

*Status: Point in time view as at 26/02/2003.*

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## SCHEDULES

### SCHEDULE 4

Section 51

#### TRANSFER OF FUNCTIONS: CONSEQUENTIAL AMENDMENTS

##### *Social Security Administration Act 1992 (c. 5)*

- 1 The Social Security Administration Act 1992 has effect subject to the following amendments.

##### **Commencement Information**

- I1** [Sch. 4](#) wholly in force at 7.4.2003; [Sch. 4](#) not in force at Royal Assent, see [s. 61](#); [Sch. 4](#) in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by [S.I. 2003/392, art. 2](#)

- 2 In section 71(8) (recovery of benefits by deduction from prescribed benefits), after “amount paid” insert “, other than an amount paid in respect of child benefit or guardian’s allowance,”.

##### **Commencement Information**

- I2** [Sch. 4](#) wholly in force at 7.4.2003; [Sch. 4](#) not in force at Royal Assent, see [s. 61](#); [Sch. 4](#) in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by [S.I. 2003/392, art. 2](#)

- 3 In section 189(8) (powers to make orders exercisable only with Treasury consent), after “made” insert “ by the Secretary of State ”.

##### **Commencement Information**

- I3** [Sch. 4](#) wholly in force at 7.4.2003; [Sch. 4](#) not in force at Royal Assent, see [s. 61](#); [Sch. 4](#) in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by [S.I. 2003/392, art. 2](#)

##### *Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

- 4 The Social Security Contributions and Benefits (Northern Ireland) Act 1992 has effect subject to the following amendments.

##### **Commencement Information**

- I4** [Sch. 4](#) wholly in force at 7.4.2003; [Sch. 4](#) not in force at Royal Assent, see [s. 61](#); [Sch. 4](#) in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by [S.I. 2003/392, art. 2](#)

- 5 In section 171(1) (regulations and orders to be made by the Northern Ireland Department except where provision of the Act otherwise provides), after “to” insert

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“ any provision providing for regulations or orders to be made by the Treasury or the Commissioners of Inland Revenue and to ”.

**Commencement Information**

**I5** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

6 In section 172(11A) (regulations subject to draft affirmative Parliamentary procedure), for “or 118” substitute “ , 118 or 141 ”.

**Commencement Information**

**I6** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

*Social Security Administration (Northern Ireland) Act 1992 (c. 8)*

7 The Social Security Administration (Northern Ireland) Act 1992 has effect subject to the following amendments.

**Commencement Information**

**I7** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

8 In section 69(8) (recovery of benefits by deduction from prescribed benefits), after “amount paid” insert “ , other than an amount paid in respect of child benefit or guardian’s allowance, ”.

**Commencement Information**

**I8** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

9 In sections 132(1) and 133 (orders for uprating of benefits corresponding to those made for Great Britain by Secretary of State), after “Secretary of State” insert “ or the Treasury ”.

**Commencement Information**

**I9** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

10 In section 165(3) (powers to make regulations and orders which are exercisable by statutory rule), after “Act” insert “ on the Department or the Lord Chancellor ”.

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#### Commencement Information

**I10** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

- 11 (1) Section 166 (Parliamentary and Assembly control of orders and regulations) is amended as follows.
- (2) In subsection (5), for the words from “in like” to the end substitute “ (in the case of regulations made by the Lord Chancellor in like manner as a statutory instrument, with section 5 of the Statutory Instruments Act 1946 (c. 36) applying accordingly) ”.
- (3) In subsection (10A), after “129” insert “ , 132, 133, 134 ”.

#### Commencement Information

**I11** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

### Social Security Act 1998 (c. 14)

- 12 The Social Security Act 1998 has effect subject to the following amendments.

#### Commencement Information

**I12** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

- 13 (1) Section 79 (regulations and orders) is amended as follows.
- (2) In subsection (1), for “subsection (2)” substitute “ subsections (2) and (2A) ”.
- (3) After subsection (2) insert—
- “(2A) Subsection (1) has effect subject to any provision providing for regulations to be made by the Treasury or the Commissioners of Inland Revenue.”

#### Commencement Information

**I13** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

- 14 In section 80(2) (negative Parliamentary procedure for regulations made by Secretary of State), after “Secretary of State” insert “ , the Treasury or the Commissioners of Inland Revenue ”.

#### Commencement Information

**I14** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

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- 15 References in Chapter 2 of Part 1 (social security decisions and appeals) to a decision of the Secretary of State are, where the context so requires in consequence of section 50, to be construed as references to a decision of the Board (or, where the power to decide is exercised by an officer of the Board, an officer of the Board).

**Commencement Information**

- I15** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

*Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))*

- 16 The Social Security (Northern Ireland) Order 1998 has effect subject to the following amendments.

**Commencement Information**

- I16** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

- 17 (1) Article 74 (regulations and orders) is amended as follows.
- (2) In paragraph (1), for “paragraph (2)” substitute “ paragraphs (2) and (2A) ”.
- (3) After paragraph (2) insert—
- “(2A) Paragraph (1) has effect subject to any provision providing for regulations to be made by the Treasury or the Commissioners of Inland Revenue.
- (2B) Powers of the Treasury or the Commissioners of Inland Revenue to make regulations under this Order are exercisable by statutory instrument.”

**Commencement Information**

- I17** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

- 18 (1) Article 75 (Assembly etc. control of regulations) is amended as follows.
- (2) In paragraph (1), for “The regulations to which this paragraph applies” substitute “ Where regulations specified in paragraph (2) are made by the Department, they ”.
- (3) After that paragraph insert—
- “(1A) Where regulations specified in paragraph (2) fall to be made by the Treasury or the Commissioners of Inland Revenue they shall not be made unless a draft of the instrument containing them has been laid before Parliament and approved by a resolution of each House of Parliament.”
- (4) In paragraph (2), for “Paragraph (1) applies to” substitute “ The regulations specified in this paragraph are ”.
- (5) In paragraph (3), for “to which paragraph (1) applies” substitute “ specified in paragraph (2) ”.

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(6) After that paragraph insert—

“(3A) Regulations made under this Order by the Treasury or the Commissioners of Inland Revenue, other than regulations specified in paragraph (2), shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

**Commencement Information**

**I18** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

19 References in Chapter 2 of Part 2 (social security decisions and appeals) to a decision of the Department are, where the context so requires in consequence of section 50, to be construed as references to a decision of the Board (or, where the power to decide is exercised by an officer of the Board, an officer of the Board).

**Commencement Information**

**I19** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

*Immigration and Asylum Act 1999 (c. 33)*

20 The Immigration and Asylum Act 1999 has effect subject to the following amendments.

**Commencement Information**

**I20** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

21 In section 115(5) and (6) (exclusion of persons subject to immigration control from certain benefits), for “the benefits mentioned in subsection (1)(f) or (g)” substitute “child benefit”.

**Commencement Information**

**I21** Sch. 4 wholly in force at 7.4.2003; Sch. 4 not in force at Royal Assent, see s. 61; Sch. 4 in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by S.I. 2003/392, art. 2

22 (1) Section 123(9) (regulations about back-dating of benefits where person recorded as refugee) is amended as follows.

(2) After paragraph (b) insert—

“(ba) in relation to child benefit (and guardian’s allowance), regulations made by the Treasury;”.

(3) In paragraphs (c) and (d), after “benefit” insert “(apart from child benefit and guardian’s allowance)”.

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**I22** [Sch. 4](#) wholly in force at 7.4.2003; [Sch. 4](#) not in force at Royal Assent, see [s. 61](#); [Sch. 4](#) in force for certain purposes at 26.2.2003 and 1.4.2003 and otherwise in force at 7.4.2003 by [S.I. 2003/392](#), [art. 2](#)

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