
STATUTORY INSTRUMENTS

1999 No. 671

The Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Payments in respect of money purchase contracted-out pension schemes to be made out of National Insurance Fund

19. In section 172(1)(za)(1) of the Pensions Act (sums payable out of National Insurance Fund) for “Department” there is substituted “Inland Revenue”.

Rights and liabilities

20.—(1) In this Article a “transfer provision” means any of the following provisions of this Order—

- (a) Article 3 and Schedules 1 and 2,
- (b) Article 4 and Schedule 3,
- (c) Article 7, and
- (d) Article 15(1).

(2) Any rights and liabilities to which the Department is entitled or subject immediately before the commencement of a transfer provision in connection with functions transferred to the Board, the Secretary of State or the Treasury by virtue of that provision are hereby transferred to the Board or, as the case may be, the Treasury, the Secretary of State on the commencement of that provision.

Special provision for certain contracts

21.—(1) This Article applies to—

- (a) any contract for the supply of goods or services to the Department which relates partly to functions transferred by virtue of this Order to the Board (in this Article on referred to as “transferred functions”) and partly to functions retained by the Department (in this Article referred to as “retained functions”), and
- (b) any contract for the supply of goods or services to the Department which relates only to transferred functions or only to retained functions, but whose terms are wholly or partly determined in accordance with a contract falling within sub-paragraph (a) of this paragraph.

(2) Article 20 of this Order shall not apply in relation to any contract to which this Article applies.

(1) Subsection (1)(za) was inserted by section 20(2)(a) of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(3) In any contract to which this Article applies any term restricting the provision of goods or services under the contract to the Department shall be treated as referring also to the Board, in connection with transferred functions.

Transfer of persons to Inland Revenue

22.—(1) With effect from 1st April 1999, there shall be transferred to Her Majesty's Home Civil Service the persons, specified in paragraph (2).

(2) The persons specified are those persons employed wholly in the Contributions Unit on 31 March 1999, not above the grade of deputy principal.

(3) In this Article, "persons employed wholly in the Contributions Unit"—

- (a) includes those persons so employed who are on secondment, on sick leave or on maternity leave on 31 March 1999; but
- (b) excludes those persons who are listed on a Northern Ireland Civil Service promotion list but who have not been promoted by that date.

(4) Where a person is transferred to Her Majesty's Home Civil Service under this Article, his period of employment in the Northern Ireland Civil Service shall count as a period of continuous employment in Her Majesty's Home Civil Service for the purposes of the Employment Rights (Northern Ireland) Order 1996⁽²⁾.

Orders and regulations

23.—(1) Any power of the Department to make an order or regulations under this Order shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979⁽³⁾.

(2) Section 166(4) of the Administration Act shall apply in relation to any power conferred on the Department to make regulations under this Order as it applies in relation to any power conferred by that Act to make regulations, but as if for references to that Act there were substituted references to this Order.

(3) Any power of the Secretary of State or the Board to make an order or regulations under this Order shall be exercisable by statutory instrument.

(4) Any statutory instrument containing regulations under any provision of this Order, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Any power conferred by this Order to make regulations may be exercised—

- (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
- (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Order;
 - (iii) any such provision either unconditionally or subject to any specified condition;

(2) S.I.1996/1919 (N.I. 16).

(3) S.I. 1979/1573 (N.I. 12).

and where such a power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes.

(6) Powers to make regulations for the purposes of any one provision of this Order are without prejudice to powers to make regulations for the purposes of any other provision.

(7) A power conferred by this Order to make regulations includes power to make thereby such incidental, supplementary, consequential or transitional provision as appears to the authority making the regulations to be expedient for the purposes of those regulations.

(8) A power conferred by this Order to make regulations includes power to provide for a person to exercise a discretion in dealing with any matter.

Savings, transitional provisions, consequential amendments, repeals and revocations

24.—(1) The provisions of this Order have effect subject to the savings and transitional provisions in Schedule 7 to this Order.

(2) Schedule 8 to this Order (further consequential amendments) shall have effect.

(3) Schedule 9 to this Order (repeals and revocations) shall have effect.