
STATUTORY INSTRUMENTS

1988 No. 594 (N.I. 2)

The Social Security (Northern Ireland) Order 1988

- - - - - 23rd March 1988

Introductory

Title, citation and commencement

1.—(1) This Order may be cited as the Social Security (Northern Ireland) Order 1988.

(2) Articles 3 to 12 (including Schedules 1 to 3), and this Article, Article 2 and Articles 15 to 17 (including Schedules 4 and 5) so far as they have effect for the purposes of Articles 3 to 12, may be cited together with the Social Security (Northern Ireland) Acts 1975 to 1986 and the Social Fund (Maternity and Funeral Expenses) (Northern Ireland) Order 1987^{F1} as the Social Security (Northern Ireland) Acts 1975 to 1988.

(3) Subject to paragraph (4), this Order shall come into operation on such day or days as the Head of the Department may by order appoint^{F2}.

(4) The following provisions of this Order shall come into operation on 1st April 1988—
this Article and Article 2;

^{F3}
...

Article 16(2), so far as it relates to—

- (a) sections 45, 45A, 46, 47B and 66 of the principal Act;
 - (b) Schedule 1 to the Social Security (Northern Ireland) Order 1980^{F4}; and
 - (c) Article 15(4)(a) of the Social Security (Northern Ireland) Order 1985^{F5};
- Article 17.

F1	1987 NI 8
F2	partly exercised by SR 1988/126, 254, 380
F3	1992 c. 9
F4	1980 NI 8
F5	1985 NI 16

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F6} shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

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“the Department” means the Department of Health and Social Services;
 “the 1986 Order” means the Social Security (Northern Ireland) Order 1986^{F7};
 “the Pensions Order” means the Social Security Pensions (Northern Ireland) Order 1975^{F8};
 “the principal Act” means the Social Security (Northern Ireland) Act 1975^{F9};
 “statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954^{F10}.

F6	1954 c. 33 (NI)
F7	1986 NI 18
F8	1975 NI 15
F9	1975 c. 15
F10	1954 c. 33 (NI)

Arts. 3#9 rep. by 1992 c. 9

Art. 10 rep. by 1993 c. 49

Arts. 11, 12 rep. by 1992 c. 9

Welfare foods

^{F11}Schemes for distribution, etc., of welfare foods

13.—(1) In this Article “welfare food” means liquid cows' milk, dried milks, vitamin tablets and vitamin drops.

(2) The Department may by order add any food to or remove any food from the foods referred to in paragraph (1).

(3) The Department may by regulations make a scheme, or a number of schemes—

- (a) for the provision of welfare food; and
- (b) for the making of payments to such persons as may be determined by or under the scheme who are entitled to receive a welfare food but who—
 - (i) do not receive it;
 - (ii) do not receive the amount to which they are so entitled.

(4) Any such regulations—

- (a) may provide for the distribution or disposal, by or on behalf of the Department, of any welfare food, and the use or consumption of any such food;
- (b) may control any prices to be charged for any welfare food provided under the scheme;
- (c) may provide for an amount to be reimbursed by the Department to a supplier of any welfare food under the scheme;
- (d) may provide for requiring such information or evidence as may be reasonably needed in connection with the administration of the scheme to be furnished by such persons as may be specified to an officer of the Department duly authorised in that behalf, on production by the officer (if required to do so) of his authority; and
- (e) may direct that specified provisions relating to the administration of benefit under the^{F12} Social Security Administration (Northern Ireland) Act 1992^{F12} (including provisions relating to offences and criminal proceedings) shall have effect for the purpose of the administration of the scheme, subject to any modifications specified in the regulations,

and in sub#paragraph (e) “modifications” includes additions, omissions and amendments.

(5) The power conferred by paragraph (4) to make regulations requiring a person to produce information or evidence shall include power to make regulations providing that—

- (a) if documents specified by an officer are produced—
 - (i) he may take copies of them or extracts from them; and
 - (ii) he may require that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them; and
- (b) if documents so specified are not produced, he may require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.

Para. (6) rep. by 1990 NI 15

(7) [F12Section 166(1) of the Social Security Administration (Northern Ireland) Act 1992]F12 (confirmatory procedure) shall apply to orders under this ArticleF13

(8) The Welfare Foods Act (Northern Ireland) 1968F14 shall cease to have effect.

F11 prosp. subst. by 2003 NI 19

F12 1992 c. 9

F13 1990 NI 15

F14 1968 c. 26 (NI)

Health service

Payment of travelling expenses, etc., and remission of charges

14.—(1) In Article 45 of the Health and Personal Social Services (Northern Ireland) Order 1972F15 (travelling expenses of patients, etc.)—

- (a) in paragraph (a) (person availing himself of prescribed services), after the words “any person” there shall be inserted the words “ of a prescribed description ”; and
- (b) in paragraph (c) (visiting relative), after the words “any relative” there shall be inserted the words “ being a person of a prescribed description, ”; and
- (c) at the end of paragraph (c) there shall be added the following paragraph—

“(2) Paragraph 1B of Schedule 15 (powers to prescribe descriptions of persons) shall have effect in relation to paragraph (1) as it has effect in relation to paragraph 1(b) of that Schedule.”.

(2) In Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972F16 (charges in respect of certain services, and other related matters)—

- (a) in paragraph 1(b) (remission or repayment of charges) for the words from “any such prescribed charge” to “classes of persons” there shall be substituted the words “ such charges in respect of persons of such descriptions ”;
- (b) after paragraph 1A there shall be inserted the following paragraph—

“1B.—(1) Descriptions of persons may be prescribed for the purposes of paragraph 1(b) by reference to any criterion and, without prejudice to the generality of this sub#paragraph, by reference to any of the following criteria—

- (a) their age;

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- (b) the fact that a prescribed person or a prescribed body accepts them as suffering from a prescribed medical condition;
 - (c) the fact that a prescribed person or a prescribed body accepts that a prescribed medical condition from which they suffer arose in prescribed circumstances;
 - (d) their receipt of benefit in money or in kind under any transferred provision or their entitlement to receive any such benefit;
 - (e) the receipt of any such benefit by other persons satisfying prescribed conditions or the entitlement of other persons satisfying prescribed conditions to receive such benefits; and
 - (f) the relationship, as calculated in accordance with the regulations by a prescribed person, between their resources and their requirements.
- (2) Regulations under this paragraph may direct how a person's resources and requirements are to be calculated and, without prejudice to the generality of this sub# paragraph, may direct that they shall be calculated—
- (a) by a method set out in the regulations; or
 - (b) by a method described by reference to a method of calculating or estimating income or capital specified in a transferred provision other than this paragraph or by reference to such a method but subject to prescribed modifications; or
 - (c) by reference to an amount applicable for the purposes of a payment under a transferred provision; or
 - (d) by reference to the person's being or having been entitled to payment under a transferred provision.
- (3) Regulations under this paragraph which refer to a transferred provision may direct that the reference is to be construed as a reference to that provision—
- (a) as it has effect at the time when the regulations are made; or
 - (b) both as it has effect at that time and as amended subsequently.”.

F15 1972 NI 14

F16 1972 NI 14

General and supplementary

Financial provision

15. There shall be paid out of the Northern Ireland National Insurance Fund into the Consolidated Fund, at such times and in such manner as the Department of Finance and Personnel may direct, such sums as the Department may estimate (in accordance with any directions given by the Department of Finance and Personnel) to be the amount of the administrative expenses incurred by the Department under^[F17] Article 10^[F17], excluding any category of expenses which the Department of Finance and Personnel may direct, or any statutory provision may require, to be excluded from the Department's estimate under this Article.

F17 1992 c. 9

[^{F18}Regulations and orders, etc.

15A.—(1) [^{F19}Section 171(2) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992]^{F19} (regulations and orders: general provisions) shall apply in relation to any power conferred by any provision of this Order to make orders or regulations under this Order as they apply in relation to any power conferred by that Act to make orders or regulations, but as if for references to that Act there were substituted references to this Order.

(2) Regulations and orders made under this Order, other than^{F20} ... orders under Article 1(3)^{F21F22} and 13^{F21}, shall be subject to negative resolution.

(3) In this Order—

“prescribe” means prescribe by regulations; and

“regulations” means regulations made under this Order by the Department.^{F18}]

F18	1990 NI 15
F19	1992 c. 9
F20	1992 c. 9
F21	1992 c. 9
F22	prosp. subst. by 2003 NI 19

Minor and consequential amendments and repeals

Para. (1) rep. by 1992 c. 9

Para. (2)—Repeals

Transitional and consequential provisions and savings

17.—(1) The Department may by regulations^{F23} ... make—

- (a) such transitional provision;
- (b) such consequential provision; or
- (c) such savings,

as the Department considers necessary or expedient in preparation for or in connection with the coming into operation of any provision of this Order or the operation of any statutory provision which is repealed or amended by a provision of this Order during any period when the repeal or amendment is not wholly in operation.

(2) Regulations under paragraph (1) may make modifications of any statutory provision (including this Order); and in this paragraph “modifications” includes additions, omissions and amendments.

Para. (3) rep. by 1990 NI 15

F23	1990 NI 15
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Schedule 1 rep. by 1992 c. 9

Schedule 2 rep. by 1992 c. 9; 1993 c. 49

Schedules 3, 4 rep. by 1992 c. 9

Schedule 5—Repeals

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Changes to legislation:

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