by S.I. 1993/821.

(2) 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).

(3) S.I. 1997/358.