
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 161

SOCIAL SECURITY

**The Social Security Contributions, etc.
(Decisions and Appeals — Transitional
Modifications) Regulations (Northern Ireland) 1999**

Made - - - -

29th March 1999

Coming into operation

1st April 1999

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Articles 14(1) and 23(5) of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999(1) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Contributions, etc. (Decisions and Appeals — Transitional Modifications) Regulations (Northern Ireland) 1999 and shall come into operation on 1st April 1999.

(2) In these Regulations “the Transfer Order” means the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999.

Modification of enactments

2.—(1) Subject to paragraph (2) of this regulation, until Chapter II of Part II of the 1998 Order (social security decisions and appeals) is wholly in operation, any enactment specified in column (1) of the Schedule to these Regulations shall have effect subject to the modifications specified in column (2) of that Schedule.

(2) Paragraph (1) of this regulation shall not apply with respect to—

(a) any such question as is mentioned in—

(i) paragraph (b) of section 15(1) of the Administration Act (questions for the Department) in so far as that question does not raise an issue of a kind specified in sub-paragraph (c), (d) or (e) of Article 7(1) of the Transfer Order (decisions by officers of Board), or

- (ii) paragraph (e) or (f) of section 15(1) of the Administration Act;
- (b) any question which is, by virtue of section 165(1)(2) of the Pensions Act (determination of questions by Department), included in the questions to which section 15(1) of the Administration Act applies, or
- (c) any decision to which Article 4(6) of the Social Security Contributions (Transfer of Functions, etc.) (1999 Order) (Commencement No. 1 and Transitional Provisions) Order (Northern Ireland) 1999(3) (decisions to which Part III of the Transfer Order is not to apply) applies.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland
on

L.S.

29th March 1999.

John O'Neill
Assistant Secretary

(2) Section 165(1) was amended by paragraph 60(a) of Schedule 3 to the Pensions (Northern Ireland) Order 1995 ([S.I. 1995/3213](#) (N.I. 22))

(3) [S.R. 1999 No. 149 \(C. 15\)](#)

SCHEDULE

Regulation 2(1)

Modification of Enactments

Column (1) <i>Enactment</i>	Column (2) <i>Modification</i>
The Contributions and Benefits Act— section 95 (meaning of “employed earner’s employment” in industrial injuries and diseases provisions).	As if, in subsection (5)(c), after “Administration Act” there were inserted “or Part III of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999”.
The Administration Act— section 15(4) (questions for the Department)	As if— (a) in subsection (1)— (i) paragraphs (a), (c), (d) and (g) to (i) were omitted, and (ii) in paragraph (b) “contributions or his” were omitted, and (b) subsection (2) were omitted.
section 18 (claims and questions to be submitted to adjudication officer)	As if— (a) subsection (3) were omitted, and (b) in subsection (6), paragraphs (g) and (h) were omitted.
section 19 (decision of adjudication officer)	As if— (a) subsection (4) were omitted; (b) in subsection (5), for “In any other case notice” there were substituted “Notice”, and (c) in subsection (6), “(4) or” were omitted.
section 20 (appeal to social security appeal tribunal)	As if— (a) in subsection (1), for the words from “allowance”, in the third place where it occurs, to the end of the subsection there were substituted “allowance, the claimant shall have the right to appeal to a social security appeal tribunal.”; (b) in subsection (3)(a), after “this Act” there were inserted “or Part III of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999”, and (c) in subsection (5), paragraphs (d) and (e) were omitted.
section 21 (appeal from social security appeal tribunal to Commissioner)	As if— (a) subsection (2) were omitted; (b) in subsection (3), for “In any other case an appeal” there were substituted “An appeal”, and

(4) Section 15 was amended by paragraph 24 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 ([S.I. 1995/2705 \(N.I. 15\)](#)) and [S.R. 1995 No. 69](#)

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Column (1) <i>Enactment</i>	Column (2) <i>Modification</i>
	(c) in subsection (6), “(2),” were omitted.
section 35 (reference of special questions)	As if, in subsection (1)(a), after “this Act” there were inserted “or Part III of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999”.
section 57 (procedure)	As if subsection (4) were omitted.
section 111(5) (questions arising in proceedings).	As if, in subsection (1), paragraph (b) were omitted.
The Pensions Act— section 165 (determination of questions by Department).	As if, in subsection (7)(b)(6), for “Department” there were substituted “Inland Revenue”.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for certain provisions of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the Social Security Administration (Northern Ireland) Act 1992 (“the Administration Act”) and the Pension Schemes (Northern Ireland) Act 1993 to have effect subject to specified modifications on, and after, 1st April 1999 (when Part III of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (“the Transfer Order”) comes into force) until Chapter II of Part II of the Social Security (Northern Ireland) Order 1998 (“the 1998 Order”) is wholly in operation.

Part II of the 1998 Order enacts new arrangements for decisions and appeals in relation to matters arising under social security legislation, but the provisions of that Part are not yet substantially in operation. Until they are wholly in operation, and to the extent that they are not in operation, arrangements for social security decisions and appeals continue to be governed by Part II of the Administration Act, which will be repealed once Part II of the 1998 Order is wholly in operation.

By virtue of the Transfer Order, decisions in relation to certain social security matters will, with effect from 1st April 1999, fall to be made by officers of the Commissioners of Inland Revenue, and appeals will be determined by the tax appeal Commissioners, under Part III of the Transfer Order. These Regulations modify provisions in Part II of the Administration Act (for so long as those provisions remain in force), and certain other provisions, so that the existing arrangements for social security decisions and appeals will work satisfactorily alongside the arrangements introduced by Part III of the Transfer Order until such time as the arrangements introduced by the 1998 Order are fully operational.

Article 14(1) of the Transfer Order, the enabling provision under which these Regulations are made, was brought into force on 24th March 1999 by virtue of Article 1(2)(c) of the Transfer Order.

(5) Section 111 was amended by paragraph 39 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995

(6) Subsection (7) was added by paragraph 60(c) of Schedule 3 to the Pensions (Northern Ireland) Order 1995

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