

Department for Work and Pensions

ADJUDICATION AND CONSTITUTIONAL ISSUES DIVISION

The Law Relating to Social Security

Volumes 9 &10 Supplement 78 – March 2007

1. Supplements to The Law Relating to Social Security are issued at regular intervals. This supplement [78] includes amendments to the Contents Volume and Volumes 1, 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12.
2. This package contains Volumes 9 & 10 and incorporates various consequential amendments.
3. This supplement is issued in PDF format only. Please refer to ACI General Bulletin 01/2006, issued September 2006 for details.
4. The amended pages have been reprinted in full. The supplement number is printed at the bottom of each replacement page. This supplement contains an update of the page check list at the back of the volume.
5. Due to space constraints, ACI can only reproduce legislation currently in force. Where users are instructed to remove pages they may like to consider the need to retain such pages for their own use.
6. Remove the sheets in the left-hand column and insert new sheets in the right-hand column (the numbers quoted are those printed at the bottom of the respective pages). When the revised sheets have been inserted, note the record of amendments at the back of the volume.
7. The last 2 supplements have amended the following volumes:

Supplement No. 76 [September 2006] Contents, 1, 2, 3, 4, 5, 6, 8, 10, 11 and 12
Supplement No. 74 [March 2006] Contents, 1, 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12
8. While every effort is made to ensure the accuracy of this work, the ACI Publications team would be happy to hear from anyone who spots errors. Please contact

Quentin Chu on 0113 232 4861 or Jackie Wood on 0113 232 4991.

The Law Relating to Social Security is available on the DWP website at
www.dwp.gov.uk/advisers/docs/lawvols/bluevol/.
9. Starting in Supplement 76 the triangles ►◄ signifying additions, deletions or amendments to Statutory Instruments will be numbered to aid reference. Numbering will start at 1 on each page however, only those pages being updated will be affected.

Remove**Volume 9**

9.1 – 9.4 (-9.20) (2 pages)

9.41 – 9.72 (-9.900) (2 pages)

9.8697 – 9.8698 (-9.8830) (1 page)

9.8835 – 9.8836 (1 page)

9.9991 – 9.9992 (1 page)

Volume 10

10.5849 – 10.5850 (1 page)

10.9991 – 10.9992 (1 page)

Insert**Volume 9**

9.1 – 9.4 (-9.20) (2 pages)

9.41 – 9.72 (-9.900) (2 pages)

9.8697 – 9.8708 (-9.8830) (5 pages)

9.8835 – 9.8836 (1 page)

9.9991 – 9.9992 (1 page)

Volume 10

10.5849 – 10.5850 (1 page)

10.9991 – 10.9992 (1 page)

TABLE OF ABBREVIATIONS AND SYMBOLS

.....	Where occupying a line in an Act, indicates omission of text; refer to Annex 1 at end of that Act for reason for omission
▶ ◀	Text (between triangles) added or substituted, accompanied by marginal note
◀▶	Text omitted, accompanied by marginal note
▶ ¹ ◀	Text (between triangles) added or substituted, accompanied by marginal note, see note below
▶ ◀	Text (between triangles) added or substituted, refer to last preceding marginal note
◀▶	Text omitted, refer to last preceding marginal note
1985 Act of Accession	Act of Accession of Spain and Portugal; OJ L 302, 15.11.85, page 23.
1994 Act of Accession	Act of Accession of Austria, Finland and Sweden; pre-ratification text in OJ C 241, 29.8.94, page 21. (But see "EU Coun. Decn. of 1.1.95" below).
Adjusting Protocol	Protocol (Brussels, 17.3.93) adjusting the EEA of 17.3.93 Agreement; OJ L 1, 3.1.94, page 572.
Art.	Article
c.	chapter
C.	Commencement Order
C.B.	Child Benefit
DLA & DWA Act 1991	Disability Living Allowance and Disability Working Allowance Act 1991
defn.	definition
EC	European Communities
EEA	European Economic Area
EEA Agreement	European Economic Area Agreement (Oporto 2.5.92); OJ L 1, 3.1.94, page 7.
EEA Coun. Decn. 1/95	EEA Council Decision No. 1/95 of 10.3.95 (Liechtenstein); OJ L 86, 20.4.95; page 58.
EEA Joint Ctee. Decn. 7/94	EEA Joint Committee Decision No. 7/94 of 21 March 1994; OJ L 160, 28.6.94, page 1.
Eng.	England
EU Coun. Decn. of 1.1.95	Decision of the Council of the European Union of 1.1.95 (accession of Austria, Finland and Sweden); OJ L 1, 1.1.95, page 1. (The Annex to this Decision superseded Annex 1 to the pre-ratification text of the 1994 Act of Accession.)
F.C.	Family Credit
HASSASSA Act 1983	Health and Social Services and Social Security Adjudications Act 1983
I.S.	Income Support
L.G.F. Act 1992	Local Government Finance Act 1992
N.I.	Northern Ireland or National Insurance, according to context
No.	Number
O.J.	Official Journal of the European Communities
O.P.B.	Occupational Pensions Board
O.P.S.	Occupational Pension Schemes
p.	page

continued

TABLE OF ABBREVIATIONS AND SYMBOLS

continued

para.	paragraph
P.B. & M.D.B.S.	Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme
prosp.	prospective or prospectively
Prot.	Protocol
P.S. Act 1993	Pension Schemes Act 1993
Pt.	Part
ref.	references
reg.	regulation
S. or s.	section
S.B.	Supplementary Benefit
Sch.	Schedule
S.F.	Social fund
S.I.	Statutory Instrument
S.M.P.	Statutory Maternity Pay
S.S.	Social Security
S.S. Admin. Act 1992	Social Security Administration Act 1992
S.S. (C.P.) Act 1975	Social Security (Consequential Provisions) Act 1975
S.S. (C.P.) Act 1992	Social Security (Consequential Provisions) Act 1992
S.S. Conts. & Bens. Act 1992	Social Security Contributions and Benefits Act 1992
S.S. (M.P.) Act 1977	Social Security (Miscellaneous Provisions) Act 1977
S.S.P. Act 1975	Social Security Pensions Act 1975
S.S.P.	Statutory Sick Pay
sub-para.	sub-paragraph
subsec.	subsection
w.e.f.	with effect from
w/i	week including
* (in text)	see asterisked crossnote below that part of the text

TABLE OF ABBREVIATIONS AND SYMBOLS

Triangles

From September 2006 (supplement no. 76) marginal notes relating to triangles, within Statutory Instruments, will be numbered. The numbering will start from no. 1 on each page and will only be introduced as pages are amended.

Typefaces

Italic sanserif print indicates provisions made prospectively but not yet in force

Small sanserif print indicates provisions being temporarily saved for certain circumstances or people, ordinary print being used for accompanying text containing permanent provisions (explanations are give in annotations).

Small ordinary print in main text indicates that, although the text so printed is now repealed or otherwise inoperative, it is reproduced in order to make sense of provisions which remain in force.

In the alphabetical list of Statutory Instruments (below), the subject matters of the instruments are listed in alphabetical order of the **words printed in bold type**. (These bold-printed words do not always correspond to the bold-printed words in the page headings in the main text.)

Editorial Note

While every effort is made to ensure the accuracy of this work, we would be happy to hear from anyone who spots errors.

Please contact.

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ALPHABETICAL LIST OF STATUTORY INSTRUMENTS
IN PART II OF VOLUME 9

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1992/3209	The Social Security (Austria) Order 1992	9.7037
1951/1801	The National Insurance and Industrial Injuries (Reciprocal Multilateral Agreement) (Belgium) Order 1951	9.7047
1958/771	The Family Allowances, National Insurance and Industrial Injuries (Belgium) Order 1958	9.7051
1960/211	The Family Allowances, National Insurance and Industrial Injuries (Denmark) Order 1960.	9.7221
1984/125	The Social Security (Finland) Order 1984	9.7301
1992/3210	The Social Security (Finland) Order 1992	9.7341
1951/972	The National Insurance and Industrial Injuries (Reciprocal Multilateral Agreement) (France and the Netherlands) Order 1951	9.7387
1958/597	The National Insurance and Industrial Injuries (France) Order 1958	9.7391
1961/1202	The Family Allowances, National Insurance and Industrial Injuries (Germany) Order 1961	9.7561
1961/1513	The National Insurance (Germany) Order 1961	9.7661
1974/555	The Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order 1974	9.7821
	Hungary: See tabular reference to Association Agreement between EC and Hungary.	9.6501
1960/707	The National Insurance and Industrial Injuries (Republic of Ireland) Order 1960	9.8041
1966/270	The National Insurance (Republic of Ireland) Order 1966	9.8101
1968/1655	The National Insurance and Industrial Injuries (Republic of Ireland) Order 1968	9.8171
1971/1742	The National Insurance (Republic of Ireland) Order 1971	9.8183
1953/884	The National Insurance and Industrial Injuries (Reciprocal Agreement with Italy) Order 1953	9.8311
1955/420	The National Insurance and Industrial Injuries (Luxembourg) Order 1955	9.8481
	Morocco: See tabular reference to Co-operation Agreement between E.C. and Morocco	9.6501
1951/972	The National Insurance and Industrial Injuries (Reciprocal Multilateral Agreement) (France and the Netherlands) Order 1951	9.8647
1955/874	The National Insurance and Industrial Injuries (Netherlands) Order 1955	9.8651

ALPHABETICAL LIST OF STATUTORY INSTRUMENTS

<i>S.I. No.</i>	<i>Title</i>	<i>Page</i>
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1977/7	The Child Benefit (Northern Ireland Reciprocal Arrangements) Regulations 1977	9.8871
1997/645	The Child Maintenance Bonus (Northern Ireland Reciprocal Arrangements) Regulations 1997	9.8887
1999/2225	The Child Benefit (Northern Ireland Reciprocal Arrangements) Amendment Regulations 1999	9.8879
1999/2227	The Social Security (Northern Ireland Reciprocal Arrangements) Amendment Regulations 1999	9.8841
2007/271	The Social Security Investigation Powers (Arrangements with Northern Ireland) Regulations 2007	9.8701
	Poland: See tabular reference to Association Agreement between EC and Poland	9.6501
1979/921	The Social Security (Portugal) Order 1979	9.8981
1987/1831	The Social Security (Portugal) Order 1987	9.9081
1975/415	The Family Allowances, National Insurance and Industrial Injuries (Spain) Order 1975	9.9201
1976/1916	The Social Security (Spain) Order 1976	9.9281
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CHRONOLOGICAL LIST OF STATUTORY INSTRUMENTS

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1801	The National Insurance and Industrial Injuries (Reciprocal Multilateral Agreement) (Belgium) Order 1951	9.7047
1953 884	The National Insurance and Industrial Injuries (Reciprocal Agreement with Italy) Order 1953	9.8311
1955 420	The National Insurance and Industrial Injuries (Luxembourg) Order 1955	9.8481
874	The National Insurance and Industrial Injuries (Netherlands) Order 1955	9.8651
1958 597	The National Insurance and Industrial Injuries (France) Order 1958	9.7391
771	The Family Allowances, National Insurance and Industrial Injuries (Belgium) Order 1958	9.7051
1960 211	The Family Allowances, National Insurance and Industrial Injuries (Denmark) Order 1960	9.7221
707	The National Insurance and Industrial Injuries (Republic of Ireland) Order 1960	9.8041
1961 1202	The Family Allowances, National Insurance and Industrial Injuries (Germany) Order 1961	9.7561
1513	The National Insurance (Germany) Order 1961	9.7661
1966 270	The National Insurance (Republic of Ireland) Order 1966	9.8101
1968 1655	The National Insurance and Industrial Injuries (Republic of Ireland) Order 1968	9.8171
1971 1742	The National Insurance (Republic of Ireland) Order 1971	9.8183
1974 555	The Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order 1974	9.7821
1975 415	The Family Allowances, National Insurance and Industrial Injuries (Spain) Order 1975	9.9201
1976 1003	The Social Security (Northern Ireland Reciprocal Arrangements) Regulations 1976	9.8831
1916	The Social Security (Spain) Order 1976	9.9281
1977 7	The Child Benefit (Northern Ireland Reciprocal Arrangements) Regulations 1977	9.8871

CHRONOLOGICAL LIST OF STATUTORY INSTRUMENTS

<i>S.I. No.</i>	<i>Title</i>	<i>Page</i>
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1981 605	The Social Security (Austria) Order 1981	9.7003
1984 125	The Social Security (Finland) Order 1984	9.7301
1987 1830	The Social Security (Austria) Order 1987	9.7033
1831	The Social Security (Portugal) Order 1987	9.9081
1988 590	The Social Security (Sweden) Order 1988	9.9321
1992 3209	The Social Security (Austria) Order 1992	9.7037
3210	The Social Security (Finland) Order 1992	9.7341
3213	The Social Security (Sweden) Order 1992	9.9365
1997 645	The Child Maintenance Bonus (Northern Ireland Reciprocal Arrangements) Regulations 1997	9.8887
1999 2225	The Child Benefit (Northern Ireland Reciprocal Arrangements) Amendment Regulations 1999	9.8879
2227	The Social Security (Northern Ireland Reciprocal Arrangements) Amendment Regulations 1999	9.8841
2007 271	The Social Security Investigation Powers (Arrangements with Northern Ireland) Regulations 2007	9.8701

In witness whereof the undersigned, duly authorised by their respective Governments, have signed the present Convention and affixed thereto their seals.

Done in duplicate at The Hague, this 11th day of August, 1954, in the English and Netherlands languages, both texts being equally authoritative.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

(L.S.) *A. C. Stewart.*

For the Government of the Kingdom of the Netherlands:

(L.S.) *J. W. Beyen.*

(L.S.) *J. Luns.*

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order gives effect in England, Wales and Scotland, to the Convention (set out in the Schedule) made between the Governments of the United Kingdom and of the Netherlands and modifies the National Insurance Acts, 1946 to 1955, and the National Insurance (Industrial Injuries) Acts, 1946 to 1954, in their application to persons affected by that Convention.

2007 No. 271

SOCIAL SECURITY

**The Social Security (Investigation Powers
(Arrangements with Northern Ireland) Regulations
2007**

<i>Made</i> - - - - -	<i>5th February 2007</i>
<i>Laid before Parliament</i>	<i>8th February 2007</i>
<i>Coming into force</i> -	<i>1st March 2007</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by section 87(4) and (9) of the Northern Ireland Act 1998(a), makes the following Regulations.

Citation, commencement, interpretation

1.—(1) These Regulations may be cited as the Social Security Investigation Powers (Arrangements with Northern Ireland) Regulations 2007 and shall come into force on 1st March 2007.

(2) In these Regulations, “the 1992 Act” means the Social Security Administration Act 1992(b).

[Regulation 2 amends Schedule 2 of S.I. 1976/1003.]

Single system of investigation powers; adaptations to the 1992 Act

3.—(1) The arrangements for a single system of social security investigation powers in Great Britain and Northern Ireland set out in the Memorandum reproduced in Schedule 1 shall have effect in Great Britain.

(2) The 1992 Act shall have effect subject to such adaptations as may be required for the purpose of giving effect to those arrangements.

(3) In particular (and without prejudice to the generality of paragraph (2) and so far as may be required for the purpose mentioned in that paragraph)—

(a) an act, omission or event referred to in a provision of the Northern Ireland legislation specified in column 2 of the table in Schedule 2 shall be deemed

(a) 1998 c. 47.

(b) 1992 c. 5. Sections 109A, 109B and 109C were substituted for section 110, as originally enacted, by section 67 and paragraphs 1 and 2 of Schedule 6 to the Child Support, Pensions and Social Security Act 2000, c.19 (“the 2000 Act”). Section 109B(2A) to (2F) and (6) to (7) were inserted by sections 1(1), (2) and (4) of the Social Security Fraud Act 2001, c.11 (“the 2001 Act”). Section 109B(5) was amended by section 1(3) of the 2001 Act. Relevant amendments were made to section 109B(2A), (7) and (7A) by S.I. 2002/817. Section 109BA was inserted by section 2(1) of the 2001 Act. Section 110A was substituted (for a provision inserted by the Social Security Administration (Fraud) Act 1997, c. 47) by section 67 of and paragraphs 1 and 3 of Schedule 6 to the 2000 Act, and was amended by the 2001 Act. Section 110AA was inserted by section 2(2) of the 2001 Act. Relevant amendments were made to section 111 by the Social Security Contributions (Transfer of Functions etc.) Act 1999, the 2000 Act and the 2001 Act. Section 115 was amended by paragraph 55 of Schedule 2 to the Jobseekers Act 1995. Section 115B was inserted by sections 1(1) and 15(1) of the 2001 Act.

- to be an act, omission or event under the provision of the 1992 Act specified in the corresponding paragraph of column 1 of that table; and
- (b) in the provisions specified in column 1 of that table—
 - (i) references to the Secretary of State shall be construed as including references to the Department for Social Development in Northern Ireland, and
 - (ii) references to an authority administering housing benefit or council tax benefit shall be construed as including the Northern Ireland Housing Executive.

Signed by authority of the Secretary of State for Work and Pensions.

5th February 2007

James Plaskitt
Parliamentary Under-Secretary of State,
Department for Work and Pensions

SCHEDULE 1

Regulation 3(1)

Memorandum of Arrangements relating to the creation of a single system
of social security investigation powers in Great Britain and Northern
Ireland

Introductory

1. This memorandum sets out arrangements made under section 87(2) of the Northern Ireland Act 1998(a) between the Secretary of State for Work and Pensions with the consent of the Treasury of the one part and the Department for Social Development in Northern Ireland with the consent of the Department of Finance and Personnel in Northern Ireland of the other part.

2. The arrangements set out in this Memorandum shall come into force on 1st March 2007.

Interpretation

3. In this Memorandum—

“1992 (GB) Act” means the Social Security Administration Act 1992(b);

“1992 (NI) Act” means the Social Security Administration (Northern Ireland) Act 1992(c);

“administrative penalty provisions” means—

- (a) in relation to Great Britain, section 115B of the 1992 (GB) Act; and
- (b) in relation to Northern Ireland, section 109B of the 1992 (NI) Act;

“authorised officer” means—

- (a) in relation to Great Britain—

- (i) an individual who, for any one or more of the purposes listed in section 109A(2) of the 1992 (GB) Act, has the authorisation of the Secretary of State to exercise any one or more of the powers conferred by sections 109B, 109BA and 109C of the 1992 (GB) Act, or

- (ii) an individual who, for any one or more of the purposes listed in section 110A(2) of the 1992 (GB) Act, has the authorisation of an authority administering housing benefit or council tax benefit to exercise any one or more of the powers conferred by sections 110A and 110AA of the 1992 (GB) Act; and

- (b) in relation to Northern Ireland—

- (i) an individual who, for any one or more of the purposes listed in section 103A(2) of the 1992 (NI) Act, has the authorisation of the Department for Social Development in Northern Ireland to exercise any one or more of the powers conferred by sections 103B, 103BA and 103C of the 1992 (NI) Act, or

- (ii) an individual who, for any one or more of the purposes listed in section 104A(2) of the 1992 (NI) Act, has the authorisation of the Northern Ireland Housing Executive to exercise any one or more of the powers conferred by sections 104A and 104AA of the 1992 (NI) Act;

“electronic record-keeper” means—

- (a) in relation to Great Britain—

(a) 1998 c. 47. While section 1 of the Northern Ireland Act 2000 (c. 1) is in force, the power of a Northern Ireland Minister to make arrangements with the Secretary of State under section 87(2) of the 1998 Act may be discharged by the department of which he was in charge: *see* paragraph 4(1)(b) of the Schedule to the 2000 Act.

(b) 1992 c. 5.

(c) 1992 c. 8.

- (i) a person who keeps electronic records and who, for the purposes of section 109BA(1) of the 1992 (GB) Act, may be required by the Secretary of State to enter into arrangements to allow authorised officers access to those records, or
 - (ii) a person who keeps electronic records and who, for the purposes of section 110AA(1) of the 1992 (GB) Act, may be required by an authority administering housing benefit or council tax benefit to enter into arrangements to allow authorised officers access to those records; and
- (b) in relation to Northern Ireland—
- (i) a person who keeps electronic records and who, for the purposes of section 103BA(1) of the 1992 (NI) Act, may be required by the Department for Social Development in Northern Ireland to enter into arrangements to allow authorised officers access to those records, or
 - (ii) a person who keeps electronic records and who, for the purposes of section 104AA of the 1992 (NI) Act, may be required by the Northern Ireland Housing Executive to enter into arrangements to allow authorised officers access to those records;

“legislation” means—

- (a) in relation to Great Britain, the 1992 (GB) Act; and
- (b) in relation to Northern Ireland, the 1992 (NI) Act;

“relevant authority” means—

- (a) in relation to Great Britain, the Secretary of State or an authority administering housing benefit or council tax benefit; and
- (b) in relation to Northern Ireland, the Department for Social Development in Northern Ireland or the Northern Ireland Housing Executive;

“relevant criminal provision” means—

- (a) in relation to Great Britain, section 111 or 115 of the 1992 (GB) Act; and
- (b) in relation to Northern Ireland, section 105 or 109 of the 1992 (NI) Act;

“social security investigation powers” means—

- (a) in relation to Great Britain—
 - (i) the power to require by written notice that information be provided for the purposes of section 109B of the 1992 (GB) Act,
 - (ii) the power to obtain information in accordance with arrangements entered into for the purposes of sections 109BA and 110AA of the 1992 (GB) Act, and
 - (iii) the power to enter premises and exercise any one or more of the powers associated with such entry for the purposes of section 109C of the 1992 (GB) Act; and
- (b) in relation to Northern Ireland—
 - (i) the power to require by written notice that information be provided for the purposes of section 103B of the 1992 (NI) Act,
 - (ii) the power to obtain information in accordance with arrangements entered into for the purposes of sections 103BA and 104AA of the 1992 (NI) Act, and
 - (iii) the power to enter premises and exercise any one or more of the powers associated with such entry for the purposes of section 103C of the 1992 (NI) Act;

“stipulated purposes” means—

- (a) in relation to Great Britain, the purposes set out in sections 109A(2) and 110A(2) of the 1992 (GB) Act; and

(b) in relation to Northern Ireland, the purposes set out in sections 103A(2) and 104A(2) of the 1992 (NI) Act;

“territory” means Great Britain or Northern Ireland, as the case may require.

4. In the application of this Memorandum to a territory, expressions used in this Memorandum shall (unless the context otherwise requires) have the same respective meanings as in the legislation that relates to that territory.

5. The rules for the construction of Acts of Parliament contained in the Interpretation Act 1978(a) shall apply for the purposes of the interpretation of this Memorandum as they apply for the purposes of the interpretation of an Act of Parliament.

Single system of social security investigation powers

6. Social security investigation powers shall operate as a single system in Great Britain and Northern Ireland.

7. The following arrangements in particular shall apply (but without prejudice to the generality of paragraph 6).

Powers of authorised officers

8. Where an authorised officer has authorisation to exercise any one or more of the social security investigation powers for any one or more of the stipulated purposes of the legislation in one territory, he shall be treated as having authorisation to exercise for the same purposes the equivalent social security investigation powers in the other territory.

9. Any restrictions on the powers exercisable by virtue of his authorisation which apply in one territory are also to apply in the other territory.

Obligations of electronic record-keepers

10. A relevant authority in one territory may require an electronic record-keeper in the other territory to enter into arrangements under which authorised officers are allowed access to its electronic records; and where it does so, that requirement shall be treated for the purposes of the legislation of the other territory as a requirement of a relevant authority in that other territory.

Enforcement: criminal offences and administrative penalties

11.—(1) This paragraph applies where—

- (a) an authorised officer authorised to exercise any of the social security investigation powers in one territory exercises the equivalent social security investigation powers in the other territory (see paragraph 8), or
- (b) a relevant authority in one territory requires an electronic record-keeper in the other territory to enter into arrangements under which authorised officers are allowed access to its electronic records (see paragraph 10).

(2) An act, omission or event in relation to the authorised officer shall be treated for the purposes of—

- (a) a relevant criminal provision, and
- (b) the administrative penalty provisions,

as if it occurred in relation to an officer who is authorised by a relevant authority in the territory where the act, omission or event occurred.

(3) An act, omission or event in relation to the relevant authority shall be treated for the purposes of—

(a) 1978 c. 30.

- (a) a relevant criminal provision, and
- (b) the administrative penalty provisions,

as if it occurred in relation to a relevant authority in the territory where the act, omission or event occurred.

Signed

9th January 2007

James Plaskitt
Parliamentary Under Secretary of State
Department for Work and Pensions

We consent

15th January 2007

Frank Roy
Claire M. Ward
Lords Commissioners of Her Majesty's Treasury

Signed

22nd January 2007

John O'Neill
Department for Social Development in Northern Ireland

I consent

24th January 2007

Jackie Layberry
Department of Finance and Personnel for Northern Ireland

SCHEDULE 2

Regulation 3(3)

TABLE OF CORRESPONDING PROVISIONS

<i>1</i> <i>Provision of the Social Security Administration Act 1992</i>	<i>2</i> <i>Provision of the Social Security Administration (Northern Ireland) Act 1992</i>	<i>3</i> <i>Subject Matter</i>
Section 109A	Section 103A	Authorisations for investigators by Secretary of State, or Department for Social Development for Northern Ireland
Section 109B	Section 103B	Power to require information
Section 109BA	Section 103BA	Power for Secretary of State, or Department for Social Development for Northern Ireland, to require electronic access to information
Section 109C	Section 103C	Powers of entry
Section 110A	Section 104A	Authorisations for investigators by local authorities or Northern Ireland Housing Executive
Section 110AA	Section 104AA	Power of local authority, or Northern Ireland Housing Executive, to require electronic access to information
Section 111	Section 105	Offence of delay, obstruction etc. of an authorised officer
Section 115	Section 109	Offences by a body corporate: director etc. also guilty in certain circumstances
Section 115B	Section 109B	Penalty as alternative to prosecution: colluding employers etc.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect in Great Britain to arrangements for a single system of social security investigation powers in Great Britain and Northern Ireland (“the Arrangements”) made between the Secretary of State for Work and Pensions (in relation to Great Britain) and the Department for Social Development in Northern Ireland (in relation to Northern Ireland). The Arrangements are set out in a Memorandum reproduced in Schedule 1 to the Regulations.

The Regulations and the Arrangements replace and expand those that previously existed between Great Britain and Northern Ireland as regards powers of inspectors in matters of social security. Regulation 2 therefore amends the Social Security (Northern Ireland Reciprocal Arrangements) Regulations 1976 (SI 1976/1003) by omitting the references to powers of inspectors contained in Schedule 2 to those Regulations. The revised Arrangements will apply to certain benefits (for example income support and jobseeker’s allowance) which fall outside the scope of the 1976 Regulations.

Regulation 3 gives effect in Great Britain to the Arrangements, and provides for the adaptation of the Social Security Administration Act 1992 (“the 1992 (GB) Act”) so far as may be required for the purpose of giving them effect, in particular by deeming an act, omission or event referred to in a provision of the Social Security Administration (Northern Ireland) Act 1992 (“the 1992 (NI) Act”) indicated in column 2 of the table in Schedule 2 to be an act, omission or event under the corresponding provision of the 1992 (GB) Act indicated in column 1 of that table.

The Regulations (together with the Arrangements) will mean in particular that—

- where an officer has authorisation in Northern Ireland to exercise social security investigation powers under the 1992 (NI) Act, he is to be treated as having authorisation in the same terms in Great Britain for the purposes of the equivalent provision of the 1992 (GB) Act;
- the Department for Social Development in Northern Ireland or the Northern Ireland Housing Executive may require persons in Great Britain listed in section 109B(2A) of the 1992 (GB) Act who keep electronic records to enter into arrangements to allow authorised officers to have access to those records, and for this to be treated as a requirement made by the Secretary of State under section 109BA (or, as the case may be, an authority administering housing benefit or council tax benefit under section 110AA) of the 1992 (GB) Act; and
- where a person obstructs in Great Britain a social security investigation being carried out for the purposes of the 1992 (NI) Act, or provides false information to the authorised officer, this can form the basis of an offence under provisions such as section 111 of the 1992 (GB) Act. As an alternative to a criminal prosecution in those circumstances, an administrative penalty could be imposed under section 115B of the 1992 (GB) Act.

The Social Security Investigation Powers (Arrangements with Great Britain) Regulations (Northern Ireland) 2007 give effect to the Arrangements in Northern Ireland.

These Regulations give effect to amendments to an existing regulatory regime and have only a negligible impact on business, charities and the voluntary sector, so a full regulatory impact assessment is unnecessary.

6. The National Insurance Joint Authority shall from time to time determine the administrative procedure appropriate for the purposes of giving effect to the provisions for this Memorandum.

7. The arrangements in this Memorandum shall come into operation on 6 September 1976, but either Party may terminate them by giving not less than six months notice in writing to the other.

8. The Memoranda of Reciprocal Arrangements dated 11 November 1947 and 22 December 1947 as amended and extended (which arrangements relate to national insurance and industrial injuries respectively) and made between the Minister of National Insurance, with the consent of the Treasury, of the one part and the Ministry of Labour and National Insurance for Northern Ireland, with the consent of the Ministry of Finance for Northern Ireland, of the other part shall be terminated upon the coming into operation of this Memorandum, and anything whatsoever occurring, done or suffered before any such termination and having effect for the purposes of the said Memoranda shall be treated as having a corresponding effect for the purposes of this Memorandum.

Signed, on 13th day of may 1976.

David Ennals,
Secretary of State for Social Services.

We consent,

T. Pendry,
Donald R. Coleman,
Two of the Lords Commissioners of
Her Majesty's Treasury.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 3rd day of June 1976.

(L.S.)

N. Dugdale,
Secretary.

The Department of Finance for Northern Ireland hereby consents.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 3rd day of June 1976.

(L.S.)

R. H. Kidd,
Second Secretary.

SCHEDULE 2

Regulation 2(2)

**ADAPTATIONS OF CERTAIN PROVISIONS OF THE
 SOCIAL SECURITY ACT 1975**

PART I

1 <i>Provision of the Social Security Act 1975</i>	2 <i>Provision of the Social Security (Northern Ireland) Act 1975</i>	3 <i>Subject matter</i>
Section 1(4) and of paragraph 3(2) of Schedule 1	Section 1(4) and paragraph 3(2) of Schedule 1	Penalty for unlawful deduction of employer's contribution
Section 87 Regulations for the time being in force under section 88(b)	Section 87 Regulations for the time being in force under section 88(b)	Benefit to be inalienable Obligations of employers
Section 146*	Section 137+	Offences and penalties
Section 147*	Section 138+	General provisions as to prosecutions
Section 148	Section 139	Questions arising in proceedings
Section 149	Section 140	Evidence of non-payment
Section 150	Section 141	Recovery on prosecution
Section 151	Section 142	Proof of previous offences
Section 152	Section 143	Provisions supplementary to 2 preceding sections
Section 153(1) and Schedule 18*	Section 144(1) and Schedule 15	Priority in cases of personal and company insolvency
Section 163	Section 153	Exemption from stamp duty

¹Words omitted in cols.
1-3 by reg. 2(2)(a)-(c)
of S.I. 2007/271 as
from 1.3.07.

▶¹◀

*[Ss. 146(5) and 147 were re-enacted with modifications (6.4.87) in ss.58(2), 54(1) and 56-57 respectively of the Social Security Act 1986 (c.50); and s.153(1) and Sch. 18 were re-enacted with modifications (29.12.86) in the Insolvency Act 1986 (c.45), ss.175(1) and 328(1) and Sch. 6, para. 3(1) (Scotland).]

*[Ss. 137(5), and 138 of the N.Ireland Act were re-enacted in Articles 59(2), 55, and 57-58 respectively of the Social Security (Northern Ireland) Order 1986, S.I. 1986/1988 (N.I. 18).]

PART II

1 <i>Provision of the Social Security Act 1975</i>	2 <i>Provision of the Registration of Births, Deaths and Marriages (Fees, etc.) Act (Northern Ireland) 1955(a)</i>	3 <i>Subject matter</i>
Section 160	The entry in Schedule 2 relating to the Social Security (Northern Ireland) Act 1975 as inserted by the Social Security (Consequential Provisions) Act 1975, Schedule 2, paragraph 78	Provisions relating to marriage

(a) 1955 c. 29 (N.I.).

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and “contributions” means contributions other than contributions which would not be taken into account for the purpose of any claim for benefit under the legislation of the United Kingdom.

(5) Where the person claiming a basic retirement pension under the legislation of the United Kingdom is a ►¹person◄ claiming by virtue of ►¹his or her◄ own insurance, ►¹his or her marriage or civil partnership◄ having been terminated by the death of ►¹his or her spouse or civil partner◄ or otherwise, and ►¹his or her spouse or civil partner◄ contributions are taken into account for the purpose of ►¹his or her◄ claim, ►¹he or she◄ shall be treated as if ►¹he or she◄ had paid a Class 3 contribution under the legislation of the United Kingdom for each week during which ►¹he or she◄ was resident in New Zealand.

¹Words in art. 9(5) & (6) substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.

(6) Any basic retirement pension which has become payable under the legislation of the United Kingdom by virtue of the provisions of this Convention or the former Agreements shall cease to be payable if and when the person to whom, or in respect of whom, the pension is payable leaves the United Kingdom, unless that person is usually resident in the United Kingdom and ►¹his or her◄ absence from the United Kingdom is only temporary.

Article 10

New Zealand national superannuation by virtue of residence in the United Kingdom

(1) The provisions of this Article shall apply to persons in New Zealand who have been resident in the United Kingdom.

(2) Subject to the provisions of Article 15 of this Convention, for the purpose of any claim to receive national superannuation under the legislation of New Zealand, a person who is usually resident in New Zealand shall be treated as if he had been resident there during any period when he was resident in the United Kingdom, provided that—

- (a) this Article shall not apply to any man who has not reached the age of sixty-five years or to any woman who has not reached the age of sixty years, and
- (b) the person in respect of whom the claim for national superannuation is made under the legislation of New Zealand has claimed any benefit to which he is entitled under the legislation of the United Kingdom, or would be entitled if he made a claim for that benefit.

(3) National superannuation which has become payable under the legislation of New Zealand by virtue of the provisions of this Convention, or the former Agreements, shall cease to be payable if and when the person to whom, or in respect of whom, the pension is payable ceases to be usually resident in New Zealand.

Section 7

Widow's Benefit

Article 11

United Kingdom widow's benefit by virtue of residence in New Zealand

(1) The provisions of this Article shall apply to persons in the United Kingdom who have been resident in New Zealand.

(2) Where a ►²widow, widower or surviving civil partner◄ is in, or resident in, the United Kingdom, and at the time when ►²he or she◄ was last in New Zealand ►²he or she◄ was receiving a widow's benefit under the legislation of New Zealand, otherwise than by virtue of this Convention or the former Agreements, ►²he or she◄ shall be entitled to receive at the standard rate under the legislation of the United Kingdom.

²Words in art. 11(2) substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.

¹Words in art. 11(2)-(4) substituted by art. 2 of S.I. 2005/2765 sfrom 5.12.05.

- (a) a widow's allowance for any complete week since ►¹his or her◄ arrival in the United Kingdom which begins before the end of the twenty-sixth week after the week in which ►¹his or her spouse or civil partner◄ died; or.
- (b) a basic widowed mother's allowance if she has a child living with her for whom she is responsible and she has been a widow for more than twenty-six weeks; or
- (c) a basic widow's pension if she is not entitled to receive a widow's allowance or a widowed mother's allowance but she had reached the age of forty years either before she last left New Zealand or when she ceased to be qualified to receive a widowed mother's allowance; or
- (d) a basic retirement pension if she has reached the age of sixty years, as if the contribution conditions for such a benefit were satisfied. For the purpose of this paragraph, a widow's benefit "at the standard rate" means the standard rate of widow's benefit appropriate to a widow according to her age at the time ►¹her spouse or civil partner◄ died, or when she ceased to be qualified to receive widowed mother's allowance.

(3) For the purpose of a claim for widow's benefit under the legislation of the United Kingdom by a ►¹widow, widower or surviving civil partner◄ who is in, or resident in, the United Kingdom to whom the provisions of paragraph (2) of this Article do not apply, each week of residence in New Zealand completed by ►¹his or her spouse or civil partner◄ shall be treated as if it were a week for which ►¹his or her spouse or civil partner◄ paid a Class 3 contribution under the legislation of the United Kingdom.

(4) Any widow's benefit or retirement pension to which a person has become entitled under the legislation of the United Kingdom by virtue of the provisions of this Convention or the former Agreements shall cease to be payable if and when the person leaves the United Kingdom, unless that person is usually resident in the United Kingdom and the absence of that person is only temporary.

Article 12

United Kingdom widow or widow's child in New Zealand

²Words in arts. 12(1) & (2) and 12(2)(a) substituted by art. 2 of S.I. 2005/2765 as from 5.12.05.

(1) Where a ►²person◄ would be entitled to receive a widowed mother's allowance under the legislation of the United Kingdom if the child for whom ►²he or she◄ is responsible were in the United Kingdom, ►²he or she◄ shall be entitled to receive that allowance while the child is in New Zealand.

(2) Where a ►²person◄ entitled to receive a widowed mother's allowance under the legislation of the United Kingdom otherwise than solely by virtue of Article 11 of this Convention (or Article 8 of the Agreement signed on 19 June 1969 or Article 7 of the Agreement signed on 20 December 1955) would be entitled to receive also an increase of that benefit for an only, elder or eldest child if the child were in the United Kingdom, she shall be entitled to receive that increase while the child is in New Zealand.

Article 13

New Zealand widow's benefit by virtue of residence in the United Kingdom

(1) The provisions of this Article shall apply to persons in New Zealand who have been resident in the United Kingdom.

(2) Subject to the provisions of Article 15 of this Convention for the purpose of a claim for widow's benefit under the legislation of New Zealand, a ►²widow, widower or surviving civil partner◄ who is usually resident in New Zealand shall be treated as if—

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