

2008 No. 51

SOCIAL SECURITY

**The Social Security (National Insurance Numbers)
(Amendment) Regulations (Northern Ireland) 2008**

Made - - - - - *7th February 2008*

Coming into operation - *29th February 2008*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 158C and 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(a) and now vested in it(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (National Insurance Numbers) (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on 29th February 2008, immediately after the coming into force of the Immigration (Restrictions on Employment) Order 2007(c).

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations

2.—(1) The Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations (Northern Ireland) 2001(e) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 9(1A)(f) (application for allocation of national insurance number) for the words from “for the time being” to the end, substitute “in Schedule 1.”.

(3) The Schedule shall be numbered “Schedule 2”.

(4) In regulation 11 (revocations) for the words “the Schedule”, in both places where they occur, substitute “Schedule 2”.

(5) Before Schedule 2 insert—

(a) 1992 c. 8; section 158C was inserted by paragraph 6 of Schedule 1 to the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11)) and amended by paragraph 34 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671); section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 and subsection (6) was amended by Schedule 7 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

(b) See Article 8(b) of S.R. 1999 No. 481

(c) S.I. 2007/3290

(d) 1954 c. 33 (N.I.)

(e) S.R. 2001 No. 102; relevant amending Regulations are S.R. 2006 No. 436

(f) Paragraph (1A) was inserted by regulation 2(a) of S.R. 2006 No. 436

Documents to accompany an application for a national insurance number

1. Any document specified for the time being in paragraphs 1 to 6 of List A of the Schedule to the Immigration (Restrictions on Employment) Order 2007.
2. Any document specified for the time being in paragraphs 1 to 6 of List B of the Schedule to the Immigration (Restrictions on Employment) Order 2007.
3. Any of the following documents—
 - (a) a full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder’s parents;
 - (b) a full adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder’s adoptive parents;
 - (c) a birth certificate issued in the Channel Islands, the Isle of Man or Ireland;
 - (d) an adoption certificate issued in the Channel Islands, the Isle of Man or Ireland;
 - (e) a certificate of registration or naturalisation as a British Citizen;
 - (f) an Immigration Status Document issued by the Home Office or the Border and Immigration Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom;
 - (g) a letter issued by the Home Office or the Border and Immigration Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom;
 - (h) an Immigration Status Document issued by the Home Office or the Border and Immigration Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the type of work in question;
 - (i) a letter issued by the Home Office or the Border and Immigration Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.”.

Sealed with the Official Seal of the Department for Social Development on 7th February 2008

(L.S.)

John O’Neill

A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations (Northern Ireland) 2001 (“the 2001 Regulations”). The amendments are consequential on the coming into force of the Immigration (Restrictions on Employment) Order 2007 (“the 2007 Order”). The 2007 Order replaces the Immigration (Restrictions on Employment) Order 2004 (S.I. 2004/755) which listed the documents required to accompany an application for a national insurance number to be allocated under regulation 9(1A) of the 2001 Regulations.

Regulation 2(3) renumbers the Schedule to the 2001 Regulations.

Regulation 2(5) inserts Schedule 1 which lists the documents specified in the 2007 Order which shall accompany an application for a national insurance number to be allocated.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.