



Social Security (Consequential
Provisions) (Northern Ireland)
Act 1992

CHAPTER 9

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Social Security (Consequential Provisions) (Northern Ireland) Act 1992

CHAPTER 9

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1992 CHAPTER 9

An Act to make provision for repeals, consequential amendments, transitional and transitory matters and savings in connection with the consolidation of enactments in the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and the Social Security Administration (Northern Ireland) Act 1992 with corrections and minor improvements under the Consolidation of Enactments (Procedure) Act 1949.

[13th February 1992]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. In this Act—

“the consolidating Acts” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (“the Contributions and Benefits Act”), the Social Security Administration (Northern Ireland) Act 1992 (“the Administration Act”) and, so far as it reproduces the effect of the repealed enactments, this Act; and

“the repealed enactments” means the enactments repealed by this Act.

Meaning of “the consolidating Acts”.

1992 c. 7.

1992 c. 8.

2.—(1) The substitution of the consolidating Acts for the repealed enactments does not affect the continuity of the law.

Continuity of the law.

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(2) Anything done or having effect as if done under or for the purposes of a provision of the repealed enactments has effect, if it could have been done under or for the purposes of the corresponding provision of the consolidating Acts, as if done under or for the purposes of that provision.

(3) Any reference, whether express or implied, in the consolidating Acts or any other enactment, instrument or document to a provision of the consolidating Acts shall, so far as the context permits, be construed as including, in relation to the times, circumstances and purposes in relation to which the corresponding provision of the repealed enactments has effect, a reference to that corresponding provision.

(4) Any reference, whether express or implied, in any enactment, instrument or document to a provision of the repealed enactments shall be construed, so far as is required for continuing its effect, as including a reference to the corresponding provision of the consolidating Acts.

Repeals. 3.—(1) The enactments mentioned in Schedule 1 to this Act are repealed to the extent specified in the third column of that Schedule (being repeals consequential on the consolidating Acts).

(2) The repeals have effect subject to any relevant savings in Schedule 3 to this Act.

Consequential amendments. 4. The enactments mentioned in Schedule 2 to this Act shall have effect with the amendments there specified (being amendments consequential on the consolidating Acts).

Transitional provisions and savings. 5.—(1) The transitional provisions and savings in Schedule 3 to this Act shall have effect.

1978 c. 30. (2) Nothing in that Schedule affects the general operation of section 16 of the Interpretation Act 1978 (general savings implied on repeal) or of the previous provisions of this Act.

Transitory modifications. 6. The transitory modifications in Schedule 4 to this Act shall have effect.

Short title, commencement and extent. 7.—(1) This Act may be cited as the Social Security (Consequential Provisions) (Northern Ireland) Act 1992.

1992 c. 6. (2) This Act shall come into force on 1st July 1992, immediately after the Social Security (Consequential Provisions) Act 1992 .

(3) Except as provided by subsections (4) to (6) below, this Act extends to Northern Ireland only.

(4) Section 2 above and this section extend to the whole of the United Kingdom.

(5) Where any enactment repealed or amended by this Act extends to any part of the United Kingdom, the repeal or amendment extends to that part.

(6) Section 4 above extends to the Isle of Man so far as it relates to paragraph 21 of Schedule 2 to this Act.

SCHEDULES

SCHEDULE 1

Section 3.

REPEALS

Chapter or Number	Short title	Extent of repeal
1974 c. 4 (N.I.).	The National Insurance Measure (Northern Ireland) 1974.	Section 5(1), (3) and (4).
1975 c. 15.	The Social Security (Northern Ireland) Act 1975.	The whole Act, except sections 97(4) and 158 and paragraphs 5(2), 6, 7 and 7A of Schedule 10.
1975 c. 17.	The Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975.	The whole Act.
1975 c. 18.	The Social Security (Consequential Provisions) Act 1975.	In Schedule 2, paragraphs 73, 74, 77, 80, 87, 108, 110 and 112. In Schedule 3, in paragraph 31 the words "17, 18, 20".
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule 1 the entry beginning "A Medical Board".
1975 c. 60.	The Social Security Pensions Act 1975.	In Schedule 4, paragraphs 68 to 70 and 71(a) and (b).
S.I. 1975/1503 (N.I. 15).	The Social Security Pensions (Northern Ireland) Order 1975.	In Article 2(3), in subparagraph (a) the words "Part II and" and in subparagraph (b) the words "(except Article 24)". Part II. Articles 8 to 12. Articles 14 to 18A. Articles 20 to 23. Articles 26 and 27. Article 52A(13). Article 70(1)(a). In Article 70A, the words "8(3)," and "of, and paragraphs 2(3) and 4A of Schedule 1".

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SCH. 1	Chapter or Number	Short title	Extent of repeal
	S.I. 1975/1503 (N.I. 15).— <i>Cont.</i>	The Social Security Pensions (Northern Ireland) Order 1975.— <i>Cont.</i>	Article 74(3). Schedule 1. In Schedule 5, paragraphs 17 to 28, 33, 36 to 42 and 44.
	S.I. 1975/1504 (N.I. 16).	The Child Benefit (Northern Ireland) Order 1975.	The whole Order.
	S.I. 1976/427 (N.I. 9).	The Social Security and Family Allowances (Northern Ireland) Order 1976.	The whole Order.
	S.I. 1976/1043 (N.I. 16).	The Industrial Relations (Northern Ireland) Order 1976.	Article 72(3).
	1977 c. 5.	The Social Security (Miscellaneous Provisions) Act 1977.	Section 20(3) and (4).
	S.I. 1977/610 (N.I. 11).	The Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977.	Article 1(5). In Article 2(2) the definitions of “the 1966 Act”, “the Old Cases Act” and “the principal Act”. Article 2(3). Article 3. Article 4(1). Articles 5 to 7. Articles 9 and 10. Articles 13 and 14. Article 16. Article 18(1) to (5), (16), (17) and (25). In Article 19(3), the words from the beginning to “principal Act”.
	S.I. 1977/2156 (N.I. 27).	The Supplementary Benefits (Northern Ireland) Order 1977.	Articles 28 and 29. In Schedule 6, paragraph 19.
	1978 c. 23.	The Judicature (Northern Ireland) Act 1978.	In Schedule 5, in Part II, the amendment to the Social Security (Northern Ireland) Act 1975.
	1979 c. 18.	The Social Security Act 1979.	Section 9(2).

Chapter or Number	Short title	Extent of repeal
S.I. 1979/396 (N.I. 5).	The Social Security (Northern Ireland) Order 1979.	Article 1(3) and (5). In Article 2(2) the definitions of "the principal Act" and "the Order of 1977". Article 3. Articles 5 and 6. Articles 11 to 13. Article 15. Schedule 1. In Schedule 3, paragraphs 3 to 7, 9 to 11, in paragraph 15 the words "8(3) and" and paragraphs 16, 22, 23 and 28 to 30.
S.I. 1979/1573 (N.I. 12).	The Statutory Rules (Northern Ireland) Order 1979.	In Schedule 4, paragraphs 16 and 17.
1980 c. 30.	The Social Security Act 1980.	Section 9(3) and (4). Section 10. Sections 13 and 14. In Schedule 3, Part II.
S.I. 1980/870 (N.I. 8).	The Social Security (Northern Ireland) Order 1980.	In Article 2(2) the definitions of "the principal Act" and "the Supplementary Benefits Commission". Article 3. In Article 4, paragraphs (1) and (10). Article 5(2), (5), (6) and (7). Article 6(1). Article 7(2) to (4). Articles 9 and 10. Articles 12 to 14. Article 15(2). Schedule 1. In Schedule 2, Part II. In Schedule 3, paragraph 8.
S.I. 1980/1087 (N.I. 13).	The Social Security (No. 2) (Northern Ireland) Order 1980.	The whole Order.
S.I. 1981/230 (N.I. 9).	The Social Security (Contributions) (Northern Ireland) Order 1981.	The whole Order.
S.I. 1981/1118 (N.I. 25).	The Social Security (Northern Ireland) Order 1981.	The whole Order.

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SCH. 1	Chapter or Number	Short title	Extent of repeal
	S.I. 1981/1675 (N.I. 26).	The Magistrates' Courts (Northern Ireland) Order 1981.	In Schedule 6, paragraphs 34, 35 and 135.
	S.I. 1982/158 (N.I. 4).	The Social Security (Contributions) (Northern Ireland) Order 1982.	The whole Order.
	S.I. 1982/1082 (N.I. 14).	The Forfeiture (Northern Ireland) Order 1982.	In Article 6(5), the entry relating to the Child Benefit (Northern Ireland) Order 1975.
	S.I. 1982/1084 (N.I. 16).	The Social Security (Northern Ireland) Order 1982.	Articles 3 to 9. Article 11. Articles 19 and 20. Articles 24, 25 and 25A. Articles 28 to 30. Article 32(1) to (4). Article 35. In Article 36(2) the words "those to which section 156(1) of the principal Act applies and". Schedule 1. In Schedule 2, paragraphs 1 to 4. In Schedule 4, paragraphs 3 to 6, 8, 12, 17, 18, 19 and 21.
	S.I. 1983/1524 (N.I. 17).	The Social Security Adjudications (Northern Ireland) Order 1983.	The whole Order, except Articles 1, 2, 3(3)(a) and 4(3)(a).
	S.I. 1984/1158 (N.I. 8).	The Health and Social Security (Northern Ireland) Order 1984.	Articles 5 to 8. Articles 10 to 12. Schedules 2 and 3. In Schedule 5, paragraphs 1, 2, 4 and 7 to 9.
	S.I. 1985/1209 (N.I. 16).	The Social Security (Northern Ireland) Order 1985.	Articles 9 to 15. Article 18. Article 20. Article 23. In Schedule 3, paragraph 1. In Schedule 4, paragraphs 2 and 4 to 7. In Schedule 5, paragraphs 3 to 8 and 31.
	1986 c. 50.	The Social Security Act 1986.	In Schedule 9, paragraphs 1, 3(1)(c) and (2)(a) to (g) and (j), 11 and 12.

Chapter or Number	Short title	Extent of repeal
S.I. 1986/1888 (N.I. 18).	The Social Security (Northern Ireland) Order 1986.	<p>In Article 2(2), the definition of “applicable amount”, paragraphs (c) and (d) of the definition of “the benefit Acts”, the definitions of “dwelling”, “housing benefit scheme”, “income-related benefit”, “long-term benefit”, “primary Class 1 contributions”, “secondary Class 1 contributions”, “qualifying benefit”, “rate rebate”, “rent rebate”, “rent allowance”, “rates”, “trade dispute”, “war disablement pension” and “war widow’s pension”.</p> <p>Articles 19 to 25B. Articles 27 to 37. Article 38(1). Article 39. Articles 41 to 52. Article 53(3) to (10). Article 54. Article 56.</p> <p>In Article 57, in paragraph (1) the words from “or the Department” to “Executive”, in paragraph (2)(a), the words “other than an offence relating to housing benefit”, paragraph (2)(b) and the word “and” immediately preceding it, in paragraph (3)(a) the words “or of the Department of the Environment”, paragraph (3)(b) and the word “and” immediately preceding it and paragraph (3A).</p> <p>Article 59. Articles 62 to 70. Article 71(1). Articles 74 and 75. Article 79(3) and (4). In Article 80(1), the words “and VI”. Article 81(2). Article 81(5) and (6).</p>

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Chapter or Number	Short title	Extent of repeal
S.I. 1986/1888 (N.I. 18).	The Social Security (Northern Ireland) Order 1986.	In Article 82, paragraph (1)(c) and (d), paragraph (2), in paragraph (3) the words "and (5)", paragraph (5), in paragraph (6) the words from "and sums" to the end and paragraphs (7) to (10). Schedule 3, except paragraph 17. Schedule 4. In Schedule 5, paragraphs 1 to 17 and in Part II, paragraphs (b) and (c). Schedules 6 and 7. In Schedule 8, paragraphs 1 to 5. In Schedule 9, paragraphs 1, 27(b), 28 to 30, 32, 36(2), 37 to 46, 49 to 51, 53 to 57, 59, 60, 62, 64, 65, 67 to 74 and 76(a).
S.I. 1987/464 (N.I. 8).	The Social Fund (Maternity and Funeral Expenses) (Northern Ireland) Order 1987.	The whole Order.
1988 c. 1.	The Income and Corporation Taxes Act 1988.	In Schedule 29, paragraph 14 and in paragraph 32, the entries relating to the Social Security (Northern Ireland) Act 1975 and the Social Security (Northern Ireland) Order 1986.
1988 c. 39.	The Finance Act 1988.	In Schedule 3, paragraph 31.
S.I. 1988/594 (N.I. 2).	The Social Security (Northern Ireland) Order 1988.	In Article 1(4) the words from "Article 3" to "that Order". Articles 3 to 9. Articles 11 and 12. In Article 15A(2) the words "those to which section 156(1) of the principal Act applies and". Article 16(1). Schedule 1. In Schedule 2, paragraph 1(1). Schedules 3 and 4.

Chapter or Number	Short title	Extent of repeal
S.I. 1988/1087 (N.I. 10).	The Employment and Training (Amendment) (Northern Ireland) Order 1988.	Articles 5 and 6.
S.I. 1989/1342 (N.I. 13).	The Social Security (Northern Ireland) Order 1989.	<p>In Article 2(2), the definitions of "the Old Cases Act" and "the 1982 Order".</p> <p>Articles 3 to 5.</p> <p>Article 6(1) to (4).</p> <p>Article 7.</p> <p>Article 8(1).</p> <p>Article 9(1) to (5).</p> <p>Articles 11 to 21.</p> <p>Article 23.</p> <p>Article 24(1) to (6) and (8).</p> <p>Article 28.</p> <p>In Article 29(1) the words "3 to 6" and "11 to 14 and 24".</p> <p>Article 29(2) and (3).</p> <p>In Article 30, paragraph (2), in paragraph (3) the words from "those to" to "applies and" and paragraph (5).</p> <p>In Schedule 1, paragraphs 1 to 10.</p> <p>Schedules 2 and 3.</p> <p>In Schedule 4, paragraphs 1 to 21 and 23.</p> <p>Schedule 7, except paragraph 18.</p> <p>In Schedule 8, paragraphs 1 to 8, 9(1), 10, 11 and 13 to 18.</p>
1990 c. 1.	The Capital Allowances Act 1990.	In Schedule 1, paragraph 2.
1990 c. 27.	The Social Security Act 1990.	Section 17(8) and (9). In Schedule 1, paragraph 5(4).
1990 c. 37.	The Human Fertilisation and Embryology Act 1990.	In Schedule 4, paragraph 3.

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Chapter or Number	Short title	Extent of repeal
S.I. 1990/1511 (N.I. 15).	The Social Security (Northern Ireland) Order 1990.	In Article 2(2), the definitions of "the 1982 Order", "the 1986 Order", "the 1989 Order", and "the Old Cases Act". Articles 3 to 7. Article 8(1) to (3). Articles 10 to 12. Articles 18 and 19. In Schedule 1, paragraphs 1 to 5. Schedule 5. In Schedule 6, paragraphs 1, 2(1) and (2), 3 to 5, 6(1) to (5), (7), (8), (10), (16) and in (17) the words from "section 5" to "that section, and" and paragraphs 7 to 15, 16(2), 17 and 19.
S.I. 1991/194 (N.I. 1).	The Health and Personal Social Services (Northern Ireland) Order 1991.	In Part II of Schedule 5, the amendments to the Social Security (Northern Ireland) Order 1982 and the Social Security (Northern Ireland) Order 1986.
S.I. 1991/765 (N.I. 9).	The Statutory Sick Pay (Northern Ireland) Order 1991.	Articles 3 and 4. Article 5(1)(a) and (b) and (3) to (5).
S.I. 1991/1712 (N.I. 17).	The Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991.	Article 3. Article 4(1). Article 5. Article 6(1). Articles 7 and 8. Article 9(1). Articles 10 and 11. Articles 13 and 14. Schedule 1. In Schedule 2, paragraphs 2 to 4, 6 to 9 and 11 to 13. In Schedule 3, Part I.
S.I. 1991/2294 (N.I. 22).	The Social Security (Contributions) (Northern Ireland) Order 1991.	The whole Order.
1992 c. 6.	The Social Security (Consequential Provisions) Act 1992.	In Schedule 2, paragraphs 12 to 14.

SCHEDULE 2

Section 4.

CONSEQUENTIAL AMENDMENTS

Law Reform (Miscellaneous Provisions) Act

(Northern Ireland) 1948 (c. 23 (N.I.))

1. In section 3 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948—

- (a) in subsection (1)(a), for the words “Article 24 of the Social Security (Northern Ireland) Order 1989” there shall be substituted the words “section 77 of the Social Security Administration (Northern Ireland) Act 1992”; and
- (b) in subsection (1A), for the words “paragraph 4(1) of Schedule 4 to the Social Security (Northern Ireland) Order 1989” there shall be substituted the words “section 81(1) of the Social Security Administration (Northern Ireland) Act 1992”.

Employment and Training Act (Northern Ireland) 1950 (c. 29 (N.I.))

2.—(1) In section 5(3) of the Employment and Training Act (Northern Ireland) 1950 for the words “paragraph 1 of Schedule 3 to the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “paragraph 1 or 2 of Schedule 3 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

(2) In section 5(4) of that Act for the words “the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

Judicial Pensions Act (Northern Ireland) 1951 (c. 20 (N.I.))

3.—(1) In sections 3, 16 and 20 of the Judicial Pensions Act (Northern Ireland) 1951 for the words “National Insurance” there shall be substituted the words “Social Security”.

(2) In section 22(1) of that Act for the definition of “National Insurance Commissioner” there shall be substituted the following definition—

““Social Security Commissioner” means a Social Security Commissioner appointed under section 50(1) of the Social Security Administration (Northern Ireland) Act 1992;”.

Registration of Births, Deaths and Marriages (Fees, etc.)

Act (Northern Ireland) 1955 (c. 29 (N.I.))

4. In the Second Schedule to the Registration of Births, Deaths and Marriages (Fees, etc.) Act (Northern Ireland) 1955 for the entry relating to the Child Benefit (Northern Ireland) Order 1975 there shall be substituted the following entries—

“The Social Security Contributions and Benefits (Northern Ireland) Act 1992.

The Social Security Administration (Northern Ireland) Act 1992.”.

Contracts of Employment and Redundancy Payments Act

(Northern Ireland) 1965 (c. 19 (N.I.))

5.—(1) In section 27(4B) and (6) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 after “1975” there shall be inserted the words “or the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

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SCH. 2 (2) In section 55(1) of that Act for the words “the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

Maintenance and Affiliation Orders Act

(Northern Ireland) 1966 (c. 35 (N.I.))

6. In section 10(2)(e) of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 for the words “Article 25 of the Social Security (Northern Ireland) Order 1986” there shall be substituted the words “section 101 of the Social Security Administration (Northern Ireland) Act 1992”.

Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))

7. In section 20(2)(a) of the Children and Young Persons Act (Northern Ireland) 1968 for the words “the Social Security (Northern Ireland) Order 1986” there shall be substituted the words “Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

Social Services (Parity) Act (Northern Ireland) 1971 (c. 21 (N.I.))

8.—(1) In section 2 of the Social Services (Parity) Act (Northern Ireland) 1971 for the words “section 129(5) of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “section 145(5) of the Social Security Administration (Northern Ireland) Act 1992”.

(2) In Schedule 1 to that Act for the entries relating to the Social Security Act 1975 and the Industrial Injuries and Diseases (Old Cases) Act 1975 there shall be substituted the following entries—

“The Social Security Contributions and Benefits Act 1992.

The Social Security Administration Act 1992.”.

Health and Personal Social Services (Northern Ireland) Order 1972

(S.I. 1972 No. 1265 (N.I. 14))

9. In Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972 for the definition of “trade dispute” there shall be substituted the following definition—

““trade dispute” has the same meaning as in section 27 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;”.

Social Security (Northern Ireland) Act 1975 (c. 15)

10.—(1) In Schedule 10 to the Social Security (Northern Ireland) Act 1975 at the end of paragraph 5 there shall be added the following sub-paragraph—

“(3) This paragraph and paragraphs 6, 7 and 7A shall have effect as if contained in the Social Security Administration (Northern Ireland) Act 1992.”.

(2) In paragraph 6(1) of that Schedule for head (a) there shall be substituted the following head—

“(a) if he retires pursuant to paragraph 1 of Schedule 2 to the Social Security Administration (Northern Ireland) Act 1992;”.

Social Security (Consequential Provisions) Act 1975 (c. 18)

11. In section 2(3)(b) of the Social Security (Consequential Provisions) Act 1975 for the words “sections 155 and 156(4) to (6) of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “sections 165 and 166(4), (6) and (11) of the Social Security Administration (Northern Ireland) Act 1992”.

House of Commons Disqualification Act 1975 (c. 24)

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12. In Schedule 1 to the House of Commons Disqualification Act 1975—

- (a) in Part I, for the entry beginning “Chief or other Social Security Commissioner for Northern Ireland” there shall be substituted the following entry—

“Chief or other Social Security Commissioner for Northern Ireland (not including a deputy Commissioner).”;
- (b) in Part III, in the entry beginning “Adjudicating medical practitioner” for the words “Part III of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “Part II of the Social Security Administration (Northern Ireland) Act 1992”;
- (c) in Part III, in the entry beginning “Member of a Medical Appeal Tribunal for Northern Ireland” for the words “paragraph 2(2) of Schedule 12 to the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “section 48(2) of the Social Security Administration (Northern Ireland) Act 1992”;
- (d) in Part III, for the entry beginning “Member of the panel of chairmen for Social Security Appeal Tribunals for Northern Ireland” there shall be substituted the following entry—

“Member of the panel of chairmen for Social Security Appeal Tribunals, Medical Appeal Tribunals and Disability Appeal Tribunals for Northern Ireland appointed under section 49(1)(c) of the Social Security Administration (Northern Ireland) Act 1992.”.

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

13. In Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975—

- (a) in Part I, for the entry “Chief or other National Insurance Commissioner for Northern Ireland” there shall be substituted the following entry—

“Chief or other Social Security Commissioner for Northern Ireland (not including a deputy Commissioner).”;
- (b) in Part II, in the entry beginning “A Medical Appeal Tribunal” for the words “Part III of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “Part II of the Social Security Administration (Northern Ireland) Act 1992”;
- (c) in Part II, the entry beginning “A Medical Board” shall cease to have effect;
- (d) in Part III, at the appropriate place in alphabetical order, there shall be inserted the following entry—

“Adjudicating medical practitioner or specially qualified adjudicating medical practitioner appointed under or by virtue of Part II of the Social Security Administration (Northern Ireland) Act 1992”;
- (e) in Part III for the entry beginning “A full-time Chairman of Social Security Appeal Tribunals” there shall be substituted the following entry—

“Full-time Chairman of Social Security Appeal Tribunals, Medical Appeal Tribunals and Disability Appeal Tribunals for Northern Ireland.”;
- (f) in Part III for the entry beginning “the President of Social Security Appeal Tribunals” there shall be substituted the following entry—

“President of Social Security Appeal Tribunals, Medical Appeal Tribunals and Disability Appeal Tribunals for Northern Ireland.”.

SCH. 2 *Social Security Pensions (Northern Ireland) Order 1975
(S.I. 1975 No. 1503 (N.I. 15))*

14.—(1) The Social Security Pensions (Northern Ireland) Order 1975 shall be amended as follows.

(2) In Article 2(2)—

(a) the following definition shall be inserted before the definition of “average salary benefits”—

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

(b) the following definition shall be inserted after that definition—

““the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;”.

(3) In Article 2(3) for the words “Article 31” there shall be substituted the words “Articles 31 to 31C”.

(4) In Article 28(1)(a) for the words “the principal Act” there shall be substituted the words “the Contributions and Benefits Act”.

(5) In Article 28 after paragraph (1) there shall be inserted the following paragraph—

“(1A) This Part shall also have effect, where an occupational pension scheme so provides or falls to be treated as so providing, for the purpose of making provision in relation—

(a) to invalidity allowance under section 34 of the Contributions and Benefits Act;

(b) to increases of Category A retirement pensions for invalidity under section 47 of that Act; and

(c) to increases of unemployability supplement under paragraph 3 of Schedule 7 to that Act.”.

(6) In Article 29(5) for the words “Article 5” there shall be substituted the words “section 19(4) of the Contributions and Benefits Act”.

(7) In Article 31(1)(a) for the words “Article 18” there shall be substituted the words “section 41 of the Contributions and Benefits Act”.

(8) In Article 31(2) and (2A) for the words “sections 16(2B), 28(7A) and 59(1A) of the principal Act” there shall be substituted the words “Articles 31A, 31B and 31C”.

(9) In Article 31(3) after the words “this Article” there shall be inserted the words “and in Articles 31A, 31B and 31C”.

(10) After Article 31 there shall be inserted the following Articles—

“Contracting-out and invalidity allowance

31A.—(1) Where for any period—

(a) a person is entitled to one or more guaranteed minimum pensions; and

(b) he is also entitled to an invalidity pension under section 33 of the Contributions and Benefits Act; and

(c) the weekly rate of his invalidity pension includes an additional pension such as is mentioned in section 44(3)(b) of that Act,

for that period section 34 of that Act shall have effect as if the following subsection were substituted for subsection (5)—

“(5) In this section “the relevant amount” means an amount equal to the aggregate of—

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- (a) an amount equal to the additional pension; and
- (b) an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions,

reduced by the amount of any reduction in the weekly rate of the invalidity pension made by virtue of Article 31 of the Pensions Order.”.

(2) Where for any period—

- (a) a person is entitled to one or more guaranteed minimum pensions; and
- (b) he is also entitled to an invalidity pension under section 33 of the Contributions and Benefits Act; and
- (c) the weekly rate of his invalidity pension does not include an additional pension such as is mentioned in section 44(3)(b) of that Act,

for that period the relevant amount shall be deducted from the appropriate weekly rate of invalidity allowance and he shall be entitled to invalidity allowance only if there is a balance after the deduction and, if there is such a balance, at a weekly rate equal to it.

(3) In paragraph (2) “the relevant amount” means an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions reduced by the amount of any reduction in the weekly rate of the invalidity pension made by virtue of Article 31.

(4) Where paragraph (2) applies, section 34(7) of the Contributions and Benefits Act shall have effect as if for the words “subsection (4) above” there were substituted the words “Article 31A(2) of the Pensions Order”.

Contracting-out and increases of Category A retirement pension for invalidity

31B.—(1) Where for any period—

- (a) a person is entitled to one or more guaranteed minimum pensions; and
- (b) he is also entitled to a Category A retirement pension under section 44 of the Contributions and Benefits Act; and
- (c) the weekly rate of his pension includes an additional pension such as is mentioned in section 44(3)(b) of that Act,

for that period section 47 of that Act shall have effect as if the following subsection were substituted for subsection (3)—

“(3) In subsection (2) above “the relevant amount” means an amount equal to the aggregate of—

- (a) an amount equal to the additional pension; and
- (b) an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions,

reduced by the amount of any reduction in the weekly rate of the Category A retirement pension made by virtue of Article 31 of the Pensions Order.”.

(2) Where for any period—

- (a) a person is entitled to one or more guaranteed minimum pensions; and
- (b) he is also entitled to a Category A retirement pension under section 44 of the Contributions and Benefits Act; and

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- (c) the weekly rate of his Category A retirement pension does not include an additional pension such as is mentioned in section 44(3)(b) of that Act,

for that period the relevant amount shall be deducted from the amount that would otherwise be the increase under section 47(1) of that Act and the pensioner shall be entitled to an increase under that subsection only if there is a balance remaining after that deduction and, if there is such a balance, of an amount equal to it.

(3) In paragraph (2) “the relevant amount” means an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions reduced by the amount of any reduction in the weekly rate of the Category A retirement pension made by virtue of Article 31.

Contracting-out and increases of unemployment supplement

31C.—(1) Where for any period—

- (a) a person is entitled to one or more guaranteed minimum pensions; and
- (b) he is also entitled—
- (i) to an invalidity pension under section 33 of the Contributions and Benefits Act;
 - (ii) to a Category A retirement pension under section 44 of that Act; or
 - (iii) to a Category B retirement pension under section 49 of that Act; and
- (c) the weekly rate of the pension includes an additional pension such as is mentioned in section 44(3)(b) of that Act,

for that period paragraph 3 of Schedule 7 to that Act shall have effect as if the following sub-paragraph were substituted for sub-paragraph (3)—

“(3) In this paragraph “the relevant amount” means an amount equal to the aggregate of—

- (a) an amount equal to the additional pension; and
- (b) an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions,

reduced by the amount of any reduction in the weekly rate of the pension made by virtue of Article 31 of the Pensions Order.”.

(2) Where for any period—

- (a) a person is entitled to one or more guaranteed minimum pensions; and
- (b) he is also entitled to any of the pensions under the Contributions and Benefits Act mentioned in paragraph (1)(b); and
- (c) the weekly rate of the pension does not include an additional pension such as is mentioned in section 44(3)(b) of that Act,

for that period the relevant amount shall be deducted from the amount that would otherwise be the increase under that paragraph and the beneficiary shall be entitled to an increase only if there is a balance after that deduction and, if there is such a balance, only to an amount equal to it.

(3) In paragraph (2) “the relevant amount” means an amount equal to the weekly rate or aggregate weekly rates of the guaranteed minimum pension or pensions.”.

(11) In Article 35(1A) for the words “Article 5” there shall be substituted the words “section 19(4) of the Contributions and Benefits Act”.

(12) In Article 37(2ZA) for the words “Article 5” there shall be substituted the words “section 19(4) of the Contributions and Benefits Act”.

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(13) In Article 37(5) and (7) for the words “Article 23” there shall be substituted the words “section 130 of the Administration Act”.

(14) In Article 38(6) for the words “section 27(6) of the principal Act” there shall be substituted the words “section 43(1) of the Contributions and Benefits Act”.

(15) In Article 39A(2) for the words from “sections” to “Article 31(1)” there shall be substituted the words “Articles 31(1), 31A(1) and (2), 31B(1) and (2) and 31C(1) and (2)” and for the words “subsections and that paragraph” there shall be substituted the word “paragraphs”.

(16) In Articles 43C(4A), 46(6)(a) and 47(3)(a) for the words “Article 23” there shall be substituted the words “section 130 of the Administration Act”.

(17) In Article 52A(10) for the words “section 4(3) of the principal Act” there shall be substituted the words “section 6(3) of the Contributions and Benefits Act”.

(18) In Article 53D(1) for the words “sections 16(2B), 28(7A) and 59(1A) of the principal Act and Article 31(1)” there shall be substituted the words “Articles 31(1), 31A, 31B and 31C”.

(19) In Article 69(1) for the words “Article 64 of the Social Security (Northern Ireland) Order 1986” there shall be substituted the words “section 132 of the Administration Act”.

(20) In Article 70—

(a) in paragraph (1) for the words “section 93(1) of the principal Act” there shall be substituted the words “section 15(1) of the Administration Act”;

(b) in paragraph (3) for the words “section 93(1) nor section 98(1) of the principal Act” there shall be substituted the words “section 15(1) nor section 18(1) of the Administration Act”.

(21) After Article 70ZA there shall be inserted the following Articles—

“Offences relating to state scheme premiums

70ZB. If a person fails to pay, at or within the time prescribed for the purpose, any state scheme premium which is payable by him, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Questions arising in proceedings

70ZC.—(1) Where in any proceedings—

(a) for an offence under this Order; or

(b) involving any question as to payment of a state scheme premium, any such question arises as is mentioned in Article 70(1), the decision of the Department shall be conclusive for the purposes of the proceedings.

(2) If—

(a) a decision of any such question is necessary for the determination of proceedings; and

(b) the decision of the Department has not been obtained or a question has been raised with a view to a review of the decision obtained,

the question shall be referred to the Department for determination or review in accordance (subject to any necessary modifications) with sections 15 to 17 of the Administration Act.

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(3) Paragraph (1) does not apply if—

- (a) an appeal under section 16 of that Act is pending; or
- (b) the time for appealing has not expired; or
- (c) a question has been raised with a view to a review of the Department's decision under section 17 of that Act,

and the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.

Recovery of unpaid state scheme premiums on prosecution

70ZD. Where—

- (a) a person has been convicted of an offence under Article 70ZB of failing to pay a state scheme premium at or within the time prescribed for the purpose; and
- (b) the premium remains unpaid at the date of the conviction,

he shall be liable to pay to the Department a sum equal to the amount which he failed to pay.

Proof of previous offences

70ZE.—(1) Subject to paragraph (2), where a person is convicted of an offence mentioned in Article 70ZD, evidence may be given of any previous failure by him to pay state scheme premiums within the time prescribed for the purpose; and in that Article “the conviction” and “the offence” mean respectively the conviction referred to in this paragraph and the offence of which the person is convicted.

(2) Such evidence may be given only if notice of intention to give it is served with the summons or warrant on which the person appeared before the court which convicted him.

Unpaid premiums - supplementary

70ZF.—(1) Where a person charged with an offence to which Article 70ZD applies is convicted of that offence in his absence under Article 24(2) of the Magistrates' Courts (Northern Ireland) Order 1981, then if—

- (a) it is proved to the satisfaction of the court, on oath or by affidavit or in the manner prescribed by magistrates' courts rules, that notice under Article 70ZE(2) has been duly served specifying the other premiums in respect of which the complainant intends to give evidence; and
- (b) the clerk of petty sessions has received a statement in writing purporting to be made by the accused or by a solicitor acting on his behalf to the effect that if the accused is convicted in his absence of the offence charged he desires to admit failing to pay the other premiums so specified or any of them,

Article 70ZE shall have effect as if the evidence had been given and the failure so admitted had been proved, and the court shall proceed accordingly.

(2) Where—

- (a) a person is convicted of an offence to which Article 70ZD applies; and
- (b) an order is made under the Probation Act (Northern Ireland) 1950 placing the offender on probation or discharging him absolutely or conditionally,

Articles 70ZD and 70ZE and paragraph (1) shall apply as if it were a conviction for all purposes.

(3) Any sum which a person is liable to pay under Articles 70ZD and 70ZE and paragraph (1) shall be recoverable from him as a penalty.

(4) State scheme premiums recovered by the Department under those provisions are to be treated for all purposes as premiums paid to the Department in respect of the person in respect of whom they were originally payable.” SCH. 2

(22) In Article 71 for paragraphs (1) to (3) there shall be substituted the following paragraphs—

“(1) Regulations prescribing actuarial tables for the purposes of Articles 46(7), 46ZA(14), 46A(3) and 47(4) shall be laid before the Assembly after being made and shall take effect on such date as may be specified in the regulations, but shall (without prejudice to the validity of anything done thereunder or to the making of new regulations) cease to have effect upon the expiration of a period of six months from that date unless at some time before the expiration of that period the regulations have been approved by a resolution of the Assembly.

(2) All regulations and orders made by the Department under this Order other than—

- (a) regulations to which paragraph (1) applies; and
- (b) any order which under any provision of this Order is required to be laid before the Assembly after being made,

shall be subject to negative resolution.

(3) Orders made by the appropriate authority under Article 61 shall be subject to negative resolution.”.

(23) After Article 71 there shall be inserted the following Articles—

“*Consultation with Social Security Advisory Committee about regulations*

71A.—(1) Subject to paragraph (2) and to section 150 of the Administration Act, where the Department proposes to make regulations under Article 52A(10), Part VA, Article 69J or Article 70ZA it shall refer the proposals, in the form of draft regulations or otherwise, to the Social Security Advisory Committee (“the Committee”).

(2) Paragraph (1) does not apply to the regulations specified in Schedule 5 to the Administration Act.

(3) The Committee shall consider any proposals referred to it by the Department under paragraph (1) and shall make to the Department a report containing such recommendations with regard to the subject-matter of the proposals as the Committee thinks appropriate.

(4) If after receiving a report of the Committee the Department lays before the Assembly any regulations which comprise the whole or any part of the subject-matter of the proposals referred to the Committee, the Department shall lay with the regulations a copy of the Committee’s report and a statement showing—

- (a) the extent (if any) to which the Department has, in framing the regulations, given effect to the Committee’s recommendations; and
- (b) in so far as effect has not been given to them, the Department’s reasons why not.

Regulations and orders (general provisions)

71B.—(1) Except in so far as this Order otherwise provides, any power conferred by this Order 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;

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(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);

(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 Order;

(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 Order are without prejudice to powers to make regulations or an order for the purposes of any other provision.

(2) Without prejudice to any specific provision in this Order, a power conferred by this Order to make regulations or an order includes power to make 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.

(3) Without prejudice to any specific provision in this Order, a power conferred by this Order to make regulations or an order includes power to provide for a person to exercise a discretion in dealing with any matter.

(4) A power conferred by this Order on the Department to make any regulations or order, where the power is not expressed to be exercisable with the consent of the Department of Finance and Personnel, shall if the Department of Finance and Personnel so directs be exercisable only in conjunction with it.”.

(24) In Article 73(1) for the words “Subsection (5) of section 129 of the principal Act” there shall be substituted the words “Section 145(5) of the Administration Act” and for the words “subsection (3)(a) of that section” there shall be substituted the words “section 143(2)(a) of that Act”.

(25) In paragraph 8(a)(i) of Schedule 1A for the words from “under” to the end there shall be substituted the words “under section 132 of the Administration Act; or”.

(26) In paragraph 6(3)(c) of Schedule 2 for the words “the principal Act” there shall be substituted the words “the Contributions and Benefits Act”.

Births and Deaths Registration (Northern Ireland) Order 1976

(S.I. 1976 No. 1041 (N.I. 14))

15. In Schedule 1 to the Births and Deaths Registration (Northern Ireland) Order 1976 for the entry relating to the Child Benefit (Northern Ireland) Order 1975 there shall be substituted the following entries—

“The Social Security Contributions and Benefits (Northern Ireland) Act 1992.

The Social Security Administration (Northern Ireland) Act 1992.”.

Industrial Relations (Northern Ireland) Order 1976

(S.I. 1976 No. 1043 (N.I. 16))

16.—(1) The Industrial Relations (Northern Ireland) Order 1976 shall be amended as follows.

(2) In Article 43(4) for “1986” there shall be substituted “1986 or Part XII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”. SCH. 2

(3) In Article 72(2) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) confer powers and impose duties on industrial tribunals and on adjudication officers and other persons;”.

(4) In Article 72(4) for the words “the Social Security (Northern Ireland) Order 1986” there shall be substituted the words “Part III or V of the Social Security Administration (Northern Ireland) Act 1992”.

(5) In Article 72(7) for the words “the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

Social Security (Miscellaneous Provisions) (Northern Ireland)

Order 1977 (S.I. 1977 No. 610 (N.I. 11))

17.—(1) In Article 17(1)(a) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 after the words “Pensions Order” there shall be inserted the words “or section 130 of the Social Security Administration (Northern Ireland) Act 1992”.

(2) In Article 17 of that Order for paragraph (3) there shall be substituted the following paragraph—

“(3) In this Article—

“earner” and “earnings” are to be construed in accordance with sections 3, 4 and 112 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“earnings factors” is to be construed in accordance with sections 22 and 23 of that Act;

“tax year” has the meaning assigned to it by section 121(1) of that Act, and expressions used in Part IV of the Pensions Order have the same meanings as in that Part.”.

(3) In Article 19 of that Order for paragraphs (1) and (2) there shall be substituted the following paragraphs—

“(1) Section 165(4), (5) and (10) of the Social Security Administration (Northern Ireland) Act 1992 shall have effect as if references to that Act included references to this Order.

(2) A power under any of sections 116 to 119 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 or sections 153 to 155 of the Social Security Administration (Northern Ireland) Act 1992 to make provision by regulations or order for modifications or adaptations of those Acts shall be exercisable in relation to any provision in this Order.”.

(4) In Article 20 of that Order for the words “Subsection (5) of section 129 of the principal Act” there shall be substituted the words “Section 145(5) of the Social Security Administration (Northern Ireland) Act 1992” and for the words “subsection (3)(a) of that section” there shall be substituted the words “section 143(2)(a) of that Act”.

Agricultural Wages (Regulation) (Northern Ireland)

Order 1977 (S.I. 1977 No. 2151 (N.I. 22))

18. In Article 5(2)(e) of the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 for the words from “Social Security (Northern Ireland) Act 1975” to the end there shall be substituted the words “Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

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SCH. 2 *Rent (Northern Ireland) Order 1978 (S.I. 1978 No. 1050 (N.I. 20))*

19. The following Article shall be inserted after Article 25 of the Rent (Northern Ireland) Order 1978—

“Amounts attributable to services

25A. In order to assist the Executive to give effect to the housing benefit scheme under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, where a rent is registered under this Part, there shall be noted on the register the amount (if any) of the registered rent which, in the opinion of the rent officer or rent assessment committee, is fairly attributable to the provision of services, except any amount which is negligible in the opinion of the officer or, as the case may be, the committee.”.

Capital Gains Tax Act 1979 (c. 14)

20. In sub-paragraph (2) of paragraph 5 of Schedule 1 to the Capital Gains Tax Act 1979—

- (a) for the words “section 35 of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “section 64 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”; and
- (b) for the words “section 37ZA of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “section 71 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

Vaccine Damage Payments Act 1979 (c. 17)

21. In section 1(4) of the Vaccine Damage Payments Act 1979 for the words “section 57 of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “section 103 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

Pneumoconiosis etc. (Workers' Compensation) (Northern Ireland)

Order 1979 (S.I. 1979 No. 925 (N.I. 9))

22.—(1) In Article 2(2) of the Pneumoconiosis, etc. (Workers' Compensation) (Northern Ireland) Order 1979 after the words “section 76 of the Social Security (Northern Ireland) Act 1975” wherever they occur there shall be inserted the words “or section 108 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

(2) In Article 2(3) of that Order for the words “(Northern Ireland) Act 1975” there shall be substituted the words “Contributions and Benefits (Northern Ireland) Act 1992 or the Social Security Administration (Northern Ireland) Act 1992” and for the words “that Act” there shall be substituted the words “either of those Acts”.

(3) In Article 8 of that Order—

- (a) for the words “Section 94 of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “Section 16 of the Social Security Administration (Northern Ireland) Act 1992”;
- (b) for the words “section 93(1)” and “section 94” there shall be substituted the words “section 15(1)” and “section 16” respectively.

Road Traffic (Northern Ireland) Order 1981 (S.I. 1981 No. 154 (N.I. 1))

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23. In Article 129C(2)(a) of the Road Traffic (Northern Ireland) Order 1981—

- (a) in head (i) for the words “section 35 of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “section 64 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”;
- (b) in head (iA) for “37ZA” there shall be substituted “71”;
- (c) in head (iii) for “57” there shall be substituted “103” and for “61(1)” there shall be substituted “104(1)”.

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981

(S.I. 1981 No. 228 (N.I. 8))

24. In Part I of Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 in paragraph 3(g) for the words “Article 25 of the Social Security (Northern Ireland) Order 1986” there shall be substituted the words “section 101 of the Social Security Administration (Northern Ireland) Act 1992”.

Magistrates' Courts (Northern Ireland) Order 1981

(S.I. 1981 No. 1675 (N.I. 26))

25. In Articles 88 and 98(11) of the Magistrates' Courts (Northern Ireland) Order 1981 for the words “or Article 25 of the Social Security (Northern Ireland) Order 1986” there shall be substituted the words “or section 101 of the Social Security Administration (Northern Ireland) Act 1992”.

Forfeiture (Northern Ireland) Order 1982 (S.I. 1982 No. 1082 (N.I. 14))

26.—(1) In Article 6(2) of the Forfeiture (Northern Ireland) Order 1982 for the words “section 115 of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “section 57 of the Social Security Administration (Northern Ireland) Act 1992”.

(2) In Article 6(4) of that Order for the words “Section 155(2) to (3A) of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “Section 171(3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

(3) In Article 6(5) of that Order for the words “(Northern Ireland) Act 1975” there shall be substituted the words “Administration (Northern Ireland) Act 1991” and the following entry shall be added after the entry relating to the Social Security (Northern Ireland) Acts 1975 to 1992—

“The Social Security Contributions and Benefits (Northern Ireland) Act 1992,”.

Social Security (Northern Ireland) Order 1982 (S.I. 1982 No. 1084 (N.I. 16))

27. In Article 36(1) of the Social Security (Northern Ireland) Order 1982 for the words from the beginning to “principal Act” there shall be substituted the words “Section 165(4), (5) and (10) of the Social Security Administration (Northern Ireland) Act 1992”.

Value Added Tax Act 1983 (c. 55)

28. In the seventh note to Group 14 of Schedule 5 to the Value Added Tax Act 1983 for the words “section 37ZA of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “section 71 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

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Inheritance Tax Act 1984 (c. 51)

29.—(1) In paragraph (b) of sections 74(4) and 89(4) of the Inheritance Tax Act 1984 for the words “section 35 of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “section 64 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

(2) In paragraph (c) of those subsections for the words “section 37ZA of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “section 71 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

Industrial Training (Northern Ireland) Order 1984

(S.I. 1984 No. 1159 (N.I. 9))

30.—(1) In Article 32 of the Industrial Training (Northern Ireland) Order 1984—

- (a) in paragraph (1) for the words “Chapter IV of Part II of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “Part V of the Social Security Contributions and Benefits (Northern Ireland) Act 1992” and for the words “sections 52 to 54” there shall be substituted the words “sections 98 to 100”;
- (b) in paragraph (2) for the words “section 52” there shall be substituted the words “section 98”;
- (c) in paragraph (3) for the words “section 53” there shall be substituted the words “section 99”;
- (d) in paragraph (4) for the words “section 54” there shall be substituted the words “section 100”.

(2) In Article 33(1) of that Order for the words “Part II of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “the Social Security Contributions and Benefits (Northern Ireland) Act 1992” and for the words “Chapter IV of that Part” there shall be substituted the words “Part V of that Act”.

Social Security (Northern Ireland) Order 1985

(S.I. 1985 No. 1209 (N.I. 16))

31.—(1) In Article 1(9) of the Social Security (Northern Ireland) Order 1985 for the words “Subsections (2) and (3) of section 155 of the principal Act” there shall be substituted the words “Subsections (4) and (5) of section 165 of the Social Security Administration (Northern Ireland) Act 1992”.

(2) At the end of paragraph (1) of Article 7 of that Order there shall be added the words “or

- (c) of Part VI of the Social Security Administration (Northern Ireland) Act 1992.”.

(3) In Article 7(2) of that Order for the words “Section 155 of the principal Act” there shall be substituted the words “Article 71B of the Pensions Order” and for the words “that Act” there shall be substituted the words “that Order”.

Social Security (Northern Ireland) Order 1986

(S.I. 1986 No. 1888 (N.I. 18))

32.—(1) The Social Security (Northern Ireland) Order 1986 shall be amended as follows.

(2) In Article 6(1) for the words from “sections 16(2B)” to “Article 31” there shall be substituted the words “sections 34(4) and 47(2) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, paragraph 3(2) of Schedule 7 to that Act and Articles 31 to 31C”.

(3) In Article 11(5) for the words “Article 18(5) of that Order” there shall be substituted the words “section 41(7) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

(4) In Article 18A(1) for the words “Section 134 of the principal Act” there shall be substituted the words “Section 155 of the Social Security Administration (Northern Ireland) Act 1992”.

(5) In Article 26(1)(c) for the words “Article 25(3)” there shall be substituted the words “section 101(3) of the Social Security Administration (Northern Ireland) Act 1992”.

(6) At the end of Article 26 there shall be added the following paragraph—

“(7) Subsections (6) and (7) of section 74 of the Social Security Administration (Northern Ireland) Act 1992 shall have effect for the purposes of this Article as they have effect for the purposes of that section.”.

(7) In Article 53(2) for the words “section 93(1) of the principal Act” there shall be substituted the words “section 15(1) of the Social Security Administration (Northern Ireland) Act 1992.”.

(8) In Article 60(3)(c) for the words “Part III of the principal Act including that Part as extended by Article 53(3)” there shall be substituted the words “sections 15 to 60 of the Social Security Administration (Northern Ireland) Act 1992”.

(9) In Article 81(1) for the words from the beginning to “principal Act” there shall be substituted the words “Article 71B(1) to (4) of the Pensions Order”.

(10) In Article 81 for paragraphs (3) and (4) there shall be substituted the following paragraphs—

“(3) Regulations under Article 7(15)(a), and regulations made by the Department and contained in a statutory rule which includes any such regulations, shall be laid before the Assembly after being made and shall take effect on such date as may be specified in the regulations, but shall (without prejudice to the validity of anything done thereunder or to the making of new regulations) cease to have effect upon the expiration of a period of six months from that date unless at some time before the expiration of that period the regulations have been approved by a resolution of the Assembly.

(4) Regulations and orders made by the Department under this Order, other than those to which paragraph (3) applies and orders under Article 1, shall be subject to negative resolution.”.

(11) In Article 81 for paragraph (8) there shall be substituted the following paragraph—

“(8) Sections 171(10) and 172(9) to (11) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 shall apply to regulations under Article 79(6) as they apply to regulations under section 116(3) of that Act.”.

Income and Corporation Taxes Act 1988 (c. 1)

33.—(1) Section 617 of the Income and Corporation Taxes Act 1988 shall be amended as follows.

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SCH. 2 (2) In subsection (1) for the words “Chapters I to III of Part II of the Social Security (Northern Ireland) Act 1975 or Part III of the Social Security Pensions (Northern Ireland) Order 1975” there shall be substituted the words “or Parts II to IV of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

(3) In subsection (2)—

(a) in paragraph (a) for the words “the Social Security (Northern Ireland) Order 1986” there shall be substituted the words “Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”; and

(b) in paragraph (aa) for the words “section 70 of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “paragraph 18 of Schedule 7 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

(4) In subsection (3)(b) for the words “(Northern Ireland) Act 1975” there shall be substituted the words “Contributions and Benefits (Northern Ireland) Act 1992”.

(5) In subsection (4) for the words “the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “Part I of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

(6) In subsection (5) for the words “subsection (2) of section 9 of the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “subsection (3) of section 15 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

Wages (Northern Ireland) Order 1988

(S.I. 1988 No. 796 (N.I. 7))

34. In Article 9(1) of the Wages (Northern Ireland) Order 1988—

(a) in paragraph (e) after “1982” there shall be inserted the words “or Part XI of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”;

(b) at the end of paragraph (f) there shall be added the words “or Part XII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

Social Security (Northern Ireland) Order 1988

(S.I. 1988 No. 594 (N.I. 2))

35.—(1) In Article 13(4)(e) of the Social Security (Northern Ireland) Order 1988 for the words “principal Act” there shall be substituted the words “Social Security Administration (Northern Ireland) Act 1992”.

(2) In Article 13(7) of that Order for the words “Section 156(1) of the principal Act” there shall be substituted the words “Section 166(1) of the Social Security Administration (Northern Ireland) Act 1992”.

(3) In Article 15 of that Order for the words “Articles 4, 7, 8, 10 and 11” there shall be substituted the words “Article 10”.

(4) In Article 15A(1) of that Order for the words “Section 155(1) to (3A) of the principal Act” there shall be substituted the words “Section 171(2) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

(5) In Article 15A(2) of that Order after “1(3)” there shall be inserted “and 13”.

*Social Security (Northern Ireland) Order 1989
(S.I. 1989 No. 1342 (N.I. 13))*

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36.—(1) In Article 8(7) of the Social Security (Northern Ireland) Order 1989 for the words “section 104 of the principal Act” there shall be substituted the words “section 23 of the Social Security Administration (Northern Ireland) Act 1992”.

(2) In Article 8(9) of that Order—

(a) for the words from the beginning to “principal Act” there shall be substituted the words “Section 26 of the Social Security Administration (Northern Ireland) Act 1992 (appeals from reviews)”; and

(b) for the words “that section” there shall be substituted the words “section 23 of that Act”.

(3) In Article 30(1) of that Order for the words “subsections (1) to (3A) of section 155 of the principal Act” there shall be substituted the words “section 171(2) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

*Insolvency (Northern Ireland) Order 1989
(S.I. 1989 No. 2405 (N.I. 19))*

37. In paragraph 6 of Schedule 4 to the Insolvency (Northern Ireland) Order 1989 for the words “the Social Security Act 1975 or the Social Security (Northern Ireland) Act 1975” there shall be substituted the words “the Social Security Contributions and Benefits Act 1992 or the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

Capital Allowances Act 1990 (c. 1)

38. In the following provisions of the Capital Allowances Act 1990—

(a) section 22(6)(a);

(b) section 36(4)(a),

for the words “Social Security (Northern Ireland) Act 1975” there shall be substituted the words “Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

*Social Security (Northern Ireland) Order 1990
(S.I. 1990 No. 1511 (N.I. 15))*

39.—(1) In Article 20 of the Social Security (Northern Ireland) Order 1990 for the words from “Articles 6” to “and 16” there shall be substituted the words “paragraph 16”.

(2) In Article 21(1) of that Order for the words “subsections (1) to (3A) of section 155 of the principal Act” there shall be substituted the words “section 171(2) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

(3) In Schedule 6 to that Order in paragraph 6(12)(b) for the words “section 156(1) of the principal Act” there shall be substituted the words “section 166(1) of the Social Security Administration (Northern Ireland) Act 1992 or section 172(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

(4) In paragraph 16(3) of that Schedule for the words “section 104 of the principal Act” there shall be substituted the words “section 23 of the Social Security Administration (Northern Ireland) Act 1992”.

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(Northern Ireland) Act 1992*

SCH. 2 (5) In paragraph 16(5) of that Schedule for the words “Subsection (4) of section 104 of the principal Act” there shall be substituted the words “Section 26 of the Social Security Administration (Northern Ireland) Act 1992”.

Section 5.

SCHEDULE 3

TRANSITIONAL PROVISIONS AND SAVINGS (INCLUDING SOME TRANSITIONAL
PROVISIONS RETAINED FROM PREVIOUS ACTS AND ORDERS)

PART I

GENERAL AND MISCELLANEOUS

Questions relating to contributions and benefits

1.—(1) A question other than a question arising under any of sections 1 to 3 of the Administration Act—

(a) whether a person is entitled to benefit in respect of a time before 1st July 1992;

(b) whether a person is liable to pay contributions in respect of such a time, and any other question not arising under any of those sections with respect to benefit or contributions in respect of such a time is to be determined, subject to section 66 of the Administration Act, in accordance with provisions in force or deemed to be in force at that time.

(2) Subject to sub-paragraph (1) above, the consolidating Acts apply to matters arising before their commencement as to matters arising after it.

General saving for old savings

2. The repeal by this Act of an enactment previously repealed subject to savings (whether or not in the repealing enactment) does not affect the continued operation of those savings.

Documents referring to repealed enactments

3. Any document made, served or issued after this Act comes into force which contains a reference to any of the repealed enactments shall be construed, except so far as a contrary intention appears, as referring or, as the context may require, including a reference to the corresponding provision of the consolidating Acts.

Provisions relating to the coming into force of other provisions

4. The repeal by this Act of a provision providing for or relating to the coming into force of a provision reproduced in the consolidating Acts does not affect the operation of the first provision, in so far as it remains capable of having effect, in relation to the enactment reproducing the second provision.

Continuing powers to make transitional, etc. regulations

5. Where immediately before 1st July 1992 the Department of Health and Social Services for Northern Ireland (hereafter in this Schedule referred to as “the Department”) has power under any provision of the Social Security (Northern Ireland) Acts 1975 to 1991 not reproduced in the consolidating Acts by regulations to make provision or savings in preparation for or in connection with the coming into force of a provision repealed by this Act but reproduced in the consolidating Acts, the power shall be construed as having effect in relation to the provision reproducing the repealed provision.

6. The repeal by this Act of a power by regulations to make provision or savings in preparation for or in connection with the coming into force of a provision reproduced in the consolidating Acts does not affect the power, in so far as it remains capable of having effect, in relation to the enactment reproducing the second provision.

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Provisions contained in enactments by virtue of orders or regulations

7.—(1) Without prejudice to any express provision in the consolidating Acts, where this Act repeals any provision contained in any enactment by virtue of any order or regulations and the provision is reproduced in the consolidating Acts, the Department shall have the like power to make orders or regulations repealing or amending the provision of the consolidating Acts which reproduces the effect of the repealed provision as the Department had in relation to that provision.

(2) Sub-paragraph (1) above applies to a repealed provision which was amended by Schedule 7 to the Social Security (Northern Ireland) Order 1989 as it applies to a provision not so amended.

S.I. 1989/1342
(N.I. 13).

Amending orders made after passing of Act

8. An order which is made under any of the repealed enactments after the passing of this Act and which amends any of the repealed enactments shall have the effect also of making a corresponding amendment of the consolidating Acts.

PART II

SPECIFIC TRANSITIONAL PROVISIONS AND SAVINGS (INCLUDING SOME DERIVED FROM PREVIOUS ACTS AND ORDERS)

Interpretation

9. In this Part of this Schedule—

- “the 1966 Act” means the National Insurance Act (Northern Ireland) 1966; 1966 c. 6 (N.I.).
“the 1973 Act” means the Social Security Act 1973; 1973 c. 38.
“the 1975 Act” means the Social Security (Northern Ireland) Act 1975; 1975 c. 15.
“the former Consequential Provisions Act” means the Social Security (Consequential Provisions) Act 1975; and 1975 c. 18.
“the 1986 Order” means the Social Security (Northern Ireland) Order 1986. S.I. 1986/1888 (N.I. 18).

Social Security Pensions (Northern Ireland) Order 1975

S.I. 1975/1503
(N.I. 15).

10. The repeal by this Act of any provision contained in the 1975 Act or any enactment amending such a provision does not affect the operation of that provision by virtue of Article 2(3) of the Social Security Pensions (Northern Ireland) Order 1975.

Additional pensions

11. The repeal by this Act of Article 19(1) of the 1986 Order (which substituted in any statutory provision a reference to a basic pension for any reference to the basic component of a long-term benefit and a reference to an additional pension for any reference to an additional component of such a benefit) does not affect the construction of any statutory provision amended by that paragraph.

Supersession of National Insurance Acts - provisions derived from Schedule 3 to former Consequential Provisions Act

12. Regulations may provide that, in relation to—

- (a) persons who ceased by virtue of paragraph 2 of Schedule 3 to the former Consequential Provisions Act to be insured under the 1966 Act,

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(Northern Ireland) Act 1992*

- SCH. 3 (b) persons to or in respect of whom benefit under that Act was, or but for a disqualification or forfeiture would have been, payable immediately before 6th April 1975, and
- (c) persons who had a prospective right to, or expectation of, any benefit under that Act immediately before that day,

the Contributions and Benefits Act and the Administration Act (so far as they represent provisions of the 1973 Act) shall have effect subject to such modifications as may be prescribed with a view to securing continuity of the law.

1946 c. 23 (N.I.).

13. Without prejudice to the generality of the powers conferred by paragraph 12 above, regulations under that paragraph may in particular provide for the taking into account, for such purposes and in such manner and subject to such conditions as may be prescribed, of contributions paid or credited or deemed to be, or treated as, paid or credited under the 1966 Act or the National Insurance Act (Northern Ireland) 1946 or any enactment repealed by that Act.

14. Regulations may provide that the Contributions and Benefits Act and the Administration Act (so far as they represent the 1973 Act) and this Part of this Schedule (except this paragraph) shall have effect subject to prescribed modifications in relation to persons who attained the age of 16 before 6th April 1975 and who, immediately before that day, were not insured under the 1966 Act.

15. Notwithstanding any repeal effected by the 1973 Act, provision may be made by regulations for continuing in force, with or without prescribed modifications, such provisions of the 1966 Act or any other enactments specified in the third column of Schedule 28 to the 1973 Act (repeals) as the Department considers appropriate for the purpose of preserving rights to benefit under that Act or those enactments in those cases (if any) in which in its opinion adequate alternative rights to benefit under the Contributions and Benefits Act are not conferred in pursuance of paragraph 12 above, or for temporarily retaining the effect of those provisions for transitional purposes.

16. In the foregoing provisions of this Part of this Schedule, any reference to benefit under the 1966 Act includes a reference to such other benefit, pension or allowance as is mentioned in paragraph 17(2)(b) of Schedule 9 to that Act (pre-1948 beneficiaries).

17.—(1) Any instrument (except regulations, an Order in Council or another order) and any appointment which is in force immediately before 1st July 1992 and was made or has effect as if made under an enactment repealed by the 1973 Act shall, in so far as a corresponding instrument or appointment is capable of being made under any provision of the Contributions and Benefits Act or the Administration Act representing a provision in the 1973 Act, be deemed to be so made except to the extent that regulations otherwise provide.

(2) A reference in any document to an enactment repealed and re-enacted by the 1973 Act with or without modifications shall, in so far as the context permits, be construed as a reference to the Contributions and Benefits Act or, as the case may be, the Administration Act or to the corresponding enactment therein.

Industrial injuries - provision derived from paragraph 12 of Schedule 3 to 1986 Order

18.—(1) The Department may by regulations provide for the payment of prescribed amounts in prescribed circumstances to persons who immediately before the repeal of sections 71 to 73 of the 1975 Act were entitled to any benefit by virtue of any of those sections, but in determining the amount which is to be payable in any case or class of cases the Department may take into account—

- (a) the extent to which the weekly rate of industrial death benefit has been modified in that case or class of cases by virtue of section 74 of that Act;
- (b) the age of the beneficiary and of any person or persons formerly maintained by the deceased; and
- (c) the length of time that entitlement to the benefit would have been likely to continue if those sections had not been repealed.

SCH. 3

(2) In this paragraph “prescribed” means specified in or determined in accordance with regulations.

*Attendance allowance - provision derived from Article 3 of Social Security
(Northern Ireland) Order 1988*

S.I. 1988/594 (N.I.
2).

19. For the purposes—

- (a) of any determination following a claim made before 1st April 1988,
- (b) of any review following an application made before that date,
- (c) of any review following a decision to conduct a review made before that date,

section 64 of the Contributions and Benefits Act shall have effect as if the following subsection were substituted for subsection (3)—

“(3) A person satisfies the night attendance condition if he is so severely disabled physically or mentally that, at night, he requires from another person either—

- (a) prolonged or repeated attention during the night in connection with his bodily functions; or
- (b) continual supervision throughout the night in order to avoid substantial danger to himself or others.”.

*Supplementary benefit and former housing-related benefits - provision derived
from Article 18 of Social Security (Northern Ireland) Order 1989*

S.I. 1989/1342
(N.I. 13).

20.—(1) Any expenses of the Department or the Department of the Environment for Northern Ireland in making payments to persons falling within sub-paragraph (2) or (3) below may be paid out of money appropriated by Measure.

(2) A person falls within this sub-paragraph if—

- (a) he was entitled to supplementary benefit immediately before 11th April 1988, but
- (b) he did not become entitled to income support in respect of the week beginning with that day.

(3) A person falls within this sub-paragraph if he was entitled to any one or more of the former housing-related benefits in respect of a qualifying week but either—

- (a) he did not become entitled to housing benefit under Part III of the 1986 Order in respect of the commencement week, or
- (b) the amount of any such housing benefit to which he became entitled in respect of that week was less than the amount of the former housing-related benefits to which he had been entitled in respect of the qualifying week.

(4) In this paragraph—

“commencement day” means the day on which the new provisions came into force in the case of the person in question (1st or 4th April 1988, according to the circumstances);

“commencement week”, in relation to any person, means the week beginning with the commencement day in his case;

- SCH. 3
- S.I. 1983/1121
(N.I. 14).
- “the former housing-related benefits” means—
- (a) rent rebates, rate rebates and rent allowances, within the meaning of the Housing Benefits (Northern Ireland) Order 1983; and
 - (b) housing benefit supplement;
- “the new provisions” means the following provisions of Part III of the 1986 Order, so far as relating to housing benefit, that is to say, Articles 21 to 23, 29 and 30;
- “qualifying week”, in relation to any person, means any week beginning on or after 21st March 1988 and ending before the commencement day in his case;
- “week” means a period of 7 days.
- (5) For the purposes of this paragraph—
- (a) a person shall be regarded as having been entitled to housing benefit supplement in respect of a week if an amount was applicable in respect of him under regulation 19A of the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983 in respect of that week; and
 - (b) the amount of housing benefit supplement to which he was entitled in respect of that week shall be taken to be an amount equal to the amount so applicable.
- S.R. (N.I.) 1983
No. 61.
- Substitution of disability living allowance for attendance allowance and mobility allowance and dissolution of Attendance Allowance Board - provision derived from Article 7 of Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991*
- S.I. 1991/1712
(N.I. 17).
- 21.—(1) The Department may make such regulations as appear to it necessary or expedient in relation to the substitution of disability living allowance for attendance allowance and mobility allowance and the dissolution of the Attendance Allowance Board for Northern Ireland.
- (2) Without prejudice to the generality of this paragraph, regulations under this paragraph —
- (a) may provide for the termination or cancellation of awards of attendance allowance and awards of mobility allowance;
 - (b) may direct that a person whose award of either allowance has been terminated or cancelled by virtue of the regulations or who is a child of such a person shall by virtue of the regulations be treated as having been awarded one or more disability living allowances;
 - (c) may direct that a disability living allowance so treated as having been awarded shall consist of such component as the regulations may specify or, if the regulations so specify, of both components, and as having been awarded either component at such weekly rate and for such period as the regulations may specify;
 - (d) may provide for the termination in specified circumstances of an award of disability living allowance;
 - (e) may direct that in specified circumstances a person whose award of disability living allowance has been terminated by virtue of the regulations shall by virtue of the regulations be treated as having been granted a further award of a disability living allowance consisting of such component as the regulations may specify or, if the regulations so specify, of both components, and as having been awarded on the further award either component at such weekly rate and for such period as the regulations may specify;
 - (f) may provide for the review of awards made by virtue of paragraph (b) or (e) above and for the treatment of claims for disability living allowance in respect of beneficiaries with such awards;

- (g) may direct that for specified purposes certificates issued by the Attendance Allowance Board for Northern Ireland shall be treated as evidence of such matters as may be specified in the regulations; SCH. 3
- (h) may direct that for specified purposes the replacement of attendance allowance and mobility allowance by disability living allowance shall be disregarded;
- (i) may direct that a claim for attendance allowance or mobility allowance shall be treated in specified circumstances and for specified purposes as a claim for disability living allowance or that a claim for disability living allowance shall be treated in specified circumstances and for specified purposes as a claim for attendance allowance or mobility allowance or both;
- (j) may direct that in specified circumstances and for specified purposes a claim for a disability living allowance shall be treated as having been made when no such claim was in fact made;
- (k) may direct that in specified circumstances a claim for attendance allowance, mobility allowance or disability living allowance shall be treated as not having been made;
- (l) may direct that in specified circumstances where a person claims attendance allowance or mobility allowance or both, and also claims disability living allowance, his claims may be treated as a single claim for such allowances for such periods as the regulations may specify;
- (m) may direct that cases relating to mobility allowance shall be subject to adjudication in accordance with the provisions of Part II of the Administration Act relating to disability living allowance; and
- (n) may direct that, at a time before the Attendance Allowance Board for Northern Ireland is dissolved, in specified circumstances cases relating to attendance allowance shall be subject to adjudication under the system of adjudication for such cases introduced by the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991. S.I. 1991/1712 (N.I. 17).
- (3) Regulations under this paragraph may provide that any provision to which this sub-paragraph applies—
- (a) shall have effect subject to modifications, additions or amendments; or
- (b) shall not have effect.
- (4) Sub-paragraph (3) above applies—
- (a) to any provision of the 1975 Act which relates to mobility allowance, so far as it so relates;
- (b) to any provision of Part VII of the 1986 Order which is relevant to mobility allowance;
- (c) to any provision of the Contributions and Benefits Act which relates to disability living allowance or attendance allowance, so far as it so relates; and
- (d) to any provision of the Administration Act which is relevant to disability living allowance or attendance allowance.

Regulations - supplementary

22.—(1) Regulations under this Part of this Schedule shall be made by the Department.

(2) Powers under this Part of this Schedule to make regulations are exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979. S.I. 1979/1573 (N.I. 12).

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SCH. 3 (3) Any power conferred by this Part of this Schedule to make regulations 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);
- (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 Part of this Schedule;
- (iii) any such provision either unconditionally or subject to any specified condition.

(4) The powers to make regulations conferred by any provision of this Part of this Schedule other than paragraph 21 above include powers to make thereby such incidental, supplementary, consequential or transitional provision as appears to the Department to be expedient for the purposes of the regulations.

(5) A power conferred by this Part of this Schedule to make regulations includes power to provide for a person to exercise a discretion in dealing with any matter.

(6) If the Department of Finance and Personnel in Northern Ireland so directs, regulations under this Part of this Schedule shall be made only in conjunction with that Department.

1954 c. 33 (N.I.). (7) Regulations under this Part of this Schedule shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were statutory instruments within the meaning of that Act.

S.I. 1990/1511 (N.I. 15). (8) Sub-paragraphs (12) and (13) of paragraph 6 of Schedule 6 to the Social Security (Northern Ireland) Order 1990 shall apply to regulations under this Part of the Schedule as they apply to regulations under the benefit Acts.

Section 6.

SCHEDULE 4

TRANSITORY MODIFICATIONS

PART I

PROVISIONS NOT YET IN FORCE

Introductory

1.—(1) If—

- (a) no date has been appointed as the date on which a provision mentioned in column 1 of the following Table is to come into force before 1st July 1992; or
- (b) a date has been appointed which is later than 1st July 1992,

then the paragraph of this Schedule mentioned in column 2 of the Table opposite that provision shall have effect until the appointed day.

TABLE

<i>Provision</i>	<i>Paragraph of this Schedule</i>
Paragraph 5(1)(b) of Schedule 8 to the Social	Paragraph 3.

<i>Provision</i>	<i>Paragraph of this Schedule</i>	SCH. 4
Security (Northern Ireland) Order 1986.		
The repeal in Schedule 10 to the Social Security (Northern Ireland) Order 1986 of section 129(6) of the Social Security (Northern Ireland) Act 1975.	Paragraph 14.	
The repeal in Schedule 10 to the Social Security (Northern Ireland) Order 1986 of a reference in paragraph 31 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975.	Paragraph 15.	
The repeal in Schedule 10 to the Social Security (Northern Ireland) Order 1986 of the words "Subject to paragraph (5A)," in Article 8(5) of the Social Security Pensions (Northern Ireland) Order 1975.	Paragraph 2.	
Article 28 of the Social Security (Northern Ireland) Order 1989.	Paragraph 11.	
Paragraph 8(8) of Schedule 1 to the Social Security (Northern Ireland) Order 1989.	Paragraphs 9 and 10.	
Article 11 of the Social Security (Northern Ireland) Order 1990.	Paragraph 4.	
Article 19(1) of the Social Security (Northern Ireland) Order 1990.	Paragraph 12.	
Article 19(2) of the Social Security (Northern Ireland) Order 1990.	Paragraph 13.	
Article 19(3) of the Social Security (Northern Ireland) Order 1990.	Paragraph 5.	
Article 19(4) of the Social Security (Northern Ireland) Order 1990.	Paragraph 6.	
Section 17(8) of the Social Security Act 1990.	Paragraph 7.	
Section 17(9) of the Social Security Act 1990.	Paragraph 8.	

(2) If—

- (a) a date has been appointed as the date on which a provision mentioned in column 1 of the Table in sub-paragraph (1) is to come into force for some purposes of that provision but not for others; and
- (b) that date is on or before 1st July 1992,

then the paragraph of this Schedule mentioned in column 2 of the Table opposite that provision shall have effect for those other purposes of that provision (in so far as it is capable of doing so) until the relevant appointed day.

(3) In this paragraph "the appointed day" means—

- (a) in the case mentioned in paragraph (a) of sub-paragraph (1) above, such day as may be appointed by an order under this sub-paragraph; and

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(Northern Ireland) Act 1992*

SCH. 4 (b) in the case mentioned in paragraph (b) of that sub-paragraph, the day appointed as the day on which the provision mentioned in column 1 of the Table is to come into force.

(4) An order under sub-paragraph (3) above—

(a) shall, in relation to paragraphs 7 and 8 of this Schedule, be made by the Secretary of State by statutory instrument and, in relation to any other paragraph of this Schedule, shall be made by the Department of Health and Social Services for Northern Ireland by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 ; and

(b) may appoint different days for different provisions or different purposes of the same provision.

S.I. 1979/1573
(N.I. 12).

The Contributions and Benefits Act

2. At the beginning of subsection (6) of section 44 of the Contributions and Benefits Act there shall be inserted the words "Subject to subsection (7A) below".

3. The following subsection shall be inserted after subsection (7) of that section—

"(7A) The Department may prescribe circumstances in which pensioners' earnings factors for any relevant year may be calculated in such manner as may be prescribed."

4. In section 131 of that Act subsections (3) and (4) shall be omitted.

5. In paragraph 6 of Schedule 1 to that Act sub-paragraphs (2) to (4) shall be omitted.

6. The following sub-paragraph shall be substituted for paragraph 6(8) of that Schedule—

"(8) The Inland Revenue shall, at such times, and in such manner as the Department of Finance and Personnel may direct, account to the Department for, and pay to it, the sums estimated by the Inland Revenue, in such manner as may be so directed, to have been received by them as contributions in accordance with regulations made by virtue of this paragraph."

7. The following sub-paragraph shall be substituted for paragraph 6(1) of Schedule 2 to that Act—

"(1) Section 88(1), (4) and (5)(a) and (b) of the Taxes Management Act 1970 (interest on tax recovered to make good loss due to taxpayer's fault) shall apply in relation to any amount due in respect of Class 4 contributions as it applies in relation to income tax; but section 86 of that Act (interest on amounts overdue) shall not apply."

8. Paragraph 6(2) of that Schedule shall be omitted.

9. The following sub-paragraph shall be inserted after paragraph 11(12) of Schedule 7 to that Act—

"(12A) The reference in sub-paragraph (11) above to a person who has retired from regular employment includes a reference to—

(a) a person who under subsection (3) of section 27 of the 1975 Act was treated for the purposes of that Act as having retired from regular employment; and

- (b) a person who under subsection (5) of that section was deemed for those purposes to have retired from it.”.

SCH. 4

10. At the end of paragraph 12 of Schedule 7 to that Act there shall be inserted—

“(7) The reference in sub-paragraph (1) above to a person who has retired from regular employment includes a reference to—

- (a) a person who under subsection (3) of section 27 of the 1975 Act was treated for the purposes of that Act as having retired from regular employment; and
(b) a person who under subsection (5) of that section was deemed for those purposes to have retired from it.”.

The Administration Act

11. Section 99 of the Administration Act shall be omitted.

12. In section 142 of that Act subsection (4) shall be omitted.

13. In section 143 of that Act subsection (5) shall be omitted.

14. The following subsection shall be inserted at the end of section 144 of that Act—

“(7) Any sums repaid to the Department in pursuance of section 119(1) of the 1975 Act (which related to the effect of adjudication and was repealed subject to a saving in relation to certain reviews and appeals) shall—

- (a) be paid by it into the Consolidated Fund in so far as they represent benefit which under section 143 above is payable out of money appropriated for the purpose and not out of the National Insurance Fund; and
(b) otherwise, be paid by it into that Fund.”.

This Act

15. In Schedule 3 to this Act—

- (a) in the heading before paragraph 18 for the words “provision derived from” there shall be substituted the words “provisions derived from paragraph 18 of Schedule 3 to former Consequential Provisions Act, and”; and
(b) the following paragraph shall be inserted after that heading—

“17A. In determining a woman’s right—

- (a) to a pension or allowance in respect of a deceased person under section 67, 68, 71, 72 or 73 of the 1975 Act; or
(b) to a pension in respect of a deceased person under paragraph 15 or 16 of Schedule 7 to the Contributions and Benefits Act,

for any period after 25th February 1962, or her right on her re-marriage after that date to a gratuity under section 67 of the 1975 Act, her cohabitation with a man at any time after the deceased’s death but before that date shall be disregarded; but a right to benefit arising by virtue of this paragraph shall not, under Schedule 9 to that Act or Schedule 7 to the Contributions and Benefits Act, affect the right of any other persons to benefit awarded before that date.”.

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(Northern Ireland) Act 1992*

SCH. 4

PART II

TRANSITION FROM MOBILITY ALLOWANCE TO DISABILITY LIVING ALLOWANCE

16. In the application of subsection (2) of section 128 of the Contributions and Benefits Act to claims made or treated as made before the first day in respect of which disability living allowance is payable paragraph (b) of that subsection shall have effect as if the following sub-paragraph were substituted for sub-paragraph (ii)—

“(ii) a mobility allowance under section 37A of the 1975 Act;”.

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