STATUTORY INSTRUMENTS

2017 No. 613

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments No. 3) Regulations 2017

Made - - - -	*26th April 2017*
Laid before Parliament	*27th April 2017*
Coming into force - -	*18th May 2017*

These Regulations are made by the Treasury in exercise of the powers conferred by sections 4A(1) and (3) to the Social Security Contributions and Benefits Act 1992(**a**) and sections 4A(1) and (3) to the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**b**).

The Secretary of State concurs in relation to regulation 2 and the Department for Communities(**c**) concurs in relation to regulation 3.

Citation and commencement

1. These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 3) Regulations 2017 and come into force on 18th May 2017.

Amendment of the Social Security Contributions (Intermediaries) Regulations 2000

2.—(1) The Social Security Contributions (Intermediaries) Regulations 2000(**d**) are amended as follows.

(2) For Regulation 3A (meaning of public authority) substitute—

"Meaning of public authority

3A.—(1) In these Regulations "public authority" means—

(a) a public authority as defined by the Freedom of Information Act 2000(**e**),

(**a**) 1992 c. 4. Section 4A was inserted by section 75 of the Welfare Reform and Pensions Act 1999 (c. 3) and amended by paragraphs 288 and 289 of Schedule 1 to the Income Tax Act 2007 (c. 3) and S.I. 2007/2071.

(**b**) 1992 c. 7. Section 4A was inserted by section 76 of the Welfare Reform and Pensions Act 1999 (c. 33) and amended by paragraphs 291 and 292 of Schedule 1 to the Income Tax Act 2007 and S.I. 2003/1884.

(**c**) The functions of the Department of Health and Social Services for Northern Ireland under the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) were transferred to the Department for Social Development by Article 8(b) of, and Part 2 of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. (NI) 1999 No 481). The Department for Social Development was subsequently renamed the Department for Communities, see section 1(7) of the Department Act (Northern Ireland) 2016 (c. 5 (N.I.)).

(**d**) S.I. 2000/727. This instrument was amended by S.I. 2017/373; there are other amending instruments but none is relevant.

(**e**) 2000 c. 36.

(b) a Scottish public authority as defined by the Freedom of Information (Scotland) Act 2002(**a**),

(c) the Corporate Officer of the House of Commons,

(d) the Corporate Officer of the House of Lords,

(e) the National Assembly for Wales Commission, or

(f) the Northern Ireland Assembly Commission.

(2) An authority within paragraph (1)(a) or (b) is a public authority for the purposes of these Regulations in relation to all its activities even if provisions of the Act mentioned in that paragraph do not apply to all information held by the authority.

(3) Paragraph (1) is subject to paragraph (4).

(4) A primary-healthcare provider is a public authority for the purposes of these Regulations only if the primary-healthcare provider—

(a) has a registered patient list for the purposes of relevant medical-services regulations,

(b) is within paragraph 43A in Part 3 of Schedule 1 to the Freedom of Information Act 2000(**b**) (providers of primary healthcare services in England and Wales) by reason of being a person providing primary dental services,

(c) is within paragraph 51(**c**) in that Part of that Schedule (providers of healthcare services in Northern Ireland) by reason of being a person providing general dental services, or

(d) is within paragraph 33 in Part 4 of Schedule 1 to the Freedom of Information (Scotland) Act 2002(**d**) (providers of healthcare services in Scotland) by reason of being a person providing general dental services.

(5) In paragraph (4)—

"primary-healthcare provider" means an authority that is within paragraph (1)(a) or (b) only because it is within a relevant paragraph,

"relevant paragraph" means—

(a) any of paragraphs 43A to 45A and 51 in Part 3 of Schedule 1 to the Freedom of Information Act 2000(**e**), or

(b) any of paragraphs 33 to 35 in Part 4 of Schedule 1 to the Freedom of Information (Scotland) Act 2002(**f**), and

"relevant medical-services regulations" means any of the following—

(a) the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) Regulations 2004(**g**),

(b) the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) (Wales) Regulations 2004(**h**),

(c) the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) (Scotland) Regulations 2004(**i**), and

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(**a**) 2002 asp. 13.

(**b**) 2000 c. 36. Paragraph 43A was inserted by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) and amended by the Health Act 2006 (c. 28) and the National Health Service (Consequential Provisions) Act 2006 (c. 43).

(**c**) Paragraph 51 was amended by the Primary Medical Services (Northern Ireland) Order 2004 (S.I 2004/311) and the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1).

(**d**) 2002 asp. 13. Paragraph 33 was amended by the Primary Medical Services (Scotland) Act 2004 (asp. 1).

(**e**) Paragraph 44 was amended by the Health and Social Care (Community Health and Standards) Act 2003 and the National Health Service (Consequential Provisions) Act 2006 (c. 43). Paragraph 45 was repealed by the Health and Social Care (Community Health and Standards) Act 2003. Paragraph 45A was inserted by the Health and Social Care Act 2001 (c. 15) and amended by the National Health Service (Consequential Provisions) Act 2006.

(**f**) Paragraph 34 was amended by the Primary Medical Services (Scotland) Act 2004.

(**g**) S.I. 2004/906. Regulations 2(1), 2(2)(a) and 2A were amended by S.I 2013/363, 2015/1862 and 2015/1879.

(**h**) S.I. 2004/1017.

(**i**) S.S.I. 2004/162.

(d) the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) Regulations (Northern Ireland) 2004(**a**).".

Amendment of the Social Security Contributions (Intermediaries) (Northern Ireland) Regulations 2000

3.—(1) The Social Security Contributions (Intermediaries) (Northern Ireland) Regulations 2000(**b**) are amended as follows.

(2) For Regulation 3A (meaning of public authority) substitute—

"Meaning of public authority

3A.—(1) In these Regulations "public authority" means—

(a) a public authority as defined by the Freedom of Information Act 2000(**c**),

(b) a Scottish public authority as defined by the Freedom of Information (Scotland) Act 2002(**d**),

(c) the Corporate Officer of the House of Commons,

(d) the Corporate Officer of the House of Lords,

(e) the National Assembly for Wales Commission, or

(f) the Northern Ireland Assembly Commission.

(2) An authority within paragraph (1)(a) or (b) is a public authority for the purposes of these Regulations in relation to all its activities even if provisions of the Act mentioned in that paragraph do not apply to all information held by the authority.

(3) Paragraph (1) is subject to paragraph (4).

(4) A primary-healthcare provider is a public authority for the purposes of these Regulations only if the primary-healthcare provider—

(a) has a registered patient list for the purposes of relevant medical-services regulations,

(b) is within paragraph 43A in Part 3 of Schedule 1 to the Freedom of Information Act 2000(**e**) (providers of primary healthcare services in England and Wales) by reason of being a person providing primary dental services,

(c) is within paragraph 51(**f**) in that Part of that Schedule (providers of healthcare services in Northern Ireland) by reason of being a person providing general dental services, or

(d) is within paragraph 33 in Part 4 of Schedule 1 to the Freedom of Information (Scotland) Act 2002(**g**) (providers of healthcare services in Scotland) by reason of being a person providing general dental services.

(5) In paragraph (4)—

"primary-healthcare provider" means an authority that is within paragraph (1)(a) or (b) only because it is within a relevant paragraph,

"relevant paragraph" means—

(**a**) S.R. (N.I) 2004 No. 477. Regulation 2(1) and Schedule 1 were amended by the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c.1).

(**b**) S.I. 2000/728. This instrument was amended by S.I. 2017/373; there are other amending instruments but none is relevant.

(**c**) 2000 c. 36.

(**d**) 2002 asp. 13.

(**e**) 2000 c. 36. Paragraph 43A was inserted by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) and amended by the Health Act 2006 (c. 28) and the National Health Service (Consequential Provisions) Act 2006 (c. 43).

(**f**) Paragraph 51 was amended by the Primary Medical Services (Northern Ireland) Order 2004 (S.I 2004/311) and the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1).

(**g**) Paragraph 33 was amended by the Primary Medical Services (Scotland) Act 2004 (asp. 1). Paragraph 34 was amended by the Primary Medical Services (Scotland) Act 2004 (asp. 1).

(a) any of paragraphs 43A to 45A(**a**) and 51 in Part 3 of Schedule 1 to the Freedom of Information Act 2000, or

(b) any of paragraphs 33 to 35 in Part 4 of Schedule 1 to the Freedom of Information (Scotland) Act 2002, and

"relevant medical-services regulations" means any of the following—

(a) the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) Regulations 2004(**b**),

(b) the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) (Wales) Regulations 2004(**c**),

(c) the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) (Scotland) Regulations 2004(**d**), and

(d) the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) Regulations (Northern Ireland) 2004(**e**).".

Guto Bebb
Andrew Griffiths
26th April 2017 Two of the Lords Commissioners of Her Majesty's Treasury

The Secretary of State concurs as indicated in the preamble.
Signed by authority of the Secretary of State for Work and Pensions

Richard Harrington
Parliamentary Under Secretary of State
26th April 2017 Department of Works and Pensions

The Department for Communities concurs as indicated in the preamble.
Sealed with the Official Seal of the Department for Communities on

L.S.

Anne McCleary
25th April 2017 A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the definition of "public authority" in Regulation 3A of the Social Security (Intermediaries) Regulations 2000 (S.I. 2000/727) and the Social Security (Intermediaries) (Northern Ireland) Regulations 2000 (S.I. 2000/728).

(**a**) Paragraph 44 was amended by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) and the National Health Service (Consequential Provisions) Act 2006 (c. 43). Paragraph 45 was repealed by the Health and Social Care (Community Health and Standards) Act 2003. Paragraph 45A was inserted by the Health and Social Care Act 2001 (c. 15) and amended by the National Health Service (Consequential Provisions) Act 2006 (c. 43).
(**b**) S.I. 2004/906. Regulations 2(1), 2(2)(a) and 2A were amended by S.I 2013/363, 2015/1862 and 2015/1879.
(**c**) S.I. 2004/1017.
(**d**) S.S.I. 2004/162.
(**e**) S.R. (N.I) 2004 No. 477. Regulation 2(1) and Schedule 1 were amended by the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c.1).

A Tax Information and Impact Note covering the changes made by these Regulations was published on 8th March 2017 and is available on the website at: https://www.gov.uk/government/collections/tax-information-and-impact-notes-tiins. It remains an accurate summary of the impacts that apply to this instrument.

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