



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART XV

GENERAL

Subordinate legislation

165 Regulations and orders - general.

- (1) Subject to subsection (2) below and to [^{F1}any provision providing for an order or regulations to be made by [^{F2}the Secretary of State,] the Treasury or the Inland Revenue and to]any specific provision of this Act, regulations and orders under this Act shall be made by the Department.
- (2) Regulations with respect to proceedings before the Commissioners (whether for the determination of any matter or for leave to appeal to or from the Commissioners) shall be made by the Lord Chancellor.
- (3) Any power conferred by this Act [^{F3}on the Department [^{F4}, the Secretary of State] or the Lord Chancellor] to make regulations or orders is exercisable by statutory rule for the purposes of the ^{M1}Statutory Rules (Northern Ireland) Order 1979.
- (4) Except in the case of regulations under section 22 or 152 above and in so far as this Act otherwise provides, any power conferred by this Act to make regulations or an order may be exercised—
 - (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
 - (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);

Changes to legislation: Social Security Administration (Northern Ireland) Act 1992, Section 165 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act;
- (iii) any such provision either unconditionally or subject to any specified condition;

and where such a power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes; and powers to make regulations or an order for the purposes of any one provision of this Act are without prejudice to powers to make regulations or an order for the purposes of any other provision.

- (5) Without prejudice to any specific provision of this Act, any power conferred by this Act to make regulations or an order (other than the power conferred by section 22), includes power to make thereby such incidental, supplementary, consequential or transitional provision as appears to the authority making the regulations or order to be expedient for the purposes of the regulations or order.

^{F5}(5A) The provision referred to in subsection (5) includes, in a case where regulations under this Act require or authorise the use of electronic communications, provision referred to in sections 1(4) and (5) and 2(5) of the Electronic Communications Act (Northern Ireland) 2001.

(5B) For the purposes of subsection (5A), references in sections 1(4) and (5) and 2(5) of the Electronic Communications Act (Northern Ireland) 2001 to an order under section 1 of that Act are to be read as references to regulations under this Act; and references to anything authorised by such an order are to be read as references to anything required or authorised by such regulations.]

- (6) Without prejudice to any specific provision of this Act, a power conferred by any provision of this Act, except sections 12, ^{F6}24,] 122 and 152, to make regulations or an order includes power to provide for a person to exercise a discretion in dealing with any matter.

- (7) Any power conferred by Part VIII of this Act to make regulations relating to housing benefit shall include power to make different provision for different areas.

^{F7}(7A) Without prejudice to the generality of any of the preceding provisions of this section, regulations under any of sections 2A to ^{F8}2F] and 5A above may provide for all or any of the provisions of the regulations to apply only in relation to any area or areas specified in the regulations.]

- (8) Regulations under Part VIII of this Act relating to housing benefit administered by the Department of the Environment under section 126(3)(b) above shall not be made without the consent of that Department.

- (9) Any power to make—
 - ^{F9}(a)
 - (b) regulations under section ^{F10}. . . 152(5)(c) above;
 - (c) an order under section ^{F11}145(4)(a)] or 148(2) above,
 shall be exercisable with the consent of the Department of Finance and Personnel.

- (10) Any power of the Department under any provision of this Act, except sections 76, 134, ^{F12}and 152], to make any regulations or an order, where the power is not expressed to

Changes to legislation: Social Security Administration (Northern Ireland) Act 1992, Section 165 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

be exercisable with the consent of the Department of Finance and Personnel, shall if that Department so directs be exercisable only in conjunction with it.

(11) A power under [^{F13}section 155] above to make regulations, or to make provision by an order, for modifications or adaptations of the Contributions and Benefits Act or this Act shall be exercisable in relation to any enactment passed or made after this Act which is directed to be construed as one with them, except in so far as any such enactment relates to a benefit in relation to which the power is not exercisable; but this subsection applies only so far as a contrary intention is not expressed in the enactment, and is without prejudice to the generality of any such direction.

[^{F14}(11A) Any power of the Treasury or the Inland Revenue under this Act to make regulations or orders is exercisable by statutory instrument; and subsections (4) to (6) above apply to those regulations or orders as they apply to regulations or orders made by the Department.]

(12) Any reference in this section or section 166 below to an order or regulations under this Act includes a reference to an order or regulations made under any provision of an enactment passed or made after this Act which is directed to be construed as one with this Act; but this subsection applies only so far as a contrary intention is not expressed in the enactment, and is without prejudice to the generality of any such direction.

Textual Amendments

- F1** Words in s. 165(1) inserted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 49(2)** (subject to transitional provisions in **Sch. 7**); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)
- F2** Words in s. 165(1) inserted (13.5.2014) by **National Insurance Contributions Act 2014 (c. 7)**, s. **18(5)(7)**
- F3** Words in s. 165(3) inserted (26.2.2003 for specified purposes, 1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by **Tax Credits Act 2002 (c. 21)**, s. 61, **Sch. 4 para. 10**; S.I. 2003/392, art. 2 (subject to savings in art. 3)
- F4** Words in s. 165(3) inserted (13.5.2014) by **National Insurance Contributions Act 2014 (c. 7)**, s. **18(6)(7)**
- F5** S. 165(5A)(5B) inserted (2.5.2016) by **The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006)**, arts. 2(2), **108(1)**; S.R. 2016/215, art. 2(6)(a)
- F6** Words in s. 165(6) ceased to have effect (6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 86**; S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch. 1** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472); and those same words repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by the said S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of that S.R.)
- F7** S. 165(7A) inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), arts. 1(4)(f), 74, **Sch. 9 para. 58** (with art. 75)
- F8** Word in s. 165(7A) substituted (13.8.2010) by **Welfare Reform Act (Northern Ireland) 2010 (c. 13)**, ss. **2(4)**, **36(1)(a)**
- F9** S. 165(9)(a) repealed (6.10.1997) by S.I. 1997/1183 (N.I. 12), art. **31(1)(2)**, Sch. 3, para. 9(1)(a), Sch. 4; S.R. 1997/400, art. **2**
- F10** Words in s. 165(9)(b) repealed (6.10.1997) by S.I. 1997/1183, art. 31(1)(2), Sch. 3, para. 9(b), **Sch. 4**; S.R. 1997/400, art. **2(2)**
- F11** Words in s. 165(9)(c) substituted (*retrospective* to 1.4.1999) by 1999 c. 30, ss. 81, 89(4)(d), **Sch. 11 para. 19** (the amendment being in place of that made by S.I. 1999/671, **Sch. 3 para. 49(3)**)
- F12** Words in s. 165(10) substituted (2.12.1999) by 1998 c. 47, s. 99, **Sch. 13 para. 12(a)** (with s. 95); S.I. 1999/3209, art. 2, **Sch.**

Changes to legislation: Social Security Administration (Northern Ireland) Act 1992, Section 165 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F13** Words in s. 165(11) substituted (2.12.1999) by 1998 c. 47, s. 99, **Sch. 13 para. 12(b)** (with s. 95); S.I. 1999/3209, art. 2, **Sch.**
- F14** S. 165(11A) inserted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 49(4)** (subject to transitional provisions in **Sch. 7**); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

Modifications etc. (not altering text)

- C1** S. 165 extended (2.12.1999) by 1998 c. 47, s. **87(10)** (with s. 95); S.I. 1999/3209, art. 2, **Sch.**
- C2** S. 165(1) modified (5.10.1999) by 1999 c. 10, ss. 2, 20(2), **Sch. 2 para. 22**
- C3** S. 165(3) modified (5.10.1999) by 1999 c. 10, ss. 2, 20(2), **Sch. 2 para. 31**
- C4** S. 165(4)(5)(6)(10) applied (5.9.1997) by S.I. 1997/1183 (N.I. 12), **art. 28(3)**; S.R. 1997/400, art. 2(1), **Sch. Pt. I**
- C5** S. 165(8): functions transferred (1.12.1999) from the Department of the Environment to the Department of Finance and Personnel by S.R. 1999/481, art. 6(b), **Sch. 4 Pt. II**

Marginal Citations

- M1** S.I. 1979/1573 (N.I. 12).

Changes to legislation:

Social Security Administration (Northern Ireland) Act 1992, Section 165 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 165(7)(7A)(8) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2018/1125](#), reg. 8 omitted (31.12.2020) by virtue of [Private International Law \(Implementation of Agreements\) Act 2020 \(c. 24\)](#), s. 4(3), Sch. 5 para. 4(4))
- Act modified by [S.R. 2019/211 art. 2\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). [Affecting Order revoked \(19.12.2020\)](#) without ever being in force by [S.R. 2020/347](#), arts. 1(1), 2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 101(1)(4)(5)s. 101(6)(a)(b) words repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 2A(9) added by [2010 c. 13 \(N.I.\) Sch. 1 para. 24](#)
- s. 2G(1)(d) inserted by [S.I. 2015/2006 \(N.I.\) art. 65\(5\)](#)
- s. 5(1A)-(1C) inserted by [2010 c. 13 \(N.I.\) s. 18\(2\)\(c\)](#)
- s. 31A(1A) words substituted by [S.I. 2015/2006 \(N.I.\) Sch. 4 para. 11\(a\)\(ii\)](#)
- s. 104A(1A)-(1C) inserted by [2007 c. 2 \(N.I.\) s. 42\(3\)](#)
- s. 110A inserted by [2007 c. 2 \(N.I.\) s. 43](#)
- s. 110A repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 110A heading word inserted by [S.I. 2015/2006 \(N.I.\) art. 114\(4\)](#)
- s. 110A(2) words substituted by [S.I. 2015/2006 \(N.I.\) art. 114\(5\)\(a\)](#)
- s. 110A(2)(b) words substituted by [S.I. 2015/2006 \(N.I.\) art. 114\(5\)\(b\)](#)
- s. 110A(4)(b) words substituted by [S.I. 2015/2006 \(N.I.\) art. 114\(6\)](#)
- s. 110ZA inserted by [S.I. 2015/2006 \(N.I.\) art. 114\(2\)](#)
- s. 110ZA repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 116E and cross-heading inserted by [2010 c. 13 \(N.I.\) s. 16\(3\)](#)
- s. 126(2)-(2B) substituted for s. 126(2) by [2007 c. 2 \(N.I.\) s. 35](#)
- s. 130AB inserted by [2008 c. 13 \(N.I.\) Sch. 3 para. 14](#)
- s. 140C inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 20](#)
- s. 166(2)(ac) inserted by [2010 c. 13 \(N.I.\) s. 17](#)