

**1983 No. 118**

**SOCIAL SECURITY**

**The National Insurance (Non-participation –  
Transfer of Functions) (Transitional) Regulations  
1983**

<i>Made</i> - - - -	<i>7th February 1983</i>
<i>Laid before Parliament</i>	<i>17th February 1983</i>
<i>Coming into Operation</i>	<i>10th March 1983</i>

The Secretary of State for Social Services, in exercise of the powers conferred on him by section 2 of and paragraphs 7 and 9 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(a) and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals to make these regulations should not be referred to it(b), hereby makes the following regulations:

**Citation and commencement**

1. These regulations may be cited as the National Insurance (Non-participation – Transfer of Functions) (Transitional) Regulations 1983 and shall come into operation on 10th March 1983.

**Transfer of the Adjudicator’s functions to the Occupational Pensions Board**

2. For the purposes of facilitating the winding up of the system of insurance contained in the former principal Act(c) and the disposal of matters connected with that system the provisions of regulations 3, 4, 5 and 6 of these regulations shall have effect for transferring to the Occupational Pensions Board the functions (determination of references and appeals on questions relating to non-participating employments) dischargeable before the coming into operation of these regulations by an Adjudicator appointed in accordance with section 74(3) of the National Insurance Act 1965 for the purposes of Part III of that Act.

[Regulation 3 amends regulation 3 of and adds Schedule to S.I. 1974/2058.]

[Regulation 4 amends S.I. 1959/1860.]

[Regulation 5 amends regulations 1(2), 2 and 4 of S.I. 1959/2119.]

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(a) 1975 c.18; paragraph 9(1)(b) was amended by the Social Security Pensions Act 1975 (c.60), Schedule 4, paragraph 65.

(b) See section 10(2)(b) of the Social Security Act 1980 (c.30).

(c) The National Insurance Act 1965 (c.51), the relevant provisions of which were repealed by the Social Security Act 1973 (c.38), Schedule 28 but continued in force by S.I. 1974/2057 and by S.I. 1974/2058; see also 1975 c.18, section 3(3).

NATIONAL INSURANCE (**NON-PARTICIPATION – TRANSFER OF FUNCTIONS**) (TRANSITIONAL) REGULATIONS

**Modification of the provisions of section 86 of the Social Security Act 1973**

6. Section 86 of the Social Security Act 1973(a) (references and appeals from the Board to the courts on questions of law) shall be modified so as to have effect as if—

- (a) questions of law arising in connection with any matters falling to be determined by the Board by virtue of the provisions of these regulations were included in the questions which the Board may refer to the court under subsection (1) of that section, and
- (b) the rights of appeal to the court conferred by subsection (4) of that section upon persons aggrieved included the right to appeal on a question of law against any decision of the Board on any matter falling to be determined by them by virtue of the provisions of these regulations, and
- (c) the other provisions of that section applied, as the case may require, to references and appeals to which subsections (1) and (4) apply by virtue of the provisions of these regulations.

[Regulation 7 amends regulation 2(4) of S.I. 1974/2057.]

7th February 1983

*Norman Fowler*  
Secretary of State for Social Services

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations.)*

These regulations provide for the functions previously discharged by an Adjudicator appointed in accordance with section 74(3) of the National Insurance Act 1965 (“the 1965 Act”) in relation to references by and appeals from the Registrar of Non-participating Employments (“the Registrar”) to be dischargeable by the Occupational Pensions Board (“the Board”).

Regulation 2 is a general declaratory provision as to the transfer from the Adjudicator to the Board of the determination of appeals and references from the Registrar. Regulation 3 amends the National Insurance (Non-participation – Transitional provisions) (No. 2) Regulations 1974 so as to continue in force section 74(1) and (2) of the 1965 Act. Subsection (1) (power to provide by regulations for the method of determination of certain questions as to non-participating employments under Part III of the Act (“Part III questions”)) is continued in force in modified form: subsection (2) (power to provide by regulations for incidental matters affecting the Registrar and employers) is continued in force unaltered. Subsection (3) (appointment of an Adjudicator) is no longer continued in force. Regulation 4 further amends the National Insurance (Non-participation – Certificates) Regulations 1959 so as to substitute the Board for the Adjudicator as the recipient of references by and appeals from the Registrar on Part III questions. Regulation 5 amends the National Insurance

(a) 1973 c.38; section 86 was amended by the Social Security Pensions Act 1975 (c.60), Schedule 4, paragraph 29 and Schedule 5, and by the Administration of Justice Act 1977 (c.38), Schedule 5, Part IV.

(Non-participation – Appeals and References) Regulation 1959, which relate to the procedure to be followed on references by and appeals from the Registrar on Part III questions, so as to make them apply with minor alterations to the Board instead of to the Adjudicator. Regulation 6 extends the provisions of section 86, as amended, of the Social Security Act 1973 so as to enable the existing provisions for appeals and references to the courts on questions of law arising on determinations by the Board to apply also to their determinations on Part III questions. Regulation 7 amends the National Insurance (Non-participation – Transitional Provisions) Regulations 1974 so as to postpone for an additional two years the terminal date of any possible extension of the settlement period in connection with non-participating employments.

