Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

An Act to consolidate for Northern Ireland certain enactments relating to the administration of social security and related matters, 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:—

Extent Information

E1 This Act extends to Northern Ireland only except as provided by s. 168(6).

Modifications etc. (not altering text)

C1 Power to amend conferred (1.7.1992) by Social Security Administration Act 1992 (c. 5), **ss. 177(1)(5)**, 189(11), 192(4)

C2 Act excluded (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), ss. 55, 173(4), **Sch. 5 para. 2(4)(b)** (with s. 108(5))
Act excluded (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), ss. 55, 173(4), **Sch. 5 para. 7(2)(b)** (with s. 108(5))
Act modified (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), **ss. 95(4)(5)(c)**, 173(4) (with s. 108(5))

C3 Act amended (1.7.1992) by Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9), **ss. 2(3)**, 7(2)
Act explained (1.7.1992) by Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9), ss. 5, 7(2), **Sch. 3 para. 1(2)**
Power to amend or repeal conferred (1.7.1992) by Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9), ss. 5, 7(2), **Sch. 3 para. 7(1)**
Power to amend conferred (1.7.1992) by Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9), ss. 5, 7(2), Sch. 3 paras. 12(c), **13**

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Power to amend conferred (1.7.1992) by Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9), ss. 5, 7(2), **Sch. 3 para.14**
Power to amend conferred (1.7.1992) by Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9), ss. 5, 7(2), **Sch. 3 para. 21(3)(4)(d)**
power to modify Act conferred (16.11.1995) by S.I. 1995/2702 (N.I. 13), **art. 17(4)**; S.R. 1995/428, **art. 2**
power to amend Act conferred (2.12.1999) by 1998 c. 47, **s. 87**; S.I. 1999/3209, **art. 2**
Act applied (with modifications) (7.2.1994) by 1993 c. 49, **s. 163(1)**; S.R. 1994/17, **art. 2**
Act applied (24.9.1996) by S.I. 1996/1919 (N.I. 16), **art. 11(5)**

C4 Act modified (27.7.1992) by S.R. 1992/328, **art. 2**
C5 Act modified (31.12.1992) by S.R. 1992/560, **art. 2**
C6 Act modified (31.12.1992) by S.R. 1992/561, **art. 2**
C7 Act modified (31.12.1992) by S.R. 1992/562, **art. 2**
C8 Act modified (31.12.1992) by S.R. 1992/563, **art. 2**
C9 Act modified (31.12.1992) by S.R. 1992/564, **art. 2**
Act modified (4.7.1994) by S.R. 1994/262, art. 2, **Sch.**
Act modified (2.11.1994) by S.R. 1994/427, art. 2, **Sch.**
Act modified (13.4.1995) by S.R. 1995/110, art. 2, **Schs. 1-3**
Act modified (13.4.1995) by S.I. 1995/150, **art. 24**
Act modified (1.12.1995) by S.R. 1995/405, art. 2, **Schs. 1-3** (as amended (15.7.2015) by S.R. 2015/281, regs. 1(1), **3(2)**)
Act modified (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 123, **Sch. 2 Pt. I para. 1**; S.R. 1997/192, **art. 2** (with transitional provisions in arts. 3-13)
Act modified (9.9.1998) by S.I. 1998/1506 (N.I. 10), **art. 4(1)(2)(c)**; S.R. 1998/312, art. 2, **Sch. Pt. I**
Act: power to modify (temp.) conferred (24.3.1999) by S.I. 1999/671, arts. 1(2)(c), 14(1)(2)(b), **Sch. 6**
Act amended (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 9; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22 and subject to art. 2(2) of that S.R.)
Act modified (1.9.1999) by S.R. 1999/349, reg. 2(2), **Sch.**
Act modified (1.9.1999) by S.R. 1999/350 reg. 2(2), Sch.
Act (except Pt. XII): certain functions transferred (5.10.1999) by 1999 c. 10, ss. 2, 20, **Sch. 2 para. 7(d)**
Act modified (5.10.1999) by 1999 c. 10, ss. 2, 20, **Sch. 2 para. 31**
Act: power to modify conferred (5.10.1999) by 1999 c. 10, ss. 2, 20, **Sch. 2 para. 35**
Act: functions transferred from the Department of Health and Social Services to the Department for Social Development (1.12.1999) by S.R. 1999/481, art. 8(b), **Sch. 6 Pt. II**
Act excluded (1.12.1999 for certain purposes, otherwise 1.12.2000) by 1992 c. 7, **s. 55C(6)** (as inserted by S.I. 1999/3147 (N.I. 11), art. 47(1)(2), **Sch. 6 para. 3**; S.R. 2000/133, art. 2(3), **Sch. Pt. IV**)
Act modified (1.8.2000) by S.R. 2000/246, art. 2, **Sch.**
Act modified (1.12.2000) by S.R. 2000/377, art. 2, **Sch.**

C10 Act: (except Pt. 12) transfer of functions (1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), **ss. 50(2)(d)**, 61 (with s. 54(2)(3)(5)(7)(9)); S.I. 2003/392, art. 2 (subject to savings in art. 3)
C11 Act modified (5.12.2005) by The Social Security (Reciprocal Agreements) Order (Northern Ireland) 2005 (S.R. 2005/544), art. 2, **Sch. 1, 2**
C12 Act modified (1.3.2007) by The Social Security Investigation Powers (Arrangements with Great Britain) Regulations (Northern Ireland) 2007 (S.R. 2007/67), reg. 3, Sch. 1, **Sch. 2**
C13 Act modified (1.6.2007) by The Social Security (Netherlands) Order (Northern Ireland) 2007 (S.R. 2007/295), **art. 2**

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C14 Act modified (1.10.2007) by The Social Security (Ireland) Order (Northern Ireland) 2007 (S.R. 2007/438), art. 2, Sch. 1, **Sch. 2**

C15 Act: transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 17 para. 12** (with arts. 28-31)

C16 Act applied in part (with modifications) (1.10.2010) by The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010 (S.R. 2010/312), regs. 1, 16, **Sch. 2** (with reg. 3)

C17 Act modified (1.6.2015) by The Social Security (Contributions) (Republic of Chile) Order (Northern Ireland) 2015 (S.R. 2015/179), **art. 2**

C18 Act modified (6.4.2016) by The Social Security (Reciprocal Agreements) Order (Northern Ireland) 2016 (S.R. 2016/188), arts. 1, 2, **Sch. 1 Sch. 2**

C19 Act modified (6.4.2016) by The Social Security (Reciprocal Agreement) (Isle of Man) Order (Northern Ireland) 2016 (S.R. 2016/189), arts. 1, 2, **Sch.**

C20 Act modified (6.4.2017) by The Social Security (Reciprocal Agreements) Order (Northern Ireland) 2017 (S.R. 2017/73), arts. 1, **2**

C21 Act modified (24.7.2020) by The Universal Credit (Northern Ireland Reciprocal Arrangements) Regulations 2020 (S.I. 2020/677), regs. 1, 2, **Sch.**

C22 Act modified (coming into force in accordance with art. 1 of the amending S.R.) by The Social Security (Ireland) Order (Northern Ireland) 2019 (S.R. 2019/77), **art. 2**; 2020 c. 1, **Sch. 5 para. 1(1)**

C23 Act modified (coming into force in accordance with art. 1 of the amending S.R.) by The Social Security (Switzerland) (Citizens' Rights Agreement) Order (Northern Ireland) 2019 (revoked) 2019 (S.R. 2019/212), **art. 2(2)(a)**; 2020 c. 1, **Sch. 5 para. 1(1)**

C24 Act modified (1.1.2021) by The Social Security (Norway) Order (Northern Ireland) 2020 (S.R. 2020/357), arts. 1(2), 2, **Sch.**

C25 Act modified (9.9.2021) by The Social Security (Switzerland) Order (Northern Ireland) 2021 (S.R. 2021/277), arts. 1(2), 2(2)(a), **Sch.**

Commencement Information

I1 Act wholly in force at 1.7.1992 see s. 168(4)

PART I

CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

Necessity of claim

1 Entitlement to benefit dependent on claim.

(1) Except in such cases as may be prescribed, and subject to the following provisions of this section and to section 3 below, no person shall be entitled to any benefit unless, in addition to any other conditions relating to that benefit being satisfied—

(a) he makes a claim for it in the manner, and within the time, prescribed in relation to that benefit by regulations under this Part of this Act; or

(b) he is treated by virtue of such regulations as making a claim for it.

[F1(1A) No person whose entitlement to any benefit depends on his making a claim shall be entitled to the benefit unless subsection (1B) below is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming benefit.

(1B) This subsection is satisfied in relation to a person if—

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(a) the claim is accompanied by—

(i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or

(ii) information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or

(b) the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated.

(1C) Regulations may make provision disapplying subsection (1A) above in the case of—

(a) prescribed benefits;

(b) prescribed descriptions of persons making claims; or

(c) prescribed descriptions of persons in respect of whom benefit is claimed,

or in other prescribed circumstances.**]**

[F2(2) Where under subsection (1) a person is required to make a claim or to be treated as making a claim for a benefit in order to be entitled to it, the person is not entitled to it in respect of any period more than 12 months before the date on which the claim is made or treated as made.

(2A) But subsection (2) does not apply—

(a) to disablement benefit or reduced earnings allowance, or

(b) in a case where a claim for the benefit is made or treated as made by virtue of section 3(2).**]**

(3) Where a person purports to make a claim on behalf of another—

[F3(za) for personal independence payment by virtue of Article 87 of the Welfare Reform (Northern Ireland) Order 2015; or**]**

(a) for an attendance allowance by virtue of section 66(1) of the Contributions and Benefits Act;F4...

F4(b) . . . . . .

that other shall be regarded for the purposes of this section as making the claim, notwithstanding that it is made without his knowledge or authority.

(4) In this section and section 2 below "benefit" means—

[F5(za) universal credit;**]**

[F6(zb) state pension or a lump sum under Part 1 of the Pensions Act (Northern Ireland) 2015;**]**

[F7(zc) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;**]**

(a) benefit as defined in section 121 of the Contributions and Benefits Act;

[F8(aa) a jobseeker's allowance;**]**and

[F9(ab) state pension credit;**]**

[F10(ac) an employment and support allowance;**]**

[F11(ad) personal independence payment.**]**

(b) any income-related benefit.

(5) This section (which corresponds to section 154A of the 1975 Act, as it had effect immediately before this Act came into force) applies to claims made on or after 1st

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October 1990 or treated by virtue of regulations under that section or this section as having been made on or after that date.

(6) Schedule 1 to this Act shall have effect in relation to other claims.

Textual Amendments

F1 S. 1(1A)-(1C) inserted (7.11.1997 for certain purposes and otherwise 1.12.1997) by S.I. 1997/1182 (N.I. 11), **art. 18**; S.R. 1997/480, **art. 2**

F2 S. 1(2)(2A) substituted for s. 1(2) (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 21(2)**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

F3 S. 1(3)(za) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 7(2)(a)**; S.R. 2016/215, art. 3(2)

F4 S. 1(3)(b) and preceding word repealed (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 7(2)(b)**; S.R. 2016/215, art. 3(2)

F5 S. 1(4)(za) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 4**; S.R. 2016/215, art. 2(2)(aa)(c)(v)

F6 S. 1(4)(zb) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 9**

F7 S. 1(4)(zc) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 21(3)**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

F8 S. 1(4)(aa) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 21**; S.R. 1996/180, **art. 2(a)**

F9 S. 1(4)(ab) inserted (2.12.2002 for specified purposes, 7.4.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 11, 21(2), **Sch. 1 Pt. 1 para. 2**; S.R. 2002/366, **art. 2**; S.R. 2003/211, art. 2(a)

F10 S. 1(4)(ac) inserted (1.7.2008 for specified purposes, 27.7.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(2)**; S.R. 2008/276, art. 2(2)(a)(i)(ii)

F11 S. 1(4)(ad) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 7(3)**; S.R. 2016/215, art. 2(5)(h)(i)

Modifications etc. (not altering text)

C26 S. 1 applied (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), **ss. 121(1)**, 173(4) (with s. 108(5))

C27 S. 1(1A) excluded (20.11.2006) by The Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006/405), regs. 1(1), **4**

C28 S. 1(1A) excluded (20.11.2006) by The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (S.R. 2006/406), regs. 1(1), **4**

C29 S. 1(1A) excluded by SR 1987/170 reg. 1A (as substituted (6.4.2009) by The Social Security (National Insurance Number Information: Exemption) Regulations (Northern Ireland) 2009 (S.R. 2009/90), regs. 1(1), **4**)

C30 S. 1(1A) excluded by SR 2008/280 reg. 2A (as inserted (6.4.2009) by The Social Security (National Insurance Number Information: Exemption) Regulations (Northern Ireland) 2009 (S.R. 2009/90), regs. 1(1), **11**)

C31 S. 1(1A) excluded by SR 2003/28 reg. 1A (as inserted (6.4.2009) by The Social Security (National Insurance Number Information: Exemption) Regulations (Northern Ireland) 2009 (S.R. 2009/90), regs. 1(1), **8**)

C32 S. 1(1A) excluded (coming into force in accordance with reg. 1(3) of the amending Rule) by The Universal Credit, Personal Independence Payment, Jobseekers Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016 (S.R. 2016/220), regs. 1(3), **5**

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C33 S. 1(2) excluded (9.2.2023) by The Bereavement Benefits (Remedial) Order 2023 (S.I. 2023/134), arts. 1(2), **3(8)** (with art. 2)

2 Retrospective effect of provisions making entitlement to benefit dependent on claim.

(1) This section applies where a claim for benefit is made or treated as made at any time on or after 2nd September 1985 (the date on which section 154A of the 1975 Act (general provision as to necessity of claim for entitlement to benefit), as originally enacted, came into force) in respect of a period the whole or any part of which falls on or after that date.

(2) Where this section applies, any question arising as to—

(a) whether the claimant is or was at any time (whether before, on or after 2nd September 1985) entitled to the benefit in question, or to any other benefit on which his entitlement to that benefit depends; or

(b) in a case where the claimant's entitlement to the benefit depends on the entitlement of another person to a benefit, whether that other person is or was so entitled,

shall be determined as if the relevant claim enactment and any regulations made under or referred to in that enactment had also been in force, with any necessary modifications, at all times relevant for the purpose of determining the entitlement of the claimant, and, where applicable, of the other person, to the benefit or benefits in question (including the entitlement of any person to any benefit on which that entitlement depends, and so on).

(3) In this section "the relevant claim enactment" means section 1 above as it has effect in relation to the claim referred to in subsection (1) above.

(4) In any case where—

(a) a claim for benefit was made or treated as made (whether before, on or after 2nd September 1985, and whether by the same claimant as the claim referred to in subsection (1) above or not), and benefit was awarded on that claim, in respect of a period falling wholly or partly before that date; but

(b) that award would not have been made had the current requirements applied in relation to claims for benefit, whenever made, in respect of periods before that date; and

(c) entitlement to the benefit claimed as mentioned in subsection (1) above depends on whether the claimant or some other person was previously entitled or treated as entitled to that or some other benefit,

then, in determining whether the conditions of entitlement to the benefit so claimed are satisfied, the person to whom benefit was awarded as mentioned in paragraphs (a) and (b) above shall be taken to have been entitled to the benefit so awarded, notwithstanding anything in subsection (2) above.

(5) In subsection (4) above "the current requirements" means—

(a) the relevant claim enactment, and any regulations made under or referred to in that enactment, or referred to in it, as in force at the time of the claim referred to in subsection (1) above, with any necessary modifications; and

(b) subsection (1) (with the omission of the words following "at any time") and subsections (2) and (3) above.

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Modifications etc. (not altering text)

C34 S. 2 applied (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), **ss. 121(1)(c)**, 173(4) (with s. 108(5))

[F12Work-focused interviews][F13and work-related activity]

Textual Amendments

F12 Ss. 2A, 2B and preceding cross-heading inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), **arts. 1(4)**, 54

F13 Words in s. 2A cross-heading inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 2(3)**, 36(1)(a)

[F142A Claim or full entitlement to certain benefits conditional on work-focused interview.

(1) Regulations may make provision for or in connection with—

(a) imposing, as a condition falling to be satisfied by a person who—

(i) makes a claim for a benefit to which this section applies, and

[F15(ii) has not attained pensionable age at the time of making the claim (but see subsection (1A)),]

a requirement to take part in [F16one or more work-focused interviews] ;

(b) imposing, at a time when—

(i) a person [F17has not attained pensionable age and is] entitled to such a benefit, and

(ii) any prescribed circumstances exist,

a requirement to take part in [F18one or more work-focused interviews] as a condition of that person continuing to be entitled to the full amount which is payable to him in respect of the benefit apart from the regulations.

F19[For the purposes of subsection (1) a man born before [F206 December 1953] is treated (1A) as attaining pensionable age when a woman born on the same day as the man would attain pensionable age.]

(2) The benefits to which this section applies are—

(a) income support;

(b) housing benefit;

(c) widow's and bereavement benefits falling within section 20(1)(e) and (ea) of the Contributions and Benefits Act[F21]...;

(d) incapacity benefit;

(e) severe disablement allowance; and

(f) [F22carer's allowance].

F23[No requirement may be imposed by virtue of this section on a person who—

(2A) (a) is not a member of a couple, and

(b) is responsible for, and a member of the same household as, a child under the age of one.

(2B) For the purposes of subsection (2A)(b) regulations may make provision—

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(a) as to circumstances in which one person is to be treated as responsible or not responsible for another;

(b) as to circumstances in which persons are to be treated as being or not being members of the same household.**]**

(3) Regulations under this section may, in particular, make provision—

(a) for securing, where a person would otherwise be required to take part in interviews relating to two or more benefits—

(i) that he is only required to take part in one interview, and

(ii) that any such interview is capable of counting for the purposes of all those benefits;

(b) for determining the persons by whom interviews are to be conducted;

(c) conferring power on such persons or the designated authority to determine when and where interviews are to take place (including power in prescribed circumstances to determine that they are to take place in the homes of those being interviewed);

(d) prescribing the circumstances in which persons attending interviews are to be regarded as having or not having taken part in them;

(e) for securing that the appropriate consequences mentioned in subsection (4)(a) or (b) below ensue if a person who has been notified that he is required to take part in an interview—

(i) fails to take part in the interview, and

(ii) does not show, within the prescribed period, that he had good cause for that failure;

(f) prescribing—

(i) matters which are or are not to be taken into account in determining whether a person does or does not have good cause for any failure to comply with the regulations, or

(ii) circumstances in which a person is or is not to be regarded as having or not having good cause for any such failure.

(4) For the purposes of subsection (3)(e) above the appropriate consequences of a failure falling within that provision are—

(a) where the requirement to take part in an interview applied by virtue of subsection (1)(a) above, that as regards any relevant benefit either—

(i) the person in question is to be regarded as not having made a claim for the benefit, or

(ii) if (in the case of an interview postponed in accordance with subsection (7) below) that person has already been awarded the benefit, his entitlement to the benefit is to terminate immediately;

(b) where the requirement to take part in an interview applied by virtue of subsection (1)(b) above, that the amount payable to the person in question in respect of any relevant benefit is to be reduced by the specified amount until the specified time.

(5) Regulations under this section may, in relation to any such reduction, provide—

(a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;

(b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;

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(c) where the person in question is entitled to two or more relevant benefits, for determining the extent, and the order, in which those benefits are to be reduced in order to give effect to the reduction required in his case.

(6) Regulations under this section may provide that any requirement to take part in an interview that would otherwise apply to a person by virtue of such regulations—

(a) is, in any prescribed circumstances, either not to apply or not to apply until such time as is specified;

(b) is not to apply if the designated authority determines that an interview—

(i) would not be of assistance to that person, or

(ii) would not be appropriate in the circumstances;

(c) is not to apply until such time as the designated authority determines, if that authority determines that an interview—

(i) would not be of assistance to that person, or

(ii) would not be appropriate in the circumstances,

until that time;

and the regulations may make provision for treating a person in relation to whom any such requirement does not apply, or does not apply until a particular time, as having complied with that requirement to such extent and for such purposes as are specified.

(7) Where—

(a) a person is required to take part in an interview by virtue of subsection (1)(a) above, and

(b) the interview is postponed by or under regulations made in pursuance of subsection (6)(a) or (c) above,

the time to which it is so postponed may be a time falling after an award of the relevant benefit to that person.

[Information supplied in pursuance of regulations under this section shall be taken for [F24](7A) all purposes to be information relating to social security.**]**

(8) In this section—

[[F25]"couple" has the meaning given by section 133(1) of the Contributions and Benefits Act;**]**

"the designated authority" means such of the following as may be specified—

(a) a Northern Ireland department;

(b) a person providing services to a Northern Ireland department;

(c) any other body established by or under a statutory provision;

(d) a person providing services to, or authorised to exercise any function of, any such body;

"interview" (in subsections (3) to (7) above) means a work-focused interview;

"relevant benefit", in relation to any person required to take part in a work-focused interview, means any benefit in respect to which that requirement applied by virtue of subsection (1)(a) or (b) above;

"specified" means prescribed by or determined in accordance with regulations;

"work-focused interview", in relation to a person, means an interview conducted for such purposes connected with employment or training in the case of that person as may be specified;

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

and the purposes which may be so specified include purposes connected with a person's existing or future employment or training prospects or needs, and (in particular) assisting or encouraging a person to enhance his employment prospects.**]**

Textual Amendments

F14 Ss. 2A, 2B and preceding cross-heading inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), **arts. 1(4)**, 54

F15 S. 2A(1)(a)(ii) substituted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 29(2)(a)**, 36(1)(l)

F16 Words in s. 2A(1)(a) substituted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 29(4)**, 36(1)(l)

F17 Words in s. 2A(1)(b)(i) substituted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 29(2)(b)**, 36(1)(l)

F18 Words in s. 2A(1)(b) substituted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 29(4)**, 36(1)(l)

F19 S. 2A(1A) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 29(2)(c)**, 36(1)(l)

F20 Words in s. 2A(1A) substituted (2.6.2012) by Pensions Act (Northern Ireland) 2012 (c. 3), s. 34(2), **Sch. 1 para. 1**

F21 Words in s. 2A(2)(c) omitted (6.4.2017) by virtue of Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 22**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

F22 Words in s. 2A(2)(f) substituted (21.10.2002 for certain purposes, otherwise 1.4.2003) by The Deregulation (Carer's Allowance) Order (Northern Ireland) 2002 (S.R. 2002/321), **art. 2(2)(b)(i)**

F23 S. 2A(2A)(2B) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 3(2)(a)**, 36(1)(b)

F24 S. 2A(7A) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 28(1)**, 36(1)(k)

F25 Words in s. 2A(8) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 3(2)(b)**, 36(1)(b)

[F26 2AA Full entitlement to certain benefits conditional on work-focused interview for partner

(1) Regulations may make provision for or in connection with imposing, at a time when—

(a) a person ("the claimant") who—

[F27(i) has not attained pensionable age (but see subsection (1A)), and**]**

[F27(ii) has a partner who has also not attained pensionable age,**]**

is entitled to a benefit to which this section applies at a higher rate referable to his partner; and

(b) prescribed circumstances exist,

a requirement for the partner to take part in **[**F28one or more work-focused interviews**]** as a condition of the benefit continuing to be payable to the claimant at that rate.

[F29(1A) For the purposes of subsection (1) a man born before **[**F30 6 December 1953**]** is treated as attaining pensionable age when a woman born on the same day as the man would attain pensionable age.**]**

(2) The benefits to which this section applies are—

(a) income support;

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(b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance;

(c) incapacity benefit;

(d) severe disablement allowance; and

(e) **[**[F31]carer's allowance**][**[F32]; and

(f) an employment and support allowance.**]**

(3) For the purposes of this section a benefit is payable to a person at a higher rate referable to his partner if the amount that is payable in his case—

(a) is more than it would be if the person concerned was not a member of a couple; or

(b) includes an increase of benefit for his partner as an adult dependant of his.

(4) Regulations under this section may, in particular, make provision—

(a) for securing, where the partner of the claimant would otherwise be required to take part in work-focused interviews relating to two or more benefits—

(i) that the partner is required instead to take part in only one such interview, and

(ii) that the interview is capable of counting for the purposes of all those benefits;

(b) in a case where the claimant has more than one partner, for determining which of those partners is required to take part in the work-focused interview or requiring each ofthem to take part in such an interview;

(c) for determining the persons by whom work-focused interviews are to be conducted;

(d) conferring power on such persons or the designated authority to determine when and where work-focused interviews are to take place (including power in prescribedcircumstances to determine that they are to take place in the homes of those being interviewed);

(e) prescribing the circumstances in which partners attending work-focused interviews are to be regarded as having or not having taken part in them;

(f) for securing that if—

(i) a partner who has been notified of a requirement to take part in a work-focused interview fails to take part in it, and

(ii) it is not shown (by him or by the claimant), within the prescribed period, that he had good cause for that failure,

the amount payable to the claimant in respect of the benefit in relation to which the requirement applied is to be reduced by the specified amount until the specifiedtime;

(g) prescribing—

(i) matters which are or are not to be taken into account in determining whether a partner does or does not have good cause for any failure to comply with the regulations,or

(ii) circumstances in which a partner is or is not to be regarded as having or not having good cause for any such failure.

(5) Regulations under this section may, in relation to a reduction under subsection (4)(f) above, provide—

(a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;

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(b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;

(c) where the claimant is entitled to two or more benefits in relation to each of which a requirement to take part in a work-focused interview applied, for determining theextent to, and the order in, which those benefits are to be reduced in order to give effect to the reduction required in his case.

(6) Regulations under this section may provide that any requirement to take part in a work-focused interview that would otherwise apply to a partner by virtue of suchregulations—

(a) is, in any prescribed circumstances, either not to apply or not to apply until the specified time;

(b) is not to apply if the designated authority determines that such an interview would not be of assistance to him or appropriate in the circumstances;

(c) is not to apply until such time as the designated authority determines (if that authority determines that such an interview would not be of assistance to him orappropriate in the circumstances until that time),

and the regulations may make provision for treating a partner to whom any such requirement does not apply, or does not apply until a particular time, as having complied withthat requirement to such extent and for such purposes as are specified.

[F33(6A) Information supplied in pursuance of regulations under this section shall be taken for all purposes to be information relating to social security.**]**

(7) In this section—

[F34"couple" has the meaning given by section 133(1) of the Contributions and Benefits Act;**]**

"designated authority" means such of the following as may be specified—

(a) a Northern Ireland department;

(b) a person providing services to a Northern Ireland department;

(c) any other body established by or under a statutory provision;

(d) a person providing services to, or authorised to exercise any function of, any such body;

"partner" means a person who is a member of the same couple as the claimant;

"specified" means prescribed by or determined in accordance with regulations;

"work-focused interview" has the same meaning as in section 2A above.**]**

Textual Amendments

F26 S. 2AA inserted (10.9.2003) by Social Security Act (Northern Ireland) 2002 (c. 10), **ss. 5**, 9(1); S.R. 2003/396, art. 2

F27 S. 2AA(1)(a)(i)(ii) substituted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 29(3)(a)**, 36(1)(l)

F28 Words in s. 2AA(1) substituted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 29(4)**, 36(1)(l)

F29 S. 2AA(1A) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 29(3)(b)**, 36(1)(l)

F30 Words in s. 2AA(1A) substituted (2.6.2012) by Pensions Act (Northern Ireland) 2012 (c. 3), s. 34(2), **Sch. 1 para. 2**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F31 Words in s. 2AA(2)(e) substituted (21.10.2002 for certain purposes, otherwise 1.4.2003) by The Deregulation (Carer's Allowance) Order (Northern Ireland) 2002 (S.R. 2002/321), arts. 1(1)(b), **2(2)(b)(ii)**

F32 S. 2AA(2)(f) and word added (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(3)**; S.R. 2008/276, art. 2(2)(c), Sch. Pt. 1

F33 S. 2AA(6A) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 28(2)**, 36(1)(k)

F34 Words in s. 2AA(7) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 107**; S.I. 2005/3255, art. 2(1), Sch.

[F35 2B Supplementary provisions relating to work-focused interviews.

(1) Chapter II of Part II of the Social Security (Northern Ireland) Order 1998 (social security decisions and appeals) shall have effect in relation to relevant decisions **[**F36made under regulations under section 2A or 2AA above**]** subject to and in accordance with subsections (3) to (8) below (and in those subsections "the 1998 Order" means that Order).

(2) For the purposes of this section a "relevant decision" **[**F37, in relation to regulations under section 2A above, is a decision**]** that a person—

(a) has failed to comply with a requirement to take part in an interview which applied to him by virtue of the regulations, or

(b) has not shown, within the prescribed period mentioned in section 2A(3)(e)(ii) above, that he had good cause for such a failure.

[F38(2A) For the purposes of this section a "relevant decision", in relation to regulations under section 2AA above, is a decision that—

(a) the partner of a person entitled to a benefit has failed to comply with a requirement to take part in an interview which applied to the partner by virtue of the regulations, or

(b) it has not been shown, within the prescribed period mentioned in section 2AA(4)(f)(ii) above, that the partner had good cause for such a failure.**]**

(3) Article 9(1)(c) of the 1998 Order (decisions falling to be made under certain statutory provisions are to be made by the Department) shall have effect subject to any provisions of regulations under section 2A **[**F39or 2AA**]** above by virtue of which relevant decisions fall to be made otherwise than by the Department.

(4) For the purposes of each of Articles 10 and 11 of the 1998 Order (revision and supersession of decisions of Department) any relevant decision made otherwise than by the Department shall be treated as if it were such a decision made by the Department (and accordingly may be revised by it under Article 10 or superseded by a decision made by it under Article 11).

(5) Subject to any provisions of regulations under either Article 10 or 11 of the 1998 Order, any relevant decision made, or (by virtue of subsection (4) above) treated as made, by the Department may be—

(a) revised under Article 10 by a person or authority exercising functions under regulations under section 2A **[**F40or 2AA**]** above other than the Department, or

(b) superseded under Article 11 by a decision made by such a person or authority,

as if that person or authority were the Department.

Status: *Point in time view as at 26/09/2023.*
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(6) Regulations shall make provision for conferring (except in any prescribed circumstances) a right of appeal under Article 13 of the 1998 Order (appeal to appeal tribunal) against—

(a) any relevant decision, and

(b) any decision under Article 11 of that Order superseding any such decision,

whether made by the Department or otherwise.

(7) Subsections (4) to (6) above apply whether—

(a) the relevant decision, or

(b) (in the case of subsection (6)(b)) the decision under Article 11 of the 1998 Order,

is as originally made or has been revised (by the Department or otherwise) under Article 10 of that Order; and regulations under subsection (6) above may make provision for treating, for the purposes of Article 13 of that Order, any decision made or revised otherwise than by the Department as if it were a decision made or revised by it.

(8) Article 13 of the 1998 Order shall not apply to any decision falling within subsection (6) above except in accordance with regulations under that subsection.

(9) In the following provisions, namely—

(a) section 3(1) of the Social Security Act 1998 (use of information), and

(b) Article 69(6) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (supply of information),

any reference to information relating to social security includes any information supplied by a person for the purposes of an interview which he is required to take part in by virtue of section 2A **[**[F41]or 2AA**]** above.

(10) In this section "interview" means a work-focused interview within the meaning of section 2A above.**]**

Textual Amendments

F35 Ss. 2A, 2B and preceding cross-heading inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), **arts. 1(4)**, 54

F36 Words in s. 2B(1) inserted (10.9.2003) by Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), **Sch. 1 para. 6(a)**; S.R. 2003/396, art. 2

F37 Words in s. 2B(2) substituted (10.9.2003) by Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), Sch. 1 para. 6(b); S.R. 2003/396, **art. 2**

F38 S. 2B(2A) inserted (10.9.2003) by Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), **Sch. 1 para. 6(c)**; S.R. 2003/396, art. 2

F39 Words in s. 2B(3) inserted (10.9.2003) by Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), **Sch. 1 para. 6(d)**; S.R. 2003/396, art. 2

F40 Words in s. 2B(5)(a) inserted (10.9.2003) by Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), **Sch. 1 para. 6(d)**; S.R. 2003/396, art. 2

F41 Words in s. 2B(9) inserted (10.9.2003) by Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), **Sch. 1 para. 6(d)**; S.R. 2003/396, art. 2

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[F42 2C Optional work-focused interviews.

(1) Regulations may make provision for conferring on the prescribed authorities functions in connection with conducting work-focused interviews in cases where such interviews are requested or consented to by persons to whom this section applies.

(2) This section applies to **[**F43—

(a) persons making claims for or entitled to any of the benefits listed in section 2A(2) above or any prescribed benefit; and

(b) partners of persons entitled to any of the benefits listed in section 2AA(2) above or any prescribed benefit,**]**

and it so applies regardless of whether such persons have, in accordance with regulations under section 2A **[**F44or 2AA**]** above, already taken part in interviews conducted under such regulations.

(3) The functions which may be conferred on the prescribed authorities by regulations under this section include functions relating to—

(a) the obtaining and receiving of information for the purposes of work-focused interviews conducted under the regulations;

(b) the recording and forwarding of information supplied at, or for the purposes of, such interviews;

(c) the taking of steps to identify potential employment or training opportunities for persons taking part in such interviews.

(4) Regulations under this section may make different provision for different areas.

(5) In this section—

"authorities" means a Northern Ireland department and any other body established by or under a statutory provision;

"work-focused interview", in relation to a person to whom this section applies, means an interview conducted for such purposes connected with employment or training in the case of such a person as may be prescribed; and the purposes which may be so prescribed include—

(a) purposes connected with the existing or future employment or training prospects or needs of such a person, and

(b) (in particular) assisting or encouraging such a person to enhance his employment prospects.**]**

Textual Amendments

F42 S. 2C inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), **arts. 1(4)**, 55

F43 Words in s. 2C(2) substituted (10.9.2003) by Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), **Sch. 1 para. 7(a)**; S.R. 2003/396, art. 2

F44 Words in s. 2C(2) inserted (10.9.2003) by Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), **Sch. 1 para. 7(b)**; S.R. 2003/396, art. 2

[F45 2D Work-related activity

(1) Regulations may make provision for or in connection with imposing on a person who—

(a) is entitled to income support, and

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(b) is not a lone parent of a child under the age of 3,

a requirement to undertake work-related activity in accordance with regulations as a condition of continuing to be entitled to the full amount of income support payable apart from the regulations.

(2) Regulations may make provision for or in connection with imposing on a person ("P") who—

(a) is under pensionable age, and

(b) is a member of a couple the other member of which ("C") is entitled to a benefit to which subsection (3) applies at a higher rate referable to P,

a requirement to undertake work-related activity in accordance with regulations as a condition of the benefit continuing to be payable to C at that rate.

(3) The benefits to which this subsection applies are—

(a) income support;

(b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance; and

(c) an income-related employment and support allowance.

(4) Regulations under this section may, in particular, make provision—

(a) prescribing circumstances in which a person is to be subject to any requirement imposed by the regulations (a "relevant requirement");

(b) for notifying a person of a relevant requirement;

(c) prescribing the time or times at which a person who is subject to a relevant requirement is required to undertake work-related activity and the amount of work-related activity the person is required at any time to undertake

(d) prescribing circumstances in which a person who is subject to a relevant requirement is, or is not, to be regarded as undertaking work-related activity;

(e) in a case where C is a member of more than one couple, for determining which of the members of the couples is to be subject to a relevant requirement or requiring each of them to be subject to a relevant requirement;

(f) for securing that the appropriate consequence follows if—

(i) a person who is subject to a relevant requirement has failed to comply with the requirement, and

(ii) it is not shown, within a prescribed period, that the person had good cause for that failure;

(g) prescribing the evidence which a person who is subject to a relevant requirement needs to provide in order to show compliance with the requirement;

(h) prescribing matters which are, or are not, to be taken into account in determining whether a person had good cause for any failure to comply with a relevant requirement;

(i) prescribing circumstances in which a person is, or is not, to be regarded as having good cause for any such failure.

(5) For the purposes of subsection (4)(f) the appropriate consequence is that the amount of the benefit payable is to be reduced by the prescribed amount until the prescribed time.

(6) Regulations under subsection (5) may, in relation to any such reduction, provide—

(a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;

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(b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent.

(7) Regulations under this section may include provision that in such circumstances as the regulations may provide a person's obligation under the regulations to undertake work-related activity at a particular time is not to apply, or is to be treated as not having applied.

(8) Regulations under this section must include provision for securing that lone parents are entitled (subject to meeting any prescribed conditions) to restrict the times at which they are required to undertake work-related activity.

(9) For the purposes of this section and sections 2E and 2F—

(a) "couple" has the meaning given by section 133(1) of the Contributions and Benefits Act;

(b) "lone parent" means a person who—

(i) is not a member of a couple, an

(ii) is responsible for, and a member of the same household as, a child;

(c) "prescribed" means specified in, or determined in accordance with, regulations;

(d) "work-related activity", in relation to a person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so;

(e) any reference to a person attaining pensionable age is, in the case of a man born before **[**F46 6 December 1953**]** , a reference to the time when a woman born on the same day as the man would attain pensionable age;

(f) any reference to a benefit payable to C at a higher rate referable to P is a reference to any case where the amount payable is more than it would be if C and P were not members of the same couple.

(10) For the purposes of this section regulations may make provision—

(a) as to circumstances in which one person is to be treated as responsible or not responsible for another;

(b) as to circumstances in which persons are to be treated as being or not being members of the same household.

(11) Information supplied in pursuance of regulations under this section is to be taken for all purposes to be information relating to social security.

Textual Amendments

F45 Ss. 2D-2H inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 2(2)**, 36(1)(a)

F46 Words in s. 2D(9)(e) substituted (2.6.2012) by Pensions Act (Northern Ireland) 2012 (c. 3), s. 34(2), **Sch. 1 para. 3**

2E Action plans in connection with work-focused interviews

(1) The Department must in prescribed circumstances provide a document (referred to in this section as an "action plan") prepared for such purposes as may be prescribed to a person who is subject to a requirement imposed under section 2A or 2AA in relation to any of the following benefits.

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(2) The benefits are—

(a) income support;

(b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance; and

(c) an income-related employment and support allowance.

(3) Regulations may make provision about—

(a) the form of action plans;

(b) the content of action plans;

(c) the review and updating of action plans.

(4) Regulations under this section may, in particular, make provision for action plans which are provided to a person who is subject under section 2D to a requirement to undertake work-related activity to contain particulars of activity which, if undertaken, would enable the requirement to be met.

(5) Regulations may make provision for reconsideration of an action plan at the request of the person to whom it is provided and may, in particular, make provision about

(a) the circumstances in which reconsideration may be requested;

(b) the period within which any reconsideration must take place;

(c) the matters to which regard must be had when deciding on reconsideration whether the plan should be changed;

(d) notification of the decision on reconsideration;

(e) the giving of directions for the purpose of giving effect to the decision on reconsideration.

(6) In preparing any action plan, the Department must have regard (so far as practicable) to its impact on the well-being of any person under the age of 16 who may be affected by it.

Textual Amendments

F45 Ss. 2D-2H inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 2(2)**, 36(1)(a)

2F Directions about work-related activity

(1) In prescribed circumstances, the Department may by direction given to a person subject to a requirement imposed under section 2D provide that the activity specified in the direction is—

(a) to be the only activity which, in the person's case, is to be regarded as being work-related activity; or

(b) to be regarded, in the person's case, as not being work-related activity.

(2) But a direction under subsection (1) may not specify medical or surgical treatment as the only activity which, in any person's case, is to be regarded as being work-related activity.

(3) A direction under subsection (1) given to any person—

(a) must be reasonable, having regard to the person's circumstances;

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(b) must be given to the person by being included in an action plan provided to the person under section 2E; and

(c) may be varied or revoked by a subsequent direction under subsection (1).

(4) Where a direction under subsection (1) varies or revokes a previous direction, it may provide for the variation or revocation to have effect from a time before the giving of the direction.

Textual Amendments

F45 Ss. 2D-2H inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 2(2)**, 36(1)(a)

2G Contracting-out

(1) The following functions of the Department may be exercised by, or by employees of, such person (if any) as the Department may authorise for the purpose, namely—

(a) conducting interviews under section 2A or 2AA;

(b) providing documents under section 2E;

(c) giving, varying or revoking directions under section 2F.

(2) Regulations may provide for any of the following functions of the Department to be exercisable by, or by employees of, such person (if any) as the Department may authorise for the purpose

(a) any function under regulations under any of sections 2A to 2F, except the making of an excluded decision (see subsection (3));

(b) the function under Article 10(1) of the 1998 Order (revision of decisions) so far as relating to decisions (other than excluded decisions) that relate to any matter arising under regulations under any of sections 2A to 2F;

(c) the function under Article 11(1) of the 1998 Order (superseding of decisions) so far as relating to decisions (other than excluded decisions) of the Department that relate to any matter arising under regulations under any of sections 2A to 2F;

(d) any function under Chapter 2 of Part 2 of the 1998 Order (social security decisions), except Article 25(2) and (3) (decisions involving issues arising on appeal in other cases), which relates to the exercise of any of the functions within paragraphs (a) to (c).

(3) Each of the following is an "excluded decision" for the purposes of subsection (2)—

(a) a decision about whether a person has failed to comply with a requirement imposed by regulations under section 2A, 2AA or 2D;

(b) a decision about whether a person had good cause for failure to comply with such a requirement;

(c) a decision about the reduction of a benefit in consequence of a failure to comply with such a requirement.

(4) Regulations under subsection (2) may provide that a function to which that subsection applies may be exercised—

(a) either wholly or to such extent as the regulations may provide,

(b) either generally or in such cases as the regulations may provide, and

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(c) either unconditionally or subject to the fulfilment of such conditions as the regulations may provide.

(5) An authorisation given by virtue of any provision made by or under this section may authorise the exercise of the function concerned—

(a) either wholly or to such extent as may be specified in the authorisation,

(b) either generally or in such cases as may be so specified, and

(c) either unconditionally or subject to the fulfilment of such conditions as may be so specified;

but, in the case of an authorisation given by virtue of regulations under subsection (2), this subsection is subject to the regulations.

(6) An authorisation given by virtue of any provision made by or under this section—

(a) may specify its duration

(b) may be revoked at any time by the Department, and

(c) does not prevent the Department or any other person from exercising the function to which the authorisation relates.

(7) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Department.

(8) But subsection (7) does not apply—

(a) for the purposes of so much of any contract made between the authorised person and the Department as relates to the exercise of the function, or

(b) for the purposes of any criminal proceedings brought in respect of anything done by the authorised person (or an employee of that person).

(9) Any decision which an authorised person makes in exercise of the function concerned has effect as a decision of the Department under Article 9 of the 1998 Order.

(10) Where—

(a) the authorisation of an authorised person is revoked at any time, and

(b) at the time of the revocation so much of any contract made between the authorised person and the Department as relates to the exercise of the function is subsisting,

the authorised person is entitled to treat the contract as repudiated by the Department (and not as frustrated by reason of the revocation).

(11) In this section—

(a) "the 1998 Order" means the Social Security (Northern Ireland) Order 1998;

(b) "authorised person" means a person authorised to exercise any function by virtue of any provision made by or under this section;

(c) references to functions of the Department under any enactment (including one comprised in regulations) include functions which the Department has by virtue of the application of Article 9(1)(c) of the 1998 Order in relation to the enactment.

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Textual Amendments

F45 Ss. 2D-2H inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 2(2)**, 36(1)(a)

2H Good cause for failure to comply with regulations

(1) This section applies to any regulations made under section 2A, 2AA or 2D that prescribe matters to be taken into account in determining whether a person has good cause for any failure to comply with the regulations.

(2) The provision made by the regulations prescribing those matters must include provision relating to—

(a) the person's physical or mental health or condition

(b) the availability of child care.**]**

Textual Amendments

F45 Ss. 2D-2H inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 2(2)**, 36(1)(a)

[F47 Bereavement benefits]

Textual Amendments

F47 S. 3 and preceding cross-heading substituted (24.4.2000 for certain purposes, otherwise 9.4.2001) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 16** (with art. 75); S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**

[F48 3 Late claims for bereavement benefit where death is difficult to establish.

(1) This section applies where a person's spouse **[**F49 or civil partner**]** has died or maybe presumed to have died on or after the appointed day and the circumstances are such that—

(a) more than 12 months have elapsed since the date of death; and

(b) either—

(i) the spouse's **[**F50 or civil partner's**]** body has not been discovered or identified or, if it has been discovered and identified, the surviving spouse **[**F49 or civil partner**]** does not know that fact; or

(ii) less than 12 months have elapsed since the surviving spouse **[**F49 or civil partner**]** first knew of the discovery and identification of the body.

(2) Where this section applies, notwithstanding that any time prescribed for making a claim for a bereavement benefit in respect of the death has elapsed, then—

(a) in any case falling within paragraph (b)(i) of subsection (1) above, where it has been decided under Article 9 of the Social Security (Northern Ireland) Order 1998 that the spouse **[**F49 or civil partner**]** has died or is presumed to have died; or

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(b) in any case falling within paragraph (b)(ii) of subsection (1) above where the identification was made not more than 12 months before the surviving spouse **[**F49or civil partner**]** first knew of the discovery and identification of the body,

such a claim may be made or treated as made at any time before the expiration of the period of 12 months beginning with the date on which that decision was made or, as the case may be, the date on which the surviving spouse **[**F49or civil partner**]** first knew of the discovery and identification.

F51(3) . . . . . .

(4) In subsection (1) above "the appointed day" means the day appointed for the coming into operation of Articles 51 to 53 of the Welfare Reform and Pensions (Northern Ireland) Order 1999.**]**

[F52(5) In subsection (2) "bereavement benefit" means—

(a) bereavement support payment, or

(b) widowed parent's allowance.**]**

Textual Amendments

F48 S. 3 and preceding cross-heading substituted (24.4.2000 for certain purposes, otherwise 9.4.2001) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 16** (with art. 75); S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**

F49 Words in s. 3 inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 108(a)**; S.I. 2005/3255, art. 2(1), Sch.

F50 Words in s. 3 inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 108(b)**; S.I. 2005/3255, art. 2(1), Sch.

F51 S. 3(3) repealed (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 23(2)**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

F52 S. 3(5) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 23(3)**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

4 Treatment of payments of benefit to certain widows.

In any case where—

(a) a claim for a widow's pension or a widowed mother's allowance is made, or treated as made, before 14th August 1990 (the date of the coming into operation of paragraph 16(2) of Schedule 6 to the M1Social Security (Northern Ireland) Order 1990); and

(b) the Department has made a payment to or for the claimant on the ground that, if the claim had been received immediately after that date, she would have been entitled to that pension or allowance, or entitled to it at a higher rate, for the period in respect of which the payment is made,

the payment so made shall be treated as a payment of that pension or allowance; and, if and to the extent that an award of the pension or allowance, or an award at a higher rate, is made for the period in respect of which the payment was made, the payment shall be treated as made in accordance with that award.

Marginal Citations

M1 S.I. 1990/1511 (N.I. 15).

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Claims and payments regulations

5 Regulations about claims for and payments of benefit.

(1) Regulations may provide—

(a) for requiring a claim for a benefit to which this section applies to be made by such person, in such manner and within such time as may be prescribed;

(b) for treating such a claim made in such circumstances as may be prescribed as having been made at such date earlier or later than that at which it is made as may be prescribed;

(c) for permitting such a claim to be made, or treated as if made, for a period wholly or partly after the date on which it is made;

(d) for permitting an award on such a claim to be made for such a period subject to

[F53(i) the condition that the requirements for entitlement are satisfied at a prescribed time after the making of the award, or

(ii) other prescribed conditions;**]**

[F54(e) for any such award to be revised under Article 10 of the Social Security (Northern Ireland) Order 1998, or superseded under Article 11 of that Order, if any of **[**F55the conditions referred to in paragraph (d)**]** are found not to have been satisfied;**]**

(f) for the disallowance on any ground of a person's claim for a benefit to which this section applies to be treated as a disallowance of any further claim by that person for that benefit until the grounds of the original disallowance have ceased to exist;

(g) for enabling one person to act for another in relation to a claim for a benefit to which this section applies **[**F56(including in particular, in the case of a benefit to be claimed by persons jointly, enabling one person to claim for such persons jointly)**]** and for enabling such a claim to be made and proceeded with in the name of a person who has died;

F57(h) . . . . . .

F57(hh) . . . . . .

(i) for a claim for any one benefit to which this section applies to be treated, either in the alternative or in addition, as a claim for any other such benefit that may be prescribed;

(j) for the person to whom, time when and manner in which a benefit to which this section applies is to be paid and for the information and evidence to be furnished in connection with the payment of such a benefit;

(k) for notice to be given of any change of circumstances affecting the continuance of entitlement to such a benefit or payment of such a benefit **[**F58or of any other change of circumstance of a prescribed description**]** ;

(l) for the day on which entitlement to such a benefit is to begin or end;

(m) for calculating the amounts of such a benefit according to a prescribed scale or otherwise adjusting them so as to avoid fractional amounts or facilitate computation;

(n) for extinguishing the right to payment of such a benefit if payment is not obtained within such period, not being less than 12 months, as may be prescribed from the date on which the right is treated under the regulations as having arisen;

[F59(o) for suspending payment, in whole or in part, where it appears to the Department that a question arises whether—

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(i) the conditions for entitlement are or were fulfilled;

(ii) an award ought to be revised;

(iii) an appeal ought to be brought against an award;**]**

[F60(p) for withholding payments of a benefit to which this section applies in prescribed circumstances and for subsequently making withheld payments in prescribed circumstances;**]**

(q) for the circumstances and manner in which payments of such a benefit may be made to another person on behalf of the beneficiary for any purpose, which may be to discharge, in whole or in part, an obligation of the beneficiary or any other person;

(r) for the payment or distribution of such a benefit to or among persons claiming to be entitled on the death of any person and for dispensing with strict proof of their title;

[F61(s) for the making of a payment on account of such a benefit—

(i) in cases where it is impracticable for a claim to be made or determined immediately, or for an award to be determined or paid in full immediately,

(ii) in cases of need, or

(iii) in cases where the Department considers in accordance with prescribed criteria that the payment can reasonably be expected to be recovered;**]**

[F62(t) for treating any payment on account made by virtue of paragraph (s) above as made on account of any benefit to which this section applies that is subsequently awarded or paid.**]**

[F63(1A) Regulations may make provision for requiring a person of a prescribed description to supply any information or evidence which is, or could be, relevant to—

(a) a claim or award relating to a benefit to which this section applies, or

(b) potential claims or awards relating to such a benefit.**]**

(2) This section applies to the following benefits—

[F64(za) universal credit;**]**

[F65(zb) state pension or a lump sum under Part 1 of the Pensions Act (Northern Ireland) 2015;**]**

[F66(zc) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;**]**

(a) benefit as defined in section 121 of the Contributions and Benefits Act;

[F67(aa) a jobseeker's allowance;**]**

[F68(ab) state pension credit;**]**

[F69(ac) an employment and support allowance;**]**

[F70(ad) personal independence payment;**]**

(b) income support;

F71(c) . . . . . .

F71(d) . . . . . .

(e) housing benefit;

(f) any social fund payments such as are mentioned in section 134(1)(a) or (2) of the Contributions and Benefits Act;

[F72(fa) health in pregnancy grant;**]**

(g) child benefit; and

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(h) Christmas bonus.

F73(2A) . . . . . .

[F74(2B) The power in subsection (1)(j) to make provision for the person to whom a benefit is to be paid includes, in the case of a benefit awarded to persons jointly, power to make provision for the Department to determine to which of them all or any part of a payment should be made, and in particular for the Department—

(a) to determine that payment should be made to whichever of those persons they themselves nominate, or

(b) to determine that payment should be made to one of them irrespective of any nomination by them.**]**

[F75(3) Subsection (1)(o) above shall have effect in relation to housing benefit as if the reference to the Department were a reference to the authority paying the benefit.**]**

(4) Subsection (1)(g), (j), (m), (q) and (r) above shall have effect as if statutory sick pay and statutory maternity pay were benefits to which this section applies.

[F76(“) Subsection (1)(g), (j), (m), (q) and (r) above shall have effect as if—

(a) **[**F77statutory paternity pay, statutory adoption pay **[**F78, statutory shared parental pay and statutory parental bereavement pay**]]** were benefits to which this section applies; and

(b) for the words “Regulations may” at the beginning of subsection (1) there were substituted the words “ The Department for Employment and Learning may by regulations subject to negative resolution (within the meaning of section 166(12)) ”.**]**

[F79(5) As it has effect in relation to **[**F80universal credit or**]** housing benefit subsection (1)(q) above authorises provision requiring the making of payments of benefit to another person, on behalf of the beneficiary, in such circumstances as may be prescribed.**]**

Textual Amendments

F53 Words in s. 5(1)(d) substituted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **103(2)**; S.R. 2016/215, art. 2(6)(a)

F54 S. 5(1)(e) substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 60(1)(a)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1**; S.R. 1999/371, art. 2(b), **Sch. 1**, S.R. 1999/407, art. 2(b), **Sch.**, S.R. 1999/428, art. 2(b), **Sch. 1** and S.R. 1999/472, art. 2(1), **Sch. 1** (subject to art. 2(2) of the said S.R. 1999/472)

F55 Words in s. 5(1)(e) substituted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **103(3)**; S.R. 2016/215, art. 2(6)(a)

F56 Words in s. 5(1)(g) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **103(4)**; S.R. 2016/215, art. 2(6)(a)

F57 S. 5(1)(h)(hh) repealed (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **104(2)**; S.R. 2016/215, art. 2(6)(a); S.R. 2016/215, art. 2(6)(a)

F58 Words in s. 5(1)(k) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **103(5)**; S.R. 2016/215, art. 2(6)(a)

F59 S. 5(1)(o) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999, 29.11.1999 and 2.7.2001 for different purposes, otherwise prosp.) by virtue of S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 60(1)(b)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1**; S.R. 1999/371, art. 2(b), **Sch. 1**, S.R. 1999/407, art. 2(b), **Sch.**, S.R. 1999/428, art. 2(b), **Sch. 1**; S.R. 1999/472, art. 2(1), **Sch. 1** (subject to art. 2(2) of the said S.R. 1999/472) and S.R 2001/260, art. 2(a)

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S. 5(1)(o) repealed (2.7.2001 for certain purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 2001/260, **art. 2**

F60 S. 5(1)(p) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999, 29.11.1999 and 2.7.2001 for different purposes, otherwise prosp.) by virtue of S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 60(1)(b)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1**; S.R. 1999/371, art. 2(b), **Sch. 1**, S.R. 1999/407, art. 2(b), **Sch.**, S.R. 1999/428, art. 2(b), **Sch. 1**, S.R. 1999/472, art. 2(1), **Sch. 1** (subject to art. 2(2) of the said S.R. 1999/472) and S.R. 2001/260, **art. 2(a)**
S. 5(1)(p) repealed (2.7.2001 for certain purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 2001/260, **art. 2**

F61 S. 5(1)(s) substituted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **106(1)**; S.R. 2016/215, art. 2(6)(a)

F62 S. 5(1)(t) added (*retrospectively*) by S.I. 1993/1579 (N.I. 8), **art. 3(1)(4)**

F63 S. 5(1A) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **104(3)**; S.R. 2016/215, art. 2(6)(a)

F64 S. 5(2)(za) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 5(a)**; S.R. 2016/215, art. 2(2)(aa)(c)(v)

F65 S. 5(2)(zb) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 10**

F66 S. 5(2)(zc) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 24**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

F67 S. 5(2)(aa) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 22**; S.R. 1996/180, **art. 2(a)**

F68 S. 5(2)(ab) inserted (2.12.2002 for certain purposes, 7.4.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 11, 21(2), **Sch. 1 Pt. 1 para. 3(a)**; S.R. 2002/366, **art. 2(1)(i)**; S.R. 2003/211, art. 2(a)

F69 S. 5(2)(ac) inserted (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(4)**; S.R. 2008/276, art. 2(2)(c), Sch. Pt. 1

F70 S. 5(2)(ad) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 8**; S.R. 2016/215, art. 2(5)(h)(i)

F71 S. 5(2)(c)(d) repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), Sch. 2 (with art. 3)

F72 S. 5(2)(fa) inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), **ss. 135(1)**, 170; S.I. 2008/3137, art. 2

F73 S. 5(2A) repealed (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **104(4)**; S.R. 2016/215, art. 2(6)(a)

F74 S. 5(2B) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **105**; S.R. 2016/215, art. 2(6)(a)

F75 S. 5(3) repealed (2.7.2001 for certain purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), art. 78(1), Sch. 6 para. 60(2), **Sch. 7**; S.R. 2001/260, **art. 2**

F76 S. 5(4A) inserted (8.12.2002) by The Employment (Northern Ireland) Order 2002 (S.I. 2002/2836), arts. 1(2)(3), 17(1), **Sch. 2 para. 2(1)** (with art. 16); S.R. 2002/356, **art. 2(2)**, Sch. 1 Pt. II

F77 Words in s. 5(4A)(a) substituted (15.3.2015 for specified purposes, 5.4.2015 in so far as not already in force) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 3(2)**; S.R. 2015/86, arts. 3(2)(i), 4(2)(h), 5 (with art. 7(2))

F78 Words in s. 5(4A) substituted (23.3.2022) by Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 10**; S.R. 2022/136, arts. 2, 3

F79 S. 5(5) inserted (*retrospectively*) by S.I. 1995/2597 (N.I. 20), **art. 3(1)(2)**

F80 Words in s. 5(5) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 5(b)**; S.R. 2016/215, art. 2(2)(aa)(c)(v)

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Modifications etc. (not altering text)

C35 S. 5 extended by S.I. 1991/2628 (N.I. 23), **art. 40** (as substituted 22.11.2000 for specified purposes, otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 20**, 68(1)(2) (with s. 66(6)); S.R. 2000/358, art. 2(b), **Sch. Pt. II**

C36 S. 5 applied (1.6.2018) by Justice Act (NorthernIreland) 2016 (c. 21), **ss. 5(7)**, 61(2); S.R. 2018/99, art. 2(a)

C37 S. 5(1) modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), arts. 1(3)(c)(d), 77, **Sch. 5 para. 5**

C38 S. 5(1) modified (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 5(2)**, 60(1); S.R. 2008/276, art. 2(2)(c), Sch. Pt. 1

F81 [Sharing of functions as regards certain claims and information]

Textual Amendments

F81 S. 5A and preceding cross-heading inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), **arts. 1(4)**, 68

[F82 5A Sharing of functions as regards certain claims and information.

(1) Regulations may, for the purpose of supplementing the persons or bodies to whom claims for relevant benefits may be made, make provision as regards any relevant benefit, for claims for that benefit to be made to any relevant authority (if such claims could not otherwise be made to that authority).

(2) Regulations may make provision for or in connection with—

(a) the forwarding by a relevant authority of—

(i) claims received by virtue of any provision authorised by subsection (1) above, and

(ii) information or evidence supplied in connection with making such claims (whether supplied by persons making the claims or by other persons);

(b) the receiving and forwarding by a relevant authority of information or evidence relating to social security [F83or work] matters supplied by, or the obtaining by a relevant authority of such information or evidence from—

(i) persons making, or who have made, claims for a relevant benefit, or

(ii) other persons in connection with such claims,

including information or evidence not relating to the claims or benefit in question;

(c) the recording by a relevant authority of information or evidence relating to social security [F83or work] matters supplied to, or obtained by, the authority and the holding by the authority of such information or evidence (whether as supplied or obtained or as recorded);

(d) the giving of information or advice with respect to social security [F83or work] matters by a relevant authority to persons making, or who have made, claims for a relevant benefit.

[F84(e) the verification by a relevant authority of information or evidence supplied to or obtained by the authority in connection with a claim for or an award of a relevant benefit.]

Status: *Point in time view as at 26/09/2023.*
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(3) In paragraphs (b) **[**F85, (d) and (e)**]** of subsection (2) above—

(a) references to claims for a relevant benefit are to such claims whether made as mentioned in subsection (1) above or not; and

(b) references to persons who have made such claims include persons to whom awards of benefit have been made on the claims.

(4) Regulations under this section may make different provision for different areas.

(5) Regulations under any other statutory provision may make such different provision for different areas as appears to the Department expedient in connection with any exercise by regulations under this section of the power conferred by subsection (4) above.

(6) In this section—

(a) "benefit" includes child support (any reference to a claim being read, in relation to child support, as a reference to an application **[**F86(or an application treated as having been made)**]** under the Child Support (Northern Ireland) Order 1991 for a **[**F87maintenance calculation**]**);

(b) "relevant authority" means—

(i) a Northern Ireland department,

(ii) a person providing services to a Northern Ireland department,

(iii) any other body established by or under a statutory provision, or

(iv) a person providing services to, or authorised to exercise any function of, such a body;

(c) "relevant benefit" means housing benefit or any other benefit prescribed for the purposes of this section;

(d) **[**F88 "social security or work matters" **]** means matters relating to social security, child support or war pensions **[**F89, or employment or training**]** and in this paragraph "war pension " means a war pension within the meaning of section 25 of the Social Security Act 1989 (establishment and functions of war pensions committees).**]**

Textual Amendments

F82 S. 5A and preceding cross-heading inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), **arts. 1(4)**, 68

F83 Words in s. 5A(2) inserted (24.11.2002) by Social Security Act (Northern Ireland) 2002 (c. 10), s. 8(1), **Sch. 1 para. 8(a)**; S.R. 2002/358, **art. 2**

F84 S. 5A(2)(e) added (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 38(2)(a)**, 60(2)(a)

F85 Words in s. 5A(3) substituted (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 38(2)(b)**, 60(2)(a)

F86 Words in s. 5A(6)(a) inserted (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), s. 68(1)(2), **Sch. 3 para. 29(a)** (with s. 66(6)); S.R. 2000/358, art. 3, **Sch.**

F87 Words in s. 5A(6)(a) substituted (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), s. 68(1)(2), **Sch. 3 para. 29(b)** (with s. 66(6)); S.R. 2000/358, art. 3, **Sch.**

F88 Words in s. 5A(6)(d) substituted (24.11.2002) by Social Security Act (Northern Ireland) 2002 (c. 10), s. 8(1), **Sch. 1 para. 8(b)**; S.R. 2002/358, **art. 2**

F89 Words in s. 5A(6)(d) inserted (24.11.2002) by Social Security Act (Northern Ireland) 2002 (c. 10), s. 8(1), **Sch. 1 para. 8(b)**; S.R. 2002/358, **art. 2**

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[F90 5B Use of social security information

(1) A relevant authority may use for a relevant purpose any social security information which it holds.

(2) Regulations may make provision as to the procedure to be followed by a relevant authority for the purposes of any function it has relating to the administration of a specified benefit if the authority holds social security information which—

(a) is relevant for the purposes of anything which may or must be done by the authority in connection with a claim for or an award of the benefit, and

(b) was used by another relevant authority in connection with a claim for or an award of a different specified benefit or was verified by that other authority in accordance with regulations under section 5A(2)(e) above.

(3) A relevant purpose is anything which is done in relation to a claim which is made or which could be made for a specified benefit if it is done for the purpose of—

(a) identifying persons who may be entitled to such a benefit;

(b) encouraging or assisting a person to make such a claim;

(c) advising a person in relation to such a claim.

(4) Social security information means—

(a) information relating to social security, child support or war pensions;

(b) evidence obtained in connection with a claim for or an award of a specified benefit.

(5) A specified benefit is a benefit which is specified in regulations for the purposes of this section.

(6) Expressions used in this section and in section 5A have the same meaning in this section as in that section.

(7) This section does not affect any power which exists apart from this section to use for one purpose social security information obtained in connection with another purpose.**]**

Textual Amendments

F90 S. 5B inserted (8.10.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 38(1)**, 60(1); S.R. 2007/429, art. 2(1)(a)

Industrial injuries benefit

6 Notification of accidents, etc.

Regulations may provide—

(a) for requiring the prescribed notice of an accident in respect of which industrial injuries benefit may be payable to be given within the prescribed time by the employed earner to the earner's employer or other prescribed person;

(b) for requiring employers—

(i) to make reports, to such person and in such form and within such time as may be prescribed, of accidents in respect of which industrial injuries benefit may be payable;

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(ii) to furnish to the prescribed person any information required for the determination of claims, or of questions arising in connection with claims or awards;

(iii) to take such other steps as may be prescribed to facilitate the giving notice of accidents, the making of claims and the determination of claims and of questions so arising.

7 Medical examination and treatment of claimants.

(1) Regulations may provide for requiring claimants for disablement pension—

(a) to submit themselves from time to time to medical examination for the purpose of determining the effect of the relevant accident, or the treatment appropriate to the relevant injury or loss of faculty;

(b) to submit themselves from time to time to appropriate medical treatment for the injury or loss of faculty.

(2) Regulations under subsection (1) above requiring persons to submit themselves to medical examination or treatment may—

(a) require those persons to attend at such places and at such times as may be required; and

(b) with the consent of the Department of Finance and Personnel provide for the payment by the Department to those persons of travelling and other allowances (including compensation for loss of remunerative time).

8 Obligations of claimants.

(1) Subject to subsection (3) below, regulations may provide for disqualifying a claimant for the receipt of industrial injuries benefit—

(a) for failure without good cause to comply with any requirement of regulations to which this subsection applies (including in the case of a claim for industrial death benefit, a failure on the part of some other person to give the prescribed notice of the relevant accident);

(b) for wilful obstruction of, or other misconduct in connection with, any examination or treatment to which he is required under regulations to which this subsection applies to submit himself, or in proceedings under this Act for the determination of his right to benefit or to its receipt,

or for suspending proceedings on the claim or payment of benefit as the case may be, in the case of any such failure, obstruction or misconduct.

(2) The regulations to which subsection (1) above applies are—

(a) any regulations made by virtue of section 5(1)(h), (j) or (k) above, so far as relating to industrial injuries benefit; and

(b) regulations made by virtue of section 6 or 7 above.

(3) Regulations under subsection (1) above providing for disqualification for the receipt of benefit for any of the following matters, that is to say—

(a) for failure to comply with the requirements of regulations under section 7(1) or (2) above;

(b) for obstruction of, or misconduct in connection with, medical examination or treatment,

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shall not be made so as to disentitle a claimant to benefit for a period exceeding 6 weeks on any disqualification.

Disability working allowance

F91 9 Initial claims and repeat claims.

. . . . . .

Textual Amendments

F91 S. 9 repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), Sch. 2 (with art. 3)

The social fund

10 Necessity of application for certain payments.

[F92(1) A social fund payment such as is mentioned in section 134(1)(b) of the Contributions and Benefits Act may be awarded to a person only if an application for such a payment has been made by him or on his behalf in such form and manner as may be prescribed.

(2) The Department may by regulations—

(a) make provision with respect to the time at which an application for such a social fund payment is to be treated as made;

(b) prescribe conditions that must be satisfied before any determination in connection with such an application may be made or any award of such a payment may be paid;

(c) prescribe circumstances in which such an award becomes extinguished.**]**

Textual Amendments

F92 S. 10 repealed (28.11.2016 for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 7**; S.R. 2016/411, art. 2(3)(b) (with art. 4)

[**F93 Health in pregnancy grant

Textual Amendments

F93 S. 10A and crossheading inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), **ss. 135(3)**, 170; S.I. 2008/3137, art. 2

10A Necessity of application for health in pregnancy grant

(1) No person is entitled to health in pregnancy grant unless she claims it in the manner, and within the time, prescribed in relation to health in pregnancy grant by regulations under section 5.

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(2) No person is entitled to health in pregnancy grant unless subsection (3) or (4) is satisfied in relation to her.

(3) This subsection is satisfied in relation to a person if her claim for health in pregnancy grant is accompanied by—

(a) a statement of her national insurance number and information or evidence establishing that that number has been allocated to her; or

(b) information or evidence enabling the national insurance number that has been allocated to her to be ascertained.

(4) This subsection is satisfied in relation to a person if she makes an application for a national insurance number to be allocated to her which is accompanied by information or evidence enabling a national insurance number to be allocated to her.

(5) The Commissioners for Her Majesty's Revenue and Customs may by regulations make provision disapplying subsection (2) in the case of prescribed descriptions of persons making a claim.**]**

Child benefit

11 Necessity of application for child benefit.

(1) Subject to the provisions of this Act, no person shall be entitled to child benefit unless he claims it in the manner, and within the time, prescribed in relation to child benefit by regulations under section 5 above.

[F94(1A) No person shall be entitled to child benefit unless subsection (1B) below is satisfied in relation to him.

(1B) This subsection is satisfied in relation to a person if—

(a) his claim for child benefit is accompanied by—

(i) a statement of his national insurance number and information or evidence establishing that that number has been allocated to him; or

(ii) information or evidence enabling the national insurance number that has been allocated to him to be ascertained; or

(b) he makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated.

(1C) Regulations may make provision disapplying subsection (1A) above in the case of—

(a) prescribed descriptions of persons making claims, or

(b) prescribed descriptions of children **[**F95or qualifying young persons**]** in respect of whom child benefit is claimed,

or in other prescribed circumstances.**]**

(2) Except where regulations otherwise provide, no person shall be entitled to child benefit for any week on a claim made by him after that week if child benefit in respect of the same child **[**F96or qualifying young person**]** has already been paid for that week to another person, whether or not that other person was entitled to it.

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Textual Amendments

F94 S. 11(1A)-(1C) inserted (18.4.2000 for certain purposes, otherwise 15.5.2000) by S.I. 1999/3147 (N.I. 11), **art. 66** (with art. 75); S.R. 2000/133, **art. 2(2)**

F95 Words in s. 11(1C) inserted (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), **Sch. 1 para. 46(2)**

F96 Words in s. 11(2) inserted (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), **Sch. 1 para. 46(3)**

Modifications etc. (not altering text)

C39 S. 11(1A) excluded (7.4.2003) by The Child Benefit (General) Regulations 2003 (S.I. 2003/493), regs. 1(1), **37**

C40 S. 11(1A) excluded (10.4.2006) by The Child Benefit (General) Regulations 2006 (S.I. 2006/223), regs. 1(1), **37**

[F97 11A Election not to receive child benefit

(1) A person ("P") who is entitled to child benefit in respect of one or more children may elect for all payments of the benefit to which P is entitled not to be made.

(2) An election may be made only if P reasonably expects that, in the absence of the election, P or another person would be liable to a high income child benefit charge in respect of the payments to which the election relates made for weeks in the first tax year.

(3) An election has effect in relation to payments made for weeks beginning after the election is made.

(4) But where entitlement to child benefit is backdated, an election may have effect in relation to payments for weeks beginning in the period of three months ending immediately before the claim for the benefit was made.

(5) An election may be revoked.

(6) A revocation has effect in relation to payments made for weeks beginning after the revocation is made.

(7) But if—

(a) P makes an election which results in all payments, in respect of child benefit, to which P is entitled for one or more weeks in a tax year not being paid, and

(b) had no election been made, neither P nor any other person would have been liable to a high income child benefit charge in relation to the payments,

P may, no later than two years after the end of the tax year, revoke the election so far as it relates to the payments.

(8) Subsections (2) to (7) are subject to directions under subsection (9).

(9) The Commissioners for Her Majesty's Revenue and Customs may give directions as to—

(a) the form of elections and revocations under this section, the manner in which they are to be made and the time at which they are to be treated as made, and

(b) the circumstances in which, if child benefit is not being paid to a person at the full rate or the Commissioners are satisfied that there are doubts as to a person's entitlement to child benefit for a child, an election or revocation is not to have effect or its effect is to be postponed.

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(10) For the purposes of this section—

"child" includes a qualifying young person;

"first tax year", in relation to an election, means the tax year in which the first week beginning after the election is made falls;

"week" means a period of 7 days beginning with a Monday; and a week is in a tax year if (and only if) the Monday with which it begins is in the tax year.**]**

Textual Amendments

F97 S. 11A inserted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by Finance Act 2012 (c. 14), **Sch. 1 para. 4**

Statutory sick pay

12 Duties of employees etc. in relation to statutory sick pay.

(1) Any employee who claims to be entitled to statutory sick pay from his employer shall, if so required by his employer, provide such information as may reasonably be required for the purpose of determining the duration of the period of entitlement in question or whether a period of entitlement exists as between them.

(2) The Department may by regulations **[**[F98]made with the concurrence of the Inland Revenue**]** direct—

(a) that medical information required under subsection (1) above shall, in such cases as may be prescribed, be provided in a prescribed form;

(b) that an employee shall not be required under subsection (1) above to provide medical information in respect of such days as may be prescribed in a period of incapacity for work.

(3) Where an employee asks an employer of his to provide him with a written statement, in respect of a period before the request is made, of one or more of the following—

(a) the days within that period which the employer regards as days in respect of which he is liable to pay statutory sick pay to that employee;

(b) the reasons why the employer does not so regard the other days in that period;

(c) the employer's opinion as to the amount of statutory sick pay to which the employee is entitled in respect of each of those days,

the employer shall, to the extent to which the request was reasonable, comply with it within a reasonable time.

Textual Amendments

F98 Words in s. 12(2) inserted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 41**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)

Status: *Point in time view as at 26/09/2023.*
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Statutory maternity pay

13 Duties of women etc. in relation to statutory maternity pay.

(1) A woman shall provide the person who is liable to pay her statutory maternity pay—

(a) with evidence as to her pregnancy and the expected date of confinement in such form and at such time as may be prescribed; and

(b) where she commences work after her confinement but within the maternity pay period, with such additional information as may be prescribed.

F99[(1A) Any regulations for the purposes of subsection (1) above must be made with the concurrence of the Inland Revenue.]

(2) Where a woman asks an employer or former employer of hers to provide her with a written statement, in respect of a period before the request is made, of one or more of the following—

(a) the weeks within that period which he regards as weeks in respect of which he is liable to pay statutory maternity pay to the woman;

(b) the reasons why he does not so regard the other weeks in that period; and

(c) his opinion as to the amount of statutory maternity pay to which the woman is entitled in respect of each of the weeks in respect of which he regards himself as liable to make a payment,

the employer or former employer shall, to the extent to which the request was reasonable, comply with it within a reasonable time.

Textual Amendments

F99 S. 13(1A) inserted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 42**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)

[F100 Payments in respect of mortgage interest, etc.

Textual Amendments

F100 S. 13A and cross-heading inserted (retrospective to 1.7.1992) by S.I. 1992/1309 (N.I. 9), art. 3(2), **Sch. para. 1**

F101 13A Payment out of benefit of sums in respect of mortgage interest, etc.]

. . . . . .

Textual Amendments

F101 S. 13A repealed (6.4.2018) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(1), **15(1)**; S.R. 2018/66, art. 2(1) (with art. 2(2)(3))

[F102 13B Expenses in respect of vehicle hire, etc.

(1) This section applies where—

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(a) a relevant benefit component is payable in respect of a person ("the beneficiary"),

(b) an agreement has been entered into by or on behalf of the beneficiary with a relevant provider for the lease or hire purchase of a motor vehicle, and

(c) by virtue of regulations under section 5(1), the Department pays all or part of the relevant benefit component to the relevant provider for the purpose of discharging, in whole or in part, an obligation of the beneficiary under the agreement.

(2) Regulations may make provision—

(a) for the expenses of the Department in administering the making of payments to relevant providers to be defrayed, in whole or in part, at the expense of relevant providers, whether by requiring them to pay prescribed fees or by deducting and retaining a prescribed part of the payments that would otherwise be made to them or by such other method as may be prescribed;

(b) for the recovery from a relevant provider of any fees or other sums due from that provider under paragraph (a).

(3) In this section—

"relevant benefit component" means—

(a) the mobility component of disability living allowance, if it is payable at the higher rate (see section 73(11)(a) of the Contributions and Benefits Act), or

(b) the mobility component of personal independence payment, if it is payable at the enhanced rate (see Article 84(2) of the Welfare Reform (Northern Ireland) Order 2015);

"relevant provider" means a person whose business consists of or includes the supply by way of lease or hire purchase of motor vehicles to persons in respect of whom a relevant benefit component is payable.**]**

Textual Amendments

F102 S. 13B inserted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(d), **17**

Emergency payments

14 Emergency payments by [F103Health and Social Care trusts] and other bodies.

(1) The Department may make arrangements—

(a) with a **[**F104trust**]** ; or

(b) with any other body,

for the making on behalf of the Department by members of the staff of any **[**F104trust**]** or body of payments on account of benefits to which section 5 above applies in circumstances corresponding to those in which the Department itself has the power to make such payments under subsection (1)(s) of that section; and a Board shall have power to enter into any such arrangements.

(2) A payment under any such arrangements shall be treated for the purposes of any statutory provision as if it had been made by the Department.

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(3) The Department shall repay a **[**[F105]trust**]** or other body such amount as the Department determines to be the reasonable administrative expenses incurred by the **[**[F105]trust**]** or body in making payments in accordance with arrangements under this section.

[[F106](4) In this section "trust" means a Health and Social Care trust.**]**

Textual Amendments

F103 Words in s. 14 heading substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 152(c)**; S.R. 2022/102, art. 2(b)

F104 Word in s. 14(1) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 152(a)**; S.R. 2022/102, art. 2(b)

F105 Word in s. 14(3) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 152(a)**; S.R. 2022/102, art. 2(b)

F106 S. 14(4) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 152(b)**; S.R. 2022/102, art. 2(b)

PART II

ADJUDICATION

Modifications etc. (not altering text)

C41 Part II (ss. 15-68): Power to modify conferred (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), **ss. 116(2)**, 171(8), 173(4) (with s. 108(5))
Part II (ss. 15-68): Power to modify conferred (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), **ss. 117(1)**, 171(8), 173(4) (with s. 108(5))
Part II (ss. 15-68): Power to modify conferred (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), **ss. 119**, 171(8), 173(4) (with s. 108(5))
Part II (ss. 15-68) amended (25.8.1995) by S.R. 1995/293, **reg. 43(2)**
Part II (ss. 15-68) applied (with modifications) (25.8.1995) by S.R. 1995/293, **reg. 44(2)(a)**
Part II (ss. 15-68): power to modify (*temp.*) conferred (24.3.1999) by S.I. 1999/671, **arts. 1(2)(c)**, 14(2)(a)
Part. II (ss. 15-68) (except ss. 22 and 50) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 39(3) (with transitory provisions in **Sch. 5**); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22 and subject to art. 2(2) of that S.R.)

Adjudication by the Department

[[F107]15 Questions for the Department.

(1) Subject to this Part of this Act, any of the following questions shall be determined by the Department—

(a) a question whether a person is an earner and, if he is, as to the category of earners in which he is to be included;

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(b) subject to subsection (2) below, a question whether the contribution conditions for any benefit are satisfied, or otherwise relating to a person's contributions or his earnings factor;

(c) a question whether a Class 1A contribution is payable or otherwise relating to a Class 1A contribution;

(d) a question whether a person is or was employed in employed earner's employment for the purposes of Part V of the Contributions and Benefits Act;

(e) a question as to whether a person was, within the meaning of regulations, precluded from regular employment by responsibilities at home;

(f) any question as to which surpluses are to be taken into account under section 45(1) of the Contributions and Benefits Act;

(g) any question arising under any provision of Part XI of the Contributions and Benefits Act or this Act, or under any provision of regulations **[**F108or an order**]]** under that Part, as to—

(i) whether a person is, or was, an employee or employer of another;

(ii) whether an employer is entitled to make any deduction from his contributions payments in accordance with **[**F109an order under section 155A**]** of the Contributions and Benefits Act;

(iii) whether a payment falls to be made to an employer in accordance with the regulations **[**F110or order**]**;

(iv) the amount that falls to be so deducted or paid;

(v) the amount of an employer's contributions payments for any period for the purposes of **[**F111an order under section 155A**]** of the Contributions and Benefits Act; or

(vi) whether two or more employers or two or more contracts of service are, by virtue of regulations made under section 159(5) of that Act, to be treated as one; F112. . .

(h) any question arising under any provision of Part XII of that Act or this Act, or under any provision of regulations under that Part, as to—

(i) whether a person is, or was, an employee or employer of another;

(ii) whether an employer is entitled to make any deduction from his contributions payments in accordance with regulations under section 163 of the Contributions and Benefits Act;

(iii) whether a payment falls to be made to an employer in accordance with the regulations;

(iv) the amount that falls to be so deducted or paid; or

(v) whether two or more employers or two or more contracts of service are, by virtue of regulations made under section 167(2) of that Act, to be treated as one **[**F113; and

(i) any question arising under Article 29 of the Jobseekers (Northern Ireland) Order 1995, or under any provision of regulations under that Article, as to—

(i) whether a person is, or was, an employee or employer of another;

(ii) whether an employer is entitled to make any deduction from his contributions payments in accordance with regulations under Article 29 of that Order;

(iii) whether a payment falls to be made to an employer in accordance with those regulations;

(iv) the amount that falls to be so deducted or paid; or

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(v) whether two or more employers are, by virtue of regulations under Article 29 of that Order, to be treated as one.**]**

and any question arising under regulations made by virtue of paragraph (c), (d) or (f) of section 160(9) of that Act.

(2) Subsection (1)(b) above includes any question arising—

(a) under section 17(1) of the Contributions and Benefits Act as to whether by regulations under that subsection a person is excepted from liability for Class 4 contributions, or his liability is deferred; or

(b) under regulations made by virtue of section 17(3) or (4) or 18 of that Act;

but not any other question relating to Class 4 contributions, nor any question within section 18(1)(c) below.

(3) Regulations may make provision restricting the persons who may apply to the Department for the determination of any such question as is mentioned in subsection (1) above.

(4) The Department may, if it thinks fit, before determining any such question as is mentioned in subsection (1) above, appoint a person to hold an inquiry into the question, or any matters arising in connection with it, and to report on the question, or on those matters, to the Department.

Textual Amendments

F107 S. 15 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16); and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22 and subject to art. 2(2) of that S.R.)
S. 15 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22 and subject to art. 2(2) of that S.R.)

F108 Words in s. 15(1)(g) inserted (6.4.1995) by S.R. 1995/69, **art. 6(2)(a)(i)**

F109 Words in s. 15(1)(g)(ii) substituted (6.4.1995) by S.R. 1995/69, **art. 6(2)(a)(ii)**

F110 Words in s. 15(1)(g)(iii) inserted (6.4.1995) by S.R. 1995/69, **art. 6(2)(a)(iii)**

F111 Words in s. 15(1)(g)(v) substituted (6.4.1995) by S.R. 1995/69, **art. 6(2)(a)(iv)**

F112 Word in s. 15(1) omitted (6.4.1996) and repealed (7.10.1996) by S.I. 1996/2705 (N.I. 15), arts. 2, 40(3), Sch. 2, para. 24, **Sch. 3**; S.R. 1996/26, **art. 2**; S.R. 1996/401, **art. 2**

F113 S. 15(1)(i) and the preceding word inserted (6.4.1996) by S.I. 1995/2705 (N.I. 15), art. 2, **Sch. 2 para. 24**; S.I. 1996/26, **art. 2(e)**

Modifications etc. (not altering text)

C42 S. 15 applied (7.2.1994) by 1993 c. 49, **s. 166(2)**; S.R. 1994/17, **art. 2**

C43 S. 15(1) extended (7.2.1994) by 1993 c. 49, **s. 165(1)**; S.R. 1994/17, **art. 2**
S. 15(1) excluded (7.2.1994) by 1993 c. 49, **s. 165(4)**; S.R. 1994/17, **art. 2**

[F114 16 Appeal on question of law.

(1) A question of law arising in connection with the determination by the Department of any such question as is mentioned in section 15(1) above may, if the Department thinks fit, be referred for decision to the Court of Appeal.

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(2) If the Department determines in accordance with subsection (1) above to refer any question of law to the court, it shall give notice in writing of its intention to do so—

(a) in a case where the question arises on an application made to the Department, to the applicant; and

(b) in any case to such persons as appear to it to be concerned with the question.

(3) Any person aggrieved by the decision of the Department on any question of law within subsection (1) above which is not referred in accordance with that subsection may appeal from that decision to the court.

(4) The Department shall be entitled to appear and be heard on any such reference or appeal.

(5) Rules of court may include provision for regulating references and appeals to the court under this section.

(6) Notwithstanding anything in any Act, the decision of the court on a reference or appeal under this section shall be final.**]**

Textual Amendments

F114 S. 16 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22 and subject to art. 2(2) of that S.R.)
S. 16 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22 and subject to art. 2(2) of that S.R.)

Modifications etc. (not altering text)

C44 S. 16 applied (7.2.1994) by 1993 c. 49, **s. 166(2)**; S.R. 1994/17, **art. 2**
s. 16 modified (6.4.1996 for certain purposes otherwise 6.4.1997) by 1993 c. 49, **s. 165(7)(8)** as added by S.I. 1995/3213 (N.I. 22), art. 147, **Sch. 3 para. 60**; S.R. 1996/91, art. 2, **Sch. Pt. IV**; S.R. 1997/192, **art. 2**

[F115**17 Review of decisions.**

(1) Subject to subsection (2) below, the Department may review any decision given by it on any such question as is mentioned in section 15(1) above, if—

(a) new facts have been brought to its notice; or

(b) it is satisfied that the decision—

(i) was given in ignorance of some material fact;

(ii) was based on a mistake as to some material fact; or

(iii) was erroneous in point of law.

(2) A decision shall not be reviewed while an appeal under section 16 above is pending against the decision of the Department on a question of law arising in connection with it, or before the time for so appealing has expired.

(3) On a review any question of law may be referred under subsection (1) of section 16 above or, where it is not so referred, may be the subject of an appeal under

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subsection (3) of that section, and the other provisions of that section shall apply accordingly.**]**

Textual Amendments

F115 S. 17 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22 and subject to art. 2(2) of that S.R.)
S. 17 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22 and subject to art. 2(2) of that S.R.)

Modifications etc. (not altering text)

C45 S. 17 applied (7.2.1994) by 1993 c. 49, **s. 166(2)**; S.R. 1994/17, **art. 2**
s. 17 modified (6.4.1996 for certain purposes, otherwise 6.4.1997) by 1993 c. c. 49, s. 165(7)(8) as added by S.I. 1995/3213 (N.I. 22), art. 147, **Sch. 3 para. 60(c)**; S.R. 1996/91, art. 2, **Sch. Pt. IV**; S.R. 1997/192, **art. 2**

Adjudication by adjudication officers

[F116 18 Claims and questions to be submitted to adjudication officer.

(1) Subject to section 52 below, there shall be submitted forthwith to an adjudication officer for determination in accordance with this Part of this Act—

(a) any claim for a benefit to which this section applies;

(b) subject to subsection (2) below, any question arising in connection with a claim for, or award of, such a benefit; F117. . .

[F118(c) any question whether, if he otherwise had a right to it, a person would be disqualified under or by virtue of any provision of the Contributions and Benefits Act for receiving a benefit to which this section applies**][**F119; and

(d) any question whether a jobseeker's allowance is not payable to a person by virtue of Article 21 of the Jobseekers (Northern Ireland) Order 1995.**]**

(2) Subsection (1) above does not apply to any question which

[F120(a) may be determined by an adjudication officer under Article 11(6) or 12(5) of the Jobseekers (Northern Ireland) Order 1995; or

(b) falls to be determined otherwise than by an adjudication officer.**]**

(3) Any question as to, or in connection with, entitlement to statutory sick pay or statutory maternity pay may be submitted to an adjudication officer—

(a) by the Department; or

(b) subject to and in accordance with regulations, by the employee concerned,

for determination in accordance with this Part of this Act.

(4) If—

(a) a person submits a question relating to the age, marriage or death of any person; and

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(b) it appears to the adjudication officer that the question may arise if the person who has submitted it to him submits a claim to a benefit to which this section applies,

the adjudication officer may determine the question.

(5) Different aspects of the same claim or question may be submitted to different adjudication officers; and for that purpose this section and the other provisions of this Part of this Act with respect to the determination of claims and questions shall apply with any necessary modifications.

(6) This section applies to the following benefits—

(a) benefit as defined in section 121 of the Contributions and Benefits Act;

[F121(aa) a jobseeker's allowance;**]**

(b) income support;

(c) family credit;

(d) disability working allowance;

(e) any social fund payment such as is mentioned in section 134(1)(a) or (2) of the Contributions and Benefits Act;

(f) child benefit;

(g) statutory sick pay; and

(h) statutory maternity pay.**]**

Textual Amendments

F116 S. 18 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 18 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art., 2(1), Sch. 1 (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F117 Word in s. 18(1)(b) omitted (17.7.1996) and repealed (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1)(2), **Sch. 2**, para. 25(2), SCh. 3; S.R. 1996/285, art. 2, **Sch**; S.R. 1996/401, **art. 2**

F118 S. 18(1)(c) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. II para. 45**; S.R. 1994/450, art. 2, **Sch.**

F119 S. 18(1)(d) and the word immediately preceding it inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2**, para. 25(2); S.R. 1996/285, art. 2, **Sch.**

F120 Words in s. 18(2) inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 25(3)**; S.R. 1996/285, art. 2, **Sch.**

F121 S. 18(6)(aa) inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 25(4)**; S.R. 1996/285, art. 2, **Sch.**

Modifications etc. (not altering text)

C46 S. 18(1) excluded (7.2.1994) by 1993 c. 49, **s. 165(4)**; S.R. 1994/17, **art. 2**

Status: *Point in time view as at 26/09/2023.*
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[F122 19 Decision of adjudication officer.

(1) An adjudication officer to whom a claim or question is submitted under section 18 above (other than a claim which under section 28(12) or (13) or 33(7) below falls to be treated as an application for a review) shall take it into consideration and, so far as practicable, dispose of it, in accordance with this section, and with procedure regulations under section 57 below, within 14 days of its submission to him.

(2) Subject to subsection (3) and section 35 below, the adjudication officer may decide a claim or question himself or refer it to a social security appeal tribunal.

(3) The adjudication officer must decide a claim for or question relating to an attendance allowance, a disability living allowance or a disability working allowance himself.

(4) Where an adjudication officer refers a question as to, or in connection with, entitlement to statutory sick pay or statutory maternity pay to a social security appeal tribunal, the employee and employer concerned shall each be given notice in writing of the reference.

(5) In any other case notice in writing of the reference shall be given to the claimant.

(6) Where—

(a) a case has been referred to a social security appeal tribunal ("the tribunal"); and

(b) the claimant makes a further claim which raises the same or similar questions; and

(c) that further claim is referred to the tribunal by the adjudication officer,

then the tribunal may proceed to determine the further claim whether or not notice has been given under subsection (4) or (5) above.**]**

Textual Amendments

F122 S. 19 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 19 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Modifications etc. (not altering text)

C47 S. 19 modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), arts. 1(3)(c)(d), 77, **Sch. 5 para. 2**

Appeals from adjudication officers - general

[F123 20 Appeal to social security appeal tribunal.

(1) Subject to subsection (3) below, where the adjudication officer has decided a claim or question other than a claim or question relating to an attendance allowance, a disability living allowance or a disability working allowance—

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(a) if it relates to statutory sick pay or statutory maternity pay, the employee and employer concerned shall each have a right to appeal to a social security appeal tribunal; and

(b) in any other case the claimant shall have a right to do so.

(2) A person with a right of appeal under this section shall be given such notice of a decision falling within subsection (1) above and of that right as may be prescribed.

(3) No appeal lies under this section where—

(a) in connection with the decision of the adjudication officer there has arisen any question which under or by virtue of this Act falls to be determined otherwise than by an adjudication officer; and

(b) the question has been determined; and

(c) the adjudication officer certifies that the decision on that question is the sole ground of his decision.

(4) Regulations may make provision as to the manner in which, and the time within which, appeals are to be brought.

(5) Where an adjudication officer has determined that any amount, other than an amount—

(a) of an attendance allowance;

(b) of a disability living allowance;

(c) of a disability working allowance;

(d) of statutory sick pay; or

(e) of statutory maternity pay,

is recoverable under or by virtue of section 69 or 72 below, any person from whom he has determined that it is recoverable shall have the same right of appeal to a social security appeal tribunal as a claimant.

(6) In any case where—

(a) an adjudication officer has decided any claim or question under Part V of the Contributions and Benefits Act; and

(b) the right to benefit under that Part of that Act of any person other than the claimant is or may be, under Part VI of Schedule 7 to that Act, affected by that decision,

that other person shall have the like right of appeal to a social security appeal tribunal as the claimant.

(7) Subsection (2) above shall apply to a person with a right of appeal under subsection (5) or (6) above as it applies to a claimant.**]**

Textual Amendments

F123 S. 20 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 20 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

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Modifications etc. (not altering text)

C48 S. 20 excluded (14.11.1994) by S.R. 1987/82, **reg. 64(2)** (as substituted by S.R. 1994/396, **reg. 2(2)**)
S. 20 modified (25.8.1995) by S.R. 1995/293, **reg. 46**
S. 20 excluded (25.8.1995) by S.R. 1995/293, **reg. 54**
S. 20 excluded (1.7.1998) by S.R. 1998/1506 (N.I. 10), arts. 1(3)(c)(d), 77, Sch. 5 para. 3

[F124 21 Appeal from social security appeal tribunal to Commissioner.

(1) Subject to the provisions of this section, an appeal lies to a Commissioner from any decision of a social security appeal tribunal under section 20 above on the ground that the decision of the tribunal was erroneous in point of law.

(2) In the case of statutory sick pay or statutory maternity pay an appeal lies under this section at the instance of any of the following—

(a) an adjudication officer;

(b) the employee concerned;

(c) the employer concerned;

(d) a trade union, where—

(i) the employee is a member of the union at the time of the appeal and was so immediately before the question at issue arose; or

(ii) the question at issue is a question as to or in connection with entitlement of a deceased person who was at the time of his death a member of the union;

(e) an association of employers of which the employer is a member at the time of the appeal and was so immediately before the question at issue arose.

(3) In any other case an appeal lies under this section at the instance of any of the following—

(a) an adjudication officer;

(b) the claimant;

(c) in any of the cases mentioned in subsection (5) below, a trade union; and

(d) a person from whom it is determined that any amount is recoverable under section 69 or 72 below.

(4) In a case relating to industrial injuries benefit an appeal lies under this section at the instance of a person whose right to benefit is, or may be, under Part VI of Schedule 7 to the Contributions and Benefits Act, affected by the decision appealed against, as well as at the instance of any person or body such as is mentioned in subsection (3) above.

(5) The following are the cases in which an appeal lies at the instance of a trade union—

(a) where the claimant is a member of the union at the time of the appeal and was so immediately before the question at issue arose;

(b) where that question in any way relates to a deceased person who was a member of the union at the time of his death;

(c) where the case relates to industrial injuries benefit and the claimant or, in relation to industrial death benefit, the deceased, was a member of the union at the time of the relevant accident.

(6) Subsections (2), (3) and (5) above, as they apply to a trade union, apply also to any other association which exists to promote the interests and welfare of its members.

Status: *Point in time view as at 26/09/2023.*
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(7) Where the Commissioner holds that the decision was erroneous in point of law, he shall set it aside and—

(a) he shall have power—

(i) to give the decision which he considers the tribunal should have given, if he can do so without making fresh or further findings of fact; or

(ii) if he considers it expedient, to make such findings and to give such decision as he considers appropriate in the light of them; and

(b) in any other case he shall refer the case to a tribunal with directions for its determination.

(8) Subject to any direction of the Commissioner, the tribunal on a reference under subsection (7)(b) above shall consist of persons who were not members of the tribunal which gave the erroneous decision.

(9) No appeal lies under this section without the leave—

(a) of the person who was the chairman of the tribunal when the decision was given or, in a prescribed case, the leave of some other chairman; or

(b) subject to and in accordance with regulations, of a Commissioner.

(10) Regulations may make provision as to the manner in which, and the time within which, appeals are to be brought and applications made for leave to appeal.**]**

Textual Amendments

F124 S. 21 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 21 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Modifications etc. (not altering text)

C49 S. 21 modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), arts. 1(3)(c)(d), 77, **Sch. 5**, para. 4

C50 S. 21(7)-(10) applied (5.2.1996 for certain purposes and otherwise 7.10.1996) by S.I. 1995/2705, **art. 13(8)**; S.R. 1996/26, art. 2(b), **Sch.**; S.R. 1996/401, **art. 2(b)**
S. 21(7)-(10) applied (5.9.1997 for certain purposes and otherwise 6.10.1997) by S.I. 1997/1183 (N.I. 12), **art. 15(3)**; S.R. 1997/400, art. 2(1), **Sch. Pt. II**

22 Appeal from Commissioners on point of law.

(1) Subject to subsections (2) and (3) below, an appeal on a question of law shall lie to the appropriate court from any decision of a Commissioner.

(2) No appeal under this section shall lie from a decision except—

(a) with the leave of the Commissioner who gave the decision or, in a prescribed case, with the leave of a Commissioner selected in accordance with regulations; or

(b) if he refuses leave, with the leave of the appropriate court.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) An application for leave under this section in respect of a Commissioner's decision may only be made by—

(a) a person who, before the proceedings before the Commissioner were begun, was entitled to appeal to the Commissioner from the decision to which the Commissioner's decision relates;

(b) any other person who was a party to the proceedings in which the first decision mentioned in paragraph (a) above was given;

[F125(c) the Department, in a case where it is not entitled to apply for leave by virtue of paragraph (a) or (b) above;**]**

(d) any other person who is authorised by regulations to apply for leave;

and regulations may make provision with respect to the manner in which and the time within which applications must be made to a Commissioner for leave under this section and with respect to the procedure for dealing with such applications.

(4) On an application to a Commissioner for leave under this section it shall be the duty of the Commissioner to specify as the appropriate court—

(a) the Court of Appeal in Northern Ireland if it appears to him that the relevant place is in Northern Ireland;

(b) the Court of Appeal if it appears to him that the relevant place is in England or Wales; and

(c) the Court of Session if it appears to him that the relevant place is in Scotland,

except that if it appears to him, having regard to the circumstances of the case and in particular to the convenience of the persons who may be parties to the proposed appeal, that he should specify a different court mentioned in paragraphs (a) to (c) above as the appropriate court, it shall be his duty to specify that court as the appropriate court.

(5) In this section—

"the appropriate court", except in subsection (4) above, means the court specified in pursuance of that subsection;

[F126"the relevant place", in relation to an application for leave to appeal from a decision of a Commissioner, means the premises where the personor authoritywhose decision was the subject of the Commissioner's decision usually exercises his or its functions.**]**

(6) The powers to make regulations conferred by this section shall be exercisable by the Lord Chancellor.

Textual Amendments

F125 S. 22(3)(c) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 6 para. 61(1)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 22(3)(c) repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F126 Definition in s. 22(5) substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 61(b)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18);

Status: *Point in time view as at 26/09/2023.*
***Changes to legislation:** Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Modifications etc. (not altering text)

C51 S. 22 modified (10.3.1999 for certain purposes, otherwise 1.6.1999) by S.I. 1991/2628 (N.I. 23), **art. 43A** as inserted by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 29**; S.R. 1999/102, art. 2(a), **Sch. Pt. I**; S.R. 1999/246, art. 2, **Sch. 1**

Reviews - general

[F127 23 Review of decisions.

(1) Subject to the following provisions of this section, any decision under this Act of an adjudication officer, a social security appeal tribunal or a Commissioner (other than a decision relating to an attendance allowance, a disability living allowance or a disability working allowance) may be reviewed at any time by an adjudication officer or, on a reference by an adjudication officer, by a social security appeal tribunal, if—

(a) the officer or tribunal is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact;

(b) there has been any relevant change of circumstances since the decision was given;

(c) it is anticipated that a relevant change of circumstances will so occur;

(d) the decision was based on a decision of a question which under or by virtue of this Act falls to be determined otherwise than by an adjudication officer, and the decision of that question is revised; or

(e) the decision falls to be reviewed under **[**F128Article 8(6) or 9(7) of the Jobseekers (Northern Ireland) Order 1995**]**.

(2) Any decision of an adjudication officer (other than a decision relating to an attendance allowance, a disability living allowance or a disability working allowance) may be reviewed, upon the ground that it was erroneous in point of law, by an adjudication officer or, on a reference from an adjudication officer, by a social security appeal tribunal.

(3) Regulations may provide that a decision may not be reviewed on the ground mentioned in subsection (1)(a) above unless the officer or tribunal is satisfied as mentioned in that paragraph by fresh evidence.

(4) In its application to family credit, subsection (1)(b) and (c) above shall have effect subject to section 127(3) of the Contributions and Benefits Act (change of circumstances not to affect award or rate during specified period).

(5) Where a decision is reviewed on the ground mentioned in subsection (1)(c) above, the decision given on the review—

(a) shall take effect on the day prescribed for that purpose by reference to the date on which the relevant change of circumstances is expected to occur; and

(b) shall be reviewed again if the relevant change of circumstances either does not occur or occurs otherwise than on that date.**]**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F127 S. 23 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 23 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F128 Words in s. 23(1)(e) substituted (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2**, para. 26; S.R. 1996/401, **art. 2**

Modifications etc. (not altering text)

C52 Ss. 23-27 modified (25.8.1995) by S.R. 1995/293, **reg. 46**
S. 23 restricted (25.8.1995) by S.R. 1995/293, **regs. 63(1)**, 67

C53 S. 23(1)(b)(c) modified (12.12.1995) by S.R. 1995/293, **reg. 63(7)-(11)** (as amended by S.R. 1995/434, **reg. 3**)

C54 S. 23(2) restricted (28.2.1994) by S.R. 1987/82, **reg. 64A(3A)** (as inserted by S.R. 1994/21, **reg. 2(2)**)

[F129 24 Procedure for reviews.

(1) A question may be raised with a view to a review under section 23 above by means of an application in writing to an adjudication officer, stating the grounds of the application.

(2) On receipt of any such application, the adjudication officer shall proceed to deal with or refer any question arising on it in accordance with sections 19 to 21 above.

(3) Regulations may provide for enabling, or requiring, in prescribed circumstances, a review under section 23 above notwithstanding that no application for a review has been made under subsection (1) above.]

Textual Amendments

F129 S. 24 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S.24 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Modifications etc. (not altering text)

C55 Ss. 23-27 modified (25.8.1995) by S.R. 1995/293, **regs. 46**, 67

[F130 25 Reviews under s. 23 - supplementary.

(1) Regulations—

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) may prescribe what are, or are not, relevant changes of circumstances for the purposes of section 23 above; and

(b) may make provision restricting the payment of any benefit, or any increase of benefit, to which a person would, but for this subsection, be entitled by reason of a review in respect of any period before or after the review (whether that period falls wholly or partly before or after the making of the regulations).

(2) Regulations under subsection (1)(b) above shall not restrict the payment to or for a woman of so much of—

(a) any widow's benefit, any **[**[F131]incapacity benefit**]** under section 40 of the Contributions and Benefits Act or any Category A or Category B retirement pension; or

(b) any increase of such a benefit or pension,

as falls to be paid by reason of a review which takes place by virtue of section 23(1)(a) or (b) above in consequence of a claim for a widowhood benefit, within the meaning of section 3 above, which is made or treated as made by virtue of that section.**]**

Textual Amendments

F130 S. 25 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 25 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F131 Words in s. 25(2)(a) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1**, Pt. II para. 47; S.R. 1994/450, art. 2, **Sch.**

Modifications etc. (not altering text)

C56 Ss. 23-27 modified (25.8.1995) by S.R. 1995/293, **regs. 46**, 67

[[F132]**26 Appeals following reviews or refusals to review.**

A decision given on a review under section 23 above, and a refusal to review a decision under that section, shall be subject to appeal in like manner as an original decision, and sections 19 to 21 above shall, with the necessary modifications, apply in relation to a decision given on such a review as they apply to the original decision of a question.**]**

Textual Amendments

F132 S. 26 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 26 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)
C57 Ss. 23-27 modified (25.8.1995) by S.R. 1995/293, **regs. 46**, 67

[F133 27 Review after claimant appeals.

Where a claimant has appealed against a decision of an adjudication officer and the decision is reviewed by an adjudication officer under section 23 above—

(a) if the adjudication officer considers that the decision which he has made on the review is the same as the decision that would have been made on the appeal had every ground of the claimant's appeal succeeded, the appeal shall lapse; but

(b) in any other case, the review shall be of no effect and the appeal shall proceed accordingly.]

Textual Amendments
F133 S. 27 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 27 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Modifications etc. (not altering text)
C58 Ss. 23-27 modified (25.8.1995) by S.R. 1995/293, **regs. 46**, 67

Attendance allowance, disability living allowance and disability working allowance

[F134 28 Reviews of decisions of adjudication officers.

(1) On an application under this section made within the prescribed period, a decision of an adjudication officer under section 19 above which relates to an attendance allowance, a disability living allowance or a disability working allowance may be reviewed on any ground subject, in the case of a disability working allowance, to section 128(6) of the Contributions and Benefits Act.

(2) On an application under this section made after the end of the prescribed period, a decision of an adjudication officer under section 19 above which relates to an attendance allowance or a disability living allowance may be reviewed if—

(a) the adjudication officer is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact;

(b) there has been any relevant change of circumstances since the decision was given;

(c) it is anticipated that a relevant change of circumstances will so occur;

(d) the decision was erroneous in point of law; or

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(e) the decision was to make an award for a period wholly or partly after the date on which the claim was made or treated as made but subject to a condition being fulfilled and that condition has not been fulfilled,

but regulations may provide that a decision may not be reviewed on the ground mentioned in paragraph (a) above unless the officer is satisfied as mentioned in that paragraph by fresh evidence.

(3) Regulations may prescribe what are, or are not, relevant changes of circumstances for the purposes of subsection (2)(b) and (c) above.

(4) On an application under this section made after the end of the prescribed period, a decision of an adjudication officer under section 19 above that a person is or was at any time terminally ill for the purposes of section 66(1), 72(5) or 73(12) of the Contributions and Benefits Act may be reviewed if there has been a change of medical opinion with respect to his condition or his reasonable expectation of life.

(5) On an application under this section made after the end of the prescribed period, a decision of an adjudication officer under section 19 above which relates to a disability working allowance may be reviewed if—

(a) the adjudication officer is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact;

(b) subject to section 128(6) of the Contributions and Benefits Act, there has been any prescribed change of circumstances since the decision was given;

(c) the decision was erroneous in point of law; or

(d) the decision was to make an award for a period wholly or partly after the date on which the claim was made or treated as made but subject to a condition being fulfilled and that condition has not been fulfilled,

but regulations may provide that a decision may not be reviewed on the ground mentioned in paragraph (a) above unless the officer is satisfied as mentioned in that paragraph by fresh evidence.

(6) The claimant shall be given such notification as may be prescribed of a decision which may be reviewed under this section and of his right to a review under subsection (1) above.

(7) A question may be raised with a view to a review under this section by means of an application made in writing to an adjudication officer stating the grounds of the application and supplying such information and evidence as may be prescribed.

[The Department may undertake investigations to obtain information and evidence for
F135(7A) the purposes of making applications under subsection (7) above.**]**

(8) Regulations—

(a) may provide for enabling or requiring, in prescribed circumstances, a review under this section notwithstanding that no application under subsection (7) above has been made; and

(b) if they do so provide, shall specify under which provision of this section a review carried out by virtue of any such regulations falls.

(9) Reviews under this section shall be carried out by adjudication officers.

(10) Different aspects of any question which arises on such a review may be dealt with by different adjudication officers; and for this purpose this section and the other

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provisions of this Part of this Act which relate to reviews under this section shall apply with any necessary modifications.

(11) If a review is under subsection (1) above, the officer who took the decision under review shall not deal with any question which arises on the review.

(12) Except in prescribed circumstances, where a claim for a disability living allowance in respect of a person already awarded such an allowance by an adjudication officer is made or treated as made during the period for which he has been awarded the allowance, it shall be treated as an application for a review under this section.

(13) Where—

(a) a claim for an attendance allowance, a disability living allowance or a disability working allowance in respect of a person has been refused; and

(b) a further claim for the same allowance is made in respect of him within the period prescribed under subsection (1) above,

the further claim shall be treated as an application for a review under that subsection.**]**

Textual Amendments

F134 S. 28 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 28 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F135 S. 28(7A) inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 16(1)**; S.R. 1997/316, art. 2, **Sch.**

Modifications etc. (not altering text)

C59 S. 28(2)(d) restricted (28.2.1994) by S.R. 1987/82, **reg. 64A(3A)** (as inserted by S.R. 1994/21, **reg. 2(2)**)

[F136**29 Further reviews.**

(1) Subsections (2), (4) and (5) of section 28 above shall apply to a decision on a review under subsection (1) of that section as they apply to a decision of an adjudication officer under section 19 above but as if the words "made after the end of the prescribed period" were omitted from each subsection.

(2) Subsections (1), (2), (4) and (5) of section 28 above shall apply—

(a) to a decision on a review under subsection (2), (4) or (5) of that section; and

(b) to a refusal to review a decision under subsection (2), (4) or (5) of that section,

as they apply to a decision of an adjudication officer under section 19 above.

(3) The claimant shall be given such notification as may be prescribed—

(a) of a decision on a review under section 28 above;

(b) if the review was under section 28(1), of his right of appeal under section 31 below; and

(c) if it was under section 28(2), (4) or (5), of his right to a further review under section 28(1).**]**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F136 S. 29 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 29 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F137 30 Reviews of decisions as to attendance allowance, disability living allowance or disability working allowance - supplementary.

(1) An award of an attendance allowance, a disability living allowance or a disability working allowance on a review under section 28 above replaces any award which was the subject of the review.

(2) Where a person who has been awarded a disability living allowance consisting of one component applies or is treated as applying for a review under section 28 above and alleges that he is also entitled to the other component, the adjudication officer need not consider the question of his entitlement to the component which he has already been awarded or the rate of that component.

(3) Where a person who has been awarded a disability living allowance consisting of both components applies or is treated as applying for a review under section 28 above and alleges that he is entitled to one component at a rate higher than that at which it has been awarded, the adjudication officer need not consider the question of his entitlement to the other component or the rate of that component.

(4) Where a person has been awarded a component for life, on a review under section 28 above the adjudication officer shall not consider the question of his entitlement to that component or the rate of that component or the period for which it has been awarded unless—

(a) the person awarded the component expressly applies for the consideration of that question; or

(b) **[**F138there has been supplied to the adjudication officer by the Department, or is otherwise available to him, information**]** which gives him reasonable grounds for believing that entitlement to the component, or entitlement to it at the rate awarded or for that period, ought not to continue.

(5) No decision which relates to an attendance allowance or a disability living allowance shall be reviewed under section 28 above on the ground that the person is or was at any time terminally ill, within the meaning of section 66(2) of the Contributions and Benefits Act, unless an application for review is made expressly on that ground either—

(a) by the person himself; or

(b) by any other person purporting to act on his behalf, whether or not that other person is acting with his knowledge or authority;

and a decision may be so reviewed on such an application, notwithstanding that no claim under section 66(1), 72(5) or 73(12) of that Act has been made.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) Where a decision is reviewed under section 28 above on the ground that it is anticipated that a change of circumstances will occur, the decision given on review—

(a) shall take effect on the day prescribed for that purpose by reference to the date on which the change of circumstances is expected to occur; and

(b) shall be reviewed again if the change of circumstances either does not occur or occurs otherwise than on that date.

(7) Where a claimant has appealed against a decision of an adjudication officer under section 31 below and the decision is reviewed again under section 28(2), (4) or (5) above by an adjudication officer, then—

(a) if the adjudication officer considers that the decision which he has made on the review is the same as the decision that would have been made on the appeal had every ground of the appeal succeeded, then the appeal shall lapse; but

(b) in any other case, the review shall be of no effect and the appeal shall proceed accordingly.

(8) Regulations may make provision restricting the payment of any benefit, or any increase of benefit, to which a person would, but for this subsection, be entitled by reason of a review in respect of any period before or after the review (whether that period falls wholly or partly before or after the making of the regulations).

(9) Where an adjudication officer has determined that any amount paid by way of an attendance allowance, a disability living allowance or a disability working allowance is recoverable under or by virtue of section 69 below, any person from whom he has determined that it is recoverable shall have the same right of review under section 28 above as a claimant.

(10) This Act and the Contributions and Benefits Act shall have effect in relation to a review by virtue of subsection (9) above as if any reference to the claimant were a reference to the person from whom the adjudication officer has determined that the amount in question is recoverable.**]**

Textual Amendments

F137 S. 30 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 30 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F138 Words in s. 30(4)(b) substituted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 16(2)**; S.R. 1997/316, art. 2, **Sch.**

[F139 31 Appeals following reviews.

(1) Where an adjudication officer has given a decision on a review under section 28(1) above, the claimant or such other person as may be prescribed may appeal—

(a) in prescribed cases, to a disability appeal tribunal; and

(b) in any other case, to a social security appeal tribunal.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) Regulations may make provision as to the manner in which, and the time within which, appeals are to be brought.

(3) An award on an appeal under this section replaces any award which was the subject of the appeal.

(4) Where a person who has been awarded a disability living allowance consisting of one component alleges on an appeal that he is also entitled to the other component, the tribunal need not consider the question of his entitlement to the component which he has already been awarded or the rate of that component.

(5) Where a person who has been awarded a disability living allowance consisting of both components alleges on an appeal that he is entitled to one component at a rate higher than that at which it has been awarded, the tribunal need not consider the question of his entitlement to the other component or the rate of that component.

(6) The tribunal shall not consider—

(a) a person's entitlement to a component which has been awarded for life;

(b) the rate of a component so awarded; or

(c) the period for which a component has been so awarded,

unless—

(i) the appeal expressly raises that question; or

(ii) information is available to the tribunal which gives it reasonable grounds for believing that entitlement to the component, or entitlement to it at the rate awarded or for that period, ought not to continue.**]**

Textual Amendments

F139 S. 31 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 31 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Modifications etc. (not altering text)

C60 S. 31 modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), arts. 1(3)(c)(d), 77, **Sch. 5 para. 3(2)**

[F140 32 Appeal from social security appeal tribunals or disability appeal tribunals to Commissioners and appeals from Commissioners.

(1) Subject to the provisions of this section, an appeal lies to a Commissioner from any decision of a social security appeal tribunal or disability appeal tribunal under section 31 above on the ground that the decision of the tribunal was erroneous in point of law.

(2) An appeal lies under this section at the instance of any of the following—

(a) an adjudication officer;

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(b) the claimant;

(c) a trade union—

(i) where the claimant is a member of the union at the time of the appeal and was so immediately before the question at issue arose;

(ii) where that question in any way relates to a deceased person who was a member of the union at the time of his death; and

(d) a person from whom it is determined that any amount is recoverable under section 69 below.

(3) Subsection (2) above, as it applies to a trade union, applies also to any other association which exists to promote the interests and welfare of its members.

(4) Subsections (7) to (10) of section 21 above have effect for the purposes of this section as they have effect for the purposes of that section.

(5) Section 22 above applies to a decision of a Commissioner under this section as it applies to a decision of a Commissioner under section 21 above.**]**

Textual Amendments

F140 S. 32 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 32 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Modifications etc. (not altering text)

C61 S. 32 modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), arts. 1(3)(c)(d), 77, **Sch. 5 para. 4(2)**

[F141 33 Reviews of decisions on appeal.

(1) Any decision under this Act of a social security appeal tribunal, a disability appeal tribunal or a Commissioner which relates to an attendance allowance or a disability living allowance may be reviewed at any time by an adjudication officer if—

(a) he is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact;

(b) there has been any relevant change of circumstances since the decision was given;

(c) it is anticipated that a relevant change of circumstances will so occur;

(d) the decision was that a person is or was at any time terminally ill for the purposes of section 66(1), 72(5) or 73(12) of the Contributions and Benefits Act and there has been a change of medical opinion with respect to his condition or his reasonable expectation of life; or

(e) the decision was to make an award for a period wholly or partly after the date on which the claim was made or treated as made but subject to a condition being fulfilled and that condition has not been fulfilled,

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but regulations may provide that a decision may not be reviewed on the ground mentioned in paragraph (a) above unless the officer is satisfied as mentioned in that paragraph by fresh evidence.

(2) Regulations may prescribe what are, or are not, relevant changes of circumstances for the purposes of subsection (1)(b) and (c) above.

(3) Any decision under this Act of a social security appeal tribunal, a disability appeal tribunal or a Commissioner which relates to a disability working allowance may be reviewed at any time by an adjudication officer if—

(a) he is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact;

(b) subject to section 128(6) of the Contributions and Benefits Act, there has been any prescribed change of circumstances since the decision was given; or

(c) the decision was to make an award for a period wholly or partly after the date on which the claim was made or treated as made but subject to a condition being fulfilled and that condition has not been fulfilled,

but regulations may provide that a decision may not be reviewed on the ground mentioned in paragraph (a) above unless the officer is satisfied as mentioned in that paragraph by fresh evidence.

(4) A question may be raised with a view to a review under this section by means of an application made in writing to an adjudication officer, stating the grounds of the application and supplying such information and evidence as may be prescribed.

(5) Regulations may provide for enabling or requiring, in prescribed circumstances, a review under this section notwithstanding that no application for a review has been made under subsection (4) above.

(6) Reviews under this section shall be carried out by adjudication officers.

(7) Except in prescribed circumstances, where a claim for a disability living allowance in respect of a person already awarded such an allowance on an appeal is made or treated as made during the period for which he has been awarded the allowance, it shall be treated as an application for a review under this section.

(8) Subsections (1), (2), (4) and (5) of section 28 above shall apply—

(a) to a decision on a review under this section; and

(b) to a refusal to review a decision such as is mentioned in subsection (1) above,

as they apply to a decision of an adjudication officer under section 19 above.

(9) The person whose claim was the subject of the appeal the decision on which has been reviewed under this section shall be given such notification as may be prescribed—

(a) of the decision on the review; and

(b) of his right to a further review under section 28(1) above.

(10) Regulations may make provision restricting the payment of any benefit, or any increase of benefit, to what a person would, but for this subsection, be entitled by reason of a review in respect of any period before or after the review (whether that period falls wholly or partly before or after the making of the regulations).

(11) Where a decision is reviewed on the ground mentioned in subsection (1)(c) above, the decision given on the review—

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) shall take effect on the day prescribed for that purpose by reference to the date on which the relevant change of circumstances is expected to occur; and

(b) shall be reviewed again if the relevant change of circumstances either does not occur or occurs otherwise than on that date.

(12) Sections 28(10) and 30(1) to (5) above shall apply in relation to a review under this section as they apply to a review under section 28 above.**]**

Textual Amendments

F141 S. 33 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 33 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Questions first arising on appeal

[F142 34 Questions first arising on appeal.

(1) Where a question which but for this section would fall to be determined by an adjudication officer first arises in the course of an appeal to a social security appeal tribunal, a disability appeal tribunal or a Commissioner, the tribunal, subject to subsection (2) below, or the Commissioner may, if they or he think fit, proceed to determine the question notwithstanding that it has not been considered by an adjudication officer.

(2) A social security appeal tribunal may not determine a question by virtue of subsection (1) above if an appeal in relation to such a question would have lain to a disability appeal tribunal.**]**

Textual Amendments

F142 S. 34 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 34 repealed (29.11.1999 for certain purposes, otherwise*prosp.*.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Reference of special questions

[F143 35 Reference of special questions.

(1) Subject to subsection (2) below—

Status: *Point in time view as at 26/09/2023.*
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(a) if on consideration of any claim or question an adjudication officer is of opinion that there arises any question which under or by virtue of this Act falls to be determined otherwise than by an adjudication officer, he shall refer the question for such determination; and

(b) if on consideration of any claim or question a social security appeal tribunal or Commissioner is of opinion that any such question arises, the tribunal or Commissioner shall direct it to be referred by an adjudication officer for such determination.

(2) The person or tribunal making or directing the reference shall then deal with any other question as if the referred question had not arisen.

(3) The adjudication officer, tribunal or Commissioner may—

(a) postpone the reference of, or dealing with, any question until other questions have been determined;

(b) in cases where the determination of any question disposes of a claim or any part of it, make an award or decide that an award cannot be made, as to the claim or that part of it, without referring or dealing with, or before the determination of, any other question.**]**

Textual Amendments

F143 S. 35 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 35 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Modifications etc. (not altering text)

C62 S. 35 modified (25.8.1995) by S.R. 1995/293, **reg. 46**

Adjudication officers and the Chief Adjudication Officer

[F144 36 Adjudication officers.

(1) Adjudication officers shall be appointed by the Department, subject to the consent of the Department of Finance and Personnel as to number, and may include officers of the Department of Social Security appointed with the concurrence of the Secretary of State.

(2) An adjudication officer may be appointed to perform all the functions of adjudication officers under any enactment or such functions of such officers as may be specified in his instrument of appointment.**]**

Textual Amendments

F144 S. 36 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 36 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F145 37 The Chief Adjudication Officer.

(1) The Department shall appoint for Northern Ireland a Chief Adjudication Officer.

(2) It shall be the duty of the Chief Adjudication Officer to advise adjudication officers on the performance of their functions under this or any other enactment.

(3) The Chief Adjudication Officer shall keep under review the operation of the system of adjudication by adjudication officers and matters connected with the operation of that system.

(4) The Chief Adjudication Officer shall report annually in writing to the Department on the standards of adjudication and the Department shall publish his report.**]**

Textual Amendments

F145 S. 37 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 37 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Social security appeal tribunals

[F146 38 Panels for appointment to social security appeal tribunals.

(1) The President shall constitute for the whole of Northern Ireland to act for such areas as he thinks fit and to be composed of such persons as he thinks fit to appoint, panels of persons to act as members of social security appeal tribunals.

(2) The panel for an area shall be composed of persons appearing to the President to have knowledge or experience of conditions in the area and to be representative of persons living or working in the area.

(3) Before appointing members of a panel, the President shall take into consideration any recommendations from such organisations or persons as he considers appropriate.

(4) The members of the panels shall hold office for such period as the President may direct, but the President may at any time terminate the appointment of any member of a panel.**]**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F146 S. 38 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 38 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F147 39 Constitution of social security appeal tribunals.

(1) A social security appeal tribunal shall consist of a chairman and two other persons.

(2) The members other than the chairman shall be drawn from the appropriate panel constituted under section 38 above.

(3) The President shall nominate the chairman.

(4) The President may nominate as chairman—

(a) himself;

(b) one of the full-time chairmen appointed under section 49(1)(b) below; or

(c) a person drawn from the panel appointed by the Lord Chancellor under section 49(1)(c) below.

(5) If practicable, at least one of the members of the appeal tribunal hearing a case shall be of the same sex as the claimant.

(6) Schedule 2 to this Act shall have effect for supplementing this section.]

Textual Amendments

F147 S. 39 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 39 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Modifications etc. (not altering text)

C63 S. 39 modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), arts. 1(3)(c)(d), 77, **Sch. 5 para. 1**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Disability appeal tribunals

[F148 40 Panels for appointment to disability appeal tribunals.

(1) The President shall constitute for the whole of Northern Ireland, to act for such areas as he thinks fit and be composed of such persons as he thinks fit to appoint, panels of persons to act as members of disability appeal tribunals.

(2) There shall be two panels for each area.

(3) One panel shall be composed of medical practitioners.

(4) The other shall be composed of persons who are experienced in dealing with the needs of disabled persons—

(a) in a professional or voluntary capacity; or

(b) because they are themselves disabled,

but may not include medical practitioners.

(5) In considering the appointment of members of the panels the President shall have regard to the desirability of appointing disabled persons.

(6) Before appointing members of a panel, the President shall take into consideration any recommendations from such organisations or persons as he considers appropriate.

(7) The members of the panels shall hold office for such periods as the President may direct, but the President may at any time terminate the appointment of any member of a panel.**]**

Textual Amendments

F148 S. 40 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 40 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F149 41 Constitution of disability appeal tribunals.

(1) A disability appeal tribunal shall consist of a chairman and two other persons.

(2) Of the members of a tribunal other than the chairman, one shall be drawn from the panel mentioned in subsection (3) of section 40 above.

(3) The other shall be drawn from the panel mentioned in subsection (4) of that section.

(4) The President shall nominate the chairman.

(5) The President may nominate as chairman—

(a) himself;

(b) one of the full-time chairmen appointed under section 49(1)(b) below; or

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) a person drawn from the panel appointed by the Lord Chancellor under section 49(1)(c) below.

(6) In summoning members of a panel to serve on a tribunal, the clerk to the tribunal shall have regard to the desirability of at least one of the members of the tribunal being a disabled person.

(7) If practicable, at least one of the members of the tribunal shall be of the same sex as the claimant.

(8) Schedule 2 to this Act shall have effect for supplementing this section.**]**

Textual Amendments

F149 S. 41 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 41 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Adjudication in relation to industrial injuries and disablement benefit

[F150 42 Declaration that accident is an industrial accident.

(1) Where, in connection with any claim for industrial injuries benefit, it is determined that the relevant accident was or was not an industrial accident, an express declaration of that fact shall be made and recorded and (subject to subsection (3) below) a claimant shall be entitled to have the question whether the relevant accident was an industrial accident determined notwithstanding that his claim is disallowed on other grounds.

(2) Subject to subsection (3) below and to section 58 below, any person suffering personal injury by accident shall be entitled, if he claims the accident was an industrial accident, to have that question determined, and a declaration made and recorded accordingly, notwithstanding that no claim for benefit has been made in connection with which the question arises; and this Part of this Act applies for that purpose as if the question had arisen in connection with a claim for benefit.

(3) The adjudication officer, social security appeal tribunal or Commissioner (as the case may be) may refuse to determine the question whether an accident was an industrial accident if satisfied that it is unlikely to be necessary to determine the question for the purposes of any claim for benefit; but any such refusal of an adjudication officer or social security appeal tribunal shall be subject to appeal to a social security appeal tribunal or Commissioner, as the case may be.

(4) Subject to the provisions of this Part of this Act as to appeal and review, any declaration under this section that an accident was or was not an industrial accident shall be conclusive for the purposes of any claim for industrial injuries benefit in respect of that accident.

(5) Where subsection (4) above applies—

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) in relation to a death occurring before 11th April 1988; or

(b) for the purposes of section 60(2) of the Contributions and Benefits Act,

it shall have effect as if at the end there were added the words " whether or not the claimant is the person at whose instance the declaration was made ".

(6) For the purposes of this section (but subject to section 58(3) below), an accident whereby a person suffers personal injury shall be deemed, in relation to him, to be an industrial accident if—

(a) it arises out of and in the course of his employment;

(b) that employment is employed earner's employment for the purposes of Part V of the Contributions and Benefits Act;

(c) payment of benefit is not under section 94(5) of that Act precluded because the accident happened while he was outside Northern Ireland.

(7) A decision under this section shall be final except that sections 23 to 27 above apply to a decision under this section that an accident was or was not an industrial accident as they apply to a decision under sections 19 to 21 above if, but only if, the adjudication officer or social security appeal tribunal, as the case may be, is satisfied that the decision under this section was given in consequence of any wilful non-disclosure or misrepresentation of a material fact.**]**

Textual Amendments

F150 S. 42 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 42 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Modifications etc. (not altering text)

C64 S. 42 excluded (25.8.1995) by S.R. 1995/293, **reg. 44(1)**

[F151 43 Disablement questions.

(1) In relation to industrial injuries benefit F152. . ., the "disablement questions" are the questions—

(a) F153. . . whether the relevant accident has resulted in a loss of faculty;

(b) F154. . . at what degree the extent of disablement resulting from a loss of faculty is to be assessed, and what period is to be taken into account by the assessment;

but questions relating to the aggregation of percentages of disablement resulting from different accidents are not disablement questions (and accordingly fall to be determined by an adjudication officer).

(2) Subject to and in accordance with regulations, the disablement questions shall be referred to and determined—

(a) by an adjudicating medical practitioner;

(b) by two or more adjudicating medical practitioners;

(c) by a medical appeal tribunal; F155. . .

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F155(d) . . . . . .

(3) Where—

(a) the case of a claimant for disablement benefit has been referred by the adjudication officer to one or more adjudicating medical practitioners for determination of the disablement questions; and

(b) on that or any subsequent reference, the extent of the disablement is provisionally assessed,

the case shall again be referred under this section, to one or more adjudicating medical practitioners as regulations may provide for the purposes of such subsequent references, not later than the end of the period taken into account by the provisional assessment.

(4) Where, in the case of a claimant for disablement benefit, the extent of any disablement of his resulting from an aggregable accident (that is to say, an accident other than the one which is the basis of the claim in question) has been assessed in accordance with paragraph 6(3) of Schedule 6 to the Contributions and Benefits Act at less than 14 per cent., then—

(a) the adjudication officer may refer the disablement questions relating to the aggregable accident to one or more adjudicating medical practitioners for fresh determination; and

(b) on any such reference—

(i) those questions shall be determined as at the first day of the common period; and

(ii) the period to be taken into account shall be the period beginning with that day.

(5) In subsection (4) above "the first day of the common period" means whichever is the later of—

(a) the first day of the period taken into account by the assessment of the extent of the claimant's disablement resulting from the accident which is the basis of the claim in question;

(b) the first day of the period taken into account by the assessment of the extent of his disablement resulting from the aggregable accident.

(6) In the following provisions of this Act "adjudicating medical practitioner" means, in relation to any case, one such practitioner, unless regulations applicable to cases of that description provide for references to more than one.**]**

Textual Amendments

F151 S. 43 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 43 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F152 Words in s. 43(1) repealed (3.11.2000 for certain purposes, otherwise 6.4.2001) by S.I. 1999/3147 (N.I. 11), art. 76, **Sch. 10 Pt. IV**; S.R. 2000/332, **art. 2(3)-(5)** (subject to art. 3 of the said S.R. 2000/332 (as amended by S.R. 2001/114, **art. 3**) and to art. 4 of the said S.R. 2000/332)

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F153 Words in s. 43(1)(a) repealed (3.11.2000 for certain purposes, otherwise 6.4.2001) by S.I. 1999/3147 (N.I. 11), art. 76, **Sch. 10 Pt. IV**; S.R. 2000/332, **art. 2(3)-(5)** (subject to art. 3 of the said S.R. 2000/332 (as amended by S.R. 2001/114, **art. 3**) and to art. 4 of the said S.R. 2000/332)

F154 Words in s. 43(1)(b) repealed (3.11.2000 for certain purposes, otherwise 6.4.2001) by S.I. 1999/3147 (N.I. 11), art. 76, **Sch. 10 Pt. IV**; S.R. 2000/332, **art. 2(3)-(5)** (subject to art. 3 of the said S.R. 2000/332 (as amended by S.R. 2001/114, **art. 3**) and to art. 4 of the said S.R. 2000/332))

F155 S. 43(2)(d) and the preceding word repealed by S.I. 1999/3147 (N.I. 11), art. 76, **Sch. 10 Pt. IV**; S.R. 2000/332, **art. 2(3)-(5)** (subject to art. 3 of the said S.R. 2000/332 (as amended by S.R. 2001/114, **art. 3**) and to art. 4 of the said S.R. 2000/332)

[F156 44 Medical appeals and references.

(1) This section has effect where the case of a claimant for disablement benefit F157. . . has been referred by the adjudication officer to an adjudicating medical practitioner for determination of the disablement questions.

(2) Subject to subsection (3) below, if the claimant is dissatisfied with the decision of the adjudicating medical practitioner, he may appeal in the prescribed manner and within the prescribed time, and the case shall be referred to a medical appeal tribunal.

(3) If—

(a) the Department notifies the adjudication officer within the prescribed time that it is of the opinion that any decision of the adjudicating medical practitioner ought to be considered by a medical appeal tribunal; or

(b) the adjudication officer is of the opinion that any such decision ought to be so considered,

the adjudication officer shall refer the case to a medical appeal tribunal for their consideration, and the tribunal may confirm, reverse or vary the decision in whole or in part as on an appeal.**]**

Textual Amendments

F156 S. 44 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 44 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F157 Words in s. 44(1) repealed (3.11.2000 for certain purposes, otherwise 6.4.2001) by S.I. 1999/3147 (N.I. 11), arts. 1(2), 76, **Sch. 10 Pt. IV**; S.R. 2000/332, **art. 2(3)-(5)** (subject to art. 3 of the said S.R. 2000/332 (as amended by S.R. 2001/114, **art. 3**) and to art. 4 of the said S.R. 2000/332)

[F158 45 Review of medical decisions.

(1) Any decision under this Act of an adjudicating medical practitioner or a medical appeal tribunal may be reviewed at any time by an adjudicating medical practitioner if satisfied that the decision was given in ignorance of a material fact or was based on a mistake as to a material fact.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) Any decision under this Act of an adjudicating medical practitioner may be reviewed at any time by such a practitioner if he is satisfied that the decision was erroneous in point of law.

(3) Regulations may provide that a decision may not be reviewed under subsection (1) above unless the adjudicating medical practitioner is satisfied as mentioned in that subsection by fresh evidence.

(4) Any assessment of the extent of the disablement resulting from the relevant loss of faculty may also be reviewed by an adjudicating medical practitioner if he is satisfied that since the making of the assessment there has been an unforeseen aggravation of the results of the relevant injury.

(5) Where in connection with a claim for disablement benefit made after 20th October 1953 it is decided that the relevant accident has not resulted in a loss of faculty, the decision—

(a) may be reviewed under subsection (4) above as if it were an assessment of the extent of disablement resulting from a relevant loss of faculty; but

(b) subject to any further decision on appeal or review, shall be treated as deciding the question whether the relevant accident had so resulted both for the time about which the decision was given and for any subsequent time.

(6) For the purposes of subsection (5) above, a final assessment of the extent of the disablement resulting from a loss of faculty made for a period limited by reference to a definite date shall be treated as deciding that at that date the relevant accident had not resulted in a loss of faculty.

(7) An assessment made, confirmed or varied by a medical appeal tribunal shall not be reviewed under subsection (4) above without the leave of a medical appeal tribunal, and (notwithstanding the provisions of Part V of the Contributions and Benefits Act) on a review under that subsection the period to be taken into account by any revised assessment shall only include a period before the date of the application for the review if and in so far as regulations so provide.

(8) Subject to the foregoing provisions of this section, an adjudicating medical practitioner may deal with a case on a review in any manner in which he could deal with it on an original reference to him, and in particular may in any case relating to disablement benefit make a provisional assessment notwithstanding that the assessment under review was final.

(9) Section 44 above applies to an application for a review under this section and to a decision of an adjudicating medical practitioner in connection with such an application as it applies to an original claim for disablement benefit [F159]. . . and to a decision of an adjudicating medical practitioner in connection with such a claim.

(10) In subsection (6) above the reference to a final assessment does not include an assessment made for the purpose of section 12(1)(a) or (b) of the [M2]National Insurance (Industrial Injuries) Act (Northern Ireland) 1946 as originally enacted and having the effect that benefit is not payable.**]**

Textual Amendments

F158 S. 45 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 45 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F159 Words in s. 45(9) repealed (3.11.2000 for certain purposes, otherwise 6.4.2001) by S.I. 1999/3147 (N.I. 11), art. 76, **Sch. 10 Pt. IV**; S.R. 2000/332, **art. 2(3)-(5)** (subject to art. 3 of the said S.R. 2000/332 (as amended by S.R. 2001/114, **art. 3**) and to art. 4 of the said S.R. 2000/332)

Modifications etc. (not altering text)

C65 S. 45(1) modified (25.8.1995) by S.R. 1995/293, **art. 36(1)**
S. 45(1) restricted (25.8.1995) by S.R. 1995/293, **reg. 61**

C66 S. 45(2) modified (25.8.1995) by S.R. 1995/293, **reg. 36(1)**

C67 S. 45(5) excluded (25.8.1995) by S.R. 1995/293, **reg. 44(1)**

C68 S. 45(7) excluded (25.8.1995) by S.R. 1995/293, **reg. 51**

C69 S. 45(8) modified (25.8.1995) by S.R. 1995/293, **art. 52**

Marginal Citations

M2 1946 c. 21 (N.I.).

[F160 46 Appeal etc. on question of law to Commissioner.

(1) Subject to this section, an appeal lies to a Commissioner from any decision of a medical appeal tribunal (if given after 6th April 1987) on the ground that the decision is erroneous in point of law, at the instance of—

(a) an adjudication officer;

(b) the claimant;

(c) a trade union of which the claimant was a member at the time of the relevant accident F161. . .; or

(d) the Department.

(2) Subsection (1) above, as it applies to a trade union, applies also to any other association which exists to promote the interests and welfare of its members.

(3) No appeal lies under subsection (1) above without the leave—

(a) of the person who was the chairman of the medical appeal tribunal when the decision was given or, in a prescribed case, the leave of some other chairman of a medical appeal tribunal; or

(b) subject to and in accordance with regulations, of a Commissioner,

and regulations may make provision as to the manner in which, and the time within which, appeals are to be brought and applications made for leave to appeal.

(4) On any such appeal, the question of law arising for the decision of the Commissioner and the facts on which it arises shall be submitted for his consideration in the prescribed manner.

(5) Where the Commissioner holds that the decision was erroneous in point of law he shall set it aside and refer the case to a medical appeal tribunal with directions for its determination.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) Subject to any direction of the Commissioner, the tribunal on a reference under subsection (5) above shall consist of persons who were not members of the tribunal which gave the erroneous decision.**]**

Textual Amendments

F160 S. 46 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 46 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F161 Words in s. 46(1)(c) repealed (3.11.2000 for certain purposes, otherwise 6.4.2001) by S.I. 1999/3147 (N.I. 11), arts. 1(2), 76, **Sch. 10 Pt. IV**; S.R. 2000/332, **art. 2(3)-(5)** (subject to art. 3 of the said S.R. 2000/332 (as amended by S.R. 2001/114, **art. 3**) and to art. 4 of the said S.R. 2000/332)

Modifications etc. (not altering text)

C70 S. 46 modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), arts. 1(3)(c)(d), 77, **Sch. 5 para. 4(3)**

Adjudicating medical practitioners and medical appeal tribunals

[F162 47 Adjudicating medical practitioners.

(1) Adjudicating medical practitioners shall be appointed by the Department.

(2) The Department may make arrangements whereby any adjudicating medical practitioners for the purposes of the Great Britain Administration Act shall be adjudicating medical practitioners for the purposes of this Act.

(3) Subject to subsections (1) and (2) above, the appointment of adjudicating medical practitioners shall be determined by regulations.**]**

Textual Amendments

F162 S. 47 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 47 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F163 48 Constitution of medical appeal tribunals.

(1) A medical appeal tribunal shall consist of a chairman and two other persons.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) The members other than the chairman shall be medical practitioners appointed by the President after consultation with such academic medical bodies as appear to him to be appropriate.

(3) The President shall nominate the chairman.

(4) The President may nominate as chairman—

(a) himself;

(b) one of the full-time chairmen appointed under section 49(1)(b) below; or

(c) a person drawn from the panel appointed by the Lord Chancellor under section 49(1)(c) below.

(5) The Department may make arrangements whereby a medical appeal tribunal for the purposes of the Great Britain Administration Act shall be a medical appeal tribunal for the purposes of this Act.

(6) Subject to subsections (1) to (4) above, the constitution of medical appeal tribunals shall be determined by regulations.

(7) Schedule 2 to this Act shall have effect for supplementing this section.**]**

Textual Amendments

F163 S. 48 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 48 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

The President and chairmen of tribunals

[F164 49 The President of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals and chairmen.

(1) The Lord Chancellor may appoint for Northern Ireland—

(a) a President of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals;

(b) full-time chairmen of such tribunals; and

(c) a panel of persons who may be appointed part-time chairmen of such tribunals.

(2) A person is qualified to be appointed President if he is a barrister or solicitor of at least 10 years' standing.

(3) A person is qualified to be appointed a full-time chairman if he is a barrister or solicitor of at least 7 years' standing.

(4) A person is qualified to be appointed to the panel referred to in subsection (1)(c) above if he is a barrister or solicitor of at least 5 years' standing.

(5) Schedule 2 to this Act shall have effect for supplementing this section.**]**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F164 S. 49 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 49 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Social Security Commissioners

50 Appointment of Commissioners.

(1) Her Majesty may from time to time appoint for Northern Ireland, from among persons who are barristers or solicitors of at least 10 years' standing—

(a) a Chief Social Security Commissioner; and

(b) **[**F165other Social Security Commissioners**]**.

(2) **[**F166In order to facilitate the disposal of the business of Social Security Commissioners, the Northern Ireland Judicial Appointments Commission may appoint**]** —

(a) a member of the bar of Northern Ireland or **[**F167solicitor of the Court of Judicature of Northern Ireland**]** of at least 10 years' standing;

(b) a person who has a 10 year general qualification within the meaning of section 71 of the M3Courts and Legal Services Act 1990; or

(c) an advocate or solicitor in Scotland of at least 10 years' standing,

to be a Social Security Commissioner (but to be known as a deputy Commissioner) for such period or on such occasions as the **[**F168Commission determines with the agreement of the **[**F169Department of Justice**]]**.

(3) Schedule 2 to this Act shall have effect for supplementing this section.

Textual Amendments

F165 Words in s. 50(1) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 24(2)** (with Sch. 5 para. 16); S.I. 2010/812, art. 2

F166 Words in s. 50(2) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 24(3)(a)** (with Sch. 5 para. 16); S.I. 2010/812, art. 2

F167 Words in Act substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 11 para. 5**; S.I. 2009/1604, art. 2(d)

F168 Words in s. 50(2) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 24(3)(b)** (with Sch. 5 para. 16); S.I. 2010/812, art. 2

F169 Words in s. 50(2) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), s. 3(2), **Sch. para. 8**; S.R. 2010/147, art. 2(2)

Marginal Citations

M3 1990 c. 41.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

References to medical practitioners, the Disability Living Allowance Advisory Board etc.

[F170 51 Power of adjudicating authorities to refer matters to experts.

(1) An authority to which this section applies may refer any question of special difficulty arising for decision by the authority to one or more experts for examination and report.

(2) The authorities to which this section applies are—

(a) an adjudication officer;

(b) an adjudicating medical practitioner, or two or more such practitioners acting together;

(c) a specially qualified adjudicating medical practitioner appointed by virtue of section 60 below, or two or more such practitioners acting together;

(d) a social security appeal tribunal;

(e) a disability appeal tribunal;

(f) a medical appeal tribunal;

(g) a Commissioner;

(h) the Department.

(3) Regulations may prescribe cases in which a Commissioner shall not exercise the power conferred by subsection (1) above.

(4) In this section "expert" means a person appearing to the authority to have knowledge or experience which would be relevant in determining the question of special difficulty.**]**

Textual Amendments

F170 S. 51 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 51 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F171 52 Claims relating to attendance allowance, disability living allowance and disability working allowance.

(1) Before a claim for an attendance allowance, a disability living allowance or a disability working allowance or any question relating to such an allowance is submitted to an adjudication officer under section 18 above the Department may refer the person in respect of whom the claim is made or the question is raised to a medical practitioner for such examination and report as appears to the Department to be necessary—

(a) for the purpose of providing the adjudication officer with information for use in determining the claim or question; or

(b) for the purpose of general monitoring of claims for attendance allowances, disability living allowances and disability working allowances.

(2) An adjudication officer may refer—

(a) a person in respect of whom such a claim is made or such a question is raised;

Status: *Point in time view as at 26/09/2023.*
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(b) a person **[**F172in respect of whom an application for a review under section 28 or 33 above has been made or is treated as having been made,**]**,

to a medical practitioner for such examination and report as appears to the adjudication officer to be needed to enable him to reach a decision on the claim or question or the matter under review.

(3) The Department may direct adjudication officers to refer for advice to a medical practitioner who is an officer of the Department any case falling within a specified class of cases relating to attendance allowance or disability living allowance, and an adjudication officer may refer for advice any case relating to attendance allowance or disability living allowance to such a medical practitioner without such a direction.

(4) An adjudication officer may refer for advice any case relating to disability working allowance to such a medical practitioner.

(5) A medical practitioner who is an officer of the Department and to whom a case or question relating to an attendance allowance or a disability living allowance is referred under section 51 above or subsection (3) above may refer the case or question to the Disability Living Allowance Advisory Board for advice.

(6) Such a medical practitioner may obtain information about such a case or question from another medical practitioner.

(7) A medical practitioner who is an officer of the Department and to whom a question relating to disability working allowance is referred under section 51 above may obtain information about it from another medical practitioner.

[F173(7A) Any reference in subsections (3) to (7) above to a medical practitioner who is an officer of the Department includes a reference to a medical practitioner who is provided by any person in pursuance of a contract entered into with the Department.**]**

(8) Where—

(a) the Department has exercised the power conferred on it by subsection (1) above or an adjudication officer has exercised the power conferred on him by subsection (2) above; and

(b) the medical practitioner requests the person referred to him to attend for or submit himself to medical examination; but

(c) he fails without good cause to do so,

the adjudication officer shall decide the claim or question or matter under review against him.**]**

Textual Amendments

F171 S. 52 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 52 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F172 Words in s. 52(2)(b) substituted (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 19(1), **Sch. 1 para. 1**; S.R. 1997/316, art. 2, **Sch.**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F173 S. 52(7A) inserted (3.1.1995) by 1994 c. 40, ss. 76, 82(2), **Sch. 16**, para. 24(1)

[F174 53 Medical examination etc. in relation to appeals to disability appeal tribunals.

(1) Where an appeal has been brought under section 31 above, a person who may be nominated as chairman of a disability appeal tribunal may, if prescribed conditions are satisfied, refer the claimant to a medical practitioner for such examination and report as appears to him to be necessary for the purpose of providing a disability appeal tribunal with information for use in determining the appeal.

(2) At a hearing before a disability appeal tribunal, except in prescribed circumstances, the tribunal —

(a) may not carry out a physical examination of the claimant; and

(b) may not require the claimant to undergo any physical test for the purpose of determining whether he satisfies the condition mentioned in section 73(1)(a) of the Contributions and Benefits Act.**]**

Textual Amendments

F174 S. 53 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 53 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Determination of questions of special difficulty

[F175 54 Assessors.

(1) Where it appears to an authority to which this section applies that a matter before the authority involves a question of fact of special difficulty, then, unless regulations otherwise provide, the authority may direct that in dealing with that matter they shall have the assistance of one or more assessors.

(2) The authorities to which this section applies are—

(a) two or more adjudicating medical practitioners acting together;

(b) two or more specially qualified adjudicating medical practitioners, appointed by virtue of section 60 below, acting together;

(c) a social security appeal tribunal;

(d) a disability appeal tribunal;

(e) a medical appeal tribunal;

(f) a Commissioner;

(g) the Department.**]**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F175 S. 54 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 54 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F176 55 Tribunal of 2 or 3 Commissioners.

(1) If it appears to the Chief Social Security Commissioner (or, in the case of his inability to act, to such other of the Commissioners as he may have nominated to act for the purpose) that an appeal falling to be heard by one of the Commissioners involves a question of law of special difficulty, he may direct that the appeal be dealt with, not by that Commissioner alone, but by a Tribunal consisting of any 2 or 3 of the Commissioners.

(2) If the decision of the Tribunal is not unanimous, the decision of the majority, or, in the case of a Tribunal consisting of 2 Commissioners, the decision of the presiding member, shall be the decision of the Tribunal.**]**

Textual Amendments

F176 S. 55 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 55 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F177 Medical examinations]

Textual Amendments

F177 S. 55A and the preceding*cross-heading* inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 17**; S.R. 1997/316, art. 2, **Sch.**

[F178F179 55A Medical examinations of persons awarded attendance allowance or disability living allowance.

Regulations may make provision—

(a) enabling the Department to require a person to whom attendance allowance or disability living allowance has been awarded to submit to medical examination in prescribed circumstances;

Status: *Point in time view as at 26/09/2023.*
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(b) for withholding payments of benefit in prescribed circumstances where a person has failed to submit himself to a medical examination to which he has been required to submit in accordance with regulations under paragraph (a) above; and

(c) for the subsequent making in prescribed circumstances of payments withheld in accordance with regulations under paragraph (b) above.**]**

Textual Amendments

F178 S. 55A and the preceding*cross-heading* inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 17**; S.R. 1997/316, art. 2, **Sch.**

F179 S. 55A ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 55A repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Regulations

[F180 56 Regulations as to determination of questions and matters arising out of, or pending, reviews and appeals.

(1) Subject to the provisions of this Act, provision may be made by regulations for the determination—

(a) by the Department; or

(b) by a person or tribunal appointed or constituted in accordance with the regulations,

of any question arising under or in connection with the Contributions and Benefits Act **[**F181, the Jobseekers (Northern Ireland) Order 1995**]**or the former legislation, including a claim for benefit.

(2) In this section "the former legislation" means the National Insurance Acts (Northern Ireland) 1965 to 1974 and the National Insurance (Industrial Injuries) Acts (Northern Ireland) 1965 to 1974 and the 1975 Act and Part III of the 1986 Order.

(3) Regulations under subsection (1) above may modify, add to or exclude any provisions of this Part of this Act, so far as relating to any questions to which the regulations relate.

(4) It is hereby declared for the avoidance of doubt that the power to make regulations under subsection (1) above includes power to make regulations for the determination of any question arising as to the total or partial recoupment of unemployment benefit **[**F182or a jobseeker's allowance**]**in pursuance of regulations under **[**F183Article 18 of the Industrial Tribunals (Northern Ireland) Order 1996**]** (including any decision as to the amount of benefit).

(5) Regulations under subsection (1) above may provide for the review by the Department of decisions on questions determined by it.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) The Lord Chancellor may by regulations provide—

(a) for officers authorised by him to determine any question which is determinable by a Commissioner and which does not involve the determination of any appeal, application for leave to appeal or reference;

(b) for the procedure to be followed by any such officer in determining any such question;

(c) for the manner in which determinations of such questions by such officers may be called in question.

(7) A determination which would have the effect of preventing an appeal, application for leave to appeal or reference being determined by a Commissioner is not a determination of the appeal, application or reference for the purposes of subsection (6) above.

(8) Regulations under subsection (1) above may provide—

(a) for the reference to the Court of Appeal for decision of any question of law arising in connection with the determination of a question by the Department; and

(b) for appeals to that court from the decision of the Department on any such question of law;

and subsections (5) and (6) of section 16 above shall apply to a reference or appeal under this subsection as they apply to a reference or appeal under subsections (1) to (3) of that section.

Textual Amendments

F180 S. 56 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 56 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F181 Words in s. 56(1) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), **Sch. 2**, para. 27; S.R. 1996/180, **art. 2**

F182 Words in s. 56(4) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), **Sch. 2 para. 27**; S.R. 1996/180, **art. 2**

F183 Words in s. 56(4) substituted (24.9.1996) by S.I. 1996/1921 (N.I. 18), **art. 26**, SCh. 1 para. 8

Modifications etc. (not altering text)

C71 S. 56 extended (7.2.1994) by 1993 c. 49, **s. 163(3)**; S.R. 1994/17, **art. 2**

[F184 57 Procedure.

(1) Regulations (in this section referred to as "procedure regulations") may make any such provision as is specified in Schedule 3 to this Act.

(2) Procedure regulations may deal differently with claims and questions relating to—

(a) benefit under Parts II to IV of the Contributions and Benefits Act;

(b) industrial injuries benefit;

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(c) each of the other benefits to which section 18 above applies.

(3) At any inquiry held by virtue of procedure regulations the witnesses shall, if the person holding the inquiry thinks fit, be examined on oath; and the person holding the inquiry shall have power to administer oaths for that purpose.

(4) In proceedings for the determination of a question mentioned in section 15(1)(c) above (including proceedings on an inquiry), there shall be available to a witness (other than the person who is liable, or alleged to be liable, to pay the Class 1A contribution in question) any privilege against self-incrimination or incrimination of a spouse which is available to a witness in legal proceedings.

(5) It is hereby declared—

(a) that the power to prescribe procedure includes power to make provision as to the representation of one person, at any hearing of a case, by another person whether having professional qualifications or not; and

(b) that the power to provide for the manner in which questions arising for determination by the Department are to be raised includes power to make provision with respect to the formulation of any such questions, whether arising on a reference under section 111 below or otherwise.

(6) Except so far as it may be applied by procedure regulations, **[**[F185]Part I of the Arbitration Act 1996**]** shall not apply to any proceedings under this Part of this Act.**]**

Textual Amendments

F184 S. 57 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 57 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F185 Words in s. 57(6) substituted (31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3**, para. 55; S.I. 1996/3146, **art. 3** (subject to arts. 4-6, Sch. 2)

[[F186]**58 Finality of decisions.**

(1) Subject to the provisions of this Part of this Act, the decision of any claim or question in accordance with the foregoing provisions of this Part of this Act shall be final; and subject to the provisions of any regulations under section 56 above, the decision of any claim or question in accordance with those regulations shall be final.

(2) Subsection (1) above shall not make any finding of fact or other determination embodied in or necessary to a decision, or on which it is based, conclusive for the purpose of any further decision.

(3) A decision (given under subsection (2) of section 42 above or otherwise) that an accident was an industrial accident is to be taken as determining only that paragraphs (a), (b) and (c) of subsection (5) of that section are satisfied in relation to the accident, and neither any such decision nor the reference to an adjudicating medical practitioner or a medical appeal tribunal under section 43 above of the disablement questions

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in connection with any claim to or award of disablement benefit is to be taken as importing a decision as to the origin of any injury or disability suffered by the claimant, whether or not there is an event identifiable as an accident apart from any injury that may have been received; but—

(a) a decision that on a particular occasion when there was no such event a person had an industrial accident by reason of an injury shall be treated as a decision that, if the injury was suffered by accident on that occasion, the accident was an industrial accident; and

(b) a decision that an accident was an industrial accident may be given, and a declaration to that effect be made and recorded in accordance with section 42 above, without its having been found that personal injury resulted from the accident (saving always the discretion under subsection (3) of that section to refuse to determine the question if it is unlikely to be necessary for the purposes of a claim for benefit).

(4) Notwithstanding anything in subsection (2) or (3) above (but subject to the provisions of this Part of this Act as to appeal and review), where for purposes of disablement pension or disablement gratuity in respect of an accident it has been found by an adjudicating medical practitioner or a medical appeal tribunal, on the determination or last determination of the disablement questions, that an injury resulted in whole or in part from the accident, then for purposes of industrial death benefit in respect of that accident the finding shall be conclusive that the injury did so result.

(5) Subsections (2) to (4) above shall apply as regards the effect to be given in any proceedings to any decision, or to a reference under section 43 above, whether the decision was given or reference made or the proceedings were commenced before or after the passing of the [M4]National Insurance Act 1972 (section 5 of which originally contained the provisions contained in this section), except that it shall not affect the determination of any appeal under section 46 above from a decision of a medical appeal tribunal given before the passing of that Act, nor affect any proceedings consequent on such an appeal from a decision so given; and accordingly—

(a) any decision given before the passing of that Act that a claimant was not entitled to industrial death benefit may be reviewed in accordance with this Part of this Act to give effect to subsection (4) above; and

(b) the references in subsections (2) and (3) above to provisions of this Act, and the reference in this subsection to section 43 above shall (so far as necessary) include the corresponding provisions of previous Acts.**]**

Textual Amendments

F186 S. 58 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 58 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Modifications etc. (not altering text)

C72 S. 58(1) excluded (25.8.1995) by S.R. 1995/293, **reg. 54(2)**

Status: *Point in time view as at 26/09/2023.*
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Marginal Citations

M4 1972 c. 57.

[F187 59 Regulations about supplementary matters relating to determinations.

(1) Regulations may make provision as respects matters arising—

(a) pending the determination under this Act (whether in the first instance or on an appeal or reference, and whether originally or on review)—

(i) of any claim for benefit to which this section applies;

(ii) of any question affecting any person's right to such benefit or its receipt; or

(iii) of any person's liability for contributions F188. . .; or

(b) out of the revision on appeal or review of any decision under this Act on any such claim or question.

(2) Without prejudice to the generality of subsection (1) above, regulations under that subsection may include provision as to the date from which any decision on a review is to have effect or to be deemed to have had effect.

(3) Regulations under subsection (1) above as it applies to child benefit may include provision as to the date from which child benefit is to be payable to a person in respect of a child in a case where, before the benefit was awarded to that person, child benefit in respect of the child was awarded to another person.

(4) This section applies to the following benefits—

(a) benefit as defined in section 121 of the Contributions and Benefits Act;

F189 [(aa) a jobseeker's allowance;]

(b) child benefit;

(c) statutory sick pay;

(d) statutory maternity pay;

(e) income support;

(f) family credit;

(g) disability working allowance; and

(h) any social fund payments such as are mentioned in section 134(1)(a) or (2) of the Contributions and Benefits Act.]

Textual Amendments

F187 S. 59 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 59 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F188 Words in s. 59(1)(a)(iii) repealed (1.7.1997) by 1997 c. 47, **s. 22**, SCh. 2; S.I. 1997/1577, art. 2, **Sch.**

F189 S. 59(4)(aa) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), art. Sch. 2, para. 28; S.R. 1996/180, **art. 2**

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[F190 Incapacity for work

Textual Amendments

F190 S. 59A and the preceding cross-heading inserted (21.11.1994 for certain purposes, otherwise 13.4.1995) by S.I. 1994/1898 (N.I. 12), **art. 8(2)**; S.R. 1994/450, art. 2, Sch. Pts. II, **IV**

F191F192 59 Adjudication: incapacity for work.

(1) The following provisions apply in relation to the determination, for any purpose for which the provisions of Part XIIA of the Contributions and Benefits Act apply, whether a person—

(a) is, or is to be treated as, capable or incapable of work; or

(b) falls to be disqualified for any period in accordance with regulations under section 167E of that Act;

and to the determination for any such purpose of such other related questions as may be prescribed.

(2) Provision may be made by regulations for a determination made for one such purpose to be treated as conclusive for another such purpose.

Regulations may in particular provide that a determination that a person is disqualified for any period in accordance with regulations under section 167E of the Contributions and Benefits Act shall have effect for such purposes as may be prescribed as a determination that he is to be treated as capable of work for that period, and*vice versa*.

(3) Provision may be made by regulations for questions of such descriptions as may be prescribed to be determined by an adjudication officer, notwithstanding that other questions fall to be determined by another authority.

(4) Provision may be made by regulations—

(a) requiring a social security appeal tribunal to sit with one or more medical assessors in such classes of case as may be prescribed; and

(b) as to the constitution of panels of medical practitioners to act as medical assessors in such cases;

and regulations under this subsection may confer on the President, or such other person as may be prescribed, such functions as may be prescribed.**]**

Textual Amendments

F191 S. 59A and the preceding cross-heading inserted (21.11.1994 for certain purposes, otherwise 13.4.1995) by S.I. 1994/1898 (N.I. 12), **art. 8(2)**; S.R. 1994/450, art. 2, Sch. Pts. II, **IV**

F192 S. 59A ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 59A repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

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Modifications etc. (not altering text)
C73 S. 59A: power to make regulations modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), **arts. 1(3)**, 73

Industrial diseases

[F193 60 Adjudication as to industrial diseases.

(1) Regulations shall provide for applying, in relation—

(a) to claims for benefit under sections 108 to 110 of the Contributions and Benefits Act; and

(b) to questions arising in connection with such claims or with awards of such benefit,

the provisions of this Part of this Act subject to any prescribed additions or modifications.

(2) Regulations for those purposes may in particular provide—

(a) for the appointment of specially qualified adjudicating medical practitioners and the appointment of medical officers for the purposes of the regulations (which shall be taken to include, in the case of specially qualified adjudicating medical practitioners, the purposes for which adjudicating medical practitioners are appointed and medical appeal tribunals are established); and

(b) for the payment by the prescribed persons of fees of the prescribed amount in connection with any medical examination by specially qualified adjudicating medical practitioners or any such officer and their return in any prescribed cases, and (so far as not required to be returned) their payment into the National Insurance Fund and recovery as sums due to that Fund.**]**

Textual Amendments
F193 S. 60 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 60 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Housing benefit

[F194 61 Adjudication.

(1) Regulations shall require a person who has claimed housing benefit to be notified of the determination of the claim.

(2) Any such notification shall be given in such form as may be prescribed.

F195 **[** (2A) Regulations may make provision requiring the Housing Executive, where claims for housing benefit are made to it by, or in respect of, persons how have been

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entitled to a jobseeker's allowance or to income support to give priority, in prescribed circumstances, to those claims over other claims for that benefit.**]**

(3) Regulations shall make provision for reviews of determinations relating to housing benefit.**]**

Textual Amendments

F194 S. 61 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 61 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F195 S. 61(2A) inserted (5.2.1996 for certain purposes and otherwise 1.4.1996) by S.I. 1995/2705 (N.I. 15), **art. 30(2)**; S.R. 1996/26, **art. 2(d)**

Social fund officers and inspectors and the social fund Commissioner

[F196 62 Social fund officers.

(1) The Department shall appoint officers, to be known as "social fund officers", for the purpose of performing functions in relation to payments out of the social fund such as are mentioned in section 134(1)(b) of the Contributions and Benefits Act.

(2) A social fund officer may be appointed to perform all the functions of social fund officers or such functions of such officers as may be specified in his instrument of appointment.

(3) The Department may nominate for an area a social fund officer who shall issue general guidance to the other social fund officers in the area about such matters relating to the social fund as the Department may specify.**]**

Textual Amendments

F196 S. 62 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 62 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F197 63 The social fund Commissioner and inspectors.

(1) There shall continue to be an officer known as "the social fund Commissioner" (in this section referred to as "the Commissioner").

(2) The Commissioner shall be appointed by the Department.

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(3) The Commissioner—

(a) shall appoint such social fund inspectors; and

(b) may appoint such officers and staff for himself and for social fund inspectors,

as he thinks fit, but with the consent of the Department and the Department of Finance and Personnel as to numbers.

(4) Appointments under subsection (3) above shall be made from persons made available to the Commissioner by the Department.

(5) It shall be the duty of the Commissioner—

(a) to monitor the quality of decisions of social fund inspectors and give them such advice and assistance as he thinks fit to improve the standard of their decisions;

(b) to arrange such training of social fund inspectors as he considers appropriate; and

(c) to carry out such other functions in connection with the work of social fund inspectors as the Department may direct.

(6) The Commissioner shall report annually in writing to the Department on the standards of reviews by social fund inspectors and the Department shall publish his report.**]**

Textual Amendments

F197 S. 63 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 63 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F198 64 Reviews.

(1) A social fund officer—

(a) shall review a determination made under the Contributions and Benefits Act by himself or some other social fund officer, if an application for a review is made within such time and in such form and manner as may be prescribed by or on behalf of the person who applied for the payment to which the determination relates; and

(b) may review such a determination in such other circumstances as he thinks fit;

and may exercise on a review any power exercisable by an officer under Part VIII of the Contributions and Benefits Act.

(2) The power to review a determination conferred on a social fund officer by subsection (1) above includes power to review a determination made by a social fund officer on a previous review.

(3) On an application made by or on behalf of the person to whom a determination relates within such time and in such form and manner as may be prescribed a determination

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of a social fund officer which has been reviewed shall be further reviewed by a social fund inspector.

(4) On a review a social fund inspector shall have the following powers—

(a) power to confirm the determination made by the social fund officer;

(b) power to make any determination which a social fund officer could have made;

(c) power to refer the matter to a social fund officer for determination.

(5) A social fund inspector may review a determination under subsection (3) above made by himself or some other social fund inspector.

(6) In determining a question on a review a social fund officer or social fund inspector shall have regard, subject to subsection (7) below, to all the circumstances of the case and, in particular, to the matters specified in section 136(1)(a) to (e) of the Contributions and Benefits Act.

(7) An officer or inspector shall determine any question on a review in accordance with any general directions issued by the Department under section 136(2) of the Contributions and Benefits Act and any general directions issued by the Department with regard to reviews and in determining any such question shall take account of any general guidance issued by the Department under that subsection or with regard to reviews.

(8) Directions under this section may specify—

(a) the circumstances in which a determination is to be reviewed; and

(b) the manner in which a review is to be conducted.

(9) In reviewing a question under this section a social fund officer shall take account (subject to any directions or guidance issued by the Department under this section) of any guidance issued by the social fund officer nominated for his area under section 62(3) above.

(10) A social fund inspector reviewing a determination shall be under the same duties in relation to such guidance as the social fund officer or inspector who made the determination.**]**

Textual Amendments

F198 S. 64 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 64 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Modifications etc. (not altering text)

C74 S. 64 modified (1.7.1998) by S.I. 1998/1506, arts. 1(3)(c)(d), 77, **Sch. 5 para. 7**

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Christmas bonus

[F199 65 Determination of questions.

(1) A determination by the competent authority that a person is entitled or not entitled to payment of a qualifying benefit in respect of a period which includes a day in the relevant week shall be conclusive for the purposes of section 144 of the Contributions and Benefits Act; and in this subsection "competent authority" means, in relation to a payment of any description of a qualifying benefit, an authority that ordinarily determines whether a person is entitled to such a payment.

(2) Any question arising under that section other than one determined or falling to be determined under subsection (1) above shall be determined by the Department whose decision shall, except as provided by subsection (3) below, be final.

(3) The Department may reverse a decision under subsection (2) above on new facts being brought to its notice or if it is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact.

(4) Expressions used in this section to which a meaning is assigned by section 146 of the Contributions and Benefits Act have that meaning in this section.]

Textual Amendments

F199 S. 65 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 65 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Restrictions on entitlement to benefit following erroneous decision

F200 [66 Restrictions on entitlement to benefit in certain cases of error.

(1) This section applies where—

(a) on the determination, whenever made, of a Commissioner or the court (the "relevant determination"), a decision made by an adjudicating authority is or was found to have been erroneous in point of law; and

(b) after both—

(i) 14th August 1990 (the date of the coming into operation of section 154D of the 1975 Act, the provision of that Act corresponding to this section); and

(ii) the date of the relevant determination,

a claim which falls, or which would apart from this section fall, to be decided in accordance with the relevant determination is made or treated under section 5(1)(i) above as made by any person for any benefit.

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(2) Where this section applies, any question which arises on, or on the review of a decision which is referable to, the claim mentioned in subsection (1)(b) above and which relates to the entitlement of the claimant or any other person to any benefit—

(a) in respect of a period before the relevant date; or

(b) in the case of a widow's payment, in respect of a death occurring before that date,

shall be determined as if the decision referred to in subsection (1)(a) above had been found by the Commissioner or court in question not to have been erroneous in point of law.

(3) In determining whether a person is entitled to benefit in a case where—

(a) his entitlement depends on his having been entitled to the same or some other benefit before attaining a particular age; and

(b) he attained that age—

(i) before both the date of the relevant determination and the date of the claim referred in subsection (1)(b) above, but

(ii) not before the earliest day in respect of which benefit could, apart from this section, have been awarded on that claim,

subsection (2) above shall be disregarded for the purpose only of determining the question whether he was entitled as mentioned in paragraph (a) above.

(4) In this section—

"adjudicating authority" means—

(a) an adjudication officer or, where the original decision was given on a reference under section 19(2) or 23(1) above, a social security appeal tribunal, a disability appeal tribunal or a medical appeal tribunal;

(b) any of the following former bodies or officers, that is to say, the National Assistance Board for Northern Ireland, the Supplementary Benefits Commission for Northern Ireland, the Attendance Allowance Board for Northern Ireland, a benefit officer, an insurance officer or a supplement officer; or

(c) any of the officers who, or tribunals or other bodies which, in Great Britain correspond to those mentioned in paragraph (a) or (b) above;

"benefit" means—

(a) benefit as defined in section 121 of the Contributions and Benefits Act;

[[F201](aa) a jobseeker's allowance;**]]**

(b) any income-related benefit;

"the court" means the High Court, the Court of Appeal, the Court of Session, the High Court or Court of Appeal in England and Wales, the **[**[F202]Supreme Court**]** or the Court of Justice of the **[**[F203]European Union**]** ;

"the relevant date" means whichever is the latest of—

(a) the date of the relevant determination;

(b) the date which falls 12 months before the date on which the claim referred to in subsection (1)(b) above is made or treated under section 5(1)(i) above as made; and

(c) the earliest date in respect of which the claimant would, apart from this section, be entitled on that claim to the benefit in question.

Status: *Point in time view as at 26/09/2023.*
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(5) For the purposes of this section—

(a) any reference in this section to entitlement to benefit includes a reference to entitlement—

(i) to any increase in the rate of a benefit; or

(ii) to a benefit, or increase of benefit, at a particular rate; and

(b) any reference to a decision which is "referable to" a claim is a reference to—

(i) a decision on the claim,

(ii) a decision on a review of the decision on the claim, or

(iii) a decision on a subsequent review of the decision on the review,

and so on.

(6) The date of the relevant determination shall, in prescribed cases, be determined for the purposes of this section in accordance with any regulations made for that purpose.

Textual Amendments

F200 S. 66 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 66 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F201 In s. 66(4) in definition of "benefit"para. (aa) inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 29**; S.R. 1996/285, art. 2, **Sch.**

F202 Words in s. 66(4) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 9 para. 58**; S.I. 2009/1604, art. 2(d)

F203 Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3**, 4 (with art. 3(2)(3), 4(2), 6(4)(5))

Modifications etc. (not altering text)

C75 S. 66 applied (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), **s. 121(1)(c)**, 173(4) (with s. 108(5))

[F204 67 Determination of questions on review following erroneous decisions.

(1) Subsection (2) below applies in any case where—

(a) on the determination, whenever made, of a Commissioner or the court (the "relevant determination"), a decision made by an adjudicating authority is or was found to have been erroneous in point of law; and

(b) in consequence of that determination, any other decision—

(i) which was made before the date of that determination; and

(ii) which is referable to a claim made or treated as made by any person for any benefit,

falls (or would, apart from subsection (2) below, fall) to be revised on a review carried out under section 23(5) above after 14th August 1990 (the date of the coming into force of section 104(7) to (10) of the 1975 Act, the provision of

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that Act corresponding to this section) or on a review under section 28 above on the ground that the decision under review was erroneous in point of law.

(2) Where this subsection applies, any question arising on the review referred to in subsection (1)(b) above, or on any subsequent review of a decision which is referable to the same claim, as to any person's entitlement to, or right to payment of, any benefit—

(a) in respect of any period before the date of the relevant determination; or

(b) in the case of a widow's payment, in respect of a death occurring before that date,

shall be determined as if the decision referred to in subsection (1)(a) above had been found by the Commissioner or court in question not to have been erroneous in point of law.

(3) In determining whether a person is entitled to benefit in a case where his entitlement depends on his having been entitled to the same or some other benefit before attaining a particular age, subsection (2) above shall be disregarded for the purpose only of determining the question whether he was so entitled before attaining that age.

(4) For the purposes of this section—

(a) "adjudicating authority" and "the court" have the same meaning as they have in section 66 above;

(b) any reference to—

(i) a person's entitlement to benefit; or

(ii) a decision which is referable to a claim,

shall be construed in accordance with subsection (5) of that section; and

(c) the date of the relevant determination shall, in prescribed cases, be determined in accordance with any regulations made under subsection (6) of that section.**]**

Textual Amendments

F204 S. 67 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 67 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Modifications etc. (not altering text)

C76 S. 67 modified (25.8.1995) by S.R. 1995/293, **reg. 46**
S. 67 modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), arts. 1(3)(c)(d), 77, **Sch. 5 para. 6**

Correction of errors

[F205 68 Regulations as to correction of errors.

(1) Regulations may make provision with respect to—

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(a) the correction of accidental errors in any decision or record of a decision given with respect to a claim or question arising under or in connection with any relevant enactment by a body or person authorised to decide the claim or question; and

(b) the setting aside of any such decision in a case where it appears just to set the decision aside on the ground that—

(i) a document relating to the proceedings in which the decision was given was not sent to, or was not received at an appropriate time by, a party to the proceedings or a party's representative or was not received at an appropriate time by the body or person who gave the decision; or

(ii) a party to the proceedings or a party's representative was not present at a hearing related to the proceedings.

(2) Nothing in subsection (1) above shall be construed as derogating from any power to correct errors or set aside decisions which is exercisable apart from regulations made by virtue of that subsection.

(3) In this section "relevant enactment" means any enactment contained in—

(a) the National Insurance Measures (Northern Ireland) 1966 to 1974;

(b) the National Insurance (Industrial Injuries) Measures (Northern Ireland) 1966 to 1974;

(c) the Workmen's Compensation (Supplementation) Measures (Northern Ireland) 1966 to 1974;

(d) the [M5]Social Security Act 1973;

(e) the Social Security (Northern Ireland) Acts 1975 to 1991;

(f) the Old Cases Act;

(g) the [M6]Child Benefit (Northern Ireland) Order 1975;

(h) the [M7]Family Income Supplements Act (Northern Ireland) 1971;

(i) the [M8]Supplementary Benefits (Northern Ireland) Order 1977;

(j) the Contributions and Benefits Act;

(k) this Act. **[**[F206][F207]. . .

(l) the Pensions Act**][**[F208]; or

(m) the Jobseekers (Northern Ireland) Order 1995.**]]**

Textual Amendments

F205 S. 68 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 39(3); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
S. 68 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F206 S. 68(3): word "or" and in s. 68(3)(l) added (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 38**; S.R. 1994/17, **art. 2**

F207 Word "or" in s. 68(3)(k) omitted (3.5.1996) by virtue of S.I. 1995/2705, art. 40(1), **Sch. 2 para. 30** and repealed (7.10.1996) by S.I. 1995/2705, art. 40(2), **Sch. 3**; S.R. 1996/180, **art. 2(a)**; S.R. 1996/401, **art. 2(b)**

Status: *Point in time view as at 26/09/2023.*
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F208 S. 68(3)(m) and preceding word "or" inserted (3.5.1996) by S.I. 1995/2705, art. 40(1), **Sch. 2 para. 30**; S.R. 1996/180, **art. 2(a)**

Marginal Citations

M5 1973 c. 38.
M6 S.I. 1975/1504 (N.I. 16).
M7 1971 c. 8 (N.I.).
M8 S.I. 1977/2156 (N.I. 27).

PART III

OVERPAYMENTS AND ADJUSTMENTS OF BENEFIT

Modifications etc. (not altering text)

C77 Pt. III (ss. 69-76) restricted (1.12.1999) by S.I. 1999/3147 (N.I. 11), **arts. 1(4)**, 65

Misrepresentation etc.

69 Overpayments - general.

(1) Where it is determined that, whether fraudulently or otherwise, any person has misrepresented, or failed to disclose, any material fact and in consequence of the misrepresentation or failure—

(a) a payment has been made in respect of a benefit to which this section applies; or

(b) any sum recoverable by or on behalf of the Department in connection with any such payment has not been recovered,

the Department shall be entitled to recover the amount of any payment which the Department would not have made or any sum which the Department would have received but for the misrepresentation or failure to disclose.

[F209(2) Where any such determination as is referred to in subsection (1) above is made, the person making the determination shall **[**F210in the case of the Department or a tribunal, and may in the case of a Commissioner or a court**]**—

(a) determine whether any, and if so what, amount is recoverable under that subsection by the Department, and

(b) specify the period during which that amount was paid to the person concerned.**]**

(3) An amount recoverable under subsection (1) above is in all cases recoverable from the person who misrepresented the fact or failed to disclose it.

(4) In relation to cases where payments of a benefit to which this section applies have been credited to a bank account or other account under arrangements made with the agreement of the beneficiary or a person acting for him, circumstances may be prescribed in which the Department is to be entitled to recover any amount paid in excess of entitlement; but any such regulations shall not apply in relation to any payment unless before he agreed to the arrangements such notice of the effect of the

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regulations as may be prescribed was given in such manner as may be prescribed to the beneficiary or to a person acting for him.

F211(5) . . . . . .

[F212(5A) Except where regulations otherwise provide, an amount shall not be recoverable **[**F213**[**F214under subsection (1) or under regulations under subsection (4)**]** or under regulations under subsection (4) above**]** unless the determination in pursuance of which it was paid has been reversed or varied on an appeal or **[**F215has been revised under Article 10 or superseded under Article 11 of the Social Security (Northern Ireland) Order 1998**].]**

(6) Regulations may provide—

(a) that amounts recoverable under subsection (1) above or regulations under subsection (4) above shall be calculated or estimated in such manner and on such basis as may be prescribed;

(b) for treating any amount paid to any person under an award which it is subsequently determined was not payable—

(i) as properly paid; or

(ii) as paid on account of a payment which it is determined should be or should have been made,

and for reducing or withholding any arrears payable by virtue of the subsequent determination;

(c) for treating any amount paid to one person in respect of another as properly paid for any period for which it is not payable in cases where in consequence of a subsequent determination—

(i) the other person is himself entitled to a payment for that period; or

(ii) a third person is entitled in priority to the payee to a payment for that period in respect of the other person,

and for reducing or withholding any arrears payable for that period by virtue of the subsequent determination.

(7) Circumstances may be prescribed in which a payment on account by virtue of section 5(1)(s) above may be recovered to the extent that it exceeds entitlement.

(8) Where any amount paid F216... is recoverable under—

(a) subsection (1) above;

(b) regulations under subsection (4) or (7) above; or

(c) section 72 below,

it may, without prejudice to any other method of recovery, be recovered by deduction from prescribed benefits.

(9) Where any amount paid in respect of a **[**F217couple**]** is recoverable as mentioned in subsection (8) above, it may, without prejudice to any other method of recovery, be recovered, in such circumstances as may be prescribed, by deduction from prescribed benefits payable to either of them.

[F218(9A) Regulations may provide for amounts recoverable under the provisions mentioned in subsection (8) to be recovered by deductions from earnings.

(9B) In subsection (9A) "earnings" has such meaning as may be prescribed.

(9C) Regulations under subsection (9A) may include provision—

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(a) requiring the person from whom an amount is recoverable ("the beneficiary") to disclose details of their employer, and any change of employer, to the Department;

(b) requiring the employer, on being served with a notice by the Department, to make deductions from the earnings of the beneficiary and to pay corresponding amounts to the Department;

(c) as to the matters to be contained in such a notice and the period for which a notice is to have effect;

(d) as to how payment is to be made to the Department;

(e) as to a level of earnings below which earnings must not be reduced;

(f) allowing the employer, where the employer makes deductions, to deduct a prescribed sum from the beneficiary's earnings in respect of the employer's administrative costs;

(g) requiring the employer to keep records of deductions;

(h) requiring the employer to notify the Department if the beneficiary is not, or ceases to be, employed by the employer;

(i) creating a criminal offence for non-compliance with the regulations, punishable on summary conviction by a fine not exceeding level 3 on the standard scale;

(j) with respect to the priority as between a requirement to deduct from earnings under this section and—

(i) any other such requirement;

(ii) an order under any other statutory provision which requires deduction from the beneficiary's earnings.**]**

(10) Any amount recoverable under the provisions mentioned in subsection (8) above shall, if the county court so orders, be enforceable as if it were payable under an order of that court.

F219(10A) . . . . . .

(11) This section applies to the following benefits—

[F220(za) state pension or a lump sum under Part 1 of the Pensions Act (Northern Ireland) 2015;**]**

(a) benefit as defined in section 121 of the Contributions and Benefits Act;

F221(aa) . . . . . .

[F222(ab) state pension credit**[**F223excluding housing credit (see section 69ZB)**]** ;**]**

F221(ac) . . . . . .

[F224(ad) personal independence payment;**]**

[F225(ae) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;**]**

(b) F226. . . income support;

F227(c) . . . . . .

F227(d) . . . . . .

(e) any social fund payments such as are mentioned in section 134(1)(a) or (2) of the Contributions and Benefits Act; and

[F228(ea) health in pregnancy grant; and**]**

(f) child benefit.

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[F229(12) In this section, "couple" has the meaning given by section 133(1) of the Contributions and Benefits Act.**]**

Textual Amendments

F209 S. 69(2) substituted (24.7.1996) by 1996 c. 51, **s. 2(2)(5)**

F210 Words in s. 69(2) inserted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp. by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6**, para. 62(1); S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F211 S. 69(5) repealed (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), ss. 41(2), 60(2)(a), **Sch. 8** and expressed to be further repealed by 2007 (c. 5), ss. 45(2), 70(1), Sch. 8 (with s. 45(4))

F212 S. 69(5A) inserted (24.7.1996) by 1996 c. 51, **s. 2(4)(5)**

F213 Words in s. 69(5A) substituted (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 41(3)**, 60(2)(a)

F214 Words in s. 69(5A) substituted (3.7.2007) by Welfare Reform Act 2007 (c. 5), **ss. 45(3)**, 70(1) (with s. 45(4))

F215 Words in s. 69(5A) substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6 para. 62(3)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F216 Words in s. 69(8) repealed (8.5.2012) by Welfare Reform Act 2012 (c. 5), **ss. 107(2)**, 150(2)(d)

F217 Words in s. 69(9) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 110(2)**; S.I. 2005/3255, art. 2(1), Sch.

F218 S. 69(9A)-(9C) inserted (2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **110(1)**; S.R. 2016/215, arts. 2(6)(c), 3(3)

F219 S. 69(10A) repealed (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 10**; S.R. 2017/190, art. 3(1)(2)(k)

F220 S. 69(11)(za) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 11**

F221 S. 69(11)(aa)(ac) repealed (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 10**; S.R. 2017/190, art. 3(1)(2)(k) (with art. 3(3)); S.R. 2017/190, art. 3(1)(2)(k) (with art. 3(3))

F222 S. 69(11)(ab) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 Pt. 2 para. 10**; S.R. 2002/366, **art. 2(1)(l)**; S.R. 2003/373, art. 2

F223 Words in s. 69(11)(ab) inserted (4.4.2016 for specified purposes, 2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **109(2)**; S.R. 2016/46, art. 4(a); S.R. 2016/215, arts. 2(6)(b), 3(3); S.R. 2017/190, art. 3(1)(2)(e)

F224 S. 69(11)(ad) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 9**; S.R. 2016/215, art. 3(2)

F225 S. 69(11)(ae) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 25**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

F226 Words in s. 69(11)(b) repealed (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(2), **Sch. 3**; S.R. 1996/401, **art. 2**

F227 S. 69(11)(c)(d) repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), Sch. 2 (with art. 3)

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F228 S. 69(11)(ea) inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), **ss. 135(4)**, 170; S.I. 2008/3137, art. 2

F229 S. 69(12) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 110(3)**; S.I. 2005/3255, art. 2(1), Sch.

Modifications etc. (not altering text)

C78 S. 69 modified (5.10.1999) by 1999 c. 10, ss. 2, 20(2), **Sch. 2 paras. 10(1)**

C79 S. 69 modified (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), **ss. 135(5)**, 170; S.I. 2008/3137, art. 2

[F230 69ZA Overpayments out of the social fund.

(1) Subject to subsection (2) below, section 69 above shall apply in relation to social fund payments to which this section applies as it applies in relation to payments made in respect of benefits to which that section applies.

(2) Section 69 above as it so applies shall have effect as if—

(a) in F231... subsection (5A), for the words "reversed or varied on an appeal or has been revised under Article 10 or superseded under Article 11" there were substituted the words "revised on a review under Article 38";

F232(b) . . . . . .

(c) subsections (7) and (10A) were omitted.

[F233(2A) Subsection (9A) of section 69 as it so applies shall have effect as if the reference to amounts recoverable under the provisions mentioned in subsection (8) of that section were to amounts recoverable under subsections (1) and (4) of that section by virtue of subsection (1) above.**]**

(3) This section applies to social fund payments such as are mentioned in section 134(1)(b) of the Contributions and Benefits Act.**]**

Textual Amendments

F230 S. 69ZA inserted (5.10.1998) by S.I. 1998/1506 (N.I. 10), **art. 71(1)**; S.R. 1998/312, **art. 2(c)**

F231 Words in s. 69ZA(2)(a) repealed (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(2)(d), **Sch. 8**

F232 S. 69ZA(2)(b) repealed (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(2)(d), **Sch. 8**

F233 S. 69ZA(2A) inserted (2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **110(2)**; S.R. 2016/215, arts. 2(6)(c), 3(3)

Modifications etc. (not altering text)

C80 S. 69ZA modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), arts. 1(3)(c)(d), 77, **Sch. 5 para. 8**

[F234 Recovery of benefit payments

Textual Amendments

F234 Ss. 69ZB-69ZH inserted and cross-heading (4.4.2016 for specified purposes, 2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit, 27.9.2017 in so far as not already

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in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **109(1)**; S.R. 2016/46, art. 4(a); S.R. 2016/215, arts. 2(6)(b), 3(3); S.R. 2017/190, art. 3(1)(2)(e)

69ZB Recovery of overpayments of certain benefits

(1) The Department may recover any amount of the following paid in excess of entitlement—

(a) universal credit,

(b) jobseeker's allowance,

(c) employment and support allowance, and

(d) except in prescribed circumstances, housing credit (within the meaning of the State Pension Credit Act (Northern Ireland) 2002).

(2) An amount recoverable under this section is recoverable from—

(a) the person to whom it was paid, or

(b) such other person (in addition to or instead of the person to whom it was paid) as may be prescribed.

(3) An amount paid in pursuance of a determination is not recoverable under this section unless the determination has been—

(a) reversed or varied on an appeal, or

(b) revised or superseded under Article 10 or Article 11 of the Social Security (Northern Ireland) Order 1998,

except where regulations otherwise provide.

(4) Regulations may provide that amounts recoverable under this section are to be calculated or estimated in a prescribed manner.

(5) Where an amount of universal credit is paid for the sole reason that a payment by way of prescribed income is made after the date which is the prescribed date for payment of that income, that amount is for the purposes of this section paid in excess of entitlement.

(6) In the case of a benefit referred to in subsection (1) which is awarded to persons jointly, an amount paid to one of those persons may for the purposes of this section be regarded as paid to the other.

(7) An amount recoverable under this section may (without prejudice to any other means of recovery) be recovered—

(a) by deduction from benefit (section 69ZC);

(b) by deduction from earnings (section 69ZD);

(c) through the courts etc (section 69ZE);

(d) by adjustment of benefit (section 69ZF).

Modifications etc. (not altering text)

C81 S. 69ZB modified (25.9.2017) by The Tax Credits (Exercise of Functions in relation to Northern Ireland and Notices for Recovery of Tax Credit Overpayments) Order 2017 (S.I. 2017/781), arts. 1, **3(2)**

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C82 S. 69ZB(3) excluded (coming into force in accordance with reg. 1(3) of the amending Rule) by The Social Security (Overpayments and Recovery) Regulations (Northern Ireland) 2016 (S.R. 2016/224), regs. 1(3), **5**

69ZC Deduction from benefit

(1) An amount recoverable from a person under section 69ZB may be recovered by deducting the amount from payments of prescribed benefit.

(2) Where an amount recoverable from a person under section 69ZB was paid to the person on behalf of another, subsection (1) authorises its recovery from the person by deduction—

(a) from prescribed benefits to which the person is entitled,

(b) from prescribed benefits paid to the person to discharge (in whole or in part) an obligation owed to that person by the person on whose behalf the recoverable amount was paid, or

(c) from prescribed benefits paid to the person to discharge (in whole or in part) an obligation owed to that person by any other person.

(3) Where an amount is recovered as mentioned in paragraph (b) of subsection (2), the obligation specified in that paragraph shall in prescribed circumstances be taken to be discharged by the amount of the deduction.

(4) Where an amount is recovered as mentioned in paragraph (c) of subsection (2), the obligation specified in that paragraph shall in all cases be taken to be so discharged.

69ZD Deduction from earnings

(1) Regulations may provide for amounts recoverable under section 69ZB to be recovered by deductions from earnings.

(2) In this section "earnings" has such meaning as may be prescribed.

(3) Regulations under subsection (1) may include provision—

(a) requiring the person from whom an amount is recoverable ("the beneficiary") to disclose details of their employer, and any change of employer, to the Department;

(b) requiring the employer, on being served with a notice by the Department, to make deductions from the earnings of the beneficiary and to pay corresponding amounts to the Department;

(c) as to the matters to be contained in such a notice and the period for which a notice is to have effect;

(d) as to how payment is to be made to the Department;

(e) as to a level of earnings below which earnings must not be reduced;

(f) allowing the employer, where the employer makes deductions, to deduct a prescribed sum from the beneficiary's earnings in respect of the employer's administrative costs;

(g) requiring the employer to keep records of deductions;

(h) requiring the employer to notify the Department if the beneficiary is not, or ceases to be, employed by the employer;

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(i) creating a criminal offence for non-compliance with the regulations, punishable on summary conviction by a fine not exceeding level 3 on the standard scale;

(j) with respect to the priority as between a requirement to deduct from earnings under this section and—

(i) any other such requirement;

(ii) an order under any other statutory provision which requires deduction from the beneficiary's earnings.

69ZE Court action etc.

(1) An amount recoverable under section 69ZB is, if the county court so orders, recoverable as if it were payable under an order of that court.

(2) Any costs of the Department in recovering an amount of benefit under this section may be recovered by it as if they were amounts recoverable under section 69ZB.

69ZF Adjustment of benefit

Regulations may for the purpose of the recovery of amounts recoverable under section 69ZB make provision—

(a) for treating any amount paid to a person under an award which it is subsequently determined was not payable—

(i) as properly paid, or

(ii) as paid on account of a payment which it is determined should be or should have been made,

and for reducing or withholding arrears payable by virtue of the subsequent determination;

(b) for treating any amount paid to one person in respect of another as properly paid for any period for which it is not payable in cases where in consequence of a subsequent determination—

(i) the other person is entitled to a payment for that period, or

(ii) a third person is entitled in priority to the payee to a payment for that period in respect of the other person,

and by reducing or withholding any arrears payable for that period by virtue of the subsequent determination.

69ZG Recovery of payments on account

(1) The Department may recover any amount paid under section 5(1)(s) (payments on account).

(2) An amount recoverable under this section is recoverable from—

(a) the person to whom it was paid, or

(b) such other person (in addition to or instead of the person to whom it was paid) as may be prescribed.

(3) Regulations may provide that amounts recoverable under this section are to be calculated or estimated in a prescribed manner.

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(4) In the case of a payment on account of a benefit which is awarded to persons jointly, an amount paid to one of those persons may for the purposes of this section be regarded as paid to the other.

(5) Sections 69ZC, 69ZD and 69ZE apply in relation to amounts recoverable under this section as to amounts recoverable under section 69ZB.

69ZH Recovery of hardship payments etc.

(1) The Department may recover any amount paid by way of—

(a) payment under Article 33 of the Welfare Reform (Northern Ireland) Order 2015 (universal credit hardship payments) which is recoverable under that Article,

(b) a payment under Article 21C of the Jobseekers Order (jobseeker's allowance hardship payments) which is recoverable under that Article,

(c) a payment of a jobseeker's allowance under paragraph 8 or 8A of Schedule 1 to that Order (exemptions), where the allowance is payable at a prescribed rate under paragraph 9 of that Schedule and is recoverable under that paragraph,

(d) a payment of a jobseeker's allowance under paragraph 10 of that Schedule (claims yet to be determined etc.) which is recoverable under that paragraph, or

(e) a payment which is recoverable under section 5B(5A)(d) or (7)(d), 6(2A)(d) or (4)(d), 7(3)(aa) or (4)(d) or 8(2A)(d) or (4)(d) of the Social Security Fraud Act (Northern Ireland) 2001.

(2) An amount recoverable under this section is recoverable from—

(a) the person to whom it was paid, or

(b) such other person (in addition to or instead of the person to whom it was paid) as may be prescribed.

(3) Regulations may provide that amounts recoverable under this section are to be calculated or estimated in a prescribed manner.

(4) Where universal credit or a jobseeker's allowance is claimed by persons jointly, an amount paid to one claimant may for the purposes of this section be regarded as paid to the other.

(5) Sections 69ZC to 69ZF apply in relation to amounts recoverable under this section as to amounts recoverable under section 69ZB.**]**

F235[Jobseeker's Allowance]

Textual Amendments

F235 S. 69A and the preceding cross-heading inserted (7.10.1996) by S.I. 1995/2705 (N.I. 15), **art. 20**; S.R. 1996/401, **art. 2**

69A [F236 Recovery of jobseeker's allowance: severe hardship cases.]

(1) Where—

(a) a severe hardship direction is revoked; and

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(b) it is determined by **[**[F237]the Department**]** that—

(i) whether fraudulently or otherwise, any person has misrepresented, or failed to disclose, any material fact; and

(ii) in consequence of the failure of misrepresentation, payment of a jobseeker's allowance has been made during the relevant period to the person to whom the direction related, **[**[F237]the Department**]** may determine that **[**[F238]it**]** is entitled to recover the amount of the payment.

(2) In this section—

"severe hardship direction" means a direction given under Article 18 of the Jobseekers (Northern Ireland) Order 1995; and

"the relevant period" means—

(a) if the revocation is under Article 18(3)(a) of that Order, the period beginning with the date of the change of circumstances and ending with the date of the revocation; and

(b) if the revocation is under Article 18(3)(b) or (c) of that Order, the period during which the direction was in force.

(3) Where a severe hardship direction is revoked, the Department may certify whether there has been misrepresentation of a material fact or failure to disclose a material fact.

(4) If the Department certifies that there has been such misrepresentation or failure to disclose, it may certify—

(a) who made the misrepresentation or failed to make the disclosure; and

(b) whether or not a payment of jobseeker's allowance has been made in consequence of the misrepresentation or failure.

(5) If the Department certifies that a payment has been made, it may certify the period during which a jobseeker's allowance would not have been paid but for the misrepresentation or failure to disclose.

(6) A certificate under this section shall be conclusive as to any matter certified.

(7) Subsections (3) and (6) to (10) of section 69 above apply to a jobseeker's allowance recoverable under subsection (1) above as they apply to a jobseeker's allowance recoverable under section 69(1) above.

(8) The other provisions of section 69 above do not apply to a jobseeker's allowance recoverable under subsection (1) above.

Textual Amendments

F236 S. 69A and the preceding cross-heading inserted (7.10.1996) by S.I. 1995/2705 (N.I. 15), **art. 20**; S.R. 1996/401, **art. 2**

F237 Words in s. 69A(1) substituted (18.10.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 63(a)**; S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16)

F238 Word in s. 69A(1) substituted (18.10.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6 para. 63(b)**; S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16)

[F239]**70** . . . . . .

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Textual Amendments

F239 S. 70 repealed (7.10.1996) by S.I. 1995/2705, art. 40(2), **Sch. 3**; S.R. 1996/401, **art. 2(b)**

Adjustments of benefits

71 Overlapping benefits - general.

(1) Regulations may provide for adjusting **[**F240state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 or**]** benefit as defined in section 121 of the Contributions and Benefits Act **[**F241, or a contribution-based jobseeker's allowance **[**F242or a contributory employment and support allowance**]** ,**]** which is payable to or in respect of any person, or the conditions for **[**F243receipt of that benefit**]**, where—

(a) there is payable in his case any such pension, allowance or benefit as is described in subsection (2) below; or

(b) the person is, or is treated under the regulations as, undergoing medical or other treatment as an in-patient in a hospital or similar institution.

(2) Subsection (1)(a) above applies to any pension, allowance or benefit payable out of public funds (including any other benefit as so defined, whether it is of the same or a different description) which is payable to or in respect of—

(a) the person referred to in subsection (1);

(b) that person's **[**F244wife, husband or civil partner**]** ;

(c) any F245... dependant of that person; or

(d) the **[**F246wife, husband or civil partner**]** of any adult dependant of that person.

(3) Where but for regulations made by virtue of subsection (1)(a) above two persons would both be entitled to an increase of benefit in respect of a third person, regulations may make provision as to their priority.

[F247(4) Regulations may provide for adjusting—

[F248(za) state pension under Part 1 of the Pensions Act (Northern Ireland) 2015;**]**

(a) benefit as defined in section 121 of the Contributions and Benefits Act; F249...

(b) a contribution-based jobseeker's allowance,**[**F250or

(c) a contributory employment and support allowance,**]**

payable to or in respect of any person where there is payable in his case any such benefit as is described in subsection (5) below.**]**

(5) Subsection (4) above applies to any benefit payable under the legislation of any **[**F251member State**]** which is payable to or in respect of—

(a) the person referred to in that subsection;

(b) that person's **[**F252wife, husband or civil partner**]** ;

(c) any F253... dependant of that person; or

(d) the **[**F254wife, husband or civil partner**]** of any adult dependant of that person.

[F255(6) Personal independence payment is to be treated for the purposes of this section as if it were benefit as defined in section 121 of the Contributions and Benefits Act.**]**

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Textual Amendments

F240 Words in s. 71(1) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 12(a)**

F241 Words in s. 71(1) inserted (17.7.1996) by S.I. 1995/2705, art. 40(1), **Sch. 2 para. 32(2)(a)**; S.R. 1996/285, art. 2, **Sch.**

F242 Words in s. 71(1) inserted (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(7)(a)**; S.R. 2008/276, art. 2(2)(c), Sch. Pt. 1

F243 Words in s. 71(1) substituted (17.7.1996) by S.I. 1995/2705, art. 40(1), **Sch. 2 para. 32(2)(b)**; S.R. 1996/285, art. 2, **Sch.**

F244 Words in s. 71(2)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 111**; S.I. 2005/3255, art. 2(1), Sch.

F245 Words in s. 71(2)(c) repealed (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), Sch. 1 para. 47, **Sch. 2 Pt. 2**

F246 Words in s. 71(2)(d) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 111**; S.I. 2005/3255, art. 2(1), Sch.

F247 S. 71(4) substituted (17.7.1996) by S.I. 1995/2705, art. 40(1), **Sch. 2 para. 32(3)**; S.R. 1996/285, art. 2, **Sch.**

F248 S. 71(4)(za) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 12(b)**

F249 Word in s. 71(4)(a) repealed (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 8**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F250 S. 71(4)(c) and word added (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(7)(b)**; S.R. 2008/276, art. 2(2)(c), Sch. Pt. 1

F251 Words in s. 71(5) substituted (31.12.2020) by The Social Security (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/129), regs. 1(2), **3(2)**; 2020 c. 1, Sch. 5 para. 1(1)

F252 Words in s. 71(5)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 111**; S.I. 2005/3255, art. 2(1), Sch.

F253 Words in s. 71(5)(c) repealed (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), Sch. 1 para. 47, **Sch. 2 Pt. 2**

F254 Words in s. 71(5)(d) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 111**; S.I. 2005/3255, art. 2(1), Sch.

F255 S. 71(6) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 10**; S.R. 2016/215, art. 3(2)

72 Income support and other payments.

(1) Where—

(a) a payment by way of prescribed income is made after the date which is the prescribed date in relation to the payment; and

(b) it is determined that an amount which has been paid by way of income support **[**[F256], an income-based jobseeker's allowance **[**[F257], state pension credit or an income-related employment and support allowance**]]** would not have been paid if the payment had been made on the prescribed date,

the Department shall be entitled to recover that amount from the person to whom it was paid.

(2) Where—

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(a) a prescribed payment which apart from this subsection falls to be made from public funds in the United Kingdom or under the law of any **[**F258member State**]** is not made on or before the date which is the prescribed date in relation to the payment; and

(b) it is determined that an amount ("the relevant amount") has been paid by way of **[**F259universal credit or**]** income support **[**F260, an income-based jobseeker's allowance **[**F261, state pension credit or an income-related employment and support allowance**]]** that would not have been paid if the payment mentioned in paragraph (a) above had been made on the prescribed date,

then—

(i) in the case of a payment from public funds in the United Kingdom, the authority responsible for making it may abate it by the relevant amount; and

(ii) in the case of any other payment, the Department shall be entitled to receive the relevant amount out of the payment.

(3) Where—

(a) a person (in this subsection referred to as A) is entitled to any prescribed benefit for any period in respect of another person (in this subsection referred to as B); and

(b) either—

(i) B has received income support **[**F262, an income-based jobseeker's allowance or an income-related employment and support allowance**]** for that period; or

(ii) B was, during that period, a member of the same family as some person other than A who received income support **[**F262, an income-based jobseeker's allowance or an income-related employment and support allowance**]** for that period; and

(c) the amount of the income support **[**F263, an income-based jobseeker's allowance or an income-related employment and support allowance**]** has been determined on the basis that A has not made payments for the maintenance of B at a rate equal to or exceeding the amount of the prescribed benefit,

the amount of the prescribed benefit may, at the discretion of the authority administering it, be abated by the amount by which the amounts paid by way of income support **[**F264, an income-based jobseeker's allowance or an income-related employment and support allowance**]** exceed what it is determined that they would have been had A, at the time the amount of the income support **[**F264, an income-based jobseeker's allowance or an income-related employment and support allowance**]** was determined, been making payments for the maintenance of B at a rate equal to the amount of the prescribed benefit.

(4) Where an amount could have been recovered by abatement by virtue of subsection (2) or (3) above but has not been so recovered, the Department may recover it otherwise than by way of abatement—

(a) in the case of an amount which could have been recovered by virtue of subsection (2) above, from the person to whom it was paid; and

(b) in the case of an amount which could have been recovered by virtue of subsection (3) above, from the person to whom the prescribed benefit in question was paid.

(5) Where a payment is made in a currency other than sterling, its value in sterling shall be determined for the purposes of this section in accordance with regulations.

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Textual Amendments

F256 Words in s. 72(1)(b) substituted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 para. 11(a)**; S.R. 2002/366, **art. 2**; S.R. 2003/373, art. 2

F257 Words in s. 72(1)(b) substituted (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(8)(a)**; S.R. 2008/276, art. 2(2)(c), Sch. Pt. 1

F258 Words in s. 72(2)(a) substituted (31.12.2020) by The Social Security (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/129), regs. 1(2), **3(3)**; 2020 c. 1, Sch. 5 para. 1(1)

F259 Words in s. 72(2)(b) inserted (19.8.2021) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 7**; S.R. 2021/239, art. 2

F260 Words in s. 72(2)(b) substituted (2.12.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 para. 11(b)**; S.R. 2002/366, **art. 2**; S.R. 2003/373, art. 2

F261 Words in s. 72(2)(b) substituted (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(8)(a)**; S.R. 2008/276, art. 2(2)(c), Sch. Pt. 1

F262 Words in s. 72(3)(b) substituted (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(8)(b)**; S.R. 2008/276, art. 2(2)(c), Sch. Pt. 1

F263 Words in s. 72(3)(c) substituted (27.10.2008) by The Employment and Support Allowance (Miscellaneous Amendments) Regulations (Northern Ireland) 2008 (S.R. 2008/413), regs. 1(1), **2**

F264 Words in s. 72(3) substituted (27.10.2008) by The Employment and Support Allowance (Miscellaneous Amendments) Regulations (Northern Ireland) 2008 (S.R. 2008/413), regs. 1(1), **2**

[72A F265 Payment of benefit where maintenance payments collected by Department.

(1) This section applies where—

(a) a person ("the claimant") is entitled to a benefit to which this section applies;

(b) the Department is collecting periodical payments of child or spousal maintenance made in respect of the claimant or a member of the claimant's family; and

(c) the inclusion of any such periodical payment in the claimant's relevant income would, apart from this section, have the effect of reducing the amount of the benefit to which the claimant is entitled.

(2) The Department may, to such extent as it considers appropriate, treat any such periodical payment as not being relevant income for the purposes of calculating the amount of benefit to which the claimant is entitled.

(3) The Department may, to the extent that any periodical payment collected by it is treated as not being relevant income for those purposes, retain the whole or any part of that payment.

(4) Any sum retained by the Department under subsection (3) shall be paid by the Department into the Consolidated Fund.

(5) In this section—

"child" means a person under the age of 16.

"child maintenance", "spousal maintenance" and "relevant income" have such meaning as may be prescribed;

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[F266“couple” has the meaning given by section 133(1) of the Contributions and Benefits Act;**]**

“family” means—

(a) a **[**F267couple**]** ;

(b) a **[**F267couple**]** and a member of the same household for whom one of them is, or both are, responsible and who is a child or a person of a prescribed description;

(c) except in prescribed circumstances, a person who is not a member of a **[**F267couple**]** and a member of the same household for whom that person is responsible and who is a child or a person of a prescribed description;

F268 …

F268 …

(6) For the purposes of this section, the Department may by regulations make provision as to the circumstances in which—

(a) persons are to be treated as being or not being members of the same household;

(b) one person is to be treated as responsible or not responsible for another.

(7) The benefits to which this section applies are **[**F269universal credit,**]** income support, an income-based jobseeker’s allowance **[**F270, an income-related employment and support allowance**]** and such other benefits (if any) as may be prescribed.**]**

Textual Amendments

F265 S. 72A inserted (16.11.1995) by S.I. 1995/2702 (N.I. 13), **art. 18**; S.I. 1995/428, art. 2, **Sch.**

F266 Words in s. 72A(5) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 112(a)**; S.I. 2005/3255, art. 2(1), Sch.

F267 Words in s. 72A(5) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 112(b)**; S.I. 2005/3255, art. 2(1), Sch.

F268 Words in s. 72A(5) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), Sch. 24 para. 112(c), **Sch. 30**; S.I. 2005/3255, art. 2(1), Sch.

F269 Words in s. 72A(7) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 8**; S.R. 2017/190, **art. 4(1)(2)(g)(ii)**

F270 Words in s. 72A(7) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(9)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

Housing benefit

73 Overpayments of housing benefit.

(1) Except where regulations otherwise provide, any amount of housing benefit **[**F271determined in accordance with regulations to have been**]**paid in excess of entitlement may be recovered by the Department, the Department of the Environment or by the Housing Executive F272. . ..

(2) Regulations may require the Department of the Environment or the Housing Executive to recover such an amount in such circumstances as may be prescribed.

[F273(3) An amount recoverable under this section shall be recoverable -

(a) except in such circumstances as may be prescribed, from the person to whom it was paid; and

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(b) where regulations so provide, from such other person (as well as, or instead of, the person to whom it was paid) as may be prescribed.**]**

(4) Any amount recoverable under this section may, without prejudice to any other method of recovery, be recovered by deduction from prescribed benefits.

[F274(5) Where an amount paid to a person on behalf of another person is recoverable under this section, subsections (3) and (4) above authorise its recovery from the person to whom it was paid by deduction—

(a) from prescribed benefits to which he is entitled;

(b) from prescribed benefits paid to him to discharge (in whole or in part) an obligation owed to him by the person on whose behalf the recoverable amount was paid; or

(c) from prescribed benefits paid to him to discharge (in whole or in part) an obligation owed to him by any other person.

(6) Where an amount is recovered as mentioned in paragraph (b) of subsection (5) above, the obligation specified in that paragraph shall in prescribed circumstances be taken to be discharged by the amount of the deduction; and where an amount is recovered as mentioned in paragraph (c) of that subsection, the obligation specified in that paragraph shall in all cases be taken to be so discharged.

(7) Where any amount recoverable under this section is to be recovered otherwise than by deduction from prescribed benefits it shall, if the county court so orders, be enforceable as if it were payable under an order of that court.**]**

[F275(8) Regulations may provide for amounts recoverable under this section to be recovered by deductions from earnings.

(9) In subsection (8) "earnings" has such meaning as may be prescribed.

(10) Regulations under subsection (8) may include provision—

(a) requiring the person from whom an amount is recoverable ("the beneficiary") to disclose details of their employer, and any change of employer, to the Department, the Department of Finance and Personnel or the Housing Executive;

(b) requiring the employer, on being served with a notice by the Department, the Department of Finance and Personnel or the Housing Executive, to make deductions from the earnings of the beneficiary and to pay corresponding amounts to the Department, the Department of Finance and Personnel or the Housing Executive;

(c) as to the matters to be contained in such a notice and the period for which a notice is to have effect;

(d) as to how payment is to be made to the Department, the Department of Finance and Personnel or the Housing Executive;

(e) as to a level of earnings below which earnings must not be reduced;

(f) allowing the employer, where the employer makes deductions, to deduct a prescribed sum from the beneficiary's earnings in respect of the employer's administrative costs;

(g) requiring the employer to keep records of deductions;

(h) requiring the employer to notify the Department, the Department of Finance and Personnel or the Housing Executive if the beneficiary is not, or ceases to be, employed by the employer;

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(i) creating a criminal offence for non-compliance with the regulations, punishable on summary conviction by a fine not exceeding level 3 on the standard scale;

(j) with respect to the priority as between a requirement to deduct from earnings under this section and—

(i) any other such requirement;

(ii) an order under any other statutory provision which requires deduction from the beneficiary's earnings.**]**

Textual Amendments

F271 Words in s. 73(1) inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 19(1), **Sch. 1 para. 2**; S.R. 1997/316, art. 2, **Sch.**

F272 Words in s. 73(1) repealed (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 19(2), **Sch. 2**; S.R. 1997/316, art. 2, **Sch.**

F273 S. 73(3) substituted (22.11.2000 for certain purposes, otherwise 1.10.2001) by 2000 c. 4 (N.I.), **s. 62** (with s. 66(6)); S.R. 2000/358, art. 2(b), **Sch. Pt. II**; S.R. 2001/249, **art. 2(c)**

F274 S. 73(5)-(7) added (8.10.1997 for certain purposes, otherwise 3.11.1997) by S.I. 1997/1182 (N.I. 11), **art. 15**; S.R. 1997/449, **art. 2**

F275 S. 73(8)-(10) inserted (2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **110(3)**; S.R. 2016/215, arts. 2(6)(c), 3(3)

Modifications etc. (not altering text)

C83 S. 73: functions transferred (1.12.1999) from the Department of the Environment to the Department of Finance and Personnel by S.R. 1999/481, art. 6(b), **Sch. 4 Pt. II**

C84 S. 73(1)(2) applied (with modifications) (1.4.2007) by The Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007 (S.R. 2007/203), regs. 1(1), **31**

C85 S. 73(1)(2) applied (with modifications) (1.4.2007) by The Rate Relief (General) Regulations (Northern Ireland) 2007 (S.R. 2007/204), regs. 1(1), **32**

C86 S. 73(3)(a)(b) applied (with modifications) (1.4.2007) by The Rate Relief (General) Regulations (Northern Ireland) 2007 (S.R. 2007/204), regs. 1(1), **32**

C87 S. 73(3)(a)(b) applied (with modifications) (1.4.2007) by The Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007 (S.R. 2007/203), regs. 1(1), **31**

C88 S. 73(7) applied (with modifications) (1.4.2007) by The Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007 (S.R. 2007/203), regs. 1(1), **31**

C89 S. 73(7) applied (with modifications) (1.4.2007) by The Rate Relief (General) Regulations (Northern Ireland) 2007 (S.R. 2007/204), regs. 1(1), **32**

Social fund awards

74 Recovery of social fund awards.

(1) A social fund award which is repayable shall be recoverable by the Department.

(2) Without prejudice to any other method of recovery, the Department may recover an award by deduction from prescribed benefits.

(3) The Department may recover an award—

(a) from the person to or for the benefit of whom it was made;

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(b) where that person is a member of a **[**F276couple**]** , from the other member of the couple;

(c) from a person who is liable to maintain the person by or on behalf of whom the application for the award was made or any person in relation to whose needs the award was made.

[F277(3A) Where—

(a) a jobseeker's allowance is payable to a person from whom an award is recoverable under subsection (3) above; and

(b) that person is subject to a bankruptcy order, a sum deducted from that benefit under subsection (2) above shall not be treated as income of his for the purposes of the Insolvency (Northern Ireland) Order 1989.**]**

[F278(3B) Regulations may provide for amounts recoverable under subsection (1) from a person specified in subsection (3) to be recovered by deductions from earnings.

(3C) In subsection (3B) "earnings" has such meaning as may be prescribed.

(3D) Regulations under subsection (3B) may include provision referred to in section 69(9C).**]**

(4) Payments **[**F279out of the social fund**]** to meet funeral expenses may in all cases be recovered, as if they were funeral expenses, out of the estate of the deceased, and (subject to section 69 above) by no other means.

[F280(5) In this section, "couple" has the meaning given by section 133(1) of the Contributions and Benefits Act.**]**

(6) For the purposes of this section—

(a) a man shall be liable to maintain his wife **[**F281or civil partner**]** and any children of whom he is the father;

(b) a woman shall be liable to maintain her husband **[**F282or civil partner**]** and any children of whom she is the mother;

(c) a person shall be liable to maintain another person throughout any period in respect of which the M9first-mentioned person has, on or after 24th June 1980 (the date of the making of the Social Security (Northern Ireland) Order 1980) and either alone or jointly with a further person, given an undertaking in writing in pursuance of immigration rules within the meaning of the M10Immigration Act 1971 to be responsible for the maintenance and accommodation of the other person; and

(d) "child" includes a person who has attained the age of 16 but not the age of 19 and in respect of whom either parent, or some person acting in the place of either parent, is receiving income support **[**F283or an income-based jobseeker's allowance**]**.

[F284(7) Any reference in subsection (6) to children of whom the man or the woman is the father or the mother shall be construed in accordance with Article 155 of the Children (Northern Ireland) Order 1995.**]**

(8) A document bearing a certificate which—

(a) is signed by a person authorised in that behalf by the Secretary of State; and

(b) states that the document apart from the certificate is, or is a copy of, such an undertaking as is mentioned in subsection (6)(c) above,

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shall be conclusive of the undertaking in question for the purposes of this section and section 101 below; and a certificate purporting to be so signed shall be deemed to be so signed until the contrary is proved.

Textual Amendments

F276 Words in s. 74(3)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 113(2)**; S.I. 2005/3255, art. 2(1), Sch.

F277 S. 74(3A) inserted (7.10.1996) by S.I. 1995/2705 (N.I. 15), **art. 33(2)** ; S.R. 1996/401, **art. 2**,

F278 S. 74(3B)-(3D) inserted (2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **110(4)**; S.R. 2016/215, arts. 2(6)(c), 3(3)

F279 Words in s. 74(4) inserted (28.11.2016 for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 8 para. 2**; S.R. 2016/411, art. 2(2)(b)

F280 S. 74(5) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 113(3)**; S.I. 2005/3255, art. 2(1), Sch.

F281 Words in s. 74(6)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 113(4)(a)**; S.I. 2005/3255, art. 2(1), Sch.

F282 Words in s. 74(6)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 113(4)(b)**; S.I. 2005/3255, art. 2(1), Sch.

F283 Words in s. 74(6) inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2**, para. 34; S.R. 1996/285, art. 2, **Sch.**

F284 S. 74(7) substituted (1.7.1995) by S.I. 1995/755 (N.I. 2), art. 185(1), **Sch. 9 para. 186**; S.R. 1995/248, **art. 2**

Marginal Citations

M9 S.I. 1980/870 (N.I. 8).

M10 1971 c. 77.

Great Britain payments

75 Recovery of Great Britain payments.

Without prejudice to any other method of recovery—

(a) amounts recoverable under any statutory provision having effect in Great Britain and corresponding to a statutory provision mentioned in section 69(8) above shall be recoverable by deduction from benefits prescribed under that subsection;

(b) amounts recoverable under any statutory provision having effect in Great Britain and corresponding to section 73 above shall be recoverable by deduction from benefits prescribed under subsection (4) of that section; and

(c) amounts recoverable under Part III of the Great Britain Administration Act shall be recoverable by deduction from benefits prescribed **[**[F285]under section 69(8)**]** .

Textual Amendments

F285 Words in s. 75(c) substituted (28.11.2016 for specified purposes, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 8 para. 3**; S.R. 2016/411, art. 2(2)(b); S.R. 2017/190, art. 3(1)(2)(i)

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Adjustment of child benefit

76 Child benefit - overlap with benefits under legislation of [F286]... member States.

Regulations may provide for adjusting child benefit payable in respect of any child **[**[F287]or qualifying young person**]** in respect of whom any benefit is payable under the legislation of any **[**[F288]member State**]** .

Textual Amendments

F286 Word in s. 76 heading heading omitted (31.12.2020) by virtue of The Social Security (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/129), regs. 1(2), **3(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F287 Words in s. 76 inserted (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), **Sch. 1 para. 48**

F288 Words in s. 76 substituted (31.12.2020) by The Social Security (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/129), regs. 1(2), **3(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

C90 S. 76: transfer of functions (1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), **ss. 49(2)(c)**, 61 (with s. 54(1)(3)(4)(6)(8)); S.I. 2003/392, art. 2 (subject to savings in art. 3)

[F289]PART IV

Textual Amendments

F289 Pt. IV (ss. 77-99) repealed (6.10.1997) by S.I. 1997/1183 (N.I. 12), art. 31(1)(2), Sch. 3, para. 2, **Sch. 4**; S.R. 1997/400, **art. 2(2)**

Recovery from damages, etc. of sums equivalent to benefit

Payments, deductions and certificates

Status: *Point in time view as at 26/09/2023.*
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Administration and adjudication

Miscellaneous

PART V

INCOME SUPPORT AND THE DUTY TO MAINTAIN

100 Failure to maintain - general.

(1) If—

(a) any person persistently refuses or neglects to maintain himself or any person whom he is liable to maintain; and

(b) in consequence of his refusal or neglect **[**F292universal credit,**]** income support **[**F293, an income-based jobseeker's allowance or an income-related employment and support allowance**]** is paid to or in respect of him or such a person,

he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine of an amount not exceeding level 4 on the standard scale or to both.

(2) For the purposes of subsection (1) above a person shall not be taken to refuse or neglect to maintain himself or any other person by reason only of anything done or omitted in furtherance of a trade dispute.

[F294(3) Subject to subsection (4), for the purposes of this Part, a person shall be liable to maintain another person if that other person is—

(a) his or her spouse or civil partner, or

(b) a person whom he or she would be liable to maintain if section 74(6)(c) and (8) had effect for the purposes of this Part.**]**

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[F295(4) For the purposes of this section, in its application to an income-based jobseeker's allowance **[**F296or an income-related employment and support allowance**]** , **[**F297subsection (3)(b) shall not apply**]** .**]**

Textual Amendments

F292 Words in s. 100(1)(b) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 10**; S.R. 2017/190, art. 4(1)(2)(g)(ii)

F293 Words in s. 100(1)(b) substituted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(10)(a)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F294 S. 100(3) substituted (14.7.2008) by Child Maintenance Act (Northern Ireland) 2008 (c. 10), **ss. 35(1)**, 41(1); S.R. 2008/291, art. 2(1)(b)

F295 S. 100(4) inserted (17.7.1996) by S.I. 1996/1705 (N.I. 15), art. 40(1), **Sch. 2**, para. 36(4); S.R. 1996/285, art. 2, **Sch.**

F296 Words in s. 100(4) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(10)(b)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F297 Words in s. 100(4) substituted (14.7.2008) by Child Maintenance Act (Northern Ireland) 2008 (c. 10), **ss. 35(2)**, 41(1); S.R. 2008/291, art. 2(1)(b)

101 Recovery of expenditure on benefit from person liable for maintenance.

(1) Subject to the following provisions of this section, if income support **[**F298or universal credit**]** is claimed by or in respect of a person whom another person is liable to maintain or paid to or in respect of such a person, the Department may make a complaint under Part VIII of the M21Magistrates' Courts (Northern Ireland) Order 1981 against the liable person for an order under this section.

F299(2) . . . . . .

F299(3) . . . . . .

(4) On the hearing of a complaint under this section the court shall have regard to all the circumstances and, in particular, to the income of the liable person, and may order him to pay such sum, weekly or otherwise, as it may consider appropriate, except that in a case falling within section 74(6)(c) above that sum shall not include any amount which is not attributable to income support **[**F300or universal credit**]** (whether paid before or after the making of the order).

(5) In determining whether to order any payments to be made in respect of income support **[**F300or universal credit**]** for any period before the complaint was made, or the amount of any such payments, the court shall disregard any amount by which the liable person's income exceeds the income which was his during that period.

(6) Any payments ordered to be made under this section shall be made—

(a) to the Department in so far as they are attributable to any income support **[**F301or universal credit**]** (whether paid before or after the making of the order);

(b) to the person claiming income support **[**F301or universal credit**]** or (if different) the dependant; or

(c) to such other person as appears to the court expedient in the interests of the dependant.

(7) Any proceedings for an order under this section shall be included among the proceedings which are domestic proceedings within the meaning of the Magistrates'

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Courts (Northern Ireland) Order 1981; and Article 88 of that Order (definition of "domestic proceedings") shall have effect accordingly.

Textual Amendments

F298 Words in s. 101(1) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 11**; S.R. 2017/190, art. 4(1)(2)(g)(ii)

F299 S. 101(2)(3) repealed (4.11.1996) by S.I. 1995/755 (N.I. 2), arts. 1, 185(2), **Sch. 10**; S.R. 1996/297, **art. 2(2)**

F300 Words in s. 101(4)(5) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 11**; S.R. 2017/190, art. 4(1)(2)(g)(ii)

F301 Words in s. 101(6)(a)(b) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 11**; S.R. 2017/190, art. 4(1)(2)(g)(ii)

Marginal Citations

M21 S.I. 1981/1675 (N.I. 26).

F302 102 Recovery of expenditure on income support: additional amounts and transfer of orders.

. . . . . .

Textual Amendments

F302 S. 102 repealed (27.10.2008) by Child Maintenance Act (Northern Ireland) 2008 (c. 10), s. 41(1), **Sch. 5**; S.R. 2008/399, art. 2(2)(d)(ii) (with art. 3)

103 Reduction of expenditure on income support: certain maintenance orders to be enforceable by the Department.

(1) This section applies where—

(a) a person ("the claimant") who is the parent of one or more children is in receipt of income support **[**F303or universal credit**]** either in respect of those children or in respect of both himself and those children; and

(b) there is in force a maintenance order made against the other parent ("the liable person")—

(i) in favour of the claimant or one or more of the children, or

(ii) in favour of some other person for the benefit of the claimant or one or more of the children;

and in this section "the primary recipient" means the person in whose favour that maintenance order was made.

(2) If, in a case where this section applies, the liable person fails to comply with any of the terms of the maintenance order—

(a) the Department may bring any proceedings or take any other steps to enforce the order that could have been brought or taken by or on behalf of the primary recipient; and

(b) any court before which proceedings are brought by the Department by virtue of paragraph (a) above shall have the same powers in connection with those

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proceedings as it would have had if they had been brought by the primary recipient.

[F304(bb) any water undertaker (within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006);**]**

(3) The Department's powers under this section are exercisable at the Department's discretion and whether or not the primary recipient or any other person consents to their exercise; but any sums recovered by virtue of this section shall be payable to or for the primary recipient, as if the proceedings or steps in question had been brought or taken by him or on his behalf.

(4) The powers conferred on the Department by subsection (2)(a) above include power—

(a) to apply for the registration of the maintenance order under—

(i) section 17 of the M22Maintenance Orders Act 1950; **[**F305or**]**

(ii) section 11 of the M23Maintenance and Affiliation Orders Act (Northern Ireland) 1966; F306... F307. . .

F306(iii) . . . . . .

F308**[**F309(iv) . . . . . .**]**

F310(aa) . . . . . .

[F311(ab) to apply for recognition and enforcement of the maintenance order under the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007, to the extent permitted by Article 36 of that Convention; and**]**

(b) to make an application under section 2 of the M24Maintenance Orders (Reciprocal Enforcement) Act 1972 (application for enforcement in reciprocating country).

(5) Where this section applies, the prescribed person shall in prescribed circumstances give the Department notice of any application—

(a) to alter, vary, suspend, discharge, revoke, revive or enforce the maintenance order in question; or

(b) to remit arrears under that maintenance order;

and the Department shall be entitled to appear and be heard on the application.

(6) Where, by virtue of this section, the Department commences any proceedings to enforce a maintenance order, the Department shall, in relation to those proceedings, be treated for the purposes of any statutory provision relating to maintenance orders as if it were a person entitled to payment under the maintenance order in question (but shall not thereby become entitled to any such payment).

(7) Where, in any proceedings under this section, the court makes an order for the whole or any part of the arrears due under the maintenance order in question to be paid as a lump sum, the Department shall inform **[**F312the Department of Justice**]** of the amount of that lump sum if the Department knows—

(a) that the primary recipient received **[**F313civil legal services funded by the Department of Justice**]** in connection with the proceedings in which the maintenance order was made, and

(b) that a sum remains unpaid on account of the contribution required of the primary recipient **[**F314by virtue of Article 17 of the Access to Justice (Northern Ireland) Order 2003**]** in respect of those proceedings.

Status: *Point in time view as at 26/09/2023.*
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[F315(8) In this section "maintenance order" means an order for the making of periodical payments under any statutory provision prescribed for the purposes of this subsection.**]**

F316(9) . . . . . .

Textual Amendments

F303 Words in s. 103(1)(a) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 12**; S.R. 2017/190, art. 4(1)(2)(g)(ii)

F304 S. 103(2D)(bb) inserted (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336), art. 1(2), **Sch. 12 para. 30(2)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2), Sch. Pt. 2 (with Sch. 2)

F305 Word in s. 103(4)(a) inserted (31.12.2020) by The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **67(a)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)

F306 S. 103(4)(a)(iii) and word omitted (31.12.2020) by virtue of The Civil Jurisdiction and Judgments (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/479), regs. 1(1), **67(b)** (with regs. 92-95) (as amended by S.I. 2020/1493, regs. 1(1), 5(2)-(5)); 2020 c. 1, Sch. 5 para. 1(1)

F307 Word in s. 103(4)(a) omitted (1.3.2002) by virtue of S.I. 2001/3929, arts. 1(b), 5, **Sch. 3 para. 25(a)**

F308 S. 103(4)(a)(iv) and word repealed (18.6.2011) by The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 1(1), **Sch. 7 para. 15(a)(ii)**

F309 S. 103(4)(a)(iv) inserted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 5, **Sch. 3 para. 25(c)**

F310 S. 103(4)(aa) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 22(a)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)

F311 S. 103(4)(ab) inserted (coming into force in accordance with reg. 1(1) of the amending Rule) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012 (S.R. 2012/413), reg. 1(1), **Sch. 4 para. 3(b)**

F312 Words in s. 103(7) substituted (1.4.2015) by Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 (c. 11), s. 12(1), **Sch. 2 para. 2** (with ss. 2(3), 9, Sch. 1 para. 3(3)); S.R. 2015/193, art. 2(e)

F313 Words in s. 103(7) substituted (1.4.2015) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435), art. 1(2), **Sch. 4 para. 10(b)** (with art. 45) (as amended (18.11.2014) by Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 c. 11, Sch. 2 para 6(43)(b)(7)); S.R. 2015/194, art. 2, Sch. (with art. 3)

F314 Words in s. 103(7) substituted (1.4.2015) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435), art. 1(2), **Sch. 4 para. 10(c)** (with art. 45); S.R. 2015/194, art. 2, Sch. (with art. 3)

F315 S. 103(8) substituted (27.10.2008) by Child Maintenance Act (Northern Ireland) 2008 (c. 10), s. 41(1), **Sch. 4 para. 2(2)**; S.R. 2008/399, art. 2(2)(c)

F316 S. 103(9) omitted (31.12.2020) by virtue of The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519), reg. 1(1), **Sch. para. 22(b)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M22 1950 c. 37.

M23 1966 c. 35 (N.I.).

M24 1972 c. 18.

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PART VI

ENFORCEMENT

Modifications etc. (not altering text)
C92 Pt. VI: power to amend conferred (7.2.1994) by 1993 c. 49, **s.173**; S.R. 1994/17, **art. 2**

Inspection

[F317 103A Authorisations for investigators

(1) An individual who for the time being has the Department's authorisation for the purposes of this Part shall be entitled, for any one or more of the purposes mentioned in subsection (2) below, to exercise any of the powers which are conferred on an authorised officer by sections 103B and 103C below.

(2) Those purposes are—

(a) ascertaining in relation to any case whether a benefit is or was payable in that case in accordance with any provision of the relevant social security legislation;

(b) investigating the circumstances in which any accident, injury or disease which has given rise, or may give rise, to a claim for—

(i) industrial injuries benefit, or

(ii) any benefit under any provision of the relevant social security legislation,

occurred or may have occurred, or was or may have been received or contracted;

(c) ascertaining whether provisions of the relevant social security legislation are being, have been or are likely to be contravened (whether by particular persons or more generally);

(d) preventing, detecting and securing evidence of the commission (whether by particular persons or more generally) of benefit offences.

(3) An individual has the Department's authorisation for the purposes of this Part if, and only if, the Department has granted him an authorisation for those purposes and he is—

(a) an official of a government department;

(b) an individual employed by the Housing Executive; or

(c) an individual authorised to carry out functions of the Housing Executive relating to housing benefit.

(4) An authorisation granted for the purposes of this Part to an individual of any of the descriptions mentioned in subsection (3) above—

(a) shall be contained in a certificate provided to that individual as evidence of his entitlement to exercise powers conferred by this Part;

(b) may contain provision as to the period for which the authorisation is to have effect; and

(c) may restrict the powers exercisable by virtue of the authorisation so as to prohibit their exercise except for particular purposes, in particular

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circumstances or in relation to particular benefits or particular provisions of the relevant social security legislation.

(5) An authorisation granted under this section may be withdrawn at any time by the Department.

(6) Where the Department grants an authorisation for the purposes of this Part to an individual employed by the Housing Executive, or to an individual authorised to carry out functions of the Housing Executive relating to housing benefit—

(a) the Department and the Housing Executive shall enter into such arrangements (if any) as they consider appropriate with respect to the carrying out of functions conferred on that individual by or in connection with the authorisation granted to him; and

(b) the Department may make to the Housing Executive such payments (if any) as the Department thinks fit in respect of the carrying out by that individual of any such functions.

(7) The matters on which a person may be authorised to consider and report to the Department under section 128A below shall be taken to include the carrying out by any such individual as is mentioned in subsection (3)(b) or (c) above of any functions conferred on that individual by virtue of any grant by the Department of an authorisation for the purposes of this Part.

(8) The powers conferred by sections 103B and 103C below shall be exercisable in relation to persons holding office under the Crown and persons in the service of the Crown, and in relation to premises owned or occupied by the Crown, as they are exercisable in relation to other persons and premises.**]**

Textual Amendments

F317 Ss. 103A-103C substituted for s. 104 (2.4.2001) by 2000 c. 4 (N.I.), s. 68(1), **Sch. 6 para. 2** (with s. 66(6)); S.I. 2001/141, art. 2(1)(a), **Sch. Pt. I**

F318 103B Power to require information

(1) An authorised officer who has reasonable grounds for suspecting that a person—

(a) is a person falling within subsection (2) **[**F319 or (2A)**]** below, and

(b) has or may have possession of or access to any information about any matter that is relevant for any one or more of the purposes mentioned in section 103A(2) above,

may, by written notice, require that person to provide all such information described in the notice as is information of which he has possession, or to which he has access, and which it is reasonable for the authorised officer to require for a purpose so mentioned.

(2) The persons who fall within this subsection are—

(a) any person who is or has been an employer or employee within the meaning of any provision made by or under the Contributions and Benefits Act;

(b) any person who is or has been a self-employed earner within the meaning of any such provision;

(c) any person who by virtue of any provision made by or under that Act falls, or has fallen, to be treated for the purposes of any such provision as a person within paragraph (a) or (b) above;

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(d) any person who is carrying on, or has carried on, any business involving the supply of goods for sale to the ultimate consumers by individuals not carrying on retail businesses from retail premises;

(e) any person who is carrying on, or has carried on, any business involving the supply of goods or services by the use of work done or services performed by persons other than employees of his;

(f) any person who is carrying on, or has carried on, an agency or other business for the introduction or supply, to persons requiring them, of persons available to do work or to perform services;

(g) any district council acting in its capacity as an authority responsible for the granting of any licence;

(h) any person who is or has been a trustee or manager of a personal or occupational pension scheme;

(i) any person who is or has been liable to make a compensation payment or a payment to the Department under Article 8 of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (payments in respect of recoverable benefits);

[F320(ia) a person of a prescribed description;**]** and

(j) the servants and agents of any such person as is specified in any of paragraphs (a) to **[**F321(ia)**]** above.

[F322(2A) The persons who fall within this subsection are—

(a) any bank;

[F323(aa) the Director of National Savings;**]**

(b) any person carrying on a business the whole or a significant part of which consists in the provision of credit (whether secured or unsecured) to members of the public;

[F324(c) any insurer;**]**

(d) any credit reference agency (within the meaning given by section 145(8) of the Consumer Credit Act 1974);

(e) any body the principal activity of which is to facilitate the exchange of information for the purpose of preventing or detecting fraud;

(f) any person carrying on a business the whole or a significant part of which consists in the provision to members of the public of a service for transferring money from place to place;

[F325(g) any person who is the holder of a licence under Article 8(1) of the Gas (Northern Ireland) Order 1996 F326 which relates to the conveyance or supply of gas through pipes;**]**

[F327(h) the Director of National Savings;any person who is the holder of a licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992 F328 which relates to the transmission or supply of electricity;**]**

[F329(hh) any water undertaker or sewerage undertaker (within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006);**]**

F330(i) . . . . . .

(j) any person conducting any educational establishment or institution;

(k) any body the principal activity of which is to provide services in connection with admissions to educational establishments or institutions;

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(l) any body to whom functions are delegated by arrangements made under Article 4(3) of the Education (Student Support) (Northern Ireland) Order 1998;

(m) any servant or agent of any person mentioned in any of the preceding paragraphs.

(2B) Subject to the following provisions of this section, the powers conferred by this section on an authorised officer to require information from any person by virtue of his falling within subsection (2A) above shall be exercisable for the purpose only of obtaining information relating to a particular person identified (by name or description) by the officer.

(2C) An authorised officer shall not, in exercise of those powers, require any information from any person by virtue of his falling within subsection (2A) above unless it appears to that officer that there are reasonable grounds for believing that the identified person to whom it relates is—

(a) a person who has committed, is committing or intends to commit a benefit offence; or

(b) a person who (within the meaning of Part VII of the Contributions and Benefits Act) is a member of the family of a person falling within paragraph (a) above.

(2D) Nothing in subsection (2B) or (2C) above shall prevent an authorised officer who is an official of a government department and whose authorisation states that his authorisation applies for the purposes of this subsection from exercising the powers conferred by this section for obtaining from—

(a) any person who (within the meaning of the Gas (Northern Ireland) Order 1996) supplies gas conveyed through pipes,

(b) any person who (within the meaning of the Electricity (Northern Ireland) Order 1992) supplies electricity conveyed by distribution systems, or

(c) any servant or agent of a person mentioned in either of the preceding paragraphs,

any information which relates exclusively to whether and in what quantities gas or electricity are being or have been supplied to residential premises specified or described in the notice by which the information is required.

(2E) The powers conferred by this section shall not be exercisable **[**[F331]so as to secure the disclosure by a telecommunications operator or postal operator of communications data without the consent of the operator.**]**

[F332](2F) . . . . . .**]**

(3) The obligation of a person to provide information in accordance with a notice under this section shall be discharged only by the provision of that information, at such reasonable time and in such form as may be specified in the notice, to the authorised officer who—

(a) is identified by or in accordance with the terms of the notice, or

(b) has been identified, since the giving of the notice, by a further written notice given by the authorised officer who imposed the original requirement or another authorised officer.

(4) The power of an authorised officer under this section to require the provision of information shall include a power to require the production and delivery up and

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(if necessary) creation of, or of copies of or extracts from any such documents containing the information as may be specified or described in the notice imposing the requirement.

[F333(5) No one shall be required under this section to provide—

(a) any information that tends to incriminate either himself or, in the case of a person who is **[**F334married or is a civil partner, his spouse or civil partner**]** ; or

(b) any information in respect of which a claim to legal professional privilege would be successful in any proceedings;

and for the purposes of this subsection it is immaterial whether the information is in documentary form or not..**]**

[F335(6) Provision may be made by order—

(a) adding any person to the list of persons falling within subsection (2A) above;

(b) removing any person from the list of persons falling within that subsection;

(c) modifying that subsection for the purpose of taking account of any change to the name of any person for the time being falling within that subsection.

(7) In this section—

[F336bank means—

(a) a person who has permission under **[**F337Part 4A**]** of the Financial Services and Markets Act 2000 F338to accept deposits;

(b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to accept deposits or other repayable funds from the public; or

(c) a person who does not require permission under that Act to accept deposits, in the course of his business in the United Kingdom;**]**

[F339"communications data" has the same meaning as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act);**]**

"credit" includes a cash loan or any form of financial accommodation, including the cashing of a cheque;

[F340"insurer" means—

(a) a person who has permission under **[**F337Part 4A**]** of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance; or

(b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance;**]**

[F341"postal operator" has the same meaning as in the Investigatory Powers Act 2016 (see section 262 of that Act);**]**

"residential premises", in relation to a supply of gas **[**F342, water**]** or electricity, means any premises which-

(a) at the time of the supply were premises occupied wholly or partly for residential purposes, or

(b) are premises to which that supply was provided as if they were so occupied; and

[F343"telecommunications operator" has the same meaning as in the Investigatory Powers Act 2016 (see section 261 of that Act).**]]**

[F344(7A) The definitions of "bank" and "insurer" in subsection (7) above must be read with—

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(a) section 22 of the Financial Services and Markets Act 2000;
(b) any relevant order under that section; and
(c) Schedule 2 to that Act.**]**

Textual Amendments

F318 Ss. 103A-103C substituted for s. 104 (2.4.2001) by 2000 c. 4 (N.I.), s. 68(1), **Sch. 6 para. 2** (with s. 66(6)); S.I. 2001/141, art. 2(1)(a), **Sch. Pt. I**

F319 Words in s. 103B(1)(a) inserted (24.2.2003) by 2001 c. 17 (N.I.), s. 1(2); S.R. 2002/406, **art. 2(1)(b)**

F320 S. 103B(2)(ia) inserted (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **112(a)**; S.R. 2016/46, art. 3(4)(c)

F321 Word in s. 103B(2)(j) substituted (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **112(b)**; S.R. 2016/46, art. 3(4)(c)

F322 S. 103B(2A)-(2F) inserted (24.2.2003) by 2001 c. 17 (N.I.) s. 1(2); S.R. 2002/406, **art. 2(1)(b)**

F323 S. 103B(2A)(aa) inserted (24.2.2003) by The Social Security Administration (Northern Ireland) Act 1992 (Amendment) Order (Northern Ireland) 2002 (S.R. 2002/408), **art. 2(2)(a)**

F324 S. 103B(2A)(c) substituted (24.2.2003) by The Social Security Administration (Northern Ireland) Act 1992 (Amendment) Order (Northern Ireland) 2002 (S.R. 2002/408), **art. 2(2)(b)**

F325 S. 103B(2A)(g) substituted (24.2.2003) by The Social Security Administration (Northern Ireland) Act 1992 (Amendment) Order (Northern Ireland) 2002 (S.R. 2002/408), **art. 2(2)(c)**

F326 S.I. 1996/275 (N.I. 2)

F327 S. 103B(2A)(h) inserted (24.2.2003) by The Social Security Administration (Northern Ireland) Act 1992 (Amendment) Order (Northern Ireland) 2002 (S.R. 2002/408), **art. 2(2)(d)**

F328 S.I. 1992/231 (N.I. 1)

F329 S. 103B(2A)(hh) inserted (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336), art. 1(2), **Sch. 12 para. 30(1)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2), Sch. Pt. 2 (with Sch. 2)

F330 S. 103B(2A)(i) omitted (22.7.2020) by virtue of Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 2 para. 7(a)** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(d)

F331 Words in s. 103B(2E) substituted (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 2 para. 7(b)** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(d)

F332 S. 103B(2F) omitted (22.7.2020) by virtue of Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 2 para. 7(c)** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(d)

F333 S. 103B(5) substituted (24.2.2003) by 2001 c. 17 (N.I.), s. 1(3); S.R. 2002/406, **art. 2(1)(b)**

F334 Words in s. 103B(5)(a) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 116**; S.I. 2005/3255, art. 2(1), Sch.

F335 S. 103B(6)(7) inserted (23.12.2002 for specified purposes, otherwise prosp.) by Social Security Fraud Act (Northern-Ireland) 2001 (c. 17), s. 1(4); S.R. 2002/406, **art. 2(1)(a)**

F336 S. 103B(7): definition of "bank" substituted (24.2.2003) by The Social Security Administration (Northern Ireland) Act 1992 (Amendment) Order (Northern Ireland) 2002 (S.R. 2002/408), **art. 2(3)(a)**

F337 Words in s. 103B(7) substituted (1.3.2017) by The Bank of England and Financial Services (Consequential Amendments) Regulations 2017 (S.I. 2017/80), reg. 1, **Sch. para. 7(b)**

F338 2000 c. 8

F339 Words in s. 103B(7) inserted (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 2 para. 7(d)(i)** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(d)

F340 S. 103B(7): definition of "insurer" inserted (24.2.2003) by The Social Security Administration (Northern Ireland) Act 1992 (Amendment) Order (Northern Ireland) 2002 (S.R. 2002/408), **art. 2(3)(b)**

F341 Words in s. 103B(7) inserted (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 2 para. 7(d)(ii)** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(d)

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F342 Word in s. 103B(7) inserted (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336), art. 1(2), **Sch. 12 para. 30(3)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2), Sch. Pt. 2 (with Sch. 2)

F343 Words in s. 103B(7) substituted (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 2 para. 7(d)(iii)** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(d)

F344 S. 103B(7A) inserted (24.2.2003) by The Social Security Administration (Northern Ireland) Act 1992 (Amendment) Order (Northern Ireland) 2002 (S.R. 2002/408), **art. 2(4)**

[F345 103BA Power of Department to require electronic access to information

(1) Subject to subsection (2) below, where it appears to the Department-

(a) that a person falling within section 103B(2A) above keeps any electronic records,

(b) that the records contain or are likely, from time to time, to contain information about any matter that is relevant for any one or more of the purposes mentioned in section 103A(2) above, and

(c) that facilities exist under which electronic access to those records is being provided, or is capable of being provided, by that person to other persons,

the Department may require that person to enter into arrangements under which authorised officers are allowed such access to those records.

(2) An authorised officer—

(a) shall be entitled to obtain information in accordance with arrangements entered into under subsection (1) above only if his authorisation states that his authorisation applies for the purposes of that subsection; and

(b) shall not seek to obtain any information in accordance with any such arrangements other than information which relates to a particular person and could be the subject of a requirement under section 103B above.

(3) The matters that may be included in the arrangements that a person is required to enter into under subsection (1) above may include-

(a) requirements as to the electronic access to records that is to be made available to authorised officers;

(b) requirements as to the keeping of records of the use that is made of the arrangements;

(c) requirements restricting the disclosure of information about the use that is made of the arrangements; and

(d) such other incidental requirements as the Department considers appropriate in connection with allowing access to records to authorised officers.

(4) An authorised officer who is allowed access in accordance with any arrangements entered into under subsection (1) above shall be entitled to make copies of, and to take extracts from, any records containing information which he is entitled to require under section 103B above.**]**

Textual Amendments

F345 S. 103BA inserted (24.2.2003) by 2001 c. 17 (N.I.) , ss. 2(1), 17(1); S.R. 2002/406, **art. 2(2)**

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[F346]103C Powers of entry

(1) An authorised officer shall be entitled, at any reasonable time and either alone or accompanied by such other persons as he thinks fit, to enter any p remises which—

(a) are liable to inspection under this section; and

(b) are premises to which it is reasonable for him to require entry in order to exercise the powers conferred by this section.

(2) An authorised officer who has entered any premises liable to inspection under this section may—

(a) make such an examination of those premises, and

(b) conduct any such inquiry there,

as appears to him appropriate for any one or more of the purposes mentioned in section 103A(2) above.

(3) An authorised officer who has entered any premises liable to inspection under this section may—

(a) question any person whom he finds there;

(b) require any person whom he finds there to do any one or more of the following—

(i) to provide him with such information,

(ii) to produce and deliver up and (if necessary) create such documents or such copies of, or extracts from, documents,

as he may reasonably require for any one or more of the purposes mentioned in section 103A(2) above; and

(c) take possession of and either remove or make his own copies of any such documents as appear to him to contain information that is relevant for any of those purposes.

(4) The premises liable to inspection under this section are any premises (including premises consisting in the whole or a part of a dwelling house) which an authorised officer has reasonable grounds for suspecting are—

(a) premises which are a person's place of employment;

(b) premises from which a trade or business is being carried on or where documents relating to a trade or business are kept by the person carrying it on or by another person on his behalf;

(c) premises from which a personal or occupational pension scheme is being administered or where documents relating to the administration of such a scheme are kept by the person administering the scheme or by another person on his behalf;

(d) premises where a person who is the compensator in relation to any such accident, injury or disease as is referred to in section 103A(2)(b) above is to be found;

(e) premises where a person on whose behalf any such compensator has made, may have made or may make a compensation payment is to be found.

(5) An authorised officer applying for admission to any premises in accordance with this section shall, if required to do so, produce the certificate containing his authorisation for the purposes of this Part.

[[F347](6) Subsections (2E) and (5) of section 103B apply for the purposes of this section as they apply for the purposes of that section.**]**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F346 Ss. 103A-103C substituted for s. 104 (2.4.2001) by 2000 c. 4 (N.I.), s. 68(1), **Sch. 6 para. 2** (with s. 66(6)); S.I. 2001/141, art. 2(1)(a), **Sch. Pt. I**

F347 S. 103C(6) substituted (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 2 para. 8** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(d)

[F365104ZAClass 1, 1A, 1B or 2 contributions: powers to call for documents etc

(1) [F366Schedule 36 to the Finance Act 2008 (information and inspection powers) applies for the purpose of checking a person's position as regards relevant contributions as it applies for the purpose of checking a person's tax position, subject to the modifications in subsection (2).]

(2) [F366That Schedule applies as if—

(a) references to any provision of the Taxes Acts were to any provision of this Act or the Contributions and Benefits Act [F367or the National Insurance Contributions Act 2014] relating to relevant contributions,

(b) references to prejudice to the assessment or collection of tax were to prejudice to the assessment of liability for, and payment of, relevant contributions,

(c) the reference to information relating to the conduct of a pending appeal relating to tax were a reference to information relating to the conduct of a pending appeal relating to relevant contributions, and

(d) paragraphs 21 [F368, 21A] , [F36935(4A)(c), 36, 37(2) [F370and (2A)] , 37A and 37B] of that Schedule (restrictions on giving taxpayer notice where taxpayer has made tax return) were omitted.]

[F371(2A) Part 3 of Schedule 38 to the Finance Act 2012 (power to obtain tax agent's files etc) applies in relation to relevant contributions as in relation to tax and, accordingly—

(a) the cases described in paragraph 7 of that Schedule (case A and case B) include cases involving conduct or an offence relating to relevant contributions,

(b) (whether the case involves conduct or an offence relating to tax or relevant contributions) the papers and other documents that may be sought under that Part include ones relating to relevant contributions, and

(c) the other Parts of that Schedule apply so far as necessary to give effect to the application of Part 3 by virtue of this subsection.]

(3) In this section "relevant contributions" means Class 1, Class 1A, Class 1B or Class 2 contributions.]

Textual Amendments

F365 S. 104ZA substituted (6.4.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), **ss. 8**, 13; S.I. 2004/1943, art. 4(b)

F366 S. 104ZA(1)(2) substituted (1.4.2009) by Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 85** (with Sch. 36 para. 38); S.I. 2009/404, art. 2 (with art. 9)

F367 Words in s. 104ZA(2)(a) inserted (6.4.2014) by National Insurance Contributions Act 2014 (c. 7), **ss. 7(6)**, 8

Status: *Point in time view as at 26/09/2023.*
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F368 Words in s. 104ZA(2)(d) inserted (1.4.2010) by The Finance Act 2009, Section 96 and Schedule 48 (Appointed Day, Savings and Consequential Amendments) Order 2009 (S.I. 2009/3054), art. 1, **Sch. para. 4(a)**

F369 Words in s. 104ZA(2)(d) substituted (13.8.2009) by The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 28**

F370 Words in s. 104ZA(2)(d) inserted (1.4.2010) by The Finance Act 2009, Section 96 and Schedule 48 (Appointed Day, Savings and Consequential Amendments) Order 2009 (S.I. 2009/3054), art. 1, **Sch. para. 4(b)**

F371 S. 104ZA(2A) inserted (1.4.2013) by Finance Act 2012 (c. 14), **Sch. 38 para. 57**; S.I. 2013/279, art. 2

[F372 104A Authorisations by the Housing Executive

(1) An individual who for the time being has the authorisation of the Housing Executive for the purposes of this Part ("a Housing Executive authorisation") shall be entitled, for any one or more of the purposes mentioned in subsection (2) below, to exercise any of the powers which, subject to subsection (7) below, are conferred on an authorised officer by sections 103B and 103C above.

(2) Those purposes are—

(a) ascertaining in relation to any case whether housing benefit is or was payable in that case;

(b) ascertaining whether provisions of the relevant social security legislation that relate to housing benefit are being, have been or are likely to be contravened (whether by particular persons or more generally);

(c) preventing, detecting and securing evidence of the commission (whether by particular persons or more generally) of benefit offences relating to housing benefit.

(3) An individual has the authorisation for the purposes of this Part of the Housing Executive if, and only if, the Housing Executive has granted him an authorisation for those purposes and he is—

(a) an individual employed by the Housing Executive;

(b) an individual authorised to carry out functions of the Housing Executive relating to housing benefit; or

(c) an official of a government department.

(4) Subsection (4) of section 103A above shall apply in relation to a Housing Executive authorisation as it applies in relation to an authorisation under that section.

(5) A Housing Executive authorisation may be withdrawn at any time by the Housing Executive or by the Department.

(6) It shall be the duty of the Housing Executive to comply with any directions of the Department as to—

(a) whether or not Housing Executive authorisations are to be granted by the Housing Executive;

(b) the period for which authorisations granted by the Housing Executive are to have effect;

(c) the number of persons who may be granted authorisations by the Housing Executive at any one time; and

(d) the restrictions to be contained by virtue of subsection (4) above in the authorisations granted by the Housing Executive for those purposes.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) The powers conferred by sections 103B and 103C above shall have effect in the case of an individual who is an authorised officer by virtue of this section as if those sections had effect—

(a) with the substitution for every reference to the purposes mentioned in section 103A(2) above of a reference to the purposes mentioned in subsection (2) above; [F373]. . .

(b) with the substitution for every reference to the relevant social security legislation of a reference to so much of it as relates to housing benefit [F374; and

[F374](c) with the omission of section 103B(2D) above.]]

Textual Amendments

F372 S. 104A substituted for ss. 104A, 104B (2.4.2001) by 2000 c. 4 (N.I.), s. 68(1), **Sch. 6 para. 3** (with s. 66(6)); S.I. 2001/141, art. 2(1)(a), **Sch. Pt. I**

F373 Word in s. 104A(7) repealed (24.2.2003) by 2001 c. 17 (N.I.), ss. 16, 17(1); S.R. 2002/406, **art. 2(2)(d)**

F374 S. 104A(7)(c) and preceding "and" inserted (24.2.2003) by 2001 c. 17 (N.I.), ss. 1(5), 17(1); S.R. 2002/406, **art. 2(2)(a)**

Modifications etc. (not altering text)

C95 S. 104A extended (6.4.2003) by The Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147), art. 1(2), Sch. 8 para. 32(1), **(2)(a)**; S.R. 2003/204, art. 2

[F375104APower of Housing Executive to require electronic access to information

(1) Subject to subsection (2) below, where it appears to the Housing Executive-

(a) that a person falling within section 103B(2A) above keeps any electronic records,

(b) that the records contain or are likely, from time to time, to contain information about any matter that is relevant for any one or more of the purposes mentioned in section 104A(2) above, and

(c) that facilities exist under which electronic access to those records is being provided, or is capable of being provided, by that person to other persons, the Housing Executive may require that person to enter into arrangements under which authorised officers are allowed such access to those records.

(2) An authorised officer—

(a) shall be entitled to obtain information in accordance with arrangements entered into under subsection (1) above only if his authorisation states that his authorisation applies for the purposes of that subsection; and

(b) shall not seek to obtain any information in accordance with any such arrangements other than information which-

(i) relates to a particular person; and

(ii) could be the subject of any such requirement under section 103B above as may be imposed in exercise of the powers conferred by section 104A(7) above.

(3) The matters that may be included in the arrangements that a person is required to enter into under subsection (1) above may include-

(a) requirements as to the electronic access to records that is to be made available to authorised officers;

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(b) requirements as to the keeping of records of the use that is made of the arrangements;

(c) requirements restricting the disclosure of information about the use that is made of the arrnagements; and

(d) such other incidental requirements as the Housing Executive considers appropriate in connection with allowing access to records to authorised officers.

(4) An authorised officer who is allowed access in accordance with any arrangements entered into under subsection (1) above shall be entitled to make copies of, and to take extracts from, any records containing information which he is entitled to make the subject of a requirement such as is mentioned in subsection (2)(b) above.

(5) The Housing Executive shall not-

(a) require any person to enter into arrangements for allowing authorised officers to have electronic access to any records; or

(b) otherwise than in pursuance of a requirement under this section, enter into any arrangements with a person specified in section 103B(2A) above for allowing anyone acting on behalf of the Housing Executive for purposes connected with any benefit to have electronic access to any private information contained in any records,

except with the consent of the Department and subject to any conditions imposed by the Department by the provisions of the consent.

(6) A consent for the purposes of subsection (5) above may be given in relation to a particular case, or in relation to any case that falls within a particular description of cases.

(7) In this section "private information",in relation to the Housing Executive, means any information held by a person who is not entitled to disclose it to the Housing Executive except in compliance with a requirement imposed by the Housing Executive in exercise of its statutory powers.**]**

Textual Amendments

F375 S. 104AA inserted (24.2.2003) by 2001 c. 17 (N.I.), ss. 2(2), 17(1); S.R. 2002/406, **art. 2(2)(b)**

105 Delay, obstruction etc. of inspector.

(1) If a person—

(a) wilfully delays or obstructs an **[**F377authorised officer**]** in the exercise of any power under this Act **[**F378other than an Inland Revenue power**]**;

[F379(ab) refuses or neglects to comply with any requirement under section 103BA or 104AA above or with the requirements of any arrangements entered into in accordance with subsection (1) of that section, or**]**;

(b) refuses or neglects to answer any question or to furnish any information or to produce any document when required to do so under this Act **[**F380otherwise than in the exercise of an Inland Revenue power**]**,

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he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Where a person is convicted of an offence under **[**F381subsection (1)(ab) or (b)**]** above and the refusal or neglect is continued by him after his conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £40 for each day on which it is continued.

[F382(3) In subsection (1) "Inland Revenue power" means any power conferred on an officer of the Inland Revenue by **[**F383virtue of**]** section 104ZA above or by virtue of **[**F384an authorisation granted under section 103A or 104A**]** above.

F385(4)**]** . . . . . .

Textual Amendments

F377 Words in s. 105(1)(a) substituted (24.2.2003) by 2001 c. 17 (N.I.), ss. 1(6), 17(1); S.R. 2002/406, **art. 2(2)(a)**

F378 Words in s. 105(1)(a) inserted (1.4.1999) by S.I. 1999/671, art. 5, **Sch. 4 para. 4(2)(a)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)

F379 S. 105(1)(ab) substituted (24.2.2003) for word in s. 105(1)(a) by 2001 c. 17 (N.I.), ss. 2(3)(a), 17(1); S.R. 2002/406, **art. 2(2)(b)**

F380 Words in s. 105(1)(b) inserted (1.4.1999) by S.I. 1999/671, art. 5, **Sch. 4 para. 4(2)(b)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)

F381 Words in s. 105(2) substituted (24.2.2003) by 2001 c. 17 (N.I.), ss. 2(3)(b), 17(1); S.R. 2002/406, **art. 2(2)(b)**

F382 S. 105(3)(4) inserted (1.4.1999) by S.I. 1999/671, art. 5, **Sch. 4 para. 4(3)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)

F383 Words in s. 105(3) inserted (6.4.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), s. 13, **Sch. 1 para. 4(2)(a)**; S.I. 2004/1943, art. 5(b)(ii)

F384 Words in s. 105(3) substituted (2.4.2001) by 2000 c. 4 (N.I.), s. 58, **Sch.6 para. 4(a)** (with s. 66(6)); S.R. 2001/141, art. 2(1), **Sch. Pt. I**

F385 S. 105(4) repealed (6.4.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), s. 13, Sch. 1 para. 4(2)(b), **Sch. 2**; S.I. 2004/1943, arts. 5(b)(ii), 6(b)(iii)

Modifications etc. (not altering text)

C96 S. 105 restricted (5.10.1999) by 1999 c. 10, ss. 2(3), 20(2), **Sch. 2 Pt. IV para. 12(b)**

C97 S. 105 applied (with modifications) (27.11.2006) by The Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006 (S.R. 2006/478), reg. 1, **Sch. 5**

[F386105A Dishonest representations for obtaining benefit etc.

(1) If a person dishonestly—

(a) makes a false statement or representation; **[**F387or**]**

(b) produces or furnishes, or causes or allows to be produced or furnished, any document or information which is false in a material particular;

F388(c) . . . . . .

F388(d) . . . . . .

with a view to obtaining any benefit or other payment or advantage under the **[**F389relevant**]** social security legislation (whether for himself or for some other person), he shall be guilty of an offence.

Status: *Point in time view as at 26/09/2023.*
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[A person shall be guilty of an offence if—

F390(1A)
(a) there has been a change of circumstances affecting any entitlement of his to any benefit or other payment or advantage under any provision of the relevant social security legislation;

(b) the change is not a change that is excluded by regulations from the changes that are required to be notified;

(c) he knows that the change affects an entitlement of his to such a benefit or other payment or advantage; and

(d) he dishonestly fails to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1B) A person shall be guilty of an offence if—

(a) there has been a change of circumstances affecting any entitlement of another person to any benefit or other payment or advantage under any provision of the relevant social security legislation;

(b) the change is not a change that is excluded by regulations from the changes that are required to be notified;

(c) he knows that the change affects an entitlement of that other person to such a benefit or other payment or advantage; and

(d) he dishonestly causes or allows that other person to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1C) This subsection applies where—

(a) there has been a change of circumstances affecting any entitlement of a person ("the claimant") to any benefit or other payment or advantage under any provision of the relevant social security legislation;

(b) the benefit, payment or advantage is one in respect of which there is another person ("the recipient") who for the time being has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and

(c) the change is not a change that is excluded by regulations from the changes that are required to be notified.

(1D) In a case where subsection (1C) above applies, the recipient shall be guilty of an offence if—

(a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;

(b) the entitlement is one in respect of which he has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and

(c) he dishonestly fails to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1E) In a case where subsection (1C) above applies, a person other than the recipient shall be guilty of an offence if—

(a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;

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(b) the entitlement is one in respect of which the recipient has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and

(c) he dishonestly causes or allows the recipient to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1F) In any case where subsection (1C) above applies but the right of the recipient is confined to a right, by reason of his being a person to whom the claimant is required to make payments in respect of a dwelling, to receive payments of housing benefit—

(a) a person shall not be guilty of an offence under subsection (1D) or (1E) above unless the change is one relating to one or both of the following-

(i) the claimant's occupation of that dwelling;

(ii) the claimant's liability to make payments in respect of that dwelling;

but

(b) subsections (1D)(a) and (1E)(a) above shall each have effect as if after " knows " there were inserted " or could reasonably be expected to know ".

(1G) For the purposes of subsections (1A) to (1E) above a notification of a change is prompt if, and only if, it is given as soon as reasonably practicable after the change occurs.**]**

F391(2) . . . . . .

(3) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum, or to both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding seven years, or to a fine, or to both.**]**

Textual Amendments

F386 S. 105A inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 12**; S.R. 1997/316, art. 2, **Sch.**

F387 Word in s. 105A(1) inserted (3.12.2001 for certain purposes, otherwise 7.1.2002) by 2001 c. 17 (N.I.), **s. 15(1)(a)**; S.R. 2001/416, **art. 2**

F388 S. 105A(1)(c)(d) repealed (3.12.2001 for certain purposes, otherwise 7.1.2002) by 2001 c. 17 (N.I.), s. 15(1)(a), 16, **Sch.**; S.R. 2001/416, **art. 2**

F389 Words in s. 105A(1) inserted (2.4.2001) by 2000 c. 4 (N.I.), s. 58, **Sch. 6 para. 5** (with s. 66(6)); S.R. 2001/141, art. 2(1), **Sch. Pt. I**

F390 S. 105A(1A)-(1G) inserted (3.12.2001 for certain purposes, otherwise 7.1.2002) by 2001 c. 17 (N.I.), **s. 15(1)(b)**; S.R. 2001/416, **art. 2**

F391 S. 105A(2) repealed (2.4.2001) by 2000 c. 4 (N.I.), s. 67, **Sch. 9 Pt. V** (with s. 66(6)); S.R. 2001/141, art. 2(1), **Sch. Pt. I**

Modifications etc. (not altering text)

C98 S. 105A restricted (5.10.1999) by 1999 c. 10, ss. 2(3), 20(2), **Sch. 2 Pt. IV para. 13**

106 False representations for obtaining benefit etc.

(1) If a person for the purpose of obtaining any benefit or other payment under the **[**F392relevant**][**F393social security legislation**]**, whether for himself or some other person, or for any other purpose connected with that legislation—

(a) makes a statement or representation which he knows to be false; or

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(b) produces or furnishes, or knowingly causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

he shall be guilty of an offence.

[[F394](1A) A person shall be guilty of an offence if—

(a) there has been a change of circumstances affecting any entitlement of his to any benefit or other payment or advantage under any provision of the relevant social security legislation;

(b) the change is not a change that is excluded by regulations from the changes that are required to be notified;

(c) he knows that the change affects an entitlement of his to such a benefit or other payment or advantage; and

(d) he fails to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1B) A person shall be guilty of an offence under this section if—

(a) there has been a change of circumstances affecting any entitlement of another person to any benefit or other payment or advantage under any provision of the relevant social security legislation;

(b) the change is not a change that is excluded by regulations from the changes that are required to be notified;

(c) he knows that the change affects an entitlement of that other person to such a benefit or other payment or advantage; and

(d) he causes or allows that other person to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1C) In a case where subsection (1C) of section 105A above applies, the recipient shall be guilty of an offence if—

(a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;

(b) the entitlement is one in respect of which he has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and

(c) he fails to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1D) In a case where that subsection applies, a person other than the recipient shall be guilty of an offence if—

(a) he knows that the change affects an entitlement of the claimant to a benefit or other payment or advantage under a provision of the relevant social security legislation;

(b) the entitlement is one in respect of which the recipient has a right to receive payments to which the claimant has, or (but for the arrangements under which they are payable to the recipient) would have, an entitlement; and

(c) he causes or allows the recipient to fail to give a prompt notification of that change in the prescribed manner to the prescribed person.

(1E) Subsection (1F) of section 105A above applies in relation to subsections (1C) and (1D) above as it applies in relation to subsections (1D) and (1E) of that section.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(1F) For the purposes of subsections (1A) to (1D) above a notification of a change is prompt if, and only if, it is given as soon as reasonably practicable after the change occurs.**]**

(2) A person guilty of an offence under **[**F395this section**]** shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 3 months, or to both.

F396(3) . . . . . .

Textual Amendments

F392 Words in s. 106(1) inserted (2.4.2001) by 2000 c. 4, s. 58, **Sch. 6 para. 6** (with s. 66(6)); S.R. 2001/141, art. 2(1), **Sch. Pt. I**

F393 Words in s. 106(1) substituted (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 19(1), **Sch. 1 para. 3(2)**; S.R. 1997/316, art. 2, **Sch.**

F394 S. 106(1A)-(1F) substituted for s. 106(1A) (3.12.2001 for certain purposes, otherwise 7.1.2002) by 2001 c. 17 (N.I.), **s. 15(2)**; S.R. 2001/416, **art. 2**

F395 Words in s. 106(2) substituted (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 19(1), **Sch. 1 para. 3(3)**; S.R. 1997/316, art. 2, **Sch.**

F396 S. 106(3) repealed (2.4.2001) by 2000 c. 4, s. 67, **Sch. 9 Pt. V** (with s. 66(6)); S.R. 2001/141, art. 2(1), **Sch. Pt. I**

Modifications etc. (not altering text)

C99 S. 106 restricted (5.10.1999) by 1999 c. 10, ss. 2(3), 20(2), **Sch. 2 Pt. IV para. 13**

C100 S. 106 applied (with modifications) (27.11.2006) by The Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006 (S.R. 2006/478), reg. 1, **Sch. 5**

[F397**107 Breach of regulations.**

(1) Regulations and schemes under any of the legislation to which **[**F398this section**]** applies may provide that any person who contravenes, or fails to comply with, any provision contained in regulations made under that legislation—

(a) in the case of a provision relating to contributions, shall be liable to a penalty;

(b) in any other case, shall be guilty of an offence under that legislation.

F399(1A) **[** The legislation to which this section applies is—

(a) the relevant social security legislation; and

(b) the statutory provisions specified in section 115CA(1) so far as relating to contributions**]**F400....**]**

(2) Any regulations or scheme making such provision as is mentioned in subsection (1)(a) above shall—

(a) prescribe the amount or rate of penalty, or provide for how it is to be ascertained;

(b) provide for the penalty to be imposed by the **[**F401Inland Revenue**]**—

(i) within 6 years after the date on which the penalty is incurred; or

(ii) where the amount of the penalty is to be ascertained by reference to the amount of any contributions payable, at any later time within 3 years after the final determination of the amount of those contributions;

Status: *Point in time view as at 26/09/2023.*
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(c) provide for determining the date on which, for the purposes of paragraph (b) above, the penalty is incurred;

(d) prescribe the means by which the penalty is to be enforced; and

(e) provide for enabling the **[**[F401]Inland Revenue**]**, in **[**[F401]their**]** discretion, to mitigate or to remit any such penalty, or to stay or to compound any proceedings for a penalty.

(3) A person guilty of such an offence as is mentioned in subsection (1)(b) above shall be liable on summary conviction—

(a) to a fine not exceeding level 3 on the standard scale;

(b) in the case of an offence of continuing a contravention or failure after conviction, to a fine not exceeding £40 for each day on which it is so continued.

(4) Any provision contained in regulations which authorises statutory sick pay or statutory maternity pay to be set off against secondary Class 1 contributions is not a provision relating to contributions for the purposes of this section.**]**

Textual Amendments

F397 S. 107 substituted (10.3.1999 for certain purposes, otherwise 6.4.1999) by 1998/1506 (N.I. 10), art. 56; S.R. 1999/102, art. 2, **Sch. Pt. II**

F398 Words in s. 107(1) substituted (22.11.2000) by 2000 c. 4, s. 58, **Sch. 6 para. 7(1)** (with s. 66(6)); S.R. 2000/358, art. 2(a), **Sch. Pt. I**

F399 S. 107(1A) inserted (22.11.2000) by 2000 c. 4, s. 58, **Sch. 6 para. 7(2)** (with s. 66(6)); S.R. 2000/358, art. 2(a), **Sch. Pt. I**

F400 Words in s. 107(1A)(b) repealed (6.4.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), ss. 10(4), 13, **Sch. 2**; S.I. 2004/1943, arts. 4(d), 6(b)(iii)

F401 Words in s. 107(2) substituted (6.4.1999) by S.I. 1999/671, art. 5, **Sch. 4 para. 5(a)**; S.R. 1999/149, art. 2(d), **Sch. 3** (subject to arts. 3-6 of that S.R.)

Modifications etc. (not altering text)

C101 S. 107 restricted (5.10.1999) by 1999 c. 10, ss. 2(3), 20(2), **Sch. 2 Pt. IV para. 14**

C102 S. 107 extended (20.11.2006) by The Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006/405), regs. 1(1), **110**

C103 S. 107 extended (20.11.2006) by The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (S.R. 2006/406), regs. 1(1), **91**

C104 S. 107 applied (with modifications) (27.11.2006) by The Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006 (S.R. 2006/478), reg. 1, **Sch. 5**

[[F402]107A Statutory sick pay and statutory maternity pay: breach of regulations

(1) Where a person fails to produce any document or record, or provide any information, in accordance with—

(a) regulations under section 5(1)(j) and (4), so far as relating to statutory sick pay or statutory maternity pay,

(b) regulations under section 122 or 124, or

(c) regulations under section 149(5)(b) **[**[F403]or 155B**]** of the Contributions and Benefits Act,

that person is liable to the penalties mentioned in subsection (2).

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(2) The penalties are—

(a) a penalty not exceeding £300, and

(b) if the failure continues after a penalty is imposed under paragraph (a), a further penalty or penalties not exceeding £60 for each day on which the failure continues after the day on which the penalty under that paragraph was imposed (but excluding any day for which a penalty under this paragraph has already been imposed).

(3) Where a person fails to maintain a record in accordance with regulations under section 122 or 124 **[**[F404]of this Act, or section 155B of the Contributions and Benefits Act**]**, he is liable to a penalty not exceeding £3,000.

(4) No penalty may be imposed under subsection (1) at any time after the failure concerned has been remedied.

(5) But subsection (4) does not apply to the imposition of a penalty under subsection (2)(a) in respect of a failure to produce any document or record in accordance with regulations under section 122(5) or 124(4).

(6) Where, in the case of any employee, an employer refuses or repeatedly fails to make payments of statutory sick pay or statutory maternity pay in accordance with any regulations under section 5, the employer is liable to a penalty not exceeding £3,000.

(7) Section 118(2) of the Taxes Management Act 1970 (extra time for compliance etc) applies for the purposes of subsections (1), (3) and (6) as it applies for the purposes of that Act.

(8) Schedule 1 to the Employment (Northern Ireland) Order 2002 (penalties relating to statutory paternity pay and statutory adoption pay: procedures and appeals) applies in relation to penalties imposed under this section (with the modifications set out in subsection (9)).

(9) That Schedule applies as if—

(a) references to a penalty under Article 12 or 13 of that Order were to a penalty under this section,

(b) in paragraph 1(2), the reference to Article 12(2)(a) of that Order were to subsection (2)(a) of this section, and

(c) the provisions of the Taxes Management Act 1970 having effect in relation to an appeal mentioned in paragraph 3(2) of that Schedule did not include section 50(9) of that Act.

Textual Amendments

F402 S. 107A - S. 107B inserted (6.4.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), **ss. 10(5)**, 13; S.I. 2004/1943, art. 4(d)

F403 Words in s. 107A(1)(c) inserted (temp.) (25.3.2020) by virtue of Coronavirus Act 2020 (c. 7), **ss. 42(2)(a)**, 87(1) (with ss. 88-90)

F404 Words in s. 107A(3) inserted (temp.) (25.3.2020) by virtue of Coronavirus Act 2020 (c. 7), **ss. 42(2)(b)**, 87(1) (with ss. 88-90)

Modifications etc. (not altering text)

C105 S. 107A expiry of earlier affecting provision 2020 c. 7, s. 42 (25.3.2022) by Coronavirus Act 2020 (c. 7), **s. 89** (with s. 90)

Status: *Point in time view as at 26/09/2023.*
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107B Statutory sick pay and statutory maternity pay: fraud and negligence

(1) Where a person fraudulently or negligently—

(a) makes any incorrect statement or declaration in connection with establishing entitlement to statutory sick pay or statutory maternity pay, or

(b) produces any incorrect document or record or provides any incorrect information of a kind mentioned in—

(i) regulations under section 5(1)(j) and (4), so far as relating to statutory sick pay or statutory maternity pay,

(ii) regulations under section 122 or 124, or

(iii) regulations under section 149(5)(b) **[**F405or 155B**]** of the Contributions and Benefits Act,

he is liable to a penalty not exceeding £3,000.

(2) Where an employer fraudulently or negligently makes an incorrect payment of statutory sick pay or statutory maternity pay, he is liable to a penalty not exceeding £3,000.

[F406(2A) Where an employer fraudulently or negligently receives a payment in pursuance of regulations under section 155B of the Contributions and Benefits Act (funding of employers' statutory sick pay liabilities in relation to coronavirus), the employer is liable to a penalty not exceeding £3,000.**]**

(3) Where an employer fraudulently or negligently receives an overpayment in pursuance of regulations under section 163 of the Contributions and Benefits Act (statutory maternity pay: advance payments to employers), he is liable to a penalty not exceeding £3,000.

(4) Schedule 1 to the Employment (Northern Ireland) Order 2002 (penalties relating to statutory paternity pay and statutory adoption pay: procedures and appeals) applies in relation to penalties imposed under this section (with the modifications set out in subsection (5)).

(5) That Schedule applies as if—

(a) references to a penalty under Article 12 or 13 of that Order were to a penalty under this section, and

(b) the provisions of the Taxes Management Act 1970 having effect in relation to an appeal mentioned in paragraph 3(2) of that Schedule did not include section 50(9) of that Act.**]**

Textual Amendments

F402 S. 107A - S. 107B inserted (6.4.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), **ss. 10(5)**, 13; S.I. 2004/1943, art. 4(d)

F405 Words in s. 107B(1)(b)(iii) inserted (temp.) (25.3.2020) by virtue of Coronavirus Act 2020 (c. 7), **ss. 42(3)(a)**, 87(1) (with ss. 88-90)

F406 S. 107B(2A) inserted (temp.) (25.3.2020) by virtue of Coronavirus Act 2020 (c. 7), **ss. 42(3)(b)**, 87(1) (with ss. 88-90)

Modifications etc. (not altering text)

C106 S. 107B expiry of earlier affecting provision 2020 c. 7, s. 42 (25.3.2022) by Coronavirus Act 2020 (c. 7), **s. 89** (with s. 90)

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[F407 107C Health in pregnancy grant: civil penalty for fraud, etc.

Schedule 3A (health in pregnancy grant: civil penalty for fraud, etc.) has effect.]

Textual Amendments

F407 S. 107C inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), **ss. 136(1)**, 170; S.I. 2008/3137, art. 2

[F408 108 Offences relating to contributions.

(1) Any person who is knowingly concerned in the fraudulent evasion of any contributions which he or any other person is liable to pay shall be guilty of an offence.

(2) A person guilty of an offence under this section shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine or to both;

(b) on summary conviction, to a fine not exceeding the statutory maximum.]

Textual Amendments

F408 Ss. 108, 108A substituted for s. 108 (10.3.1999 for certain purposes, otherwise 6.4.1999 (except in so far as relating to s. 108A)) by S.I. 1998/1506 (N.I. 10), **art. 57**; S.R. 1999/102, art. 2(a), **Sch. 1 Pt. II**

109 Offences by bodies corporate.

Section 20(2) and (3) of the [M25] Interpretation Act (Northern Ireland) 1954 (offences by bodies corporate) shall apply to this Act as if it were an enactment within the meaning of section 1(b) of that Act.

Modifications etc. (not altering text)

C107 S. 109 applied (with modifications) (27.11.2006) by The Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006 (S.R. 2006/478), reg. 1, **Sch. 5**

Marginal Citations

M25 1954 c. 33 (N.I.).

[F410 [109A Penalty as alternative to prosecution.

(1) This section applies where an overpayment is recoverable from a person by, or due from a person to, the Department or the Housing Executive under or by virtue of section 69 [F411, 69ZB] , 69A or 73 above and it appears to the Department or the Executive that—

(a) the making of the overpayment was attributable to an act or omission on the part of that person; and

(b) there are grounds for instituting against him proceedings for an offence (under this Act or any other statutory provision) relating to the overpayment.

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[This section also applies where—

F412(1A) (a) it appears to the Department or the Housing Executive that there are grounds for instituting proceedings against a person for an offence (under this Act or any other statutory provision) relating to an act or omission on the part of that person in relation to any benefit, and

(b) if an overpayment attributable to the act or omission had been made, the overpayment would have been recoverable from the person by, or due from the person to, the Department or the Housing Executive under or by virtue of section 69, 69ZB, 69A or 73.**]**

(2) The Department or the Housing Executive may give to the person a written notice—

(a) stating that he may be invited to agree to pay a penalty and that, if he does so in the manner specified by the Department or the Executive, no **[**F413proceedings referred to in subsection (1) or (1A)**]** will be instituted against him; and

(b) containing such information relating to the operation of this section as may be prescribed.

[F414(3) The amount of the penalty in a case falling within subsection (1) is 50 per cent. of the amount of the overpayment (rounded down to the nearest whole penny), subject to—

(a) a minimum amount of £350, and

(b) a maximum amount of £2000.

(3A) The amount of the penalty in a case falling within subsection (1A) is £350.

(3B) The Department may by order amend—

(a) the percentage for the time being specified in subsection (3);

(b) any figure for the time being specified in subsection (3)(a) or (b) or (3A).**]**

(4) If the person agrees in the specified manner to pay the penalty—

(a) the amount of the penalty shall be recoverable by the same methods as those by which the overpayment is **[**F415or would have been**]** recoverable; and

(b) no proceedings will be instituted against him for an offence (under this Act or any other statutory provision) relating to the overpayment **[**F416or to the act or omission referred to in subsection (1A)(a).**]**

(5) The person may withdraw his agreement to pay the penalty by notifying the Department or the Housing Executive, in the manner specified by the Department or the Executive, at any time during the period of 28 days beginning with the day on which he agrees to pay it; and if he does so—

(a) so much of the penalty as has already been recovered shall be repaid; and

(b) subsection (4)(b) above shall not apply.

(6) **[**F417In a case referred to in subsection (1)**]** where, after the person has agreed to pay the penalty, it is decided on a review or appeal or in accordance with regulations that the overpayment is not recoverable or due, so much of the penalty as has already been recovered shall be repaid.

(7) **[**F417In a case referred to in subsection (1)**]** where, after the person has agreed to pay the penalty, the amount of the overpayment is revised on a review or appeal or in accordance with regulations—

(a) so much of the penalty as has already been recovered shall be repaid; and

(b) subsection (4)(b) above shall no longer apply by reason of the agreement;

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but if a new agreement is made under this section in relation to the revised overpayment, the amount already recovered by way of penalty, to the extent that it does not exceed the amount of the new penalty, may be treated as recovered under the new agreement instead of being repaid.

F418 **[** Subject to subsection (7B) below, the Department and the Housing Executive may (7A) agree that, to the extent determined by the agreement, one may carry out on the other's behalf, or may join in the carrying out of, any of the other's functions under this section.

(7B) Subsection (7A) above shall not authorise any delegation of-

(a) the function of the person by whom any overpayment is **[**F419or would have been**]** recoverable, or to whom it is **[**F419or would have been**]** due, of determining whether or not a notice should be given under subsection (2) above in respect of that overpayment; or

(b) the power to make regulations for the purposes of paragraph (b) of subsection (2) above.**]]**

(8) In this section "overpayment" means—

(a) a payment which should not have been made;

(b) a sum which the Department should have received;

(c) an amount of benefit paid in excess of entitlement; or

(d) an amount equal to an excess of benefit allowed;

and the reference in subsection (1)(a) **[**F420or (1A)(b)**]** above to the making of the overpayment is to the making of the payment, the failure to receive the sum, the payment of benefit in excess of entitlement or the allowing of an excess of benefit.

Textual Amendments

F410 S. 109A inserted (21.11.1997 for certain purposes, otherwise 18.12.1997) by S.I. 1997/1182 (N.I. 11), **art. 14** (with art. 1(4)); S.R. 1997/508, **art. 2**

F411 Words in s. 109A(1) inserted (4.4.2016 for specified purposes, 2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **109(3)**; S.R. 2016/46, art. 4(a); S.R. 2016/215, arts. 2(6)(b), 3(3); S.R. 2017/190, art. 3(1)(2)(e)

F412 S. 109A(1A) inserted (4.4.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **115(2)**; S.R. 2016/46, art. 4(b)

F413 Words in s. 109A(2)(a) substituted (4.4.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **115(3)**; S.R. 2016/46, art. 4(b)

F414 Ss. 109A(3)-(3B) substituted for s. 109A(3) (4.4.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **116(1)**; S.R. 2016/46, art. 4(b)

F415 Words in s. 109A(4)(a) inserted (4.4.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **115(4)(a)**; S.R. 2016/46, art. 4(b)

F416 Words in s. 109A(4)(b) inserted (4.4.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **115(4)(b)**; S.R. 2016/46, art. 4(b)

F417 Words in s. 109A(6)(7) inserted (4.4.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **115(5)**; S.R. 2016/46, art. 4(b)

F418 S. 109A(7A)(7B) inserted (1.5.2002) by 2001 c. 17 (N.I.), ss. 13, 17(1); S.R. 2002/165, **art. 2**

F419 Words in s. 109A(7B)(a) inserted (4.4.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **115(6)**; S.R. 2016/46, art. 4(b)

F420 Words in s. 109A(8) inserted (4.4.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **115(7)**; S.R. 2016/46, art. 4(b)

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Modifications etc. (not altering text)

C108 S. 109A restricted (5.10.1999) by 1999 c. 10, ss. 2(3), 20(2), **Sch. 2 Pt. IV para. 15**
S. 109A: functions exercisable by the Department of the Environment for Northern Ireland transferred (26.6.2001) to the Department of Finance and Personnel in Northern Ireland by S.R. 2001/229, **art. 4(1)** (with art. 12)

[F421 109B Penalty as alternative to prosecution: colluding employers, etc.

(1) This section applies where it appears to the Department or the Housing Executive-.

(a) that there are grounds for instituting proceedings against any person ("the responsible person"for an offence (whether or not under this Act) in respect of any conduct; and

(b) that the conduct in respect of which there are grounds for instituting the proceedings is conduct falling within subsection (2) below.

(2) Conduct in respect of which there appear to be grounds for instituting proceedings falls within this subsection if—

(a) those proceedings would be for an offence under this Act in connection with an inquiry relating to the employment of relevant employees or of any one or more particular relevant employees; or

(b) it is conduct which was such as to facilitate the commission of a benefit offence by a relevant employee (whether or not such an offence was in fact committed).

(3) The Department or the Housing Executive may give to the responsible person a written notice —

(a) specifying or describing the conduct in question;

(b) stating that he may be invited to agree to pay a penalty in respect of that conduct;

(c) stating that, if he does so in the manner specified by the Department or the Housing Executive, no criminal proceedings will be instituted against him in respect of that conduct; and

(d) containing such information relating to the operation of this section as may be prescribed.

[F422 (4) If the recipient of a notice under subsection (3) agrees, in the specified manner, to pay the penalty—

(a) the amount of the penalty shall be recoverable from the recipient by the Department or the Housing Executive; and

(b) no criminal proceedings shall be instituted against the recipient in respect of the conduct to which the notice relates.

(4A) Sections 69ZC, 69ZD and 69ZE apply in relation to amounts recoverable under subsection (4)(a) as to amounts recoverable by the Department under section 69ZB (and, where the notice is given by the Housing Executive, those sections so apply as if references to the Department were to the Housing Executive).]

(5) The amount of the penalty shall be—

(a) in a case in which the conduct in question falls within paragraph (a) of subsection (2) above but not within paragraph (b) of that subsection, £1,000;

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(b) in a case in which that conduct falls within paragraph (b) of that subsection and the number of relevant employees by reference to whom it falls within that subsection is five or more, £5,000; and

(c) in any other case, the amount obtained by multiplying £1,000 by the number of relevant employees by reference to whom that conduct falls within that subsection.

(6) The responsible person may withdraw his agreement to pay a penalty under this section by notifying the Department or the Housing Executive, in the manner specified by the Department or the Housing Executive, at any time during the period of 28 days beginning with the day on which he agrees to pay it.

(7) Where the responsible person withdraws his agreement in accordance with subsection (6) above—

(a) so much of the penalty as has already been recovered shall be repaid; and

(b) subsection (4)(b) above shall not apply.

(8) For the purposes of this section an individual is a relevant employee in relation to any conduct of the responsible person if—

(a) that conduct was at or in relation to a time when that individual was an employee of the responsible person;

(b) that conduct was at or in relation to a time when that individual was an employee of a body corporate of which the responsible person is or has been a director; or

(c) the responsible person, in engaging in that conduct, was acting or purporting to act on behalf of, in the interests of or otherwise by reason of his connection with, any person by whom that individual is or has been employed.

F423(9) In this section —

"conduct" includes acts, omissions and statements;

"the Department" also includes the Department of Finance and Personnel;

"director"—

(a) in relation to a company **[**F424(as defined in section 1(1) of the Companies Act 2006)**]** , includes a shadow director;

(b) in relation to any such company that is a subsidiary of another, includes any director or shadow director of the other company; and

(c) in relation to a body corporate whose affairs are managed by its members, means a member of that body corporate;

"employee" means any person who—

(a) is employed under a contract of service or apprenticeship, or in an office (including an elective office), or

(b) carries out any work under any contract under which he has undertaken to provide his work,

and "employment" shall be construed accordingly;

F423 ...

"shadow director" means a shadow director as defined in **[**F425section 251 of the Companies Act 2006**]** ;

"subsidiary" means a subsidiary as defined in **[**F426section 1159 of the Companies Act 2006**]** .**]**

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Textual Amendments

F421 S. 109B inserted (1.5.2002) by 2001 c. 17, ss. 14(1), 17(1); S.R. 2002/165, **art. 2**

F422 Ss. 109B(4)-(4A) substituted for s. 109B(4) (4.4.2016 for specified purposes, 2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **109(4)(a)**; S.R. 2016/46, art. 4(a); S.R. 2016/215, arts. 2(6)(b), 3(3); S.R. 2017/190, art. 3(1)(2)(e)

F423 Words in s. 109B(9) repealed (4.4.2016 for specified purposes, 2.5.2016 for specified purposes, 22.6.2016 otherwise except in relation to universal credit, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **109(4)(b)**; S.R. 2016/46, art. 4(a); S.R. 2016/215, arts. 2(6)(b), 3(3); S.R. 2017/190, art. 3(1)(2)(e)

F424 Words in s. 109B(9) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 130(2)** (with art. 10)

F425 Words in s. 109B(9) substituted (1.10.2007) by The Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194), art. 1(3)(a), **Sch. 4 para. 69** (with art. 12)

F426 Words in s. 109B(9) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 130(3)** (with art. 10)

Legal proceedings

110 Legal proceedings.

(1) Any person authorised by the Department, the Department of the Environment or the Housing Executive in that behalf may conduct any proceedings **[**F427under any provision of this Act other than section 108 or under any provision of**][**F428 the Jobseekers (Northern Ireland) Order 1995**]**before a magistrates' court, although not a barrister or solicitor.

(2) Notwithstanding anything in any statutory provision—

(a) proceedings for an offence under this Act **[**F429(other than proceedings to which paragraph (b) applies)**][**F430, for an offence under the Jobseekers (Northern Ireland) Order 1995,**]**may be begun at any time within the period of 3 months from the date on which evidence, sufficient in the opinion of the Department to justify a prosecution for the offence, comes to its knowledge or within a period of 12 months from the commission of the offence, whichever period last expires; and

(b) proceedings **[**F431brought by the Department of Finance and Personnel or the Housing Executive**]** for an offence under this Act relating to housing benefit may be begun at any time within the period of 3 months from the date on which evidence, sufficient in the opinion of the Department of the Environment or the Housing Executive to justify a prosecution for the offence, comes to its knowledge or within a period of 12 months from the commission of the offence, whichever period last expires.

[F432(2A) Subsection (2) above shall not be taken to impose any restriction on the time when proceedings may be begun for an offence under section 105A above.**]**

(3) For the purposes of subsection (2) above—

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(a) a certificate purporting to be signed by or on behalf of the Head or a secretary, under secretary or assistant secretary of the Department or of the Department of the Environment as to the date on which such evidence as is mentioned in paragraph (a) or (b) of that subsection came to its knowledge shall be conclusive evidence of that date; and

(b) a certificate purporting to be signed by a member of the Housing Executive or by an officer of the Executive authorised by it to act for the purposes of this section as to the date on which such evidence as is mentioned in paragraph (b) of that subsection came to the Executive's knowledge shall be conclusive evidence of that date.

F433[F434(4) Any proceedings in respect of any act or omission of an adjudication officer which, apart from this subsection, would fall to be brought against a person appointed by virtue of section 36(1) above who is resident in Great Britain, other than proceedings for an offence, may instead be brought against the Chief Adjudication Officer; and, for the purposes of any proceedings so brought, the acts or omissions of the adjudication officer shall be treated as the acts or omissions of the Chief Adjudication Officer.]

F435(5) . . . . . .

[F434(5A) In relation to proceedings for an offence under section 108 above—

(a) the reference in subsection (2)(a) above to the Department, and

(b) the reference in subsection (3)(a) above to the Head or a secretary, under secretary or assistant secretary of the Department,

shall have effect as references to the Inland Revenue.]

F436(6) . . . . . .

Textual Amendments

F427 Words in s. 110(1) substituted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2)(b), 3(1), **Sch. 1 para. 24(2)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)

F428 Words in s. 110(1) inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 38(2)**; S.R. 1996/285, art. 2, **Sch.**

F429 Words in s. 110(2)(a) substituted (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **113(a)**; S.R. 2016/46, art. 3(4)(d)

F430 Words in s. 110(2) inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 38(3)**; S.R. 1996/285, art. 2, **Sch.**

F431 Words in s. 110(2)(b) inserted (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **113(b)**; S.R. 2016/46, art. 3(4)(d)

F432 S. 110(2A) inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 19(1), **Sch. 1**, para. 4; S.R. 1997/316, art. 2, **Sch.**

F433 S. 110(4) repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78, Sch. 6 para. 64, **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F434 S. 110(5A) substituted (11.11.1999) by 1999 c. 30, ss. 81, 89(4)(d), **Sch. 11 para. 14**

F435 S. 110(5) omitted (13.1.2020) by virtue of The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **67(1)** (with regs. 6-9, 67(3))

F436 S. 110(6) omitted (13.1.2020) by virtue of The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **67(1)** (with regs. 6-9, 67(3))

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Modifications etc. (not altering text)

C109 S. 110 applied (with modifications) (7.2.1994) by 1993 c. 49, **s. 163(2)**; S.R. 1994/17, **art. 2**

C110 S. 110(1) applied (with modifications) (27.11.2006) by The Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006 (S.R. 2006/478), reg. 1, **Sch. 5**

C111 S. 110(2)(a) applied (with modifications) (27.11.2006) by The Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006 (S.R. 2006/478), reg. 1, **Sch. 5**

C112 S. 110(3)(a) applied (with modifications) (27.11.2006) by The Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006 (S.R. 2006/478), reg. 1, **Sch. 5**

C113 S. 110(5) applied (with modifications) (27.11.2006) by The Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006 (S.R. 2006/478), reg. 1, **Sch. 5** (as amended (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **67(2)** (with regs. 6-9))

[F437 111 Issues arising in proceedings.

(1) This section applies to proceedings before a court—

(a) for an offence under this Act or the Jobseekers (Northern Ireland) Order 1995;

(b) involving any question as to the payment of contributions (other than a Class 4 contribution recoverable by the Inland Revenue); or

(c) for the recovery of any sums due to the Department **[**F438, or the Inland Revenue**]** or the National Insurance Fund.

(2) A decision of the Department which—

(a) falls within Part II of Schedule 3 to the Social Security (Northern Ireland) Order 1998 ("the 1998 Order"); and

(b) relates to or affects an issue arising in the proceedings,

shall be conclusive for the purposes of the proceedings.

(3) If—

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

(b) the decision of the Department has not been obtained or an application with respect to the decision has been made under Article 10 or 11 of the 1998 Order,

the decision shall be referred to the Department to be made in accordance (subject to any necessary modifications) with Chapter II of PartII of thatOrder.

(4) Subsection (2) above does not apply where, in relation to the decision—

(a) an appeal has been brought but not determined;

(b) an application for leave to appeal has been made but not determined;

(c) an appeal has not been brought (or, as the case may be, an application for leave to appeal has not been made) but the time for doing so has not yet expired; or

(d) an application has been made under Article 10 or 11 of the 1998 Order.

(5) In a case falling within subsection (4) above the court shall adjourn the proceedings until such time as the final decision is known; and that decision shall be conclusive for the purposes of the proceedings.**]**

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Textual Amendments

F437 S. 111 substituted (5.7.1999 and 29.11.1999 for certain purposes, otherwise*prosp.* by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6 para. 65**; S.R. 1999/310, art. 2(1), **Sch. 1** (with arts. 4, 14); S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F438 Words in s. 111(1)(c) inserted (5.7.1999) by S.I. 1999/671, art. 5, **Sch. 6 para. 9**; S.R. 1999/271, art. 2(c), **Sch. Pt. II** (subject to art. 4)

[F439 111A Issues arising in proceedings: contributions, etc.

(1) This section applies to proceedings before a court—

(a) for an offence under this Act or the Jobseekers (Northern Ireland) Order 1995; or

(b) involving any question as to the payment of contributions (other than a Class 4 contribution recoverable in accordance with section 15 of the Contributions and Benefits Act); or

(c) for the recovery of any sums due to the Inland Revenue or the National Insurance Fund.

(2) A decision of an officer of the Inland Revenue which—

(a) falls within Article 7(1) of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999; and

(b) relates to or affects an issue arising in the proceedings,

shall be conclusive for the purposes of the proceedings.

(3) If—

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

(b) the decision of an officer of the Inland Revenue has not been obtained under Article 7 of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999,

the decision shall be referred to such an officer to be made in accordance (subject to any necessary modifications) with Part III of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999.

(4) Subsection (2) above does not apply where, in relation to the decision—

(a) an appeal has been brought but not determined;

(b) an appeal has not been brought (or, as the case may be, an application for leave to appeal has not been made) but the time for doing so has not yet expired; or

(c) an application for variation of the decision has been made under regulations made under Article 9 of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999.

(5) In a case falling within subsection (4) above the court shall adjourn the proceedings until such time as the final decision is known; and that decision shall be conclusive for the purposes of the proceedings.**]**

Textual Amendments

F439 S. 111A inserted (1.4.1999) by S.I. 1999/671, art. 5, **Sch. 6 para. 10**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)

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Modifications etc. (not altering text)

C114 S. 111A modified by 2014 c. 7, s. 10A(3) (as inserted (with effect in accordance with s. 157(30) of the amending Act) by Finance Act 2016 (c. 24), **s. 157(17)**)

Unpaid contributions etc.

112 Evidence of non-payment.

[F440(1) A certificate of an authorised officer that any amount by way of contributions, or by way of interest or penalty in respect of contributions, which a person is liable to pay to the **[**F441Inland Revenue**]** for any period has not been paid—

(a) to the officer; or

(b) to the best of his knowledge and belief, to any other person to whom it might lawfully be paid,

shall until the contrary is proved be sufficient evidence in any proceedings before any court that the sum mentioned in the certificate is unpaid and due.

F440(1A) . . . . . .**]**

F442(2) . . . . . .

(3) A document purporting to be such a certificate F443. . . shall be deemed to be such a certificate until the contrary is proved.

(4) A statutory declaration by an officer of the **[**F444Inland Revenue**]** that the searches specified in the declaration F445. . . for a record of the payment of a particular contribution have been made, and that F445. . . a record of the payment of the contribution in question has not been found, is admissible in any proceedings for an offence as evidence of the facts stated in the declaration.

(5) Nothing in subsection (4) above makes a statutory declaration admissible as evidence in proceedings for an offence except in a case where, and to the extent to which, oral evidence to the like effect would have been admissible in those proceedings.

(6) Nothing in subsections (4) and (5) above makes a statutory declaration admissible as evidence in proceedings for an offence—

(a) unless a copy of it has, not less than 7 days before the hearing or trial, been served on the person charged with the offence in any manner in which a summons in a summary prosecution may be served; or

(b) if that person, not later than 3 days before the hearing or trial or within such further time as the court may in special circumstances allow, gives notice to the prosecutor requiring the attendance at the trial of the person by whom the declaration was made.

[F446(7) In this section "authorised officer" means any officer of the Inland Revenue authorised by them for the purposes of this section.**]**

Textual Amendments

F440 S. 112(1)(1A) substituted (6.4.1999) for s. 112(1) by S.I. 1998/1506 (N.I. 10), **art. 58(1)**; S.R. 1999/102, art. 2(d), **Sch. Pt. III** but the said s. 112(1A) was repealed on the same date by S.I.

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1999/671, art. 5, Sch. 4 para. 7(3), **Sch. 9 Pt. I**; S.R. 1999/149, art. 2(d), **Sch. 3** (subject to arts. 3-6 of that S.R.)

F441 Words in s. 112(1) substituted (6.4.1999) by S.I. 1999/671, art. 5, **Sch. 4 para. 7(2)**; S.R. 1999/149, art. 2(d), **Sch. 3** (subject to arts. 3-6 of that S.R.)

F442 S. 112(2) repealed (6.4.1999) by S.I. 1999/671, art. 5, 24(3), **Sch. 4 para. 7(3)**; Sch. 9 Pt. I; S.R. 1999/149, art. 2(d), **Sch. 3** (subject to arts. 3-6 of that S.R.)

F443 In s. 112(3) words "as is mentioned in subsection (1) or (2) above" inserted (6.4.1999) by S.I. 1998/1506 (N.I. 10), **art. 58(2)**; S.R. 1999/102, art. 2(d), **Sch. Pt. III** and repealed on the same date by S.I. 1999/671, art. 5, 24(3), **Sch. 4 para. 7(4)**; S.R. 1999/149, art. 2(d), **Sch. 3** (subject to arts. 3-6 of that S.R.)

F444 Words in s. 112(4) substituted (6.4.1999) by S.I. 1999/671, art. 5, **Sch. 4 para. 7(5)**; S.R. 1999/149, art. 2(d), **Sch. 3** (subject to arts. 3-6 of that S.R.)

F445 Words in s. 112(4) repealed (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 58(3), 78(2), **Sch. 7**; S.R. 1999/102, art. 2(d), **Sch. Pt. III**

F446 S. 112(7) substituted (6.4.1999) by S.I. 1999/671, art. 5, **Sch. 4 para. 7(6)**; S.R. 1999/149, art. 2(d), **Sch. 3** (subject to arts. 3-6 of that S.R.) (the original subsection (7) being inserted on the same date by S.I. 1998/1506 (N.I. 10), **art. 58(4)**; S.R. 1999/102, art. 2(d), Sch. Pt. III and that insertion falls by reason of the repeal (6.4.**1999**) of the inserting provision by S.I. 1999/671, art. 24(3), **Sch. 9**)

113 Recovery of unpaid contributions on prosecution.

(1) Where—

(a) a person has been convicted of an offence under section 108(1) above of failing to pay a contribution at or within the time prescribed for the purpose; and

(b) the contribution remains unpaid at the date of the conviction,

he shall be liable to pay to the **[**F447Inland Revenue**]** a sum equal to the amount which he failed to pay.

F448(2) . . . . . .

Textual Amendments

F447 Words in s. 113 substituted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 25**; S.R. 1999/149, art. 2(c), **Sch. 2**

F448 S. 113(2) repealed (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(2), Sch. 6 para. 66, **Sch. 7**; S.R. 1999/102, art. 2(d), **Sch. 1 Pt. III**

114 Proof of previous offences.

(1) Subject to and in accordance with subsections (2) to (5) below, where a person is convicted of an offence mentioned in section 113(1) F449. . . above, evidence may be given of any previous failure by him to pay contributions within the time prescribed for the purpose; and in those subsections "the conviction" and "the offence" mean respectively the conviction referred to in this subsection 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.

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(3) If the offence is one of failure to pay a Class 1 contribution, evidence may be given of failure on his part to pay (whether or not in respect of the same person) such contributions or any Class 1A **[**F450or Class 1B**]** contributions or **[**F451contributions equivalent**]** premiums on the date of the offence, or during the **[**F4526 years**]** preceding that date.

(4) If the offence is one of failure to pay a Class 1A contribution, evidence may be given of failure on his part to pay (whether or not in respect of the same person or the same **[**F453amount**]**) such contributions, or any Class 1 **[**F454or Class 1B**]**contributions or **[**F451contributions equivalent**]** premiums, on the date of the offence, or during the **[**F4556 years**]** preceding that date.

[F456(4A) If the offence is one of failure to pay a Class 1B contribution, evidence maybe givenof failure on his part to pay such contributions, or any Class 1 or Class 1Acontributions or contributions equivalent premiums, on the date of the offence, or during the 6 years preceding that date.**]**

(5) If the offence—

(a) is one of failure to pay Class 2 contributions; F457. . .

F457(b) . . . . . .

evidence may be given of his failure to pay such contributions during those **[**F4586 years**]**.

(6) On proof of any matter of which evidence may be given under subsection (3), (4) **[**F459, (4A)**]** or (5) above, the person convicted shall be liable to pay to the **[**F460Inland Revenue**]** a sum equal to the total of all amounts which he is so proved to have failed to pay and which remain unpaid at the date of the conviction.

Textual Amendments

F449 Words in s. 114(1) repealed (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1)(2), Sch. 6 para. 67(1), **Sch. 7**; S.R. 1999/102, art. 2(d), **Sch. Pt. III**

F450 Words in s. 114(3) inserted (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 67(2)(a)**; S.R. 1998/312, art. 2, **Sch.**, Pt. III

F451 Words in s. 114(3)(4) substituted (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 147, **Sch. 3 para. 12(3)**; S.R. 1997/192, **art. 2**

F452 Words in s. 114(3) substituted (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 67(2)(b)**; S.R. 1999/102, art. 2(d), **Sch. Pt. III**

F453 Word in s. 114(4) substituted (28.7.2000 with effect as mentioned in s. 78(6) of the amending Act) by 2000 c. 19, **s. 78(6)** (with ss. 79(9), 83(6))

F454 Words in S. 114(4) inserted (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6**, para. 67(3)(a); S.R. 1998/312, art. 2, **Sch. Pt. III**

F455 Words in s. 114(4) substituted (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 67(3)(b)**; S.R. 1999/102, art. 2(d), **Sch. Pt. III**

F456 S. 114(4A) inserted (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 67(4)**; S.R. 1998/312, art. 2, **Sch. Pt. III**

F457 S. 114(5)(b) and immediately preceding word repealed (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1)(2), Sch. 6 para. 67(5)(a), **Sch. 7**; S.R. 1999/102, art. 2(d), **Sch. Pt. III**

F458 Words in s. 114(5) substituted (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 67(5)(b)**; S.R. 1999/102, art. 2(d), **Sch. Pt. III**

F459 Words in s. 114(6) inserted (6.4.1999) by S.I. 1998/1506 (N.I. 10), **art. 78(1)**, SCh. 6 para. 67(6); S.R. 1998/312, art. 2, **Sch. Pt. III**

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F460 Words in s. 114(6) substituted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 26**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

115 Unpaid contributions - supplementary.

(1) Where a person charged with an offence mentioned in section 113(1) [F461]. . . above is convicted of that offence in his absence under Article 24(2) of the [M26]Magistrates' Courts (Northern Ireland) Order 1981 then if—

(a) it is proved to the satisfaction of the court, on oath or in the manner prescribed by magistrates' courts rules under Part IV of that Order, that notice under section 114(2) above has been duly served specifying the other contributions 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 contributions so specified or any of them,

section 114 above 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 person is convicted of an offence mentioned in section 113(1) [F461]. . . above and an order is made under the [M27]Probation Act (Northern Ireland) 1950 placing the offender on probation or discharging him absolutely or conditionally, sections 113 and 114 above, and subsection (1) above, shall apply as if it were a conviction for all purposes.

(3) Any sum which a person is liable to pay under section 113 or 114 above or under subsection (1) above shall be recoverable from him as a penalty.

(4) Sums recovered by the **[**[F462]Inland Revenue**]** under the provisions mentioned in subsection (1) above, so far as representing contributions of any class, are to be treated for all purposes of the Contributions and Benefits Act and this Act (including in particular the application of section 142 below) as contributions of that class received by the **[**[F462]Inland Revenue**]**.

(5) Without prejudice to subsection (5) above, in so far as such sums represent primary Class 1 or Class 2 contributions, they are to be treated as contributions paid in respect of the person in respect of whom they were originally payable; and enactments relating to earnings factors shall apply accordingly.

Textual Amendments

F461 Words in s. 115(1)(2) repealed (6.4.1999) by S.I. 1998/1506 (N.I. 10), art, 78(1)(2), Sch. 6 para. 68, Sch. 7; S.R. 1999/102, art. 2(d), **Sch. Pt. III**

F462 Words in s. 115(4) substituted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 27**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

Marginal Citations

M26 S.I. 1981/1675 (N.I. 26).

M27 1950 c. 7 (N.I.).

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[F463 115A Recovery of contributions, etc.

(1) If—

(a) a person is served at any time with a copy of a certificate under section 112(1), and

(b) he neglects or refuses to pay the contributions, interest or penalty to which the certificate relates within 7 days of that time,

an authorised officer may distrain upon the goods and chattels of that person ("the person in default").

(2) For the purpose of levying any such distress, a justice of the peace, on being satisfied by a complaint on oath that there is reasonable ground for believing that the conditions in subsection (1) are fulfilled, may issue a warrant in writing authorising the authorised officer to enter in the daytime, by force if necessary, any premises to which this section applies, calling on the assistance of any constable.

(3) Every such constable shall, when so required, assist the authorised officer in the execution of the warrant and in levying the distress in the premises.

(4) A warrant to enter premises by force shall be executed by the authorised officer, or under his direction and in his presence.

(5) A distress levied by the authorised officer shall be kept for 5 days, and any costs or charges shall be borne by the person in default.

(6) If the person in default does not pay the sum due, together with the costs and charges, the distress shall be appraised by one or more independent persons appointed by the authorised officer, and shall be sold by public auction by the authorised officer for payment of the sum due and all costs and charges.

(7) Any surplus arising from the distress, after the deduction of the costs and charges and of the sum due, shall be paid to the owner of the goods distrained.

(8) Regulations made by the Inland Revenue may make provision with respect to—

(a) the fees chargeable on or in connection with the levying of distress; and

(b) the costs and charges recoverable where distress has been levied.

(9) In this section "authorised officer" means an officer of the Inland Revenue authorised by them for the purposes of this section.

(10) The premises to which this section applies are premises where an authorised officer has reasonable grounds for believing that—

(a) any persons are employed, or

(b) a trade or business is being carried on;

but this section does not apply to a private dwelling-house unless an authorised officer has reasonable grounds for believing that a trade or business is being carried on from the dwelling-house and that the trade or business is not also being carried on from premises other than a dwelling-house.**]**

Textual Amendments

F463 S. 115A substituted (1.9.2004) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), **ss. 6(1)**, 13; S.I. 2004/1943, art. 2(f)

Status: *Point in time view as at 26/09/2023.*
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F464[115B Liability of directors, etc. for company's contributions.

(1) This section applies to contributions which a body corporate is liable to pay, where—

(a) the body corporate has failed to pay the contributions at or within the time prescribed for the purpose; and

(b) the failure appears to the **[**F465 Inland Revenue**]]** to be attributable to fraud or neglect on the part of one or more individuals who, at the time of the fraud or neglect, were officers of the body corporate ("culpable officers").

(2) The **[**F465 Inland Revenue**]** may issue and serve on any culpable officer a notice (a "personal liability notice")—

(a) specifying the amount of the contributions to which this section applies ("the specified amount");

(b) requiring the officer to pay to the **[**F465 Inland Revenue**]**—

(i) a specified sum in respect of that amount; and

(ii) specified interest on that sum; and

(c) where that sum is given by paragraph (b) of subsection (3) below, specifying the proportion applied by the **[**F465 Inland Revenue**]** for the purposes of that paragraph.

(3) The sum specified in the personal liability notice under subsection (2)(b)(i) above shall be—

(a) in a case where there is, in the opinion of the **[**F465 Inland Revenue**]**, no other culpable officer, the whole of the specified amount; and

(b) in any other case, such proportion of the specified amount as, in the opinion of the **[**F465 Inland Revenue**]**, the officer's culpability for the failure to pay that amount bears to that of all the culpable officers taken together.

(4) In assessing an officer's culpability for the purposes of subsection (3)(b) above, the **[**F465 Inland Revenue**]** may have regard both to the gravity of the officer's fraud or neglect and to the consequences of it.

(5) The interest specified in the personal liability notice under subsection (2)(b)(ii) above shall be **[**F466at the Class 1 rate on the Class 1 element of the specified sums, and otherwise at the prescribed rate,**]** and shall run from the date on which the notice is issued.

(6) An officer who is served with a personal liability notice shall be liable to pay to the **[**F465 Inland Revenue**]** the sum and the interest specified in the notice under subsection (2)(b) above.

(7) Where, after the issue of one or more personal liability notices, the amount of contributions to which this section applies is reduced by a payment made by the body corporate—

(a) the amount that each officer who has been served with such a notice is liable to pay under this section shall be reduced accordingly;

(b) the **[**F465Inland Revenue**]** shall serve on each such officer a notice to that effect; and

(c) where the reduced liability of any such officer is less than the amount that he has already paid under this section, the difference shall be repaid to him together with interest on it **[**F467at the Class 1 rate on the Class 1 element of it and otherwise**]** at the prescribed rate.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(8) Any amount paid under a personal liability notice shall be deducted from the liability of the body corporate in respect of the specified amount.

[F468(8A) The amount which an officer is liable to pay under this section is to be recovered in the same manner as a Class 1 contribution to which regulations under paragraph 6 of Schedule 1 to the Contributions and Benefits Act apply and for this purpose references in those regulations to Class 1 contributions are to be construed accordingly.**]**

(9) In this section—

[F469"the Class 1 rate"—

(a) in subsection (5) means the rate from time to time applicable under section 103(1) of the Finance Act 2009; and

(b) in subsection (7)(c) means the rate from time to time applicable under section 103(2) of that Act;

"the Class 1 element", in relation to any amount, means so much of that amount as is calculated by—

(a) multiplying that amount by so much of the specified amount as consists of Class 1 contributions; and

(b) dividing the product of that multiplication by the specified amount;**]**

"contributions" includes any interest or penalty in respect of contributions **[**F470(and accordingly, in the definition of "the Class 1 element" given by this subsection, "Class 1 contributions" includes any interest or penalty in respect of Class 1 contributions)**]** ;

"officer", in relation to a body corporate, means—

(a) any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act as such; and

(b) in a case where the affairs of the body corporate are managed by its members, any member of the body corporate exercising functions of management with respect to it or purporting to do so;

"the prescribed rate" means the rate from time to time prescribed under paragraph 6 of Schedule 1 to the Contributions and Benefits Act for the purposes of the corresponding provision of that paragraph, that is to say—

(a) in relation to subsection (5) above, sub-paragraph (2)(a);

(b) in relation to subsection (7) above, sub-paragraph (2)(b).

Textual Amendments

F464 S. 115B inserted (6.4.1999) by S.I. 1998/1506 (N.I. 10), **art. 60**; S.R. 1999/102, art. 2(d), **Sch. Pt. III**

F465 Words in s. 115B substituted (1.4.1999) by S.I. 1999/671, art. 5, **Sch. 4 para. 10(2)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F466 Words in s. 115B(5) substituted (with effect in accordance with art. 1(2) of the amending S.I.) by The Finance Act 2009, Sections 101 and 102 (Interest on Late Payments and Repayments) (Consequential Amendments) Order 2014 (S.I. 2014/1283), art. 1(1), **Sch. para. 4(a)**

F467 Words in s. 115B(7)(c) inserted (with effect in accordance with art. 1(2) of the amending S.I.) by The Finance Act 2009, Sections 101 and 102 (Interest on Late Payments and Repayments) (Consequential Amendments) Order 2014 (S.I. 2014/1283), art. 1(1), **Sch. para. 4(b)**

F468 S. 115B(8A) inserted (1.9.2004) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), **ss. 6(2)**, 13; S.I. 2004/1943, art. 2(f)

Status: *Point in time view as at 26/09/2023.*
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F469 Words in s. 115B(9) inserted (with effect in accordance with art. 1(2) of the amending S.I.) by The Finance Act 2009, Sections 101 and 102 (Interest on Late Payments and Repayments) (Consequential Amendments) Order 2014 (S.I. 2014/1283), art. 1(1), **Sch. para. 4(c)(i)**

F470 Words in s. 115B(9) inserted (with effect in accordance with art. 1(2) of the amending S.I.) by The Finance Act 2009, Sections 101 and 102 (Interest on Late Payments and Repayments) (Consequential Amendments) Order 2014 (S.I. 2014/1283), art. 1(1), **Sch. para. 4(c)(ii)**

Modifications etc. (not altering text)

C115 S. 115B applied with modifications (5.10.1999) by 1999 c. 10, **ss. 11(1)(2)**, 20(2)

F471[115C Appeals in relation to personal liability notices.

(1) No appeal shall lie in relation to a notice except as provided by this personal liability section.

(2) An individual who is served with a personal liability notice may appeal F472... against **[**F473the Inland Revenue's**]** decision as to the issue and content of the notice on the ground that—

(a) the whole or part of the amount specified under subsection (2)(a) of section 115B above (or the amount so specified as reduced under subsection (7) of that section) does not represent contributions to which that section applies;

(b) the failure to pay that amount was not attributable to any fraud or neglect on the part of the individual in question;

(c) the individual was not an officer of the body corporate at the time of the alleged fraud or neglect; or

(d) the opinion formed by **[**F473the Inland Revenue**]** under subsection (3)(a) or (b) of that section was unreasonable.

(3) **[**F473The Inland Revenue**]** shall give a copy of any notice of an appeal under this section, within 28 days of the giving of the notice, to each other individual who has been served with a personal liability notice.

(4) On an appeal under this section, the burden of proof as to any matter raised by a ground of appeal shall be on **[**F473the Inland Revenue**]**.

(5) Where an appeal under this section—

(a) is brought on the basis of evidence not considered by **[**F473the Inland Revenue**]**, or on the ground mentioned in subsection (2)(d) above; and

(b) is not allowed on some other basis or ground,

[F474and is notified to the tribunal, the tribunal shall**][**F475either dismiss the appeal or remit the case to the Inland Revenue, with any recommendations the **[**F476tribunal sees**]** fit to make, for the Inland Revenue to consider whether to vary their**]** decision as to the issue and content of the personal liability notice.

(6) In this section—

F477 . . .

"officer", in relation to a body corporate, has the same meaning as in section 115B above;

"personal liability notice" has the meaning given by subsection (2) of that section;

F477 . . .

Status: *Point in time view as at 26/09/2023.*
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[[F478]"tribunal" means the First-tier Tribunal or, where determined under Tribunal Procedure Rules, the Upper Tribunal.**]**

[[F479]"vary" means vary under regulations made under Article 9 of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999.**]]**

Textual Amendments

F471 S. 115C inserted (6.4.1999) by S.I. 1998/1506 (N.I. 10), **art. 60**; S.R. 1999/102, art. 2(d), **Sch. Pt. III**

F472 Words in s. 115C(2) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 176(2)**

F473 Words in s. 115C(2) substituted (1.4.1999) by S.I. 1999/671, **art. 5 Sch. 4 para. 10(1)(3)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)

F474 Words in s. 115C(5) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 176(3)(a)**

F475 Words in s. 115C(5) substituted (1.4.1999) by S.I. 1999/671, art. 5, 24(3), **Sch. 4 para. 10(4)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)

F476 Words in s. 115C(5) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 176(3)(b)**

F477 Definitions in s. 115C(6) repealed (1.4.1999) by S.I. 1999/671, arts. 5, 24(3), Sch. 4 para. 10(5), **Sch. 9 Pt. I**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)

F478 Words in s. 115C(6) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 176(4)**

F479 Definitions in s. 115C(6) inserted (1.4.1999) by S.I. 1999/671, art. 5, **Sch. 4 para. 10(5)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)

Modifications etc. (not altering text)

C116 S. 115C applied with modifications (5.10.1999) by 1999 c. 10, **ss. 11(1)(2)**, 20(2)

[[F480]115CInterpretation of Part VI

(1) [F481]In this Part " the relevant social security legislation " means the provisions of any of the following, except so far as relating to contributions, ... statutory sick pay or statutory maternity pay, that is to say-

(a) the Contributions and Benefits Act;

(b) this Act;

(c) the Pensions Act, except Part III;

(d) Article 9 of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994;

(e) the Jobseekers (Northern Ireland) Order 1995;

(f) the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997;

(g) Parts II and V of the Social Security (Northern Ireland) Order 1998;

(h) Part VI of the Welfare Reform and Pensions (Northern Ireland) Order 1999;

[[F482](hh) the State Pension Credit Act (Northern Ireland) 2002;**]**

[[F483](hi) Part 1 of the Welfare Reform Act (Northern Ireland) 2007;**]**

[[F484](hj) Part 2 of the Welfare Reform (Northern Ireland) Order 2015;**]**

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[Part 5 of that Order;**]** F485(hk)

[Part 1 of the Pensions Act (Northern Ireland) 2015;**]** F486(hl)

[Part 5 of the Pensions Act (Northern Ireland) 2015;**]** F487(hm)

(i) the Social Security Pensions (Northern Ireland) Order 1975;

(j) the Social Security Act 1973;

(k) any statutory rule or statutory instrument made, or having effect as if made, under any statutory provision specified in paragraphs (a) to (j) above.

(2) In this Part " authorised officer " means a person acting in accordance with any authorisation for the purposes of this Part which is for the time being in force in relation to him.

(3) For the purposes of this Part -

(a) references to a document include references to anything in which information is recorded in electronic or any other form;

(b) the requirement that a notice given by an authorised officer be in writing shall be taken to be satisfied in any case where the contents of the notice-

(i) are transmitted to the recipient of the notice by electronic means; and

(ii) are received by him in a form that is legible and capable of being recorded for future reference.

(4) In this Part "premises" includes—

(a) moveable structures and vehicles, vessels, aircraft and hovercraft;

(b) installations that are offshore installations for the purposes of the Mineral Workings (Offshore Installations) Act 1971; and

(c) places of all other descriptions whether or not occupied as land or otherwise,

and references in this Part to the occupier of any premises shall be construed, in relation to premises that are not occupied as land, as references to any person for the time being present at the place in question.

(5) In this Part—

"benefit" includes any allowance, payment, credit or loan;

[F488"benefit offence" means -

(a) any criminal offence in connection with a claim for a relevant social security benefit;

(b) any criminal offence in connection with the receipt or payment of any amount by way of such a benefit;

(c) any criminal offence committed for the purpose of facilitating the commission (whether or not by the same person) of a benefit offence;

(d) any attempt or conspiracy to commit a benefit offence;**]** and

"compensation payment" has the same meaning as in the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997.

(6) In this Part—

(a) any reference to a person authorised to carry out any function relating to housing benefit shall include a reference to a person providing services relating to that benefit directly or indirectly to the Housing Executive; and

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(b) any reference to the carrying out of a function relating to housing benefit shall include a reference to the provision of any services relating to it.**]**

[F489(7) In this section " relevant social security benefit " means a benefit under any provision of the relevant social security legislation.**]**

Textual Amendments

F480 S. 115CA inserted (22.11.2000 for certain purposes, otherwise 2.4.2001) by 2000 c. 4 (N.I.), s. 58, **Sch. 6 para. 8** (with s. 66(6)); S.R. 2000/358, art. 2, **Sch. Pt. I**; S.R. 2001/141, art. 2(1), **Sch. Pt. I**

F481 Words in s. 115CA(1) repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), Sch. 2 (with art. 3)

F482 S. 115CA(1)(hh) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), s. 14, **Sch. 2 Pt. 2 para. 12**; S.R. 2002/366, **art. 2**; S.R. 2003/373, art. 2

F483 S. 115CA(1)(hi) inserted (1.7.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(11)**; S.R. 2008/276, art. 2(2)(c), Sch. Pt. 1

F484 S. 115CA(1)(hj) inserted (2.5.2016 for specified purposes, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 13**; S.R. 2016/215, art. 2(2)(bb)(c)(v); S.R. 2017/190, art. 4(1)(2)(g)(ii)

F485 S. 115CA(1)(hk) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 11**; S.R. 2016/215, art. 3(2)

F486 S. 115CA(1)(hl) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 13**

F487 S. 115CA(1)(hm) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 26**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

F488 Definition of "benefit offence" in s. 115CA(5) substituted (24.2.2003) by 2001 c. 17 (N.I.), ss. 1(7), 17(1); S.R. 2002/406, **art. 2(2)(a)**

F489 S. 115CA(7) inserted (24.2.2003) by 2001 c. 17 (N.I.), ss. 1(8), 17(1); S.R. 2002/406, **art. 2(2)(a)**

PART VII

[F490INFORMATION**]**

Textual Amendments

F490 Heading substituted (1.7.1997) by 1997 c. 47, **s. 1(2)**; S.I. 1997/1577, art. 2, **Sch.**

[F491Information relating to, or required for purposes of, contributions, statutory sick pay or statutory maternity pay

Textual Amendments

F491 Ss. 115D, 115E and preceding cross-heading inserted (1.4.1999) by S.I. 1999/671, art. 6, **Sch. 5 para. 1**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)

Status: *Point in time view as at 26/09/2023.*
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F492 115D Supply of contributions, etc. information held by Inland Revenue.

(1) This section applies to information which is held for the purposes of functions relating to contributions, **[**F493health in pregnancy grant,**]** statutory sick pay or statutory maternity pay **[**F494or functions under Part III of the Pensions Act**]**—

(a) by the Inland Revenue, or

(b) by a person providing services to them, in connection with the provision of those services.

[F495(2) Information to which this section applies may, and F496... must if an authorised officer so requires, be supplied—

(a) to the Department, or

(b) to a person providing services to the Department,

for use for the purposes of functions relating to F496... child support F496....

F497(2ZA)**]** . . . . . .

F498**[** . . . . . .

F499(2A)**]**

(3) In **[**F500this section**]**"authorised officer" means an officer of the Department or the Secretary of State authorised for the purposes of this section by the Department or the Secretary of State.

Textual Amendments

F492 Ss. 115D, 115E and preceding cross-heading inserted (1.4.1999) by S.I. 1999/671, art. 6, **Sch. 5 para. 1**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F493 Words in s. 115D(1) inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), **ss. 135(6)**, 170; S.I. 2008/3137, art. 2

F494 Words in s. 115D(1) substituted (11.11.1999) by 1999 c. 30, ss. 81, 89(4)(d), **Sch. 11 para. 15**

F495 S. 115D(2)(2ZA) substituted for s. 115D(2) (1.6.2009) by Child Maintenance Act (Northern Ireland) 2008 (c. 10), s. 41(1), **Sch. 4 para. 2(3)**; S.R. 2009/216, art. 2(2)(b)(i)

F496 Words in s. 115D(2) repealed (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 12**; S.R. 2016/46, art. 3(6)(c)

F497 S. 115D(2ZA) repealed (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 12**; S.R. 2016/46, art. 3(6)(c)

F498 S. 115D(2A) repealed (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 12**; S.R. 2016/46, art. 3(6)(c)

F499 S. 115D(2A) inserted (9.9.2002) by Employment Act 2002 (c. 22), s. 50, **Sch. 6 para. 12(b)**; S.I. 2002/2256, **art. 2**

F500 Words in s. 115D(3) substituted (9.9.2002) by Employment Act 2002 (c. 22), s. 50, **Sch. 6 para. 12(c)**; S.I. 2002/2256, **art. 2**

Modifications etc. (not altering text)

C117 S. 115D modified (1.12.2000 for certain purposes, otherwise 1.1.2001) by 2000 c. 4 (N.I.), **s. 38(10)** (with s. 66(6)); S.R. 2000/374, **art. 2(b)**

Status: *Point in time view as at 26/09/2023.*
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F501 115E Supply to Inland Revenue for purposes of contributions, etc. of information held by Department or Secretary of State.

[F502(1) This section applies to information which is held for the purposes of functions relating to F503... child supportF503...—

(a) by the Department, or

(b) by a person providing services to the Department, in connection with the provision of those services.

F504(1A)**]** . . . . . .

(2) Information to which this section applies may, and F505... must if an officer of the Inland Revenue authorised by the Inland Revenue for the purposes of this section so requires, be supplied—

(a) to the Inland Revenue, or

(b) to a person providing services to the Inland Revenue,

for use for the purposes of functions relating to contributions, **[**F506health in pregnancy grant,**]**F507... statutory sick pay or statutory maternity pay **[**F508or functions under Part III of the Pensions Act**]**.

F509**[** . . . . . .
F510(2A)**]]**

Textual Amendments

F501 Ss. 115D, 115E and preceding cross-heading inserted (1.4.1999) by S.I. 1999/671, art. 6, **Sch. 5 para. 1**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)

F502 S. 115E(1)(1A) substituted for s. 115E(1) (1.6.2009) by Child Maintenance Act (Northern Ireland) 2008 (c. 10), s. 41(1), **Sch. 4 para. 2(5)**; S.R. 2009/216, art. 2(2)(b)(i)

F503 Words in s. 115E(1) repealed (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 12**; S.R. 2016/46, art. 3(6)(c)

F504 S. 115E(1A) repealed (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 12**; S.R. 2016/46, art. 3(6)(c)

F505 Words in s. 115E(2) repealed (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 12**; S.R. 2016/46, art. 3(6)(c)

F506 Words in s. 115E(2) inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), **ss. 135(7)**, 170; S.I. 2008/3137, art. 2

F507 Words in s. 115E(2) omitted (16.2.2011) by virtue of Savings Accounts and Health in Pregnancy Grant Act 2010 (c. 36), **ss. 2(3)**, 4(2)

F508 Words in s. 115E(2) inserted (11.11.1999) by 1999 c. 30, ss. 81, 89(4)(d), **Sch. 11 para. 16**

F509 S. 115E(2A) repealed (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 12**; S.R. 2016/46, art. 3(6)(c)

F510 S. 115E(2A) inserted (9.9.2002) by Employment Act 2002 (c. 22), s. 50, **Sch. 6 para. 14(c)**; S.I. 2002/2256, **art. 2(a)**

[F511 Information held by tax authorities]

Textual Amendments

F511 Ss. 116, 116A and cross-heading substituted for s. 116 and cross-heading (1.7.1997) by 1997 c. 47, **s. 1(2)**; S.I. 1997/1577, art. 2, **Sch.**

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F512F513116 [Supply of information held by tax authorities for fraud prevention and verification.]

. . . . . .

Textual Amendments

F512 S. 116 repealed (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 12**; S.R. 2016/46, art. 3(6)(c)

F513 Ss. 116, 116A and the preceding*cross-heading* substituted (1.7.1997) for s. 116 and cross-heading by 1997 c. 47, **s. 1(2)**; S.I. 1997/1577, art. 2, **Sch.**

F515116ZA[F514 Supply of tax information to assess certain employment or training schemes]

. . . . . .

Textual Amendments

F514 S. 116ZA inserted (9.9.2002) by Employment Act 2002 (c. 22), s. 50, **Sch. 6 para. 8**; S.I. 2002/2256, **art. 2**

F515 S. 116ZA repealed (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 12**; S.R. 2016/46, art. 3(6)(c)

F517[F514116A Disclosure of contributions, etc. information by [F516Her Majesty's Revenue and Customs] .

(1) No obligation as to secrecy imposed by statute or otherwise on **[**F518Revenue and Customs officials (within the meaning of section 18 of the Commissioners for Revenue and Customs Act 2005 (confidentiality)**]** shall prevent information held for the purposes of the functions of **[**F519Her Majesty's Revenue and Customs**]** in relation to contributions, statutory sick pay **[**F520, statutory maternity pay, **[**F521statutory paternity pay, statutory adoption pay **[**F522, statutory shared parental pay or statutory parental bereavement pay**]]]** from being disclosed—

(a) to any of the authorities to which this paragraph applies, or any person authorised to exercise any function of that authority, for the purposes of the functions of that authority, or

(b) in a case where the disclosure is necessary for the purpose of giving effect to any agreement to which an order under section 155(1) below relates.

(2) The authorities to which subsection (1)(a) above applies are—

(a) the Health and Safety Executive for Northern Ireland,

(b) the Government Actuary's Department,

(c) the Northern Ireland Statistical and Research Agency, and

(d) the **[**F523Pensions Regulator**]** .**]**

Textual Amendments

F514 S. 116ZA inserted (9.9.2002) by Employment Act 2002 (c. 22), s. 50, **Sch. 6 para. 8**; S.I. 2002/2256, **art. 2**

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Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F516 Words in s. 116AA heading substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 50(b)**; S.I. 2005/1126, art. 2(2)(h)
F517 S. 116AA inserted (1.4.1999) by S.I. 1999/671, art. 6, **Sch. 5 para. 3**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)
F518 Words in s. 116AA(1) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 50(a)(i)**; S.I. 2005/1126, art. 2(2)(h)
F519 Words in s. 116AA(1) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 50(a)(ii)**; S.I. 2005/1126, art. 2(2)(h)
F520 Words in s. 116AA(1) substituted (8.12.2002) by The Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2), art. 17(1), **Sch. 2 para. 2(2)**; S.R. 2002/356, **art. 2**, Sch. 1 Pt. II
F521 Words in s. 116AA(1) substituted (15.3.2015 for specified purposes, 5.4.2015 in so far as not already in force) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 3(3)**; S.R. 2015/86, arts. 3(2)(i), 4(2)(h), 5 (with art. 7(2))
F522 Words in s. 116AA(1) substituted (23.3.2022) by Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 11**; S.R. 2022/136, arts. 2, 3
F523 Words in s. 116AA(2)(d) substituted (6.4.2005) by The Pensions (Northern Ireland) Order 2005 (S.I. 2005/255), art. 1(2), **Sch. 10 para. 4**; S.R. 2005/166, art. 2(6), Sch. 1 (with art. 5, Sch. 3) (as amended (5.4.2005) by S.R. 2005/192, art. 3)

F524 116A . . . . . .

Textual Amendments
F524 S. 116A repealed (1.4.1999) by S.I. 1999/671, arts. 6, 24(3), Sch. 5 para. 4, **Sch. 9 Pt. I**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

I F525 Other government information

Textual Amendments
F525 S. 116B and the preceding*cross-heading* inserted (1.7.1997) by 1997 c. 47, **s. 2(2)**; S.I. 1997/1577, art. 2, **Sch.**

F526 116B Supply of other government information for fraud prevention and verification.

(1) This section applies to information which is held by, or by a person providing services to, a Minister of the Crown or a Northern Ireland department or other government department and which relates to—
(a) passports, immigration and emigration, nationality or prisoners; or
(b) any other matter which is prescribed.

(2) Information to which this section applies may be supplied to, or to a person providing services to, the Department or the Secretary of State—
(a) for use in the prevention, detection, investigation or prosecution of offences relating to social security; or
(b) for use in checking the accuracy of information relating to benefits F527. . . or national insurance numbers or to any other matter relating to social security and (where appropriate) amending or supplementing such information.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) Information supplied under subsection (2) above shall not be supplied by the recipient to any other person or body unless—

(a) it could be supplied to that person or body under that subsection;

(b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the [M28]Jobseekers (Northern Ireland) Order 1995 **[**[F528], Part 1 of the Welfare Reform Act (Northern Ireland) 2007**]|[**[F529], Part 2 of the Welfare Reform (Northern Ireland) Order 2015**]|[**[F530], Part 5 of that Order**]|[**[F531], Part 1 of the Pensions Act (Northern Ireland) 2015**]|[**[F532], section 29 of that Act**]** or this Act or to any enactment applying in Great Britain corresponding to any of them; or

(c) it is supplied to the Housing Executive.

(4) But where information supplied under subsection (2) above has been used (in accordance with paragraph (b) of that subsection) in amending or supplementing other information, it is lawful for it to be—

(a) supplied to any person or body to whom that other information could be supplied; or

(b) used for any purpose for which that other information could be used.

(5) This section does not limit the circumstances in which information may be supplied apart from this section.**]**

Textual Amendments

F526 S. 116B and the preceding*cross-heading* inserted (1.7.1997) by 1997 c. 47, **s. 2(2)**; S.I. 1997/1577, art. 2, **Sch.**

F527 Words in s. 116B(2)(b) repealed (1.4.1999) by S.I. 1999/671, arts. 6, 24(3), Sch. 5 para. 5, **Sch. 9 Pt. I**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F528 Words in s. 116B(3)(b) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(13)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F529 Words in s. 116B(3)(b) inserted (2.5.2016 for specified purposes, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 14**; S.R. 2016/215, art. 2(2)(bb)(c)(v); S.R. 2017/190, art. 4(1)(2)(g)(ii)

F530 Words in s. 116B(3)(b) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 12**; S.R. 2016/215, art. 3(2)

F531 Words in s. 116B(3)(b) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 14**

F532 Words in s. 116B(3)(b) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 27**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

Modifications etc. (not altering text)

C118 S. 116B: functions exercisable by the Department of the Environment for Northern Ireland transferred (26.6.2001) to the Department of Finance and Personnel in Northern Ireland by S.R. 2001/229, **art. 4(1)** (with art. 12)

Marginal Citations

M28 S.I. 1995/2705 (N.I.15).

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[F533 The Housing Executive]

Textual Amendments

F533 Ss. 116C, 116D and the preceding cross-heading inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 3**; S.R. 1997/316, art. 2, **Sch.**

F534[116C Supply of information to the Housing Executive.

(1) This section applies to information relating to social security **[**F535, child support, or employment or training**]** which is held—

(a) by the Department or the Secretary of State; or

(b) by a person providing services to the Department or the Secretary of State in connection with the provision of those services.

(2) Information to which this section applies may be supplied to—

(a) the Housing Executive; or

(b) a person authorised to exercise any function of the Housing Executive relating to housing benefit,

for use in the administration of housing benefit.

(3) But where information to which this section applies has been supplied to the Department, the Secretary of State or the person providing services under section 116 or 116B above it may only be supplied under subsection (2) above—

(a) for use in the prevention, detection, investigation or prosecution of offences relating to housing benefit; or

(b) for use in checking the accuracy of information relating to housing benefit and (where appropriate) amending or supplementing such information.

(4) The Department or the Secretary of State—

(a) may impose conditions on the use of information supplied under subsection (2) above; and

(b) may charge a reasonable fee in respect of the cost of supplying information under that subsection.

(5) Where information is supplied to the Housing Executive or other person under subsection (2) above, the Executive or other person shall have regard to it in the exercise of any function relating to housing benefit.

(6) Information supplied under subsection (2) above shall not be supplied by the recipient to any other person or body unless—

(a) it is supplied—

(i) by the Housing Executive to a person authorised to exercise any function of the Executive relating to housing benefit; or

(ii) by a person authorised to exercise any function of the Housing Executive relating to housing benefit to the Executive;

(b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the Jobseekers (Northern Ireland) Order 1995 **[**F536, Part 1 of the Welfare Reform Act (Northern Ireland) 2007**][**F537, Part 5 of the Welfare Reform (Northern Ireland) Order 2015**]** or this Act or to any enactment applying in Great Britain corresponding to any of them; or

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(c) it is supplied under section 116D below.

(7) This section does not limit the circumstances in which information may be supplied apart from this section (in particular by reason of section 116(4) or 116B(4) above).

(8) F538 . . . . . .]

Textual Amendments

F534 SS. 116C, 116D and the preceding*cross-heading* inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 3**; S.R. 1997/316, art. 2, **Sch.**

F535 Words in s. 116C(1) inserted (19.11.2002) by Social Security Act (Northern Ireland) 2002 (c. 10), **s. 6(2)(a)**; S.R. 2002/351 {art. 2(a)}

F536 Words in s. 116C(6)(b) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(14)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F537 Words in s. 116C(6)(b) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 13**; S.R. 2016/215, art. 3(2)

F538 S. 116C(8) repealed (19.11.2002) by Social Security Act (Northern Ireland) 2002 (c. 10), ss. 6(2)(b), 8(2), **Sch. 2**; S.R. 2002/351, **art. 2(a)**, Sch. Pt. I

Modifications etc. (not altering text)

C119 S. 116C extended (6.4.2003) by The Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147), art. 1(2), Sch. 8 para. 32(1), **(2)(b)**; S.R. 2003/204, art. 2

C120 S. 116C: functions modified (*prosp.*) by S.I. 1999/3147 (N.I. 11), arts. 1(2), 67, **Sch. 8 para. 32**
S. 116C: functions exercisable by the Department of the Environment for Northern Ireland transferred (26.6.2001) to the Department of Finance and Personnel in Northern Ireland by S.R. 2001/229, **art. 4(1)** (with art. 12)

C121 Ss. 116C 116D applied (with modifications) (14.12.2009) by Rates (Amendment) Act (Northern Ireland) 2009 (c. 8), **s. 11(1)(a)**(2), 19(1) (with s. 11(5)); S.R. 2009/375, art. 2(2), Sch. 2

[F539116D Supply of information by the Housing Executive.

(1) The Department or the Secretary of State may require—

(a) the Housing Executive; or

(b) a person authorised to exercise any function of the Housing Executive relating to housing benefit,

to supply benefit administration information held by the Executive or other person to, or to a person providing services to, the Department or the Secretary of State for use for any purpose relating to social security **[**F540, child support **[**F541, employment or training, private pensions policy or retirement planning**]]** .

(2) The Department or the Secretary of State may require—

(a) the Housing Executive; or

(b) a person authorised to exercise any function of the Housing Executive relating to housing benefit,

to supply benefit policy information held by the Executive or other person to, or to a person providing services to, the Department or the Secretary of State.

[F542(2A) Information supplied under subsection (2) may be used for any purpose relating to private pensions policy or retirement planning.**]**

Status: *Point in time view as at 26/09/2023.*
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(3) Information shall be supplied under subsection (1) or (2) above in such manner and form, and in accordance with such requirements, as may be **[**F543specified in directions given by the Department or, as the case may be, the Secretary of State**]**.

(4) In subsection (1) above "benefit administration information", in relation to the Housing Executive or other person, means any information which is relevant to the exercise of any function relating to housing benefit by the Executive or other person.

(5) In subsection (2) above "benefit policy information" means any information which may be relevant to the Department or the Secretary of State—

(a) in preparing estimates of likely future expenditure on housing benefit; or

(b) in developing policy relating to housing benefit.**]**

[F544(6) In this section—**]**

"private pensions policy" means policy relating to occupational pension schemes or personal pension schemes;

"retirement planning" means promoting financial planning for retirement.

Textual Amendments

F539 Ss. 116C, 116D and the preceding cross-heading inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 3**; S.R. 1997/316, art. 2, **Sch.**

F540 Words in s. 116D(1) inserted (19.11.2002) by Social Security Act (Northern Ireland) 2002 (c. 10), **ss. 6(3)**, 9; S.R. 2002/351, **art. 2(a)**, Sch. Pt. I

F541 Words in s. 116D(1) substituted (17.2.2005) by The Pensions (Northern Ireland) Order 2005 (S.I. 2005/255), arts. 1(3), **213(2)** (with art. 285(5))

F542 S. 116D(2A) inserted (17.2.2005) by The Pensions (Northern Ireland) Order 2005 (S.I. 2005/255), arts. 1(3), **213(3)** (with art. 285(5))

F543 Words in s. 116D(3) substituted (1.5.2002) by 2001 c. 17 (N.I.), {ss. 5, 17(1)}; S.R. 2002/165, **art. 2**

F544 S. 116D(6) added (17.2.2005) by The Pensions (Northern Ireland) Order 2005 (S.I. 2005/255), arts. 1(3), **213(4)** (with art. 285(5))

Modifications etc. (not altering text)

C121 Ss. 116C 116D applied (with modifications) (14.12.2009) by Rates (Amendment) Act (Northern Ireland) 2009 (c. 8), **s. 11(1)(a)**(2), 19(1) (with s. 11(5)); S.R. 2009/375, art. 2(2), Sch. 2

C122 S. 116D extended (6.4.2003) by The Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147), art. 1(2), Sch. 8 para. 32(1), **(2)(b)**; S.R. 2003/204, art. 2

C123 S. 116D: functions modified (prosp.) by S.I. 1999/3147 (N.I. 11), arts. 1(2), 67, **Sch. 8 para. 32**
S. 116D: functions exercisable by the Department of the Environment for Northern Ireland transferred (26.6.2001) to the Department of Finance and Personnel in Northern Ireland by S.R. 2001/229, **art. 4(1)** (with art. 12)
S. 116D modified by 1992 c. 5, **s. 179A(5)** (as inserted (14.2.2003) by 2001 c. 11, **ss. 5(1)**, 20); S.I. 2003/273, art. 2

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Persons employed or formerly employed in social security administration or adjudication

117 Unauthorised disclosure of information relating to particular persons.

(1) A person who is or has been employed in social security administration or adjudication is guilty of an offence if he discloses without lawful authority any information which he acquired in the course of his employment and which relates to a particular person.

(2) A person who is or has been employed in the audit of expenditure or the investigation of complaints is guilty of an offence if he discloses without lawful authority any information—

(a) which he acquired in the course of his employment;

(b) which is, or is derived from, information acquired or held by or for the purposes of any of the government departments or other bodies or persons referred to in Part I of Schedule 4 to this Act or in any corresponding enactment having effect in Great Britain; and

(c) which relates to a particular person.

(3) It is not an offence under this section—

(a) to disclose information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it; or

(b) to disclose information which has previously been disclosed to the public with lawful authority.

(4) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence—

(a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise; or

(b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(5) A person guilty of an offence under this section shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both; or

(b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

(6) For the purposes of this section, the persons who are "employed in social security administration or adjudication" are—

(a) any person specified in Part I of Schedule 4 to this Act or in any corresponding enactment having effect in Great Britain;

(b) any other person who carries out the administrative work of any of the government departments or other bodies or persons referred to in that Part of that Schedule or that corresponding enactment; and

(c) any person who provides, or is employed in the provision of, services to any of those departments, persons or bodies;

and "employment", in relation to any such person, shall be construed accordingly.

[F545(6A) Subsection (6) above shall have effect as if any **[**F546health care professional**]** who, for the purposes of **[**F547Article 19 of the Social Security (Northern Ireland) Order 1998**]**,

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is provided by any person in pursuance of a contract entered into with the Department were specified in Part I of Schedule 4 to this Act**]**

(7) For the purposes of subsections (2) and (6) above, any reference in Part I of Schedule 4 to this Act or in any corresponding enactment having effect in Great Britain to a government department shall be construed in accordance with Part II of that Schedule or any corresponding enactment having effect in Great Britain, and for this purpose "government department" shall be taken to include—

F548(a) . . . . . .

[F549(aa) the Scottish Administration;**]** and

(b) the Scottish Courts Administration.

(8) For the purposes of this section, the persons who are "employed in the audit of expenditure or the investigation of complaints" are—

(a) the Comptroller and Auditor General for Northern Ireland;

[F550(b) the Northern Ireland Public Services Ombudsman;**]**

(d) the Comptroller and Auditor General;

(e) the Parliamentary Commissioner for Administration;

(f) any member of the staff of the Northern Ireland Audit Office or the National Audit Office;

(g) any other person who carries out the administrative work of either of those Offices, or who provides, or is employed in the provision of, services to either of them;

F551**[**F552(ga) . . . . . .

F553(gb) . . . . . .

(gc) a member of the Accounts Commission for Scotland and any auditor within the meaning of Part VII of the Local Government (Scotland) Act 1973;**]**

[F554(gd) a local auditor within the meaning of the Local Audit and Accountability Act 2014;

(ge) the Auditor General for Wales and any member of the Auditor General's staff;

(gf) any member of the staff of the Wales Audit Office, and any person providing services to that Office;**]**

(h) the Health Service Commissioner for England **[**F555or Wales**]** ; F556. . .

[F557(ha) a member of the Local Commission for England;

(hb) a member of the Local Commission for Wales;

(hc) **[**F558the Scottish Public Services Ombudsman**]** ; and**]**

(i) any officer of any of the Commissioners **[**F559or Commissions referred to in paragraphs F560... (e) and (gb) to **[**F561(hb)**]** above **[**F562, of the Northern Ireland Public Services Ombudsman,**][**F563, or of the Scottish Public Services Ombudsman**]** and any person assisting an auditor referred to in paragraph (ga), (gb) or (gc) above**]**;

and "employment", in relation to any such person, shall be construed accordingly.

(9) For the purposes of this section a disclosure is to be regarded as made with lawful authority if, and only if, it is made—

(a) in accordance with his official duty—

(i) by a civil servant; or

(ii) by a person employed in the audit of expenditure or the investigation of complaints, who does not fall within subsection (8)(g) above;

(b) by any other person either—

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(i) for the purposes of the function in the exercise of which he holds the information and without contravening any restriction duly imposed by the person responsible; or

(ii) to, or in accordance with an authorisation duly given by, the person responsible;

(c) in accordance with any statutory provision or order of a court;

(d) for the purpose of instituting, or otherwise for the purposes of, any proceedings before a court or before any tribunal or other body or person referred to in Part I of Schedule 4 to this Act or in any corresponding enactment having effect in Great Britain; or

(e) with the consent of the appropriate person;

and in this subsection "the person responsible" means the Department, the Lord Chancellor or any person authorised by the Department or the Lord Chancellor for the purposes of this subsection and includes a reference to "the person responsible" within the meaning of any corresponding enactment having effect in Great Britain.

(10) For the purposes of subsection (9)(e) above, "the appropriate person" means the person to whom the information in question relates, except that if the affairs of that person are being dealt with—

(a) under a power of attorney;

(b) by a controller appointed under Article 101 of the [M29]Mental Health (Northern Ireland) Order 1986 or by a receiver appointed under section 99 of the [M30]Mental Health Act 1983;

(c) by a Scottish mental health custodian, that is to say **[**[F564]a guardian or other person entitled to act on behalf of the person under the Adults with Incapacity (Scotland) Act 2000 (asp 4)**]**

(d) by a mental health appointee, that is to say—

(i) a person directed or authorised as mentioned in sub-paragraph (a) of rule 38(1) of Order 109 of the Rules of the [M31]Supreme Court (Northern Ireland) 1980 or sub-paragraph (a) of rule 41(1) of the [M32]Court of Protection Rules 1984; or

(ii) a controller ad interim appointed under sub-paragraph (b) of the said rule 38(1) or any receiver ad interim appointed under sub-paragraph (b) of the said rule 41(1),

the appropriate person is the attorney, controller, receiver, custodian or appointee, as the case may be, or, in a case falling within paragraph (a) above, the person to whom the information relates.

Textual Amendments

F545 S. 117(6A) inserted (3.1.1995) by 1994 c. 40, ss. 76, 82(2)(f), **Sch. 16 para. 25**

F546 Words in s. 117(6A) substituted (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(2)(c), **Sch. 7 para. 2(2)**

F547 Words in s. 117(6A) substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp.) by S.I. 1998/1506, (N.I. 10), arts. 1, 78(1), Sch. 6 para. 70; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of that S.R.)

F548 S. 117(7)(a) repealed (1.4.1999) by S.I. 1999/671, art. 24(3), **Sch. 9 Pt. I**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

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F549 S. 117(7)(aa) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 para. 106** (with art. 5); S.I. 1998/3178, **art. 3**

F550 S. 117(8)(b) substituted for s. 117(8)(b)(c) (1.4.2016) by Public Services Ombudsman Act (NorthernIreland) 2016 (c. 4), s. 64, **Sch. 8 para. 3(a)** (with ss. 23, 50(3))

F551 S. 117(8)(ga) repealed (1.4.2003) by The Audit and Accountability (Northern Ireland) Order 2003 (S.I. 2003/418), art. 1(2), **Sch. 3**

F552 S. 117(8)(ga)-(gc) inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 4(2)**; S.R. 1997/316, art. 2, **Sch.**

F553 S. 117(8)(gb) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 30(a)**; S.I. 2015/841, art. 3(x) (with Sch. para. 2) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F554 S. 117(8)(gd)-(gf) inserted (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 30(b)**; S.I. 2015/841, art. 3(x) (with Sch. para. 2) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F555 Words in s. 117(8)(h) substituted (14.7.2004) by The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **13(a)**

F556 Word in s. 117(8)(h) repealed (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 19(2), **Sch. 2**; S.R. 1997/316, art. 2, **Sch.**

F557 S. 117(8)(ha)-(hc) inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 4(2)(b)**; S.R. 1997/316, art. 2, **Sch**

F558 Words in s. 117(8)(hc) substituted (14.7.2004) by The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **13(b)**

F559 Words in s. 117(8)(i) substituted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 4(2)(c)**; S.R. 1997/316, art. 2, **Sch.**

F560 Words in s. 117(8)(i) repealed (1.4.2016) by Public Services Ombudsman Act (NorthernIreland) 2016 (c. 4), s. 64, **Sch. 9** (with ss. 23, 50(3))

F561 Word in s. 117(8)(i) substituted (14.7.2004) by The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **13(c)(i)**

F562 Words in s. 117(8)(i) inserted (1.4.2016) by Public Services Ombudsman Act (NorthernIreland) 2016 (c. 4), s. 64, **Sch. 8 para. 3(b)** (with ss. 23, 50(3))

F563 Words in s. 117(8)(i) inserted (14.7.2004) by The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), arts. 1, **13(c)(ii)**

F564 Words in s. 117(10)(c) substituted for (i) and (ii) (30.6.2005) by The Adults with Incapacity (Scotland) Act 2000 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2005 (S.I. 2005/1790), arts. 1(1), **4**

Modifications etc. (not altering text)

C124 S. 117 applied (26.3.2002) by Personal Social Services (Preserved Rights) Act (Northern Ireland) 2002 (c. 5), **s. 2(5)**

C125 S. 117 applied (with modifications) (27.11.2006) by The Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006 (S.R. 2006/478), reg. 1, **Sch. 5**

C126 S. 117(8)(e) modified (temp. from 1.7.1999) by S.I. 1999/1351, **arts. 1**, 3, 17(2)(e) (with art. 18); S.I. 1998/3178, **art. 3**

C127 S. 117(9) applied (with modifications) (14.12.2009) by Rates (Amendment) Act (Northern Ireland) 2009 (c. 8), **s. 11(3)(a)**(4), 19(1); S.R. 2009/375, art. 2(2), Sch. 2

Marginal Citations

M29 S.I. 1986/595 (N.I. 4).

M30 1983 c. 20.

M31 S.R. (N.I.) 1980 No. 346.

M32 S.I. 1984/2035.

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Notification of deaths

118 Regulations as to notification of deaths.

(1) Regulations **[**[F565]made with the concurrence of the Inland Revenue**]** may provide that it shall be the duty of the Registrar General or any registrar to furnish the Department, **[**[F566]or the Inland Revenue, for the purposes of their respective functions**]** under the Contributions and Benefits Act **[**[F567], Parts II and III of the Jobseekers (Northern Ireland) Order 1995 **[**[F568], the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997**]][**[F569], the Social Security (Northern Ireland) Order 1998**][**[F570], the State Pension Credit Act (Northern Ireland) 2002**][**[F571], Part 1 of the Welfare Reform Act (Northern Ireland) 2007**][**[F572], Part 2 of the Welfare Reform (Northern Ireland) Order 2015**][**[F573], Part 5 of that Order**][**[F574], Part 1 of the Pensions Act (Northern Ireland) 2015**][**[F575], section 29 of that Act**]** and this Act and the functions of the Secretary of State under any enactment applying in Great Britain corresponding to **[**[F576]any of those Acts or those Parts **[**[F568]or to those Orders**]]**, with the prescribed particulars of such deaths as may be prescribed.

(2) The regulations may make provision as to the manner in which and times at which the particulars are to be furnished.

(3) In subsection (1) "Registrar General" and "registrar" have the meanings assigned to them in the [M33]Births and Deaths Registration (Northern Ireland) Order 1976.

Textual Amendments

F565 Words in s. 118(1) inserted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 28(a)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F566 Words in s. 118(1) substituted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 28(b)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F567 Words in s. 118(1) inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2**, para. 41(a); S.R. 1996/285, art. 2, **Sch.**

F568 Words in s. 118(1) substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 71(b)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472))

F569 Words in s. 118(1) inserted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 71(a)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F570 Words in s. 118(1) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), s. 14, **Sch. 2 Pt. 2 para. 13**; S.R. 2002/366, **art. 2(1)(l)**; S.R. 2003/373, art. 2

F571 Words in s. 118(1) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(15)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F572 Words in s. 118(1) inserted (2.5.2016 for specified purposes, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 15**; S.R. 2016/215, art. 2(2)(bb)(c)(v); S.R. 2017/190, art. 4(1)(2)(g)(ii)

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F573 Words in s. 118(1) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 14**; S.R. 2016/215, art. 3(2)
F574 Words in s. 118(1) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 15**
F575 Words in s. 118(1) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 28**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)
F576 Words in s. 118(1) substituted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 41(b)**; S.R. 1996/285, art. 2, **Sch.**

Modifications etc. (not altering text)
C128 S. 118 applied (with modifications) (7.2.1994) by 1993 c. 49, **s. 163(2)**; S.R. 1994/17, **art. 2**

Marginal Citations
M33 S.I. 1976/1041 (N.I. 14).

Personal representatives - income support and supplementary benefit

119 Personal representatives to give information about the estate of a deceased person who was in receipt of income support or supplementary benefit.

(1) The personal representatives of a person who was in receipt of **[**F577universal credit**]** income support **[**F578an income-based jobseeker's allowance**][**F579, state pension credit**][**F580, an income-related employment and support allowance**]** or supplementary benefit at any time before his death shall provide the Department with such information as it may require relating to the assets and liabilities of that person's estate.

(2) If the personal representatives fail to supply any information within 28 days of being required to do so under subsection (1) above, then—
(a) the county court may, on the application of the Department, make an order directing them to supply that information within such time as may be specified in the order, and
(b) any such order may provide that all costs of and incidental to the application shall be borne personally by any of the personal representatives.

Textual Amendments
F577 Words in s. 119(1) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 16**; S.R. 2017/190, art. 4(1)(2)(g)(ii)
F578 Words in s. 119 inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 42**; S.R. 1996/285, art. 2, **Sch.**
F579 Words in s. 119(1) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), s. 14, **Sch. 2 Pt. 2 para. 14**; S.R. 2002/366, **art. 2(1)(l)**; S.R. 2003/373, art. 2
F580 Words in s. 119(1) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(16)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

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[F581 Landlords and agents]

Textual Amendments

F581 S. 119A and the preceding *cross-heading* inserted (8.10.1997) by S.I. 1997/1182 (N.I. 11), **art. 10**; S.R. 1997/449, **art. 2**

[F582 119A Power to require information from landlords and agents.

(1) Regulations shall provide that where a claim for housing benefit in respect of a dwelling is made to the Housing Executive and the circumstances are such as are prescribed—

(a) the Executive; or

(b) a person authorised to exercise any function of the Executive relating to housing benefit,

may require any appropriate person to supply information of a prescribed description to the Executive or other person.

(2) Subject to subsection (4) below, for the purposes of subsection (1) above a person is an appropriate person in relation to a dwelling if he is—

(a) a person to whom anyone is, or claims to be, liable to make relevant payments;

(b) a person to whom, or at whose direction, a person within paragraph (a) above has agreed to make payments in consequence of being entitled to receive relevant payments; or

(c) a person acting on behalf of a person within paragraph (a) or (b) above in connection with any aspect of the management of the dwelling.

(3) In subsection (2) above "relevant payments", in relation to a dwelling, means payments in respect of the dwelling which are of a description in relation to which housing benefit may be paid.

(4) Regulations may provide that any prescribed person, or any person of a prescribed description, is not an appropriate person for ,?the purposes of subsection (1) above.

(5) The descriptions of information which may be prescribed for the purposes of subsection (1) above include, in particular, any description of information relating to, or to any interest in or other connection with, dwellings and other property situated anywhere in the United Kingdom.

(6) Information shall be supplied under subsection (1) above in such manner and form, and at such time and in accordance with such other requirements, as may be prescribed.

(7) Information supplied to the Housing Executive or other person under subsection (1) above may be used by the Executive or other person only in the exercise of any function relating to housing benefit.

(8) The provisions of section 116D above apply in relation to any information supplied under subsection (1) above which is not benefit administration information (within the meaning of those provisions) as if it were.**]**

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Textual Amendments

F582 S. 119A and the preceding cross-heading inserted (8.10.1997) by S.I. 1997/1182 (N.I. 11), **art. 10**; S.R. 1997/449, **art. 2**

Modifications etc. (not altering text)

C129 S. 119A extended (6.4.2003) by The Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147), art. 1(2), Sch. 8 para. 32(1), **(2)(c)**; S.R. 2003/204, art. 2

C130 S. 119A: functions modified (*prosp.*) by S.I. 1999/3147 (N.I. 11), arts. 1(2), 67, **Sch. 8 para. 32** (with art. 75)

Housing benefit

[F583]120 . . . . . .

Textual Amendments

F583 S. 120 repealed (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 19(2), **Sch. 2**; S.R. 1997/316, art. 2, **Sch.**

Statutory sick pay and other benefits

121 Disclosure by the Department for purpose of determination of period of entitlement to statutory sick pay.

Where the Department considers that it is reasonable for information held by the Department to be disclosed to an employer, for the purpose of enabling that employer to determine the duration of a period of entitlement under Part XI of the Contributions and Benefits Act in respect of an employee, or whether such a period exists, the Department may disclose the information to that employer.

122 Duties of employers - statutory sick pay and claims for other benefits.

(1) Regulations may make provision requiring an employer, in a case falling within subsection (3) below to furnish information in connection with the making, by a person who is, or has been, an employee of that employer, of a claim for—

[[F584](za) universal credit;**]**

[[F585](a) short-term incapacity benefit;**]**

(b) a maternity allowance;

[[F586](c) long-term incapacity benefit;**]**

(d) industrial injuries benefit; [F587]. . .

[F587](e). . . . . .

[[F588](f) an employment and support allowance.**]**

(2) Regulations under this section shall prescribe—

(a) the kind of information to be furnished in accordance with the regulations;

(b) the person to whom information of the prescribed kind is to be furnished; and

(c) the manner in which, and period within which, it is to be furnished.

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(3) The cases are—

(a) where, by virtue of paragraph 2 of Schedule 11 to the Contributions and Benefits Act or of regulations made under paragraph 1 of that Schedule, a period of entitlement does not arise in relation to a period of incapacity for work;

(b) where a period of entitlement has come to an end but the period of incapacity for work which was running immediately before the period of entitlement came to an end continues; and

(c) where a period of entitlement has not come to an end but, on the assumption that—

(i) the period of incapacity for work in question continues to run for a prescribed period; and

(ii) there is no material change in circumstances,

the period of entitlement will have ended on or before the end of the prescribed period.

(4) Regulations **[**[F589]made with the concurrence of the Inland Revenue**]**—

(a) may require employers to maintain such records in connection with statutory sick pay as may be prescribed;

(b) may provide for—

(i) any person claiming to be entitled to statutory sick pay; or

(ii) any other person who is a party to proceedings arising under Part XI of the Contributions and Benefits Act,

to furnish to the Department **[**[F590]or the Inland Revenue (as the regulations may require)**]**, within a prescribed period, any information required for the determination of any question arising in connection therewith; and

(c) may require employers who have made payments of statutory sick pay to furnish to the Department **[**[F590]or the Inland Revenue (as the regulations may require)**]** such documents and information, at such times, as may be prescribed.

[[F591](5) Regulations made with the concurrence of the Inland Revenue may require employers to produce wages sheets and other documents and records to officers of the Inland Revenue, within a prescribed period, for the purpose of enabling them to satisfy themselves that statutory sick pay has been paid, and is being paid, in accordance with regulations under section 5 above, to employees or former employees who are entitled to it.**]**

Textual Amendments

F584 S. 122(1)(za) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 17**; S.R. 2017/190, art. 4(1)(2)(g)(ii)

F585 S. 122(1)(a) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. II para. 48(a)**; S.R. 1994/450, art. 2, **Sch. 1 Pt. IV**

F586 S. 122(1)(c) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. II para. 48(b)**; S.R. 1994/450, art. 2, **Sch. 1 Pt. IV**

F587 S. 122(1)(e) and preceding word repealed (3.11.2000 for certain purposes, otherwise 6.4.2001) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 10 Pt. IV** (with art. 75); S.R. 2000/332, **art. 2(3)(g)-(5)** (subject to art. 3 of the said S.R. 2000/332 (as amended by S.R. 2001/114, **art. 3**) and to art. 4 of the said S.R. 2000/332)

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F588 S. 122(1)(f) added (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(17)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F589 Words in s. 122(4) inserted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 29(a)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F590 Words in s. 122(4)(b)(c) inserted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 29(b)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F591 S. 122(5) inserted (1.1.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), **ss. 10(2)**, 13; S.I. 2004/1943, art. 3(b)

Statutory maternity pay and other benefits

123 Disclosure by the Department for purpose of determination of period of entitlement to statutory maternity pay.

Where the Department considers that it is reasonable for information held by the Department to be disclosed to a person liable to make payments of statutory maternity pay for the purpose of enabling that person to determine—

(a) whether a maternity pay period exists in relation to a woman who is or has been an employee of his; and

(b) if it does, the date of its commencement and the weeks in it in respect of which he may be liable to pay statutory maternity pay,

the Department may disclose the information to that person.

124 Duties of employers - statutory maternity pay and claims for other benefits.

(1) Regulations may make provision requiring an employer in prescribed circumstances to furnish information in connection with the making of a claim by a woman who is or has been his employee for—

[F592(za) universal credit;**]**

(a) a maternity allowance;

[F593(aa) an employment and support allowance;**]**

(b) **[**F594short-term incapacity benefit**]**;

(c) a **[**F595long-term incapacity benefit under section 30A**]**, 40 or 41 of the Contributions and Benefits Act; F596. . .

F596(d) . . . . . .

(2) Regulations under this section shall prescribe—

(a) the kind of information to be furnished in accordance with the regulations;

(b) the person to whom information of the prescribed kind is to be furnished; and

(c) the manner in which, and period within which, it is to be furnished.

(3) Regulations **[**F597made with the concurrence of the Inland Revenue**]**—

(a) may require employers to maintain such records in connection with statutory maternity pay as may be prescribed;

(b) may provide for—

(i) any woman claiming to be entitled to statutory maternity pay; or

(ii) any other person who is a party to proceedings arising under Part XII of the Contributions and Benefits Act,

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to furnish to the Department **[**[F598]or the Inland Revenue (as the regulations may require)**]**, within a prescribed period, any information required for the determination of any question arising in connection therewith; and

(c) may require persons who have made payments of statutory maternity pay to furnish to the Department **[**[F598]or the Inland Revenue (as the regulations may require)**]** such documents and information, at such times, as may be prescribed.

[[F599](4) Regulations made with the concurrence of the Inland Revenue may require employers to produce wages sheets and other documents and records to officers of the Inland Revenue, within a prescribed period, for the purpose of enabling them to satisfy themselves that statutory maternity pay has been paid, and is being paid, in accordance with regulations under section 5 above, to employees or former employees who are entitled to it.**]**

Textual Amendments

F592 S. 124(1)(za) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 18**; S.R. 2017/190, art. 4(1)(2)(g)(ii)

F593 S. 124(1)(aa) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(18)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F594 Words in s. 124(1)(b) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. II**, para. 49(a); S.R. 1994/450, art. 2, **Sch. Pt. IV**

F595 Words in s. 124(1)(c) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. II**, para. 49(b); S.R. 1994/450, art. 2, **Sch. Pt. IV**

F596 S. 124(1)(d) and preceding word repealed (3.11.2000 for certain purposes, otherwise 6.4.2001) by S.I. 1999/3147 (N.I. 11), art. 76, **Sch. 10 Pt. IV** (with art. 75); ; S.R. 2000/332, **art. 2(3)-(5)** (subject to art. 3 of the said S.R. 2000/332 (as amended by S.R. 2001/114, **art. 3**) and to art. 4 of the said S.R. 2000/332)

F597 Words in s. 124(3) inserted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 30(a)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F598 Words in s. 124(3)(b)(c) inserted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 30(b)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F599 S. 124(4) inserted (1.1.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), **ss. 10(3)**, 13; S.I. 2004/1943, art. 3(b)

Maintenance proceedings

125 Furnishing of addresses for maintenance proceedings, etc.

(1) The Department may incur expenses for the purpose of furnishing the address at which a **[**[F600]person**]** is recorded by it as residing, where the address is required for the purpose of taking or carrying on legal proceedings to obtain or enforce an order for the making by the **[**[F600]person**]** of payments—

(a) for the maintenance of the **[**[F601]person's spouse, former spouse, civil partner or former civil partner**]** ; or

[[F602](b) for the maintenance or education of any child of the person, or of any child of the person's spouse, former spouse, civil partner or former civil partner.**]**

(2) In subsection (1)(b) above "son or daughter" includes an illegitimate son or daughter.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F600 Word in s. 125(1) substituted (5.12.2005) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order (Northern Ireland) 2005 (S.R. 2005/434), art. 1(3), **Sch. para. 8(a)**

F601 Words in s. 125(1)(a) substituted (5.12.2005) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order (Northern Ireland) 2005 (S.R. 2005/434), art. 1(3), **Sch. para. 8(b)**

F602 S. 125(1)(b) substituted (5.12.2005) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order (Northern Ireland) 2005 (S.R. 2005/434), art. 1(3), **Sch. para. 8(c)**

PART VIII

ARRANGEMENTS FOR HOUSING BENEFIT

Housing benefit

126 Arrangements for housing benefit.

(1) Housing benefit provided by virtue of a scheme under section 122 of the Contributions and Benefits Act (in this Act referred to as "the housing benefit scheme")—

(a) is to be in the form of a rate rebate, if it is in respect of payments by way of rates;

(b) is to be in the form of a rent rebate, if it is in respect of payments, other than payments by way of rates, to be made to the Housing Executive; and

(c) is in any other case to be in the form of a rent allowance.

(2) The rebates and allowances referred to in subsection (1) above may take any of the following forms, that is to say—

(a) a payment or payments by the Housing Executive or the Department of the Environment, as the case may be, to the person entitled to the benefit; and

(b) a reduction in the amount of any payments which that person is liable to make to the Housing Executive or the Department of the Environment, as the case may be, by way of rent or rates; or

(c) such a payment or payments and such a reduction;

and in any statutory provision (whenever passed or made) "pay", in relation to housing benefit, includes discharge in any of those forms.

(3) Housing benefit shall be administered by—

(a) the Housing Executive in so far as it relates to persons who are tenants of the Executive, private tenants or tenants of registered housing associations;

(b) the Department of the Environment in so far as it relates to persons who own and occupy their dwellings.

(4) Regulations may provide that in prescribed cases a payment made by a person entitled to a rent allowance shall be treated for the purposes of subsection (1)(a) above as being, to such extent as may be prescribed, a payment by way of rates.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) Circumstances may be prescribed in which a rate rebate may be treated as if it fell to be paid as a rent allowance.

(6) In this section—

"private tenants" means tenants under any tenancy except—

(a) a tenancy under which the estate of the landlord belongs to—

(i) the Housing Executive; or

(ii) a registered housing association;

(b) a tenancy the purpose of which is to confer on the tenant the right to occupy a dwelling-house for a holiday;

"registered housing association" means a housing association registered in the register maintained under **[**F603Part II of the Housing (Northern Ireland) Order 1992 M34**]**.

Textual Amendments

F603 Words in definition in s. 126(6) substituted (15.9.1992) by S.I. 1992/1725 (N.I. 15), art. 107, **Sch. 8**, para.6.

Modifications etc. (not altering text)

C131 S. 126(2)(3)(b): functions transferred (1.12.1999) from the Department of the Environment to the Department of Finance and Personnel by S.R. 1999/481, art. 6(b), **Sch. 4 Pt. II**

Marginal Citations

M34 S.I. 1992/1725

127 Housing benefit finance.

(1) The Department shall in respect of each financial year pay to the Housing Executive a grant towards the expenditure incurred or to be incurred by the Executive in that year under this Part (including, if the Department so determines, an amount towards the cost of administering housing benefit).

(2) The amount of the grant under subsection (1) above which is to be paid to the Housing Executive shall be such as the Department may, with the approval of the Department of Finance and Personnel, determine.

(3) A grant under subsection (1) above shall be payable by the Department at such time and in such manner as the Department may think fit.

Modifications etc. (not altering text)

C132 S. 127(2)(3) applied (2.7.2001) by 2000 c. 4 (N.I.), **s. 61(2)** (with s. 66(6)); S.R. 2001/249, **art. 2(a)**

128 Claims etc.

(1) Unless the Department otherwise determines, a grant under section 127 above shall not be payable until the Housing Executive has made a claim for it in such form as the Department may determine.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) The Department may withhold from the Housing Executive so much of any grant under section 127 above as it thinks fit until either—

(a) the Executive has supplied it with prescribed particulars relating to its claim for a grant and complied with prescribed conditions as to records, certificates, audit or otherwise; or

(b) the Department is satisfied that there is a good reason for the Executive's failure to supply those particulars or comply with those conditions.

(3) If the Housing Executive fails to make a claim for a grant within such period as the Department considers reasonable, the Department may withhold from the Executive such part of the grant as it thinks fit for so long as it thinks fit.

(4) Where the amount of the grant paid to the Housing Executive for any year is found to be incorrect, the amount payable to it for any subsequent year may be adjusted for the purpose of rectifying that mistake in whole or in part.

[F604 Reports]

Textual Amendments

F604 Ss. 128A-128C and the preceding *cross-heading* inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 5**; S.R. 1997/316, art. 2, **Sch.**

[F605 128A Persons to report on administration.

(1) The Department may authorise persons to consider and report to it on the administration by the Housing Executive of housing benefit and, in particular, the Executive's performance in the prevention and detection of fraud relating to that benefit.

(2) A person may be authorised under subsection (1) above on such terms and for such period as the Department thinks fit.]

Textual Amendments

F605 Ss. 128A-128C and the preceding *cross-heading* inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 5**; S.R. 1997/316, art. 2, **Sch.**

[F606 128B Powers of investigation.

(1) A person authorised under section 128A(1) above—

(a) has a right of access at all reasonable times to any document relating to the administration of housing benefit;

(b) is entitled to require from any person holding or accountable for any such document such information and explanation as he thin-ks necessary; and

(c) is entitled, if he thinks it necessary, to require any such person to produce any such document or to attend before him in person to give such information or explanation.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) A person authorised under section 128A(1) above is entitled to require any officer or member of the Housing Executive or any person involved in the administration of housing benefit for the Executive—

(a) to give him such information and explanation relating to the administration of housing benefit as he thinks necessary; and

(b) if he thinks it necessary, to require any such person to attend before him in person to give the information or explanation.

(3) A person who without reasonable excuse fails to comply with a requirement under subsection (1) or (2) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) A person authorised under section 128A(1) above may—

(a) require any document or information which is to be given to him under subsection (1) or (2) above to be given in any form reasonably specified by him; and

(b) take copies of any document produced to him.

(5) In this section "document" means anything in which information of any description is recorded.**]**

Textual Amendments

F606 Ss. 128A-128C and the preceding*cross-heading* inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 5**; S.R. 1997/316, art. 2, **Sch.**

[F607128CReports.

(1) A report about the Housing Executive by a person authorised under section 128A(1) above may include recommendations about improvements which could be made by the Executive in its administration of housing benefit and, in particular, in the prevention and detection of fraud relating to that benefit.

(2) When the Department receives a report about the Housing Executive from a person authorised under section 128A(1) above, it shall send a copy to the Executive.**]**

Textual Amendments

F607 Ss. 128A-128C and the preceding*cross-heading* inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 5**; S.R. 1997/316, art. 2, **Sch.**

[F608Directions by Department]

Textual Amendments

F608 S. 128D and the preceding*cross-heading* inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 8**; S.R. 1997/316, art. 2, **Sch.**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F609 128D Directions.

(1) This section applies where—

(a) a copy of a report has been sent to the Housing Executive under section 128C(2) above;

[F610 (b) a report has been laid before the Assembly under Article 21(5) of the Housing (Northern Ireland) Order 1981; or]

(c) a copy of a report has been sent to the Housing Executive under Article 6(7) of the Social Security Administration (Fraud) (Northern Ireland) Order 1997.

(2) The Department may [F611 require] the Housing Executive to consider the report and to submit proposals for—

(a) improving the Executive's performance in relation to the prevention and detection of fraud relating to housing benefit or otherwise in relation to the administration of that benefit; and

(b) remedying any failings identified by the report.

[F612 (2A) A requirement under subsection (2) above may specify—

(a) any information or description of information to be provided;

(b) the form and manner in which the information is to be provided.

(2B) The Housing Executive must respond to a requirement under subsection (2) above before the end of such period (not less than one month after the day on which the requirement is made) as the Department specifies in the requirement.

(2C) The Department may extend the period specified under subsection (2B) above.]

[F613 (3) After considering—

(a) the report,

(b) any proposals made by the Housing Executive in response to it, and

(c) any other information the Department thinks is relevant,

the Department may give directions to the Housing Executive under subsection (3A) or (3B) below or both.

(3A) Directions under this subsection are directions as to—

(a) standards which the Housing Executive is to attain in the prevention and detection of fraud relating to housing benefit or otherwise in the administration of that benefit;

(b) the time within which the standards are to be attained.

(3B) Directions under this subsection are directions to take such action as the Department thinks necessary or expedient for the purpose of improving the Housing Executive's exercise of its functions—

(a) in relation to the prevention and detection of fraud relating to housing benefit;

(b) otherwise in relation to the administration of that benefit.

(3C) A direction under subsection (3B) above may specify the time within which anything is to be done.]

(4) When giving directions to the Housing Executive under [F614 subsection (3A)] above, the Department may make recommendations to the Executive setting out any course of action which the Department thinks the Executive might take to attain the standards which it is directed to attain.]

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F615(5) If the Department proposes to give a direction under this section it must give the Housing Executive an opportunity to make representations about the proposed direction.

(6) The Department may specify a period within which representations mentioned in subsection (5) above must be made.

(7) The Department may extend a period specified under subsection (6) above.

(8) Subsections (5) to (7) above do not apply if the Department thinks that it is necessary for a direction to be given as a matter of urgency.

(9) If the Department acts under subsection (8) above it must give in writing to the Housing Executive its reasons for doing so.**]**

Textual Amendments

F609 S. 128D and the preceding*cross-heading* inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 8**; S.R. 1997/316, art. 2, **Sch.**

F610 S. 128D(1)(b) substituted (1.4.2003) by The Audit and Accountability (Northern Ireland) Order 2003 (S.I. 2003/418), art. 1(2), **Sch. 2 para. 4**

F611 Word in s. 128D(2) substituted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 36(2)**, 60(1); S.R. 2008/147, art. 2(a)

F612 Ss. 128D(2A)-(2C) inserted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 36(3)**, 60(1); S.R. 2008/147, art. 2(a)

F613 Ss. 128D(3)-(3C) substituted for s. 128D(3) (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 36(4)**, 60(1); S.R. 2008/147, art. 2(a)

F614 Words in s. 128D(4) substituted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 36(5)**, 60(1); S.R. 2008/147, art. 2(a)

F615 Ss. 128D(5)-(9) added (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 36(6)**, 60(1); S.R. 2008/147, art. 2(a)

[F616**128DA Directions: variations and revocation**

(1) The Department may at any time in accordance with this section vary or revoke a direction under section 128D above.

(2) A direction may be varied or revoked only if the Department thinks it is necessary to do so—

(a) in consequence of representations made by the Housing Executive,

(b) to rectify an omission or error, or

(c) in consequence of a material change in circumstances.

(3) The Department must not vary a direction unless it first—

(a) sends a copy of the proposed variation to the Housing Executive,

(b) gives the Housing Executive its reasons for making the variation, and

(c) gives the Housing Executive an opportunity to make representations about the proposed variation.

(4) The Department may specify a period of not less than one month within which representations mentioned in subsection (3)(c) above must be made.

(5) The Department may extend a period specified under subsection (4) above.**]**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F616 S. 128DA inserted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 36(7)**, 60(1); S.R. 2008/147, art. 2(a)

[128E F617Information about attainment of standards.

(1) Where directions have been given to the Housing Executive under [F618section 128D(3A) or (3B)] above, the Department may require the Executive to supply to it any information which the Department considers may assist it in deciding—

(a) whether the Executive has attained the standards which it has been directed to attain; or

[F619(aa) whether the Housing Executive has taken the action which it has been directed to take;]

(b) whether the Executive is likely to attain those standards [F620or take that action] within the time specified in the directions.

(2) Information shall be supplied under subsection (1) above in such manner and form as the Department may require.]

Textual Amendments

F617 Ss.128E-128H inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 9**; S.R. 1997/316, art. 2, **Sch.**

F618 Words in s. 128E(1) substituted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 5 para. 2(a)**; S.R. 2008/147, art. 2(c)

F619 S. 128E(1)(aa) inserted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 5 para. 2(b)**; S.R. 2008/147, art. 2(c)

F620 Words in s. 128E(1)(b) inserted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 5 para. 2(c)**; S.R. 2008/147, art. 2(c)

[F621128EE Financing of other expenditure.

(1) The Department may make to any relevant authority such payments as it thinks fit in respect of expenses incurred by that authority in connection with the carrying out of any relevant function—

(a) by that authority,

(b) by any person providing services to that authority, or

(c) by any person authorised by that authority to carry out that function.

(2) In subsection (1)—

"relevant authority" means any authority (other than a government department) for the purposes of section 2A, 2C or 5A above;

"relevant function" means any function conferred by virtue of section 2A, 2C or 5A above.]

Textual Amendments

F621 S. 128EE inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), art. 74, **Sch. 9 para. 56** (with art. 75)

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F622 128F Enforcement notices.

(1) Where directions have been given to the Housing Executive under [F623 section 128D(3A) or (3B)] above and the Department—

(a) is not satisfied that the Executive has attained the standards which it has been directed to attain; or

[F624 (aa) is not satisfied that the Housing Executive has taken the action which it has been directed to take;]

(b) is not satisfied that the Executive is likely to attain those standards [F625 or take that action] within the time specified in the directions,

the Department may serve on the Executive a written notice under this section.

(2) The notice shall—

(a) identify the directions and state why the Department is not satisfied as mentioned in paragraph (a) [F626, (aa)] or (b) of subsection (1) above; and

(b) require the Housing Executive to submit a written response to the Department within a time specified in the notice.

(3) If any person (other than the Housing Executive) carrying out work relating to the administration of housing benefit may be affected by any determination which may be made under section 128G below, the Executive shall—

(a) consult that person before submitting its response; and

(b) include in its response any relevant observations made by that person.

(4) [F627 If the notice identifies directions under section 128D(3A) above,] the Housing Executive's response shall either—

(a) state that the Executive has attained the standards, or is likely to attain them within the time specified in the directions, and justify that statement; or

(b) state that the Executive has not attained the standards, or is not likely to attain them within that time, and (if the Executive wishes) give reasons why a determination under section 128G below should not be made or should not include any particular provision.

[F628 (4A) If the notice identifies directions under section 128D(3B) above, the Housing Executive's response shall either—

(a) state that the Housing Executive has taken the action, or is likely to take it within the time specified in the directions, and justify that statement; or

(b) state that the Housing Executive has not taken the action, or is not likely to take it within that time, and (if the Housing Executive wishes) give reasons why a determination under section 128G below should not be made or should not include any particular provision.]

(5) The notice may relate to any one or more matters covered by the directions.

(6) The serving of a notice under this section relating to any directions or matter does not prevent the serving of further notices under this section relating to the same directions or matter.]

Textual Amendments

F622 Ss.128E-128H inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 9**; S.R. 1997/316, art. 2, **Sch.**

F623 Words in s. 128F(1) substituted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 5 para. 3(2)(a)**; S.R. 2008/147, art. 2(c)

Status: *Point in time view as at 26/09/2023.*
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F624 S. 128F(1)(aa) inserted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 5 para. 3(2)(b)**; S.R. 2008/147, art. 2(c)

F625 Words in s. 128F(1)(b) inserted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 5 para. 3(2)(c)**; S.R. 2008/147, art. 2(c)

F626 Word in s. 128F(2)(a) inserted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 5 para. 3(3)**; S.R. 2008/147, art. 2(c)

F627 Words in s. 128F(4) inserted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 5 para. 3(4)**; S.R. 2008/147, art. 2(c)

F628 S. 128F(4A) inserted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 5 para. 3(5)**; S.R. 2008/147, art. 2(c)

[F629 128Œ Enforcement determinations.

(1) Where, after the time specified in the notice under section 128F above has expired, the Department—

(a) is not satisfied that the Housing Executive has attained the standards **[**F630 or taken the action**]** in question; or

(b) is not satisfied that the Executive is likely to attain those standards **[**F631 or take that action**]** within the time specified in the directions,

the Department may make a determination under this section.

(2) The determination may be made whether or not the Housing Executive has responded to the notice under section 128F above.

(3) The determination shall be designed to secure the attainment of the standards **[**F632 or the taking of the action**]** in question and—

(a) shall include provision such as is specified in subsection (4) below; and

(b) may also include provision such as is specified in subsection (5) below.

(4) The provision referred to in paragraph (a) of subsection (3) above is provision that the Housing Executive must comply with specified requirements as to inviting, preparing, considering and accepting bids to carry out any work which—

(a) falls to be carried out in pursuance of the Executive's functions relating to the administration of housing benefit; and

(b) is of a description specified in the determination.

(5) The provision referred to in paragraph (b) of that subsection is provision of any one or more of the following kinds relating to the work, or any specified category of the work, to which the determination relates—

(a) provision that it may not be carried out by the Housing Executive;

(b) provision that it may not be carried out by any person (other than the Executive) who has been carrying it out; and

(c) provision that any contract made by the Executive with any person for carrying it out shall include terms requiring a level of performance which will secure, or contribute to securing, the attainment of the standards **[**F633 or the taking of the action**]** in question.**]**

Textual Amendments

F629 Ss.128E-128H inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 9**; S.R. 1997/316, art. 2, **Sch.**

Status: *Point in time view as at 26/09/2023.*
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F630 Words in s. 128G(1)(a) inserted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 5 para. 4(2)(a)**; S.R. 2008/147, art. 2(c)
F631 Words in s. 128G(1)(b) inserted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 5 para. 4(2)(b)**; S.R. 2008/147, art. 2(c)
F632 Words in s. 128G(3) inserted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 5 para. 4(3)**; S.R. 2008/147, art. 2(c)
F633 Words in s. 128G(5)(c) inserted (1.4.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 5 para. 4(3)**; S.R. 2008/147, art. 2(c)

[F634 128H Enforcement determinations: supplementary.

(1) The provisions included in a determination under section 128G above shall take effect from a date specified in the determination; and different dates may be specified in relation to different provisions.

(2) The making of a determination under section 128G above in relation to any directions does not prevent the making of further determinations under that section in relation to the same directions.

(3) The provision included in a determination by virtue of section 1286(3) above may include—

(a) requirements that the Department be satisfied as to any specified matter; and

(b) requirements that the Department authorise or consent to any specified matter.

(4) The provision so included may also include provision as to the time at which any contract for the carrying out of work to which the determination relates (and which is not previously discharged) is to be taken to be frustrated by the determination.

(5) A determination under section 128G above shall have effect in spite of any statutory provision under or by virtue of which the Housing Executive is required or authorised to carry out any work to which the determination relates.**]**

Textual Amendments
F634 Ss.128E-128H inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 9**; S.R. 1997/316, art. 2, **Sch.**

PART IX

ALTERATION OF CONTRIBUTIONS AND BENEFITS

Alteration of contributions, etc.

129 Amendments following alterations in Great Britain.

Whenever the **[**F635Treasury**]** makes an order under section 141, 143, F636. . . **[**F637or 145**]** of the Great Britain Administration Act (alteration of contributions), the **[**F638order may also make corresponding provision**]** for Northern Ireland.

Status: *Point in time view as at 26/09/2023.*
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Textual Amendments

F635 Word in s. 129 substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 43(a)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F636 Words in s. 129 repealed (6.4.2000) by 1999 c. 30, s. 88, **Sch. 13 Pt. VII**; S.I. 1999/3420, **art. 4(e)**

F637 Words in s. 129 substituted (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 61(1), **Sch. 6 para. 72**; S.R. 1999/72, art. 2(b), **Sch.**

F638 Words in s. 129 substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 43(b)**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

130 Revaluation of earnings factors.

Whenever the Secretary of State makes an order under section 148 of the Great Britain Administration Act **[**[F639](revaluation of earnings factors), the Department may make a corresponding order for Northern Ireland**]**.

Textual Amendments

F639 Words in s. 130 substituted (16.12.1995 subject to Sch. 2 of the amending S.I.) by S.I. 1995/3213 (N.I. 22), **arts. 1**, 125(3) (with art. 125(4)-(6))

Modifications etc. (not altering text)

C133 S. 130 extended (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), **ss. 44(8)**, 173(4) (with s. 108(5))

[[F640]130A Revaluation of low earnings threshold

Whenever the Secretary of State makes an order under section 148A of the Great Britain Administration Act (revaluation of low earnings threshold), the Department may make a corresponding order for Northern Ireland.**]**

Textual Amendments

F640 S. 130A inserted (8.1.2001 for certain purposes, otherwise 1.2.2001) by 2000 c. 4 (N.I.), **s. 32**, (with s. 66(6)); S.R. 2000/358, art. 2(e), **Sch. Pt. IV** (as amended by S.R. 2000/374, **art. 3**); S.R. 2001/34, **art. 2(c)**

[[F641]130AA Revaluation of flat rate accrual amount

Whenever the Secretary of State makes an order under section 148AA of the Great Britain Administration Act (revaluation of flat rate accrual amount), the Department may make a corresponding order for Northern Ireland.**]**

Textual Amendments

F641 S. 130AA inserted (11.2.2008) by Pensions Act (Northern Ireland) 2008 (c. 1), **Sch. 2 para. 2**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F642 130AC Revaluation for transitional pensions under Pensions Act (Northern Ireland) 2015

(1) Whenever the Secretary of State makes an order under section 148AC of the Great Britain Administration Act (revaluation for transitional pensions under Pensions Act 2014), the Department may make a corresponding order for Northern Ireland.

(2) The percentage specified in an order under subsection (1) is the "revaluing percentage" for the purposes of paragraph 6(5) of Schedule 1 to the Pensions Act (Northern Ireland) 2015.**]**

Textual Amendments

F642 S. 130AC inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 16**

[F643 130AD Revaluation of new state scheme pension debits and credits

Whenever the Secretary of State makes an order under section 148AD of the Great Britain Administration Act, the Department may make a corresponding order for Northern Ireland.**]**

Textual Amendments

F643 S. 130AD inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 11 para. 7**

[F644 131 Statutory sick pay - power to alter limit for small employers' relief.

Whenever the Secretary of State makes regulations prescribing an amount which an employer's contributions payments must not exceed if he is to be a small employer for the purposes of section 154 of the Great Britain Contributions and Benefits Act, the Department shall make corresponding regulations for Northern Ireland.**]**

Textual Amendments

F644 S. 131 ceased to have effect (6.4.1995) by virtue of S.R. 1995/96, **art. 6(2)(b)**

Review and alteration of benefits

132 Annual up-rating of benefits.

(1) Whenever the Secretary of State **[**F645or the Treasury**]** makes an order under section 150 of the Great Britain Administration Act the Department may make a corresponding order for Northern Ireland.

(2) An increase in a sum such as is specified in subsection (3)(b) below shall form part of the Category A or Category B retirement pension of the person to whom it is paid and an increase in a sum such as is specified in subsection (3)(a) below shall be added to and form part of that pension but shall not form part of the sum increased.

Status: *Point in time view as at 26/09/2023.*
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(3) The sums referred to in subsection (2) above are those which are—

(a) payable by virtue of **[**F646section 11(1) of the Pensions Act**]** to a **[**F647relevant person**]** (including any sum payable by virtue of **[**F646section 13(2) of that Act**]**); or

(b) payable to such a person as part of his Category A or Category B retirement pension by virtue of—

(i) an order made under this section corresponding to an order made under section 150 of the Great Britain Administration Act by virtue of paragraph (e)(ii) of subsection (1) of that section;

(ii) an order made under section 120 of the M351975 Act corresponding to an order made under section 126A of the Social Security Act 1975; or

(iii) an order made under Article 64 of the M361986 Order corresponding to an order made under section 63(1)(d) of the Social Security Act 1986.

[F648(3ZA) In subsection (3)(a) "relevant person" means a person—

(a) who became entitled to a Category A or Category B retirement pension before the day on which section 3(1) of the Pensions Act (Northern Ireland) 2012 comes into operation, and

(b) to whom sums became payable by virtue of section 11(1) of the Pensions Act (including sums payable by virtue of section 13(2) of that Act) before that day.

(3ZB) In subsection (3ZA)—

(a) a reference to becoming entitled to a pension before a day includes a reference to becoming entitled on or after that day to the payment of a pension in respect of a period before that day;

(b) a reference to sums becoming payable before a day includes a reference to sums becoming payable on or after that day in respect of a period before that day.**]**

[F649(3A) Where a member of **[**F650a scheme which was at a time before **[**F6517 June 2012 (the date appointed for the commencement of section 13(1) of the Pensions Act (Northern Ireland) 2008)**]]** an appropriate personal pension scheme or a money purchase contracted-out scheme continues in employment after attaining pensionable age and the commencement of his pension under the scheme is postponed, the preceding provisions of this section shall have effect as if—

(a) the guaranteed minimum pension to which he is treated as entitled by virtue of section 44(2)(a) of the Pensions Act were subject to increases in accordance with the provisions of section 11(1) of that Act; and

(b) the amounts of any notional increases referred to in paragraph (a) above were subject to annual up-rating in the same way as if they were sums to which subsection (3)(a) above applied.**]**

[F652(3B) Subsection (3A) does not have effect unless—

(a) the member became entitled to a Category A or Category B retirement pension before the day on which section 3(2) of the Pensions Act (Northern Ireland) 2012 comes into operation, and

(b) the member's postponed pension under the scheme became payable before that day.

(3C) In subsection (3B)—

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(a) a reference to becoming entitled to a pension before a day includes a reference to becoming entitled on or after that day to the payment of a pension in respect of a period before that day;

(b) a reference to a pension becoming payable before a day includes a reference to a pension becoming payable on or after that day in respect of a period before that day.**]**

(4) Where any increment under **[**F653section 11(1) of the Pensions Act**]**—

(a) is increased in any tax year by an order under **[**F653section 105 of that Act**]**; and

(b) in that tax year also falls to be increased by an order under this section,

the increase under this section shall be the amount that would have been specified in the order, but for this subsection, less the amount of the increase under Article 39A of the Pensions Order.

F654(5) . . . . . .

(6) The reference in subsection (1) above to an order made under section 150 of the Great Britain Administration Act includes a reference to an order made in exercise of the powers conferred by regulations made under subsection (11) of that section.

Textual Amendments

F645 Words in s. 132(1) inserted (26.2.2003 for specified purposes, 1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 4 para. 9**; S.I. 2003/392, art. 2 (subject to savings in art. 3)

F646 Words in s. 132(3)(a) substituted (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 41(a)**; S.R. 1994/17, **art. 2**

F647 Words in s. 132(3)(a) substituted (7.6.2012) by Pensions Act (Northern Ireland) 2012 (c. 3), **ss. 3(1)(a)**, 34(3); S.R. 2012/233, art. 2(2)(b)

F648 S. 132(3ZA)-(3ZB) inserted (7.6.2012) by Pensions Act (Northern Ireland) 2012 (c. 3), **ss. 3(1)(b)**, 34(3); S.R. 2012/233, art. 2(2)(b)

F649 S. 132(3A) inserted (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 41(b)**; S.R. 1994/17, **art. 2**

F650 Words in s. 132(3A) inserted (6.4.2012) by The Pensions (2008 Act) (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Provisions) Regulations (Northern Ireland) 2012 (S.R. 2012/120), regs. 1(a), **2(2)**

F651 Words in s. 132(3A) substituted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 13 para. 55**

F652 S. 132(3B)-(3C) inserted (7.6.2012) by Pensions Act (Northern Ireland) 2012 (c. 3), **ss. 3(2)**, 34(3); S.R. 2012/233, art. 2(2)(b)

F653 Words in s. 132(4) substituted (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 41(c)**; S.R. 1994/17, **art. 2**

F654 S. 132(5) omitted (7.6.2012) by virtue of Pensions Act (Northern Ireland) 2012 (c. 3), **ss. 3(3)**, 34(3) (with s. 3(4)); S.R. 2012/233, art. 2(2)(b)

Modifications etc. (not altering text)

C134 S. 132: certain functions of the Secretary of State or the Department of Health and Social Services for Northern Ireland transferred (5.10.1999) to the Treasury by 1999 c. 10, ss. 2, 20(2), **Sch. 2 Pt. I para. 4**

C135 Ss. 132-134: transfer of functions (1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), **ss. 49(4)**, 61 (with s. 54(1)(3)(4)(6)(8)); S.I. 2003/392, art. 2 (subject to savings in art. 3)

C136 S. 132 modified (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(c), **8(2)**

Status: *Point in time view as at 26/09/2023.*
***Changes to legislation:** Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

C137 S. 132(2) modified (5.10.1999) by 1999 c. 10, ss. 2, 20(2), **Sch. 2** Pt. Pt. V para. 20(f)

Marginal Citations

M35 1975 c. 14.

M36 1986 c. 50.

[F655 132A Annual up-rating of basic pension etc. and standard minimum guarantee

Whenever the Secretary of State makes an order under section 150A of the Great Britain Administration Act, the Department may make a corresponding order for Northern Ireland.]

Textual Amendments

F655 S. 132A inserted (with effect in accordance with s. 5(3)(4) of the amending Act) by Pensions Act (Northern Ireland) 2008 (c. 1), **s. 5(1)**

[F656 132B Up-rating of transitional state pensions under Pensions Act (Northern Ireland) 2015

Whenever the Secretary of State makes an order under section 151A of the Great Britain Administration Act (up-rating of transitional state pensions under Pensions Act 2014), the Department may make a corresponding order for Northern Ireland.]

Textual Amendments

F656 S. 132B inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 17**

133 Rectification of mistakes in up-rating orders.

Whenever the Secretary of State [F657 or the Treasury] makes an order under section 152 of the Great Britain Administration Act, the Department may make a corresponding order for Northern Ireland.

Textual Amendments

F657 Words in s. 133 inserted (26.2.2003 for specified purposes, 1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 4 para. 9**; S.I. 2003/392, art. 2 (subject to savings in art. 3)

Modifications etc. (not altering text)

C135 Ss. 132-134: transfer of functions (1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), **ss. 49(4)**, 61 (with s. 54(1)(3)(4)(6)(8)); S.I. 2003/392, art. 2 (subject to savings in art. 3)

Status: *Point in time view as at 26/09/2023.*
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134 Social security benefits in respect of children.

(1) Regulations may, with effect from any day on or after that on which there is an increase in the rate or any of the rates of child benefit, reduce any sum specified in any of the provisions mentioned in subsection (2) below to such extent as the Department thinks appropriate having regard to that increase.

(2) The provisions referred to in subsection (1) above are the following provisions of Schedule 4 to the Contributions and Benefits Act—

(a) paragraph 6 of Part I (child's special allowance);

F658(b) . . . . . .

F658(c) . . . . . .

(d) paragraph 7 of Part V (increase of weekly rate of disablement pension in respect of child dependants);

(e) paragraph 12 of Part V (allowance in respect of deceased's children).

Textual Amendments

F658 S. 134(2)(b)(c) repealed (1.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/392, art. 2; (subject to savings in art. 3)

Modifications etc. (not altering text)

C135 Ss. 132-134: transfer of functions (1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), **ss. 49(4)**, 61 (with s. 54(1)(3)(4)(6)(8)); S.I. 2003/392, art. 2 (subject to savings in art. 3)

PART X

COMPUTATION OF BENEFITS

135 Effect of alteration of rates of benefit under Parts II to V of Contributions and Benefits Act.

(1) This section has effect where the rate of any benefit to which this section applies is altered—

(a) by a statutory provision made subsequent to this Act;

(b) by an order under section 132 **[**F659, 132A**]** or 133 above; or

(c) in consequence of any such statutory provision or order altering any maximum rate of benefit;

and in this section "the commencing date" means the date fixed for payment of benefit at an altered rate to commence.

(2) This section applies to benefit under Part II, III, IV or V of the Contributions and Benefits Act.

(3) Subject to such exceptions or conditions as may be prescribed, where—

(a) the weekly rate of a benefit to which this section applies is altered to a fixed amount higher or lower than the previous amount; and

(b) before the commencing date an award of that benefit has been made (whether before or after the making of the relevant statutory provision),

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except as respects any period falling before the commencing date, the benefit shall become payable at the altered rate without any claim being made for it in the case of an increase in the rate of benefit or any review of the award in the case of a decrease, and the award shall have effect accordingly.

(4) Where—

(a) the weekly rate of a benefit to which this section applies is altered; and

(b) before the commencing date (but after that date is fixed) an award is made of the benefit,

the award either may provide for the benefit to be paid as from the commencing date at the altered rate or may be expressed in terms of the rate appropriate at the date of the award.

(5) Where in consequence of the making of a statutory provision altering the rate of disablement pension, regulations are made varying the scale of disablement gratuities, the regulations may provide that the scale as varied shall apply only in cases where the period taken into account by the assessment of the extent of the disablement in respect of which the gratuity is awarded begins or began after such day as may be prescribed.

(6) Subject to such exceptions or conditions as may be prescribed, where—

(a) for any purpose of any statutory provision the weekly rate at which a person contributes to the cost of providing for a child **[**F660or qualifying young person**]**, or to the maintenance of an adult dependant, is to be calculated for a period beginning on or after the commencing date for an increase in the weekly rate of benefit; but

(b) account is to be taken of amounts referable to the period before the commencing date,

those amounts shall be treated as increased in proportion to the increase in the weekly rate of benefit.

[F661(7) So long as sections 35 and 36 of the National Insurance Act (Northern Ireland) 1966 (graduated retirement benefit) continue in force by virtue of regulations made under Schedule 3 to the Social Security (Consequential Provisions) Act 1975 or under Schedule 3 to the Consequential Provisions Act, regulations may make provision for applying the provisions of this section—

(a) to the amount of graduated retirement benefit payable for each unit of graduated contributions,

(b) to increases of such benefit under any provisions made by virtue of Article 26(1)(a) of the Pensions Order or section 62(1)(a) of the Contributions and Benefits Act, and

(c) to any addition under section 36(1) of the National Insurance Act (Northern Ireland) 1966 (addition to weekly rate of retirement pension for **[**F662widows, widowers and surviving civil partners**]**) to the amount of such benefit.**]**

Textual Amendments

F659 Word in s. 135(1)(b) inserted (with effect in accordance with s. 5(3)(4) of the amending Act) by Pensions Act (Northern Ireland) 2008 (c. 1), **Sch. 1 para. 21**

F660 Words in s. 135(6) inserted (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), **Sch. 1 para. 49**

F661 S. 135(7) inserted (19.12.1995) by S.I. 1995/3213 (N.I. 22), arts. 1(2), 165, **Sch. 4**, para. 3; S.R. 1995/477, art. 2, **Sch. Pt. I**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F662 Words in s. 135(7)(c) substituted (5.12.2005) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order (Northern Ireland) 2005 (S.R. 2005/434), art. 1(3), **Sch. para. 9**

Modifications etc. (not altering text)

C138 S. 135(3) excluded (6.4.2020) by The Social Security Benefits Up-rating Regulations (Northern Ireland) 2020 (S.R. 2020/41), regs. 1(1), **2**

C139 S. 135(3) excluded (6.4.2020) by The Guardians Allowance Up-rating Regulations 2020 (S.I. 2020/302), regs. 1(1), **2**

C140 S. 135(3) excluded (12.4.2021) by The Guardian's Allowance Up-rating Regulations 2021 (S.I. 2021/256), regs. 1(1), **2**

C141 S. 135(3) excluded (11.4.2022) by The Social Security Benefits Up-rating Regulations (Northern Ireland) 2022 (S.R. 2022/144), regs. 1(1), **2**

C142 S. 135(3) excluded (11.4.2022) by The Guardian's Allowance Up-rating Regulations 2022 (S.I. 2022/236), regs. 1(1), **2**

C143 S. 135(3) excluded (10.4.2023) by The Guardian's Allowance Up-rating Regulations 2023 (S.I. 2023/280), regs. 1(1), **2**

C144 S. 135(3) excluded (10.4.2023) by The Social Security Benefits Up-rating Regulations (Northern Ireland) 2023 (S.R. 2023/45), reg. 1(1), **2**

C145 S. 135(3) excluded (28.9.2022) by The Social Security Benefits Up-rating (No. 2) Regulations (Northern Ireland) 2022 (S.R. 2022/232), **reg. 2**

C146 S. 135(3) excluded (26.9.2023) by The Social Security Benefits Up-rating (No. 3) Regulations (Northern Ireland) 2023 (S.R. 2023/151), regs. 1(1), **2**

C147 S. 135(3) excluded (27.3.2023) by The Social Security (2022 Benefits Up-rating) Regulations (Northern Ireland) 2023 (S.R. 2023/30), **reg. 2**

[F663 135A Power to anticipate pensions up-rating order.

(1) This section applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—

(a) the amounts by which he proposes, by an order under section **[**F664**[**F665150, 150A or 151A**]** (as the case may be)**]** of the Great Britain Administration Act, to increase—

(i) the weekly sums that are payable by way of **[**F666state pension under the Pensions Act (Northern Ireland) 2015,**]** retirement pension **[**F667or shared additional pension**]**; or

(ii) the amount of graduated retirement benefit payable for each unit of graduated contributions; and

(b) the date on which he proposes to bring the increases into force ("the commencing date").

(2) Where, before the commencing date and after the date on which the statement is made, an award is made of **[**F668a state pension,**]** a retirement pension **[**F669a shared additional pension**]** or a graduated retirement benefit, the award either may provide for the pension or benefit to be paid as from the commencing date at the increased rate or may be expressed in terms of the rate appropriate at the date of the award.**]**

Textual Amendments

F663 S. 135A inserted (16.11.1998) by S.I. 1998/1506 (N.I. 10), **art. 72**; S.R. 1998/395, **art. 2(2)** (subject to art. 3 (as amended (2.4.2001) by 2000 c. 4 (N.I.), **Sch. 9 Pt. I**; S.R. 2001/141, art. 2(1)(a), **Sch. Pt. I**))

Status: *Point in time view as at 26/09/2023.*
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F664 Words in s. 135A(1)(a) substituted (with effect in accordance with s. 5(3)(4) of the amending Act) by Pensions Act (Northern Ireland) 2008 (c. 1), **Sch. 1 para. 22**

F665 Words in s. 135A(1)(a) substituted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 18(2)(a)**

F666 Words in s. 135A(1)(a)(i) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 18(2)(b)**

F667 Words in s. 135A(1)(a)(i) inserted (1.12.2000) by S.I. 1999/3147 (N.I. 11), art. 74, **Sch. 9 para. 14(2)** (with art. 75); S.R. 2000/133, art. 2(3)(d), **Sch. Pt. IV**

F668 Words in s. 135A(2) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 18(3)**

F669 Words in s. 135A(2) inserted (1.12.2000) by S.I. 1999/3147 (N.I. 11), art. 74, **Sch. 9 para. 14(3)** (with art. 75); S.R. 2000/133, art. 2(3)(d), **Sch. Pt. IV**

F670F670[136 Up-rating under section 132 of pensions increased under section 52(3) of Contributions and Benefits Act.

(1) This section applies in any case where a person is entitled to a Category A retirement pension with an increase, under section 52(3) of the Contributions and Benefits Act, in the additional pension on account of the contributions of a spouse **[**F671or civil partner**]** who has died.

(2) Where in the case of any up-rating order under section 132 above—

(a) the spouse's **[**F672or civil partner's**]** final relevant year is the tax year preceding the tax year in which the up-rating order comes into force, but

(b) the person's final relevant year was an earlier tax year,

then the up-rating order shall not have effect in relation to that part of the additional pension which is attributable to the spouse's **[**F672or civil partner's**]** contributions.

(3) Where in the case of any up-rating order under section 132 above—

(a) the person's final relevant year is the tax year preceding the tax year in which the up-rating order comes into force, but

(b) the spouse's **[**F673or civil partner's**]** final relevant year was an earlier tax year,

then the up-rating order shall not have effect in relation to that part of the additional pension which is attributable to the person's contributions.**]**

Textual Amendments

F670 S. 136 substituted (16.12.1995 subject to Sch. 2 of the amending S.I.) by S.I. 1995/3213 (N.I. 22), **arts. 1(3)**, 127

F671 Words in s. 136(1) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 117(a)**; S.I. 2005/3255, art. 2(1), Sch.

F672 Words in s. 136(2) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 117(b)**; S.I. 2005/3255, art. 2(1), Sch.

F673 Words in s. 136(3) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 117(b)**; S.I. 2005/3255, art. 2(1), Sch.

Status: *Point in time view as at 26/09/2023.*
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137 Effect of alteration of rates of child benefit.

(1) Subsections (3) and (4) of section 135 above shall have effect where there is an increase in the rate or any of the rates of child benefit as they have effect in relation to the rate of benefit to which that section applies.

(2) Where in connection with child benefit—

(a) any question arises in respect of a period after the date fixed for the commencement of payment of child benefit at an increased rate—

(i) as to the weekly rate at which a person is contributing to the cost of providing for a child **[**F674or qualifying young person**]** ; or

(ii) as to the expenditure that a person is incurring in respect of a child **[**F674or qualifying young person**]** ; and

(b) in determining that question account falls to be taken of contributions made or expenditure incurred for a period before that date,

the contributions made or expenditure incurred before that date shall be treated as increased in proportion to the increase in the rate of benefit.

Textual Amendments

F674 Words in s. 137(2) inserted (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), **Sch. 1 para. 50**

138 Treatment of excess benefit as paid on account of child benefit.

(1) In any case where—

(a) any benefit as defined in section 121 of the Contributions and Benefits Act or any increase of such benefit ("the relevant benefit or increase") has been paid to a person for a period in respect of a child **[**F675or qualifying young person**]** ; and

(b) subsequently child benefit for that period in respect of the child **[**F676or qualifying young person**]** becomes payable at a rate which is such that, had the relevant benefit or increase been awarded after the child benefit became payable, the rate of the relevant benefit or increase would have been reduced,

then, except in so far as regulations otherwise provide, the excess shall be treated as paid on account of child benefit for that period in respect of the child **[**F676or qualifying young person**]** .

(2) In subsection (1) above "the excess" means so much of the relevant benefit or increase as is equal to the difference between—

(a) the amount of it which was paid for the period referred to in that subsection; and

(b) the amount of it which would have been paid for that period if it had been paid at the reduced rate referred to in paragraph (b) of that subsection.

Textual Amendments

F675 Words in s. 138(1) inserted (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), **Sch. 1 para. 51(a)**

F676 Words in s. 138(1) inserted (10.4.2006) by Child Benefit Act 2005 (c. 6), s. 6(2), **Sch. 1 para. 51(b)**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

139 Effect of alteration in the component rates of income support.

(1) Subject to such exceptions and conditions as may be prescribed, where—

(a) an award of income support is in force in favour of any person ("the recipient"); and

(b) there is an alteration in any of the relevant amounts, that is to say—

(i) any of the component rates of income support;

(ii) any of the other sums specified in regulations under Part VII of the Contributions and Benefits Act; or

(iii) the recipient's benefit income; and

(c) the alteration affects the computation of the amount of income support to which the recipient is entitled,

then subsection (2) or (3) below (as the case may be) shall have effect.

(2) Where, in consequence of the alteration in question, the recipient becomes entitled to an increased or reduced amount of income support ("the new amount"), then, as from the commencing date, the amount of income support payable to or for the recipient under the award shall be the new amount, without any further decision of **[**F677the Department**]**, and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration in question, the recipient continues on and after the commencing date to be entitled to the same amount of income support as before, the award shall continue in force accordingly.

(4) In any case where—

(a) there is an alteration in any of the relevant amounts; and

(b) before the commencing date (but after that date is fixed) an award of income support is made in favour of a person,

the award either may provide for income support to be paid as from the commencing date, in which case the amount shall be determined by reference to the relevant amounts which will be in force on that date, or may provide for an amount determined by reference to the amounts in force at the date of the award.

(5) In this section—

"alteration" means—

(a) in relation to—

(i) the component rates of income support; or

(ii) any other sums specified in regulations under Part VII of the Contributions and Benefits Act,

their alteration by or under any statutory provision whether or not contained in that Part; and

(b) in relation to a person's benefit income, the alteration of any of the applicable sums—

(i) by any statutory provision; or

(ii) by an order under section 132 **[**F678, 132A**][**F679, 132B**]** or 133 above,

to the extent that any such alteration affects the amount of his benefit income;

[F680"applicable sums" means sums to which an order made under **[**F681section 132, 132A or 132B**]** above corresponding to an order made under **[**F682section 150, 150A or 151A**]** (as the case may be) of the Great Britain Administration Act may apply;**]**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"benefit income", in relation to any person, means so much of his income as consists of—

(a) benefit under the Contributions and Benefits Act, other than income support;

(zaa) **[**[F683]state pension under Part 1 of the Pensions Act (Northern Ireland) 2015;**]**

(aa) **[**[F684] personal independence payment;**]** or

(b) a war disablement pension or war widow's pension;

"the commencing date", in relation to an alteration, means the date on which the alteration comes into force in the case of the person in question;

"component rate", in relation to income support, means the amount of—

(a) the sum referred to in section 125(5)(b)(i) and (ii) of the Contributions and Benefits Act; or

(b) any of the sums specified in regulations under section 131(1) of that Act;

"relevant amounts" has the meaning given by subsection (1)(b) above.

Textual Amendments

F677 Words in s. 139(2) substituted (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 73**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F678 Word in s. 139(5) inserted (with effect in accordance with s. 5(3)(4) of the amending Act) by Pensions Act (Northern Ireland) 2008 (c. 1), **Sch. 1 para. 23(a)**

F679 Words in s. 139(5) inserted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(2)(a)**

F680 Words in s. 139(5) substituted (with effect in accordance with s. 5(3)(4) of the amending Act) by Pensions Act (Northern Ireland) 2008 (c. 1), **Sch. 1 para. 23(b)**

F681 Words in s. 139(5) substituted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(2)(b)(i)**

F682 Words in s. 139(5) substituted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(2)(b)(ii)**

F683 Words in s. 139(5) inserted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(2)(c)**

F684 Words in s. 139(5) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 15**; S.R. 2016/215, art. 3(2)

[[F685]**139A Effect of alteration of rates of a jobseeker's allowance.**

(1) This section applies where—

(a) an award of a jobseeker's allowance is in force in favour of any person ("the recipient"); and

(b) an alteration—

(i) in any component of the allowance, or

(ii) in the recipient's benefit income, affects the amount of the jobseeker's allowance to which he is entitled.

(2) Subsection (3) applies where, as a result of the alteration, the amount of the jobseeker's allowance to which the recipient is entitled is increased or reduced.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) As from the commencing date, the amount of the jobseeker's allowance payable to or for the recipient under the award shall be the increased or reduced amount, without any further decision of **[**F686the Department**]**, and the award shall have effect accordingly.

(4) In any case where—

(a) here is an alteration of a kind mentioned in subsection (1)(b); and

(b) before the commencing date (but after that date is fixed) an award of a jobseeker's allowance is made in favour of a person,

the award may provide for the jobseeker's allowance to be paid as from the commencing date, in which case the amount of the jobseeker's allowance shall be determined by reference to the components applicable on that date, or may provide for an amount determined by reference to the components applicable at the date of the award.

(5) In this section—

"alteration" means—

(a) in relation to any component of a jobseeker's allowance, its alteration by or under any enactment; and

(b) in relation to a person's benefit income, the alteration of any of the applicable sums by any enactment or by an order under **[**F687section 132, 132A or 132B**]** above, to the extent that any such alteration affects the amount of the recipient's benefit income;

"applicable sums" has the same meaning as in section 139 above;

"benefit income", in relation to a recipient, means so much of his income as consists of—

(a) benefit under the Contributions and Benefits Act;

(zaa) **[**F688state pension under Part 1 of the Pensions Act (Northern Ireland) 2015;**]**

(aa) **[**F689personal independence payment;**]** or

(b) a war disablement pension or war widow's pension;

"the commencing date" in relation to an alteration, means the date on which the alteration comes into operation in relation to the recipient;

"component", in relation to a jobseeker's allowance, means any of the sums specified in regulations under the Jobseekers (Northern Ireland) Order 1995 which are relevant in calculating the amount payable by way of a jobseeker's allowance.**]**

Textual Amendments

F685 S. 139A inserted (7.10.1996) by S.I. 1995/2705 (N.I. 15), **art. 26**; S.R. 1996/401, **art. 2(b)**

F686 Words in s. 139A(3) substituted (18.10.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6 para. 74**; S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16)

F687 Words in s. 139A(5) substituted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(3)(a)**

F688 Words in s. 139A(5) inserted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(3)(b)**

F689 Words in s. 139A(5) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 16**; S.R. 2016/215, art. 3(2)

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F690 139B Effect of alterations affecting state pension credit

(1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) below shall have effect where—

(a) an award of state pension credit is in force in favour of any person ("the recipient"); and

(b) an alteration—

(i) in any component of state pension credit,

(ii) in the recipient's benefit income,

(iii) in any component of a contribution-based jobseeker's allowance,

F691 [(iiia) in any component of a contributory employment and support allowance,] or

(iv) in the recipient's war disablement pension or war widow's or widower's pension,

affects the computation of the amount of state pension credit to which he is entitled.

(2) Where, as a result of the alteration, the amount of state pension credit to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of state pension credit payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Department, and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount of state pension credit as before, the award shall continue in force accordingly.

(4) Subsection (5) below applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—

(a) in relation to any of the items referred to in subsection (1)(b)(i) to (iv) above, the amount of the alteration which he proposes to make by an order under section 150 [F692, 150A][F693, 151A] or 152 of the Great Britain Administration Act or by or under any other enactment; and

(b) the date on which he proposes to bring the alteration into force ("the proposed commencing date").

(5) If, in a case where this subsection applies, an award of state pension credit is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—

(a) may provide for state pension credit to be paid as from the proposed commencing date at a rate determined by reference to the amounts of the items specified in subsection (1)(b)(i) to (iv) above which will be in force on that date; or

(b) may be expressed in terms of the amounts of those items in force at the date of the award.

(6) In this section—

"alteration" means—

(a) in relation to any component of state pension credit, its alteration by or under any enactment;

(b) in relation to a person's benefit income, the alteration of any of the applicable sums by any enactment or by an order under [F694 section 132,

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132A, 132B**]** or 133 above to the extent that any such alteration affects the amount of his benefit income;

(c) in relation to any component of a contribution-based jobseeker's allowance, its alteration by or under any enactment; and

(d) in relation to a person's war disablement pension or war widow's or widower's pension, its alteration by or under any enactment;

[[F695]"applicable sums" has the same meaning as in section 139 above;**]**

"benefit income", in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act **[**[F696], state pension under Part 1 of the Pensions Act (Northern Ireland) 2015**][**[F697]or personal independence payment**]** ;

"the commencing date", in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

"component"—

(a) in relation to contribution-based jobseeker's allowance, means any of the sums specified in regulations under the Jobseekers (Northern Ireland) Order 1995 which are relevant in calculating the amount payable by way of a jobseeker's allowance;

(b) in relation to state pension credit, means any of the sums specified in regulations under section 2, 3 or 12 of the State Pension Credit Act (Northern Ireland) 2002;

(c) **[**[F698]in relation to a contributory employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 which are relevant in calculating the amount payable by way of a contributory employment and support allowance;**]**

"war disablement pension" means—

(a) any retired pay, pension or allowance granted in respect of disablement under powers conferred by or under—

(i) the Air Force (Constitution) Act 1917;

(ii) the Personal Injuries (Emergency Provisions) Act 1939;

(iii) the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939;

(iv) the Polish Resettlement Act 1947; or

(v) Part VII or section 151 of the Reserve Forces Act 1980; or

(b) without prejudice to paragraph (a), any retired pay or pension to which **[**[F699]any of paragraphs (a) to (f) of section 641(1) of the Income Tax (Earnings and Pensions) Act 2003**]** applies;

"war widow's or widower's pension" means—

(a) **[**[F700]any widow's, widower's or surviving civil partner's**]** pension or allowance granted in respect of a death due to service or war injury and payable by virtue of any enactment mentioned in paragraph (a) of the definition of "war disablement pension"; or

(b) a pension or allowance for a **[**[F701]widow, widower or surviving civil partner**]** granted under any scheme mentioned in **[**[F702]section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003**]** .**]**

Status: *Point in time view as at 26/09/2023.*
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Textual Amendments

F690 S. 139B inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 Pt. 2 para. 15**; S.R. 2002/366, **art. 2(l)**; S.R. 2003/373, art. 2

F691 S. 139B(1)(b)(iiia) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(19)(a)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F692 Word in s. 139B(4)(a) inserted (with effect in accordance with s. 5(3)(4) of the amending Act) by Pensions Act (Northern Ireland) 2008 (c. 1), **Sch. 1 para. 25(a)**

F693 Words in s. 139B(4)(a) inserted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(4)(a)**

F694 Words in s. 139B(6) substituted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(4)(b)(i)**

F695 Words in s. 139B(6) inserted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(4)(b)(ii)**

F696 Words in s. 139B(6) inserted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(4)(b)(iii)**

F697 Words in s. 139B(6) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 17**; S.R. 2016/215, art. 3(2)

F698 Words in s. 139B(6) added (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(19)(b)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F699 Words in s. 139B(6) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), s. 723, **Sch. 6 para. 205(2)** (with Sch. 7)

F700 Words in s. 139B(6)(a) substituted (5.12.2005) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order (Northern Ireland) 2005 (S.R. 2005/434), art. 1(3), **Sch. para. 10(a)**

F701 Words in s. 139B(6)(b) substituted (5.12.2005) by The Civil Partnership (Pensions and Benefit Payments) (Consequential, etc. Provisions) Order (Northern Ireland) 2005 (S.R. 2005/434), art. 1(3), **Sch. para. 10(b)**

F702 Words in s. 139B(6) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), s. 723, **Sch. 6 para. 205(3)** (with Sch. 7)

[F703 139CEffect of alteration of rates of an employment and support allowance

(1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) below shall have effect where—

(a) an award of an employment and support allowance is in force in favour of any person ("the recipient"), and

(b) an alteration—

(i) in any component of the allowance,

(ii) in the recipient's benefit income, or

(iii) in the recipient's war disablement or war widow's or widower's pension,

affects the computation of the amount of the employment and support allowance to which he is entitled.

(2) Where, as a result of the alteration, the amount of the employment and support allowance to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of the employment and support allowance payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Department; and the award shall have effect accordingly.

Status: *Point in time view as at 26/09/2023.*
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(3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of an employment and support allowance as before, the award shall continue in force accordingly.

(4) Subsection (5) below applies where a statement mentioned in section 159C(4) of the Great Britain Administration Act is made.

(5) If, in a case where this subsection applies, an award of an employment and support allowance is made in favour of a person before the proposed commencing date (within the meaning of section 159C(4) of the Great Britain Administration Act) and after the date on which the statement is made, the award—

(a) may provide for the employment and support allowance to be paid as from the proposed commencing date (within the meaning of that section) at a rate determined by reference to the amounts of the items referred to in subsection (1)(b)(i) to (iii) above which will be in force on that date, or

(b) may be expressed in terms of the amounts of those items in force at the date of the award.

(6) In this section—

"alteration" means—

(a) in relation to any component of an employment and support allowance, its alteration by or under any enactment;

(b) in relation to a person's benefit income, the alteration of any of the applicable sums by any enactment or an order under **[**F704section 132, 132A, 132B**]** or 133 above to the extent that any such alteration affects the amount of his benefit income;

(c) in relation to a person's war disablement pension or war widow's or widower's pension, its alteration by or under any enactment;

"applicable sums" has the same meaning as in section 139 above;

"benefit income", in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act **[**F705, state pension under Part 1 of the Pensions Act (Northern Ireland) 2015**][**F706or personal independence payment**]** ;

"the commencing date", in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

"component", in relation to an employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 which are relevant in calculating the amount payable by way of an employment and support allowance;

"war disablement pension" and "war widow's or widower's pension" have the same meaning as in section 139B above.**]**

Textual Amendments

F703 S. 139C inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(20)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F704 Words in s. 139C(6) substituted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(5)(a)**

F705 Words in s. 139C(6) inserted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(5)(b)**

Status: *Point in time view as at 26/09/2023.*
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F706 Words in s. 139C(6) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 18**; S.R. 2016/215, art. 3(2)

[F707 139D Effect of alterations affecting universal credit

(1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) below shall have effect where—

(a) an award of universal credit is in force in favour of any person ("the recipient"), and

(b) an alteration—

(i) in any element of universal credit,

(ii) in the recipient's benefit income,

(iii) in any amount to be deducted in respect of earned income under Article 13(3)(a) of the Welfare Reform (Northern Ireland) Order 2015,

(iv) in any component of a contribution-based jobseeker's allowance,

(v) in any component of a contributory employment and support allowance, or

(vi) in such other matters as may be prescribed,

affects the computation of the amount of universal credit to which he is entitled.

(2) Where, as a result of the alteration, the amount of universal credit to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of universal credit payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Department; and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of universal credit as before, the award shall continue in force accordingly.

(4) Subsection (5) below applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—

(a) in relation to any of the items referred to in subsection (1)(b)(i) to (vi) above, the amount of the alteration which he proposes to make by an order under section 150, 150A **[**F708, 151A**]** or 152 of the Great Britain Administration Act or by or under any other enactment, and

(b) the date on which he proposes to bring the alteration into force ("the proposed commencing date").

(5) If, in a case where this subsection applies, an award of universal credit is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—

(a) may provide for the universal credit to be paid as from the proposed commencing date at a rate determined by reference to the amounts of the items referred to in subsection (1)(b)(i) to (vi) above which will be in force on that date, or

(b) may be expressed in terms of the amounts of those items in force at the date of the award.

(6) In this section—

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"alteration"—

(a) in relation to any element of universal credit, means its alteration by or under any enactment;

(b) in relation to a person's benefit income, means the alteration of any of the applicable sums by any enactment or by an order under **[**F709section 132, 132A, 132B**]** or 133 above to the extent that any such alteration affects the amount of his benefit income;

(c) in relation to any component of a contribution-based jobseeker's allowance or a contributory employment and support allowance, means its alteration by or under any enactment;

(d) in relation to any other matter, has such meaning as may be prescribed;

"applicable sums" means sums to which an order made under **[**F710section 132, 132A, 132B**]** or 133 above corresponding to an order made under **[**F711section 150, 150A, 151A**]** or 152 (as the case may be) of the Great Britain Administration Act may apply;

"benefit income", in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act **[**F712, state pension under Part 1 of the Pensions Act (Northern Ireland) 2015**]** or personal independence payment;

"the commencing date", in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

"component"—

(a) in relation to contribution-based jobseeker's allowance, means any of the sums specified in regulations under the Jobseekers (Northern Ireland) Order 1995 which are relevant in calculating the amount payable by way of a jobseeker's allowance;

(b) in relation to a contributory employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 which are relevant in calculating the amount payable by way of such an allowance;

"element", in relation to universal credit, means any of the amounts specified in regulations under Articles 14 to 17 of the Welfare Reform (Northern Ireland) Order 2015 which are included in the calculation of an award of universal credit.**]**

Textual Amendments

F707 S. 139D inserted (2.5.2016 for specified purposes, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 19**; S.R. 2016/215, art. 2(2)(c)(v)(cc); S.R. 2017/190, art. 4(1)(2)(g)(ii)

F708 Words in s. 139D(4)(a) inserted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(6)(a)**

F709 Words in s. 139D(6) substituted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(6)(b)(i)**

F710 Words in s. 139D(6) substituted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), 2(6)(b)**(ii)**(aa)

F711 Words in s. 139D(6) substituted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(6)(b)(ii)**(bb)

F712 Words in s. 139D(6) inserted (28.9.2016) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(a), **2(6)(b)(iii)**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F713 139E Effect of alteration of rates of personal independence payment

(1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) shall have effect where—

(a) an award of personal independence payment is in force in favour of any person ("the recipient"); and

(b) an alteration in the rate of any component of personal independence payment affects the amount of personal independence payment to which he is entitled.

(2) Where, as a result of the alteration, the amount of personal independence payment to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of personal independence payment in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Department; and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of personal independence payment as before, the award shall continue in force accordingly.

(4) Subsection (5) applies where a statement mentioned in section 159E(4) of the Great Britain Administration Act is made.

(5) If, in a case where this subsection applies, an award of personal independence payment is made in favour of a person before "the proposed commencing date" (within the meaning of section 159E(4) of the Great Britain Administration Act) and after the date on which the statement is made, the award—

(a) may provide for personal independence payment to be paid as from the proposed commencing date by reference to the rates of the component of personal independence payment which will be in force on that date; or

(b) may be expressed in terms of the rates of those components in force at the date of the award.

(6) In this section—

"alteration" means alteration by or under any enactment;

"the commencing date", in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

"component", in relation to personal independence payment, means the daily living component or mobility component (see Articles 83 and 84 of the Welfare Reform (Northern Ireland) Order 2015).**]**

Textual Amendments

F713 S. 139E inserted (20.6.2016) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations (Northern Ireland) 2016 (S.R. 2016/228), regs. 1, **6**

140 Implementation of increases in income support due to attainment of particular ages.

(1) This section applies where—

(a) an award of income support is in force in favour of a person ("the recipient"); and

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(b) there is a component which becomes applicable, or applicable at a particular rate, in his case if he or some other person attains a particular age.

(2) If, in a case where this section applies, the recipient or other person attains the particular age referred to in paragraph (b) of subsection (1) above and, in consequence, —

(a) the component in question becomes applicable, or applicable at a particular rate, in the recipient's case (whether or not some other component ceases, for the same reason, to be applicable, or applicable at a particular rate, in his case); and

(b) after taking account of any such cessation, the recipient becomes entitled to an increased amount of income support,

then, except as provided by subsection (3) below, as from the day on which he becomes so entitled, the amount of income support payable to or for him under the award shall be that increased amount, without any further decision of **[**F714the Department**]**, and the award shall have effect accordingly.

(3) Subsection (2) above does not apply in any case where, in consequence of the recipient or other person attaining the age in question, some question arises in relation to the recipient's entitlement to **[**F715personal independence payment or to**]** any benefit under the Contributions and Benefits Act, other than—

(a) the question whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in his case; and

(b) the question whether, in consequence, the amount of his income support falls to be varied.

(4) In this section "component", in relation to a person and his income support, means any of the sums specified in regulations under section 131(1) of the Contributions and Benefits Act.

Textual Amendments

F714 Words in s. 140(2) substituted (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6 para. 75**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F715 Words in s. 140(3) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 19**; S.R. 2016/215, art. 3(2)

F716**[**140A Implementation of increases in income-based jobseeker's allowance due to attainment of particular ages.

(1) This section applies where—

(a) an award of an income-based jobseeker's allowance is in force in favour of a person ("the recipient"); and

(b) a component has become applicable, or applicable at a particular rate, because he or some other person has reached a particular age ("the qualifying age").

(2) If, as a result of the recipient or other person reaching the qualifying age, the recipient becomes entitled to an income-based jobseeker's allowance of an increased amount, the amount payable to or for him under the award shall, as from the day on which he

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becomes so entitled, be that increased amount, without any further decision of **[**F717the Department**]]** and the award shall have effect accordingly.

(3) Subsection (2) above does not apply where, in consequence on the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to—

(a) a benefit under the Contributions and Benefits Act;

[F718(aa) personal independence payment;**]** or

(b) a jobseekers's allowance.

(4) Subsection (3)(b) above does not apply to the question—

(a) whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in the recipient's case; and

(b) whether, in consequence, the amount of his income-based jobseeker's allowance falls to be varied.

(5) In this section "component", in relation to a recipient and his jobseeker's allowances, means any of the amounts determined in accordance with regulations made under Article 6(5) of the Jobseekers (Northern Ireland) Order 1995.

Textual Amendments

F716 S. 140A inserted (7.10.1996) by S.I. 1995/2705 (N.I. 15), **art. 27**; S.R. 1996/401, **art. 2**

F717 Words in s. 140A(2) substituted (18.10.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 76**; S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16)

F718 S. 140A(3)(aa) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 20**; S.R. 2016/215, art. 3(2)

[F719**140B Implementation of increases in employment and support allowance due to attainment of particular ages**

(1) This section applies where—

(a) an award of an employment and support allowance is in force in favour of a person ("the recipient"), and

(b) a component has become applicable, or applicable at a particular rate, because he or some other person has reached a particular age ("the qualifying age").

(2) If, as a result of the recipient or other person reaching the qualifying age, the recipient becomes entitled to an employment and support allowance of an increased amount, the amount payable to or for him under the award shall, as from the day on which he becomes so entitled, be that increased amount, without any further decision of the Department; and the award shall have effect accordingly.

(3) Subsection (2) above does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to

[F720(a) a benefit under the Contributions and Benefits Act; or

(b) personal independence payment.**]**

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(4) Subsection (2) above does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to an employment and support allowance, other than—

(a) the question whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in the recipient's case, and

(b) the question whether, in consequence, the amount of his employment and support allowance falls to be varied.

(5) In this section, "component", in relation to a recipient and his employment and support allowance, means any of the amounts determined in accordance with regulations made under section 2(1)(a) or 4(2)(a) of the Welfare Reform Act (Northern Ireland) 2007.**]**

Textual Amendments

F719 S. 140B inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(21)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F720 Words in s. 140B(3) substituted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 21**; S.R. 2016/215, art. 3(2)

PART XI

FINANCE

141 National Insurance Fund.

[F721(1) The National Insurance Fund shall be maintained under the control and management of the Inland Revenue.**]**

(2) Accounts of the National Insurance Fund shall be prepared **[**F722by the Inland Revenue**]** in such form, and in such manner and at such times, as the **[**F723Treasury**]** may direct, and the Comptroller and Auditor General F724. . . shall examine and certify every such account and shall lay copies of it, together with his report on it, before **[**F723Parliament**]**.

(3) Any money in the National Insurance Fund may from time to time be paid over to the **[**F725National Debt Commissioners**]** and be invested by **[**F725them**]** in any such manner for the time being specified in Part II of Schedule 1 to the M37Trustee Investments Act 1961 as the Treasury may specify by an order of which a draft has been laid before Parliament.

(4) The **[**F726National Debt Commissioners**]** shall certify a statement of the securities in which money forming part of the National Insurance Fund is for the time being invested and that statement so certified shall be included with the accounts of that Fund laid before **[**F726Parliament**]** under subsection (2) above.

Textual Amendments

F721 S. 141(1) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 44(2)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F722 Words in s. 141(2) inserted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 44(3)(a)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

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F723 Words in s. 141(2) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 44(3)(b)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F724 Words in s. 141(2) repealed (1.4.1999) by S.I. 1999/671, arts. 4, 24(3), Sch. 3 para. 44(3)(c), **Sch. 9 Pt. I** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F725 Words in s. 141(3) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 44(4)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F726 Words in s. 141(4) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 44(5)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

Marginal Citations

M37 1961 c. 62.

142 Destination of contributions.

(1) Contributions received by the **[**F727Inland Revenue**]**. . . shall be paid by **[**F727them**]** into the National Insurance Fund after deducting F728. . . the appropriate health service allocation F728. . . .

(2) F728. . . . . .

[F729(2A) **[**F730The reference to contributions in subsection (1) above includes**]** payments on account of contributions made in accordance with regulations under section 3(5) of the Contributions and Benefits Act (payments on account of directors' contributions).**]**

(3) The additions paid under section 1(5) of the Contributions and Benefits Act shall be paid, in accordance with any directions given by the **[**F731Treasury**]**, into the National Insurance Fund.

[F732(4) There shall be paid into the National Insurance Fund—

(a) so much of any interest recovered by the Inland Revenue by virtue of paragraph 6 of Schedule 1 to the Contributions and Benefits Act **[**F733or section 101 of the Finance Act 2009**][**F734, or from persons in Northern Ireland by virtue of paragraph 6 of Schedule 2 to the Great Britain Contributions and Benefits Act (the text of which is set out as Schedule 2 to the Contributions and Benefits Act),**]** as remains after the deduction by them of any administrative costs attributable to its recovery,

(b) the amounts apportioned to **[**F735contributions**]** under sub-paragraph (6) of paragraph 7 of Schedule 1 to the Contributions and Benefits Act in respect of the penalties mentioned in that sub-paragraph, and

(c) so much of any penalty otherwise imposed by virtue of that paragraph and recovered by the Inland Revenue as remains after the deduction by them of any administrative costs attributable to its recovery.**]**

F736**[**F737(4ZA) . . . . . .

(4ZB) **[**F738Subsection (4)(b) and (c)**]** above shall have effect notwithstanding any provision which treats a penalty under section 98 or 98A of the Taxes Management Act 1970 as if it were tax charged in an assessment and due and payable.**]**

[F739(4A) The sums recovered by the **[**F740Inland Revenue**]** under regulations made under paragraph 7A **[**F741, 7B or 7BZA**]** of Schedule 1 to the Contributions and Benefits Act in respect of interest or penalties shall be paid into the National Insurance Fund.**]**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) In subsection (1) above "the appropriate health service allocation" means **[**F742**[**F743**50]** per cent of the product of the additional rate together with**]**—

(a) in the case of primary Class 1 contributions, **[**F744**2.05]** per cent. of the amount estimated to be that of **[**F745**so much of the earnings in respect of which those contributions were paid as exceeded **[**F746**the primary threshold]** but did not exceed the upper earnings limit**]**;

(b) in the case of secondary Class 1 contributions, **[**F747**1.9]** per cent. of the amount estimated to be that of the **[**F746**total]** earnings in respect of which **[**F748**primary Class 1 contributions]** were paid;

(c) in the case of Class 1A contributions, **[**F747**1.9]** per cent. of the amount estimated to be the aggregate of the **[**F749**general earnings]][**F750**and the amounts chargeable to income tax under section 403 of the Income Tax (Earnings and Pensions) Act 2003]** used in calculating those contributions;

[F751**(ca)** in the case of Class 1B contributions, **[**F747**1.9]** per cent. of the amount estimated to be the aggregate of the **[**F752**general earnings]** and the amounts of income tax in respect of which those contributions were paid;**]**

(d) in the case of Class 2 contributions, 15.5 per cent. of the amount estimated to be the total of those contributions;

(e) in the case of Class 3 contributions, 15.5 per cent. of the amount estimated to be the total of those contributions;

[F753**(ea)** in the case of Class 3A contributions, 15.5 per cent of the amount estimated to be the total of those contributions;**]** and

(f) in the case of Class 4 contributions, **[**F754**2.15** per cent of the amount estimated to be that of so much of the profits or gains, or earnings, in respect of which those contributions were paid as exceeded the lower limit specified in paragraph (a) of subsection (3) of section 15, and in paragraph (a) of subsection (1A) of section 18, of the Contributions and Benefits Act but did not exceed the upper limit specified in those subsections.**]**

[F755**(5A)** In subsection (5) above "the product of the additional rate" means the amount estimated to be the aggregate of—

(a) so much of the total of primary Class 1 contributions as is attributable to section 8(1)(b) of the Contributions and Benefits Act (additional primary percentage);

(b) so much of the total of Class 4 contributions under section 15 of that Act as is attributable to subsection (3)(b) of that section (additional Class 4 percentage); and

(c) so much of the total of Class 4 contributions payable by virtue of section 18 of that Act as is attributable to subsection (1A)(b) of that section (additional Class 4 percentage).**]**

(6) In **[**F756**subsections (5) and (5A)]** above "estimated" means estimated by the **[**F757**Inland Revenue]** in any manner which the **[**F757**Inland Revenue consider]** to be appropriate and which the **[**F757**Treasury]** has approved.

[F758**(6A)** In the case of earners paid other than weekly, the reference in subsection (5)(a) above to **[**F759**the primary threshold or the upper earnings limit]** shall be taken as a reference to the equivalent of **[**F759**that threshold or limit prescribed under section 5(4)]** of the Contributions and Benefits Act.**]**

Status: *Point in time view as at 26/09/2023.*
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[F760(7) Whenever the Treasury makes an order under section 162(7) of the Great Britain Administration Act (destination of contributions — national health service allocation), the order may also make corresponding provision for Northern Ireland.**]**

(8) No order under subsection (7) above shall substitute a figure which represents an increase or decrease in the appropriate health service allocation of more than—

(a) 0.1 per cent. of the relevant earnings, in the case of paragraph (a) or (b);

(b) 0.1 per cent. of the relevant aggregate, in the case of paragraph (c) **[**F761or (ca)**]**;

(c) 4 per cent. of the relevant contributions, in the case of paragraph (d) **[**F762, (e) or (ea)**]** ; or

(d) 0.2 per cent. of the relevant earnings, in the case of paragraph (f).

(9) From the health service allocation in respect of contributions of any class there shall be deducted such amount as the **[**F763Inland Revenue**]** may estimate to be the portion of the total expenses incurred by **[**F764them**]** or any other government department in collecting contributions of that class which is fairly attributable to that allocation, and **[**F764the remainder shall be paid by the Inland Revenue to the relevant Northern Ireland Department towards**]** the cost of the health service in Northern Ireland.

(10) Any amounts deducted in accordance with subsection (9) above shall be paid by the **[**F765Inland Revenue**]** into the Consolidated Fund.

F766(11) . . . . . .

(12) The **[**F764Inland Revenue**]** may make regulations modifying this section, in such manner as **[**F764they think**]** appropriate, in relation to the contributions of persons referred to in the following provisions of the Contributions and Benefits Act—

(a) section 116(2) (H.M. Forces);

(b) section 117(1) (mariners, airmen, etc.),

and in relation to any contributions which are reduced under section 6(5) of that Act.

Textual Amendments

F727 Words in s. 142(1) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 45(2)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F728 Words in s. 142(1), and s. 142(2) repealed (8.7.2002) by National Insurance Contributions Act 2002 (c. 19), s. 7, **Sch. 2** (with effect for 2003-2004 and subsequent tax years)

F729 S. 142(2A) inserted (9.9.1998) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 77(1)**; S.R. 1998/312, art. 2(a), **Sch. Pt. I**

F730 Words in s. 142(2A) substituted (8.7.2002) by National Insurance Contributions Act 2002 (c. 19), s. 6, **Sch. 1 para. 34(2)** (with effect for 2003-2004 and subsequent tax years)

F731 Word in s. 142(3) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 45(4)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F732 S. 142(4) substituted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 31(2)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F733 Words in s. 142(4)(a) inserted (with effect in accordance with art. 1(2) of the amending S.I.) by The Finance Act 2009, Sections 101 and 102 (Interest on Late Payments and Repayments), Appointed Days and Consequential Provisions Order 2014 (S.I. 2014/992), arts. 1(1), **6**

F734 Words in s. 142(4)(a) substituted (8.7.2002) by National Insurance Contributions Act 2002 (c. 19), s. 6, **Sch. 1 para. 34(3)** (with effect for 2003-2004 and subsequent tax years)

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F735 Word in s. 142(4)(b) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 45(5)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F736 S. 142(4ZA) repealed (1.9.2004) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), s. 13, Sch. 1 para. 4(3)(a), **Sch. 2**; S.I. 2004/1943, art. 5(a)(iv)

F737 S. 142(4ZA)(4ZB) inserted (1.4.1999) by S.I. 1999/671, art. 5, **Sch. 4 para. 11** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F738 Words in s. 142(4ZB) substituted (1.9.2004) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), s. 13, **Sch. 1 para. 4(3)(b)**; S.I. 2004/1943, art. 5(a)(iv)

F739 S. 142(4A) inserted (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 77(2)**; S.R. 1999/102, art. 2(d), **Sch. Pt. III**

F740 Words in s. 142(4A) substituted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 31(3)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F741 Words in s. 142(4A) substituted (1.9.2004) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), s. 13, **Sch. 1 para. 4(3)(c)**; S.I. 2004/1943, art. 5(a)(iv)

F742 Words in s. 142(5) inserted (8.7.2002) by National Insurance Contributions Act 2002 (c. 19), **s. 5(2)(a)** (with effect for 2003-2004 and subsequent tax years)

F743 Word in s. 142(5) substituted (6.4.2011) by National Insurance Contributions Act 2011 (c. 3), **ss. 3**, 13(1)

F744 Words in s. 142(5)(a) substituted (8.7.2002) by National Insurance Contributions Act 2002 (c. 19), **s. 5(2)(b)** (with effect for 2003-2004 and subsequent tax years)

F745 Words in s. 142(5)(a) substituted retrospective to 1.7.1992 by S.I. 1994/765 (N.I. 4), **art. 4(1)(3)**

F746 Words in s. 142(5) substituted (22.12.1999 for certain purposes, otherwise 6.4.2000) by 1999 c. 30, s. 74, **Sch. 10 para. 9(2)**; S.I. 1999/3420, **art. 2**

F747 Words in s. 142(5)(b)(c)(ca) substituted (8.7.2002) by National Insurance Contributions Act 2002 (c. 19), **s. 5(2)(c)** (with effect for 2003-2004 and subsequent tax years)

F748 Words in s. 142(5)(b) substituted (6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 77(3)**; S.R. 1999/72, art. 2(b), **Sch.**

F749 Words in s. 142(5)(c) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), s. 723, **Sch. 6 para. 206(a)** (with Sch. 7)

F750 Words in s. 142(5)(c) inserted (6.4.2020 except in relation to termination awards received on or after 6.4.2020 in respect of employment which was terminated before 6.4.2020, or termination awards which are received in instalments where the first instalment of the termination award was received before 6.4.2020) by National Insurance Contributions (Termination Awards and Sporting Testimonials) Act 2019 (c. 23), **ss. 2(11)**, 5(3); S.I. 2020/285, reg. 2

F751 S. 142(5)(ca) inserted (9.9.1998 for certain purposes, otherwise 6.4.1999) by S.I. 1998/1506 (N.I. 10), **art. 61(2)**; S.R. 1998/312, art. 2, **Sch. Pt. II**

F752 Words in s. 142(5)(ca) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), s. 723, **Sch. 6 para. 206(b)** (with Sch. 7)

F753 S. 142(5)(ea) inserted (12.10.2015) by Pensions Act 2014 (c. 19), s. 56(1), **Sch. 15 para. 22(2)**; S.I. 2015/1670, art. 2(b)

F754 Words in s. 142(5)(f) substituted (8.7.2002) by National Insurance Contributions Act 2002 (c. 19), **s. 5(2)(d)** (with effect for 2003-2004 and subsequent tax years)

F755 S. 142(5A) inserted (8.7.2002) by National Insurance Contributions Act 2002 (c. 19), **s. 5(3)** (with effect for 2003-2004 and subsequent tax years)

F756 Words in s. 142(6) substituted (8.7.2002) by National Insurance Contributions Act 2002 (c. 19), s. 6, **Sch. 1 para. 34(4)** (with effect for 2003-2004 and subsequent tax years)

F757 Words in s. 142(6) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 45(7)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F758 S. 142(6A) inserted retrospective to 1.7.1992 by S.I. 1994/765 (N.I. 4), **art 4(2)(3)**

F759 Words in s. 142(6A) substituted (22.12.1999 for certain purposes, otherwise 6.4.2000) by 1999 c. 30, s. 74, **Sch. 10 para. 9(3)**; S.I. 1999/3420, **art. 2**

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F760 S. 142(7) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 45(8)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F761 Words in s. 142(8)(b) inserted (9.9.1998 for certain purposes, otherwise 6.4.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 77(4)**; S.R. 1998/312, art. 2, **Sch. Pt. II**

F762 Words in s. 142(8)(c) substituted (12.10.2015) by Pensions Act 2014 (c. 19), s. 56(1), **Sch. 15 para. 22(3)**; S.I. 2015/1670, art. 2(b)

F763 Words in s. 142(9) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 45(9)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F764 Words in s. 142(12) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 45(12)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F765 Words in s. 142(10) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 45(10)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F766 S. 142(11) repealed (1.4.1999) by S.I. 1999/671, arts. 4, 24(3), Sch. 3 para. 45(11), **Sch. 9 Pt. I** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

Modifications etc. (not altering text)

C148 S. 142 modified (for the tax year 2022-23) by Health and Social Care Levy (Repeal) Act 2022 (c. 43), **Sch. para. 7(2)(3)** (with Sch. 8)

C149 S. 142(5) applied (temp.) (20.10.2021) by Health and Social Care Levy Act 2021 (c. 28), **s. 5(6)** (with s. 7(2))

143 General financial arrangements.

(1) There shall be paid out of the National Insurance Fund—

[F767(za) state pension and lump sums under Part 1 of the Pensions Act (Northern Ireland) 2015;**]**

[F768(zb) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;**]**

(a) benefit under Part II of the Contributions and Benefits Act;

(b) guardian's allowance;

(c) Christmas bonus if the relevant qualifying benefit is payable out of that Fund;

[F769(d) any sum which under. regulations relating to statutory sick pay, statutory maternity pay, statutory adoption pay **[**F770, **[**F771statutory paternity pay **[**F772, statutory shared parental pay or statutory parental bereavement pay**]]]** , falls to be paid by or on behalf of the Inland Revenue or to be set off against sums payable to the Inland Revenue otherwise than on account of contributions;**]**

F773(e) . . . . . .

(2) There shall be paid out of money appropriated by Measure—

(a) any administrative expenses of the Department or any other government department in carrying into effect the Contributions and Benefits Act **[**F774, Part 1 of the Pensions Act (Northern Ireland) 2015**][**F775, section 29 of that Act**]** or this Act;

[F776(aa) any administrative expenses of the Department in supplying information about benefits under Part II of that Act in accordance with regulations under Article 21 of the Welfare Reform and Pensions (Northern Ireland) Order 1999.**]**

(b) benefit under Part III of that Act, other than guardian's allowance;

(c) benefit under Part V of that Act;

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F773(d) . . . . . .

except in so far as they may be required by any enactment to be paid or borne in some other way.

(3) The administrative expenses referred to in subsection (2)(a) above include those in connection with any inquiry **[**F777undertaken-

(a) on behalf of the Inland Revenue with a view to obtaining statistics relating to the operation of Part I of the Contributions and Benefits Act, and

(b) on behalf of the Department with a view to obtaining statistics relating to the operation of Parts II to VI and XI of that Act **[**F778or Part 1 of the Pensions Act (Northern Ireland) 2015**]****[**F779or section 29 of that Act**]** .**]**

(4) Any sums required by **[**F780any person**]** for the purpose of paying any secondary Class 1 contributions **[**F781, or any Class 1A contributions,**]** which are payable by him in respect of an earner in consequence of the earner's employment in an office of which the emoluments are payable out of the Consolidated Fund shall be paid out of that Fund.

(5) Any expenditure in respect of the payment of interest or repayment supplements under or by virtue of paragraph 6 **[**F782or 7B**]** of Schedule 1 to the Contributions and Benefits Act or paragraph 6 of Schedule 2 to that Act shall be defrayed out of the National Insurance Fund in accordance with any directions given by the **[**F783Treasury**]**.

Textual Amendments

F767 S. 143(1)(za) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 19(2)**

F768 Words in s. 143(1)(zb) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 29(2)**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

F769 S. 143(1)(d) substituted (8.12.2002) by The Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)), arts. 1(2), **7(1)**; S.R. 2002/356, **art. 2(2)**, Sch. 1 Pt. II

F770 Words in s. 143(1)(d) substituted (1.10.2010) by The Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947), art. 1(3), **Sch. 1 para. 25**; S.R. 2010/295, art. 3(d)

F771 Words in s. 143(1)(d) substituted (15.3.2015 for specified purposes, 5.4.2015 in so far as not already in force) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 3(4)**; S.R. 2015/86, arts. 3(2)(i), 4(2)(h), 5 (with art. 7(2))

F772 Words in s. 143(1)(d) substituted (23.3.2022) by Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 12**; S.R. 2022/136, arts. 2, 3

F773 S. 143(1)(e)(2)(d) repealed (6.10.1997) by S.I. 1997/1183 (N.I. 12), art. 31(1)(2), Sch. 3, para. 5, **Sch. 4**; S.R. 1997/400, **art. 2(2)**

F774 Words in s. 143(2)(a) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 19(3)**

F775 Words in s. 143(2)(a) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 29(3)**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

F776 S. 143(2)(aa) inserted (1.12.2000) by S.I. 1999/3147 (N.I. 11), art. 74, **Sch. 9 para. 15** (with art. 75); S.R. 2000/133, art. 2(3)(d), **Sch. Pt. IV**

F777 Words in s. 143(3) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 46(2)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F778 Words in s. 143(3)(b) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 19(4)**

F779 Words in s. 143(3)(b) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 29(4)**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

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F780 S. 143(4) to have effect (retrospectively) as if for "a secondary Class 1 contributor" there were substituted "any person" by S.I. 1998/1506 (N.I. 10), **arts. 1(3)**, 62(1)

F781 S. 143(4) to have effect (retrospectively) as if after "any secondary Class 1 contributions" there were inserted ", or any Class 1A contributions," by S.I. 1998/1506 (N.I. 10), **arts. 1(3)**, 62(1)

F782 Words in s. 143(5) inserted (6.4.1999) by S.I. 1998/1506, art. 78(1), **Sch. 6 para. 78(2)**; S.R. 1999/102, art. 2(d), **Sch. Pt. III**

F783 Word in s. 143(5) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 46(3)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

144 Destination of repayments, etc.

(1) Subject to **[**F784Article 38 of the Jobseekers (Northern Ireland) Order 1995 **[**F785, section 27 of the Welfare Reform Act (Northern Ireland) 2007**]** and to**]** the following provisions of this section, so far as it relates to payments out of money appropriated by Measure, any sum recovered by the Department under or by virtue of this Act shall be paid into the Consolidated Fund.

(2) So far as any such sum relates to a payment out of the National Insurance Fund, it shall be paid into that Fund.

(3) So far as any such sum relates to a payment out of the social fund, it shall be paid into that fund.

F786(4) . . . . . .

F786(5) . . . . . .

(6) Any sums **[**F787recovered by the Department under section 13A above**]**. . . shall be paid—

(a) into the Consolidated Fund to the extent that it estimates that those sums relate to payments out of money appropriated by Measure; and

(b) into the National Insurance Fund to the extent that it estimates that they relate to payments out of that Fund.

[F788(7) Any sums received by the Department under regulations made by virtue of section 13A(2)(b) above shall be paid into the Consolidated Fund.**]**

[F789(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.**]**

[F790(8) All penalties recovered under section 109A **[**F791or 109B**]** above shall be paid into the Consolidated Fund.**]**

Textual Amendments

F784 Words in s. 144(1) inserted (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2**, para. 44; S.R. 1996/401, **art. 2**

F785 Words in s. 144(1) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(22)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

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F786 S. 144(4)(5) repealed (31.10.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 6**; S.R. 2016/234, art. 3(3)

F787 Words in s. 144(6) substituted*(retrospectively)* (11.6.1992) for specified purposes by S.I. 1992/1309 (N.I. 9), art. 3(2), **Sch. para. 2(1)**.

F788 S. 144(7) added*(retrospectively)* (11.6.1992) for specified purposes by S.I. 1992/1309 (N.I. 9), art. 3(2), **Sch. para. 2(2)**.

F789 S. 144(7) inserted at the end of s. 144*(temp.)*(1.7.1992) by Social Security (COnsequential Provisions) (Northern Ireland) Act 1992 (c. 9), ss. 6, 7(2), Sch. 4, Pt. I, paras. 1, 14.

F790 Words in s. 144(8) added (18.12.1997) by S.I. 1997/1182 (N.I. 11), art. 19(1), **Sch. 1 para. 5**; S.R. 1997/508, **art. 2**

F791 Words in s. 144(8) inserted (1.5.2002) by 2001 c. 17 (N.I.), ss. 14(2), 17(1); S.R. 2002/165, **art. 2**

Modifications etc. (not altering text)

C150 S. 144 modified (29.11.1999) by S.I. 1998/1506 (N.I. 10), **art. 33**; S.R. 1999/472, art. 2(1)(a), **Sch. 1** (subject to art. 2(2) of the said S.R.)

145 Adjustments between National Insurance Fund and Consolidated Fund.

[F792(1) There shall be made out of the National Insurance Fund into the Consolidated Fund, or **[**F793by the Department out of money appropriated by Measure to the Inland Revenue for payment into the National Insurance Fund**]**—

(a) such payments by way of adjustment as the Department determines (in accordance with any directions of the Department of Finance and Personnel) to be appropriate in consequence of the operation of any statutory provision relating to—

F794(i) . . . . . .

F794(ii) . . . . . .

F795(iii) the repayment or offsetting of benefit as defined in section 121 of the Contributions and Benefits Act **[**F796, universal credit**][**F797, personal independence payment**]** or other payments; and

(b) such payments by way of adjustment as the Inland Revenue determine to be appropriate in consequence of the operation of any statutory provision relating to—

(i) statutory sick pay; F798. . .

(ii) statutory maternity pay.

[F799(iii) **[**F800statutory paternity pay;**]**

(iv) **[**F800statutory adoption pay; F801...**]]**

(v) **[**F800statutory shared parental pay.**]][**F802; and

(vi) statutory parental bereavement pay.**]**

(2) Where any such payments as are specified in subsection (3) below fall to be made by way of adjustment, then, subject to subsection (4) below,—

(a) the amount of the payments to be made shall be taken to be such, and

(b) payments on account of them shall be made at such times and in such manner,

as may be determined **[**F803by the appropriate authority**]**.

[F804(2A) In subsection (2) above "the appropriate authority" means—

(a) the Department, in relation to payments falling to be made by it, or

(b) the Inland Revenue, in relation to payments falling to be made by them;

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and any determination by the Department under that subsection must be made in accordance with any directions given by the Department of Finance and Personnel.**]**

(3) The payments mentioned in subsection (2) above are the following, that is to say—

(a) any such payments falling to be made by way of adjustment under **[**F805subsection (1) (b)**]** above;

(b) any such payments falling to be made by way of adjustment in consequence of the operation of any enactment or regulations relating to child benefit—

(i) out of the National Insurance Fund into the Consolidated Fund, or

(ii) into the National Insurance Fund out of money appropriated by Measure; and

(c) any such payments falling to be made by way of adjustment in circumstances other than those mentioned in subsection (1) or paragraph (b) above—

(i) out of the National Insurance Fund either to the Department or another government department or into the Consolidated Fund; or

(ii) into the National Insurance Fund out of money appropriated by Measure.

(4) In relation to payments falling within paragraph (a) or (c) of subsection (3) above, subsection (2) above only applies in such cases or classes of case as may be **[**F806specified-

(a) in relation to payments falling to be made by the Department, by the Department by order made with the concurrence of the Inland Revenue, or

(b) in relation to payments falling to be made by the Inland Revenue, by the Inland Revenue by order**]**.

[F807(5) There shall be paid out of the National Insurance Fund into the Consolidated Fund, at such times and in such manner as the Treasury may direct—

F808(a) **[**such sums as the Inland Revenue may estimate to be the amount of the administrative expenses incurred by them as mentioned in section 143(2)(a) above **[**F809, or in carrying into effect any**][**F810relevant legislation**]**, excluding any expenses which the Treasury may direct, or any statutory provision may require, to be excluded from the Inland Revenue's estimate under this subsection, and**]**

(b) 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 as mentioned in section 143(2)(a) **[**F811or (aa)**]** above by any government department other than the Inland Revenue, excluding the expenses specified in subsection (6) below.

[F812(5A) There shall be excluded from the estimate under subsection (5)(a) above any expenses attributable to the carrying into effect of provisions of this Act so far as relating to state pension credit.**]**

[F813(5B) In subsection (5)(a) "relevant legislation" means—

(a) legislation relating to ordinary statutory paternity pay, additional statutory paternity pay **[**F814, statutory adoption pay or statutory parental bereavement pay**]** ,

(b) the National Insurance Contributions Act 2014, or

(c) the National Insurance Contributions Act 2015.**]**

(6) The expenses excluded from the estimate under subsection (5)(b) above are —

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F796(a) expenses attributable to the carrying into effect of provisions of the Contributions and Benefits Act or this Act relating to **[**F815state pension credit **[**F816, income-related employment and support allowance**]****[**F795, universal credit**]** or**]** the benefits which by virtue of section 143(2) above are payable out of money appropriated by Measure; and

(b) any other 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 subsection (5)(b) above;

but none of the administrative expenses of the Christmas bonus shall be excluded from that estimate by virtue of paragraph (a) or (b) above.

(7) In this section "Consolidated Fund" means the Consolidated Fund of Northern Ireland or the Consolidated Fund of the United Kingdom as appropriate.**]**

Textual Amendments

F792 S. 145(1) substituted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 33(2)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F793 Words in s. 145(1) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 47(2)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F794 S. 145(1)(a)(i)(ii) omitted (retrospective to 5.10.1999) by virtue of 1999 c. 30, s. 81, **Sch. 11 para. 18** (the amendments being in place of those made by 1999 c. 10, **Sch. 3 para. 49(3)**); and those same sub-paras. repealed (6.4.2000) by 1999 c. 30, s. 88, **Sch. 13 Pt. VII**; S.I. 1999/3420, **art. 4**

F795 Words in s. 145(1)(a)(iii) inserted (2.5.2016 for specified purposes, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 21(a)**; S.R. 2016/215, art. 2(2)(c)(v)(dd); S.R. 2017/190, art. 4(1)(2)(g)(ii)

F796 Words in s. 145(6)(a) inserted (2.5.2016 for specified purposes, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 21(b)**; S.R. 2016/215, art. 2(2)(c)(v)(dd); S.R. 2017/190, art. 4(1)(2)(g)(ii)

F797 Words in s. 145(1)(a)(iii) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 22**; S.R. 2016/215, art. 3(2)

F798 Word at the end of s. 145(1)(b)(i) repealed (8.12.2002) by The Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)), arts. 1(2)(3), **art. 7(2)(a)(i)**; S.R. 2002/356, **art. 2(2)**, Sch. 1 Pt. II

F799 S. 145(1)(b)(iii)-(v) substituted for s. 145(1)(b)(iii)-(iv) (1.10.2010) by The Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947), art. 1(3), **Sch. 1 para. 26(2)**; S.R. 2010/295, art. 3(d)

F800 S. 145(1)(b)(iii)-(v) substituted (15.3.2015 for specified purposes, 5.4.2015 in so far as not already in force) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 3(5)(a)**; S.R. 2015/86, arts. 3(2)(i), 4(2)(h), 5 (with art. 7(2))

F801 Word in s. 145(1)(b)(iv) omitted (23.3.2022) by virtue of Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 13(2)(a)**; S.R. 2022/136, arts. 2, 3

F802 S. 145(1)(b)(vi) and words inserted (23.3.2022) by Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 13(2)(b)**; S.R. 2022/136, arts. 2, 3

F803 Words in s. 145(2) substituted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 33(3)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F804 S. 145(2A) inserted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 33(4)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F805 Words in s. 145(3)(a) substituted (retrospective to 5.10.1999) by 1999 c. 30, s. 81, **Sch. 11 para. 18** (the amendment being in place of that made by 1999 c. 10, **Sch. 3 para. 49(3)**)

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F806 S. 145(4)(a)(b) substituted for words in s. 145(4) (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 47(3)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F807 S. 145(5)-(7) substituted for s. 145(5) (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 33(6)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F808 S. 145(5)(a): By Work and Families Act (Northern Ireland) 2015 (c. 1 (N.I.)), s. 23(1), **Sch. 1 para. 3(5)(b)**; S.R. 2015/86, **art.3(2)(i)(5)**, 4(2)(h)(5) (with art. 7(2)), it is provided that (15.3.2015 for specified purposes, 5.4.2015 in so far as not already in force) for the words "ordinary statutory paternity pay, additional statutory paternity pay or statutory adoption pay" there shall be substituted the words "statutory paternity pay, statutory adoption pay or statutory shared parental pay"

F809 Words in s. 145(5)(a) inserted (8.12.2002) by The Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)), **art. 7(2)(b)**; S.R. 2002/356, **art. 2(2)**, Sch. 1 Pt. II

F810 Words in s. 145(5)(a) substituted (12.2.2015) by National Insurance Contributions Act 2015 (c. 5), **s. 7(2)(a)**

F811 Words in s. 145(5)(b) inserted (1.12.2000) by S.I. 1999/3147 (N.I. 11), art. 74, **Sch. 9 para. 16** (with art. 75); S.R. 2000/133, art. 2(3)(d), **Sch. Pt. IV**

F812 S. 145(5A) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 Pt. 2 para. 16(a)**; S.R. 2002/366, **art. 2(l)**; S.R. 2003/373, art. 2

F813 S. 145(5B) inserted (12.2.2015) by National Insurance Contributions Act 2015 (c. 5), **s. 7(2)(b)**

F814 Words in s. 145(5B)(a) substituted (23.3.2022) by Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 13(3)**; S.R. 2022/136, arts. 2, 3

F815 Words in s. 145(6)(a) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 Pt. 2 para. 16(b)**; S.R. 2002/366, **art. 2(l)**; S.R. 2003/373, art. 2

F816 Words in s. 145(6)(a) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(23)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

Modifications etc. (not altering text)

C151 S. 145 modified (25.10.2022) by Health and Social Care Levy (Repeal) Act 2022 (c. 43), **Sch. para. 7(5)** (with Sch. para. 8)

146 The social fund.

(1) The fund known as the social fund shall continue in being by that name.

(2) The social fund shall continue to be maintained under the control and management of the Department and payments out of it shall be made by the Department.

(3) The Department shall make payments into the social fund of such amounts, at such times and in such manner as the Department may with the approval of the Department of Finance and Personnel determine.

(4) Accounts of the social fund shall be prepared in such form, and in such manner and at such times, as the Department of Finance and Personnel may direct, and the Comptroller and Auditor General for Northern Ireland shall examine and certify every such account and shall lay copies of it, together with his report, before the Assembly.

(5) The Department shall prepare an annual report on the social fund.

(6) A copy of every such report shall be laid before the Assembly.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

147 Allocations from social fund.

[F817(1) The Department shall allocate amounts for payments from the social fund such as are mentioned in section 134(1)(b) of the Contributions and Benefits Act **[**F818(in this section referred to as "section 134(1)(b) payments")**]** .

(2) The Department may specify the amounts either as sums of money or by reference to money falling into the social fund on the repayment or partial repayment of loans, or partly in the former and partly in the latter manner.

(3) Allocations—

[F819(a) may be for all section 134(1)(b) payments or for any description of such payments;**]**

(b) may be of different amounts for **[**F820payments of different descriptions**]** ;

(c) may be made at such time or times as the Department considers appropriate; and

(d) may be in addition to any other allocationF821....

[F822(3A) Without prejudice to the generality of subsection (3)(a) above, descriptions of section 134(1)(b) payments may, in particular, be framed by reference to—

(a) the purposes for which payments are made;

(b) the persons by whom payments are made (including where such persons are located);

(c) the persons to whom payments are made (including where such persons are located).**]**

(4) The Department may at any time re-allocate amounts previously allocated, and subsections (2) and (3) above shall have effect in relation to a re-allocation as they have effect in relation to an allocation.

(5) The Department may give general directions to **[**F823appropriate officers**]** or groups of **[**F823appropriate officers**]**, or to any class of **[**F823appropriate officers**]**, with respect to the control and management by **[**F823appropriate officers**]** or groups of **[**F823appropriate officers**]** of **[**F824any amounts allocated to them**]** under this section.

[F825(6) In this section "appropriate officer" means an officer of the Department who, acting under its authority, is exercising functions of the Department in relation to **[**F826section 134(1)(b) payments**]** .**]]**

Textual Amendments

F817 S. 147 repealed (28.11.2016 for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 7**; S.R. 2016/411, art. 2(3)(b) (with art. 4)

F818 Words in s. 147(1) inserted (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 51(2)**, 60(2)(a)

F819 S. 147(3)(a) substituted (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 51(3)(a)**, 60(2)(a)

F820 Words in s. 147(3)(b) substituted (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 51(3)(b)**, 60(2)(a)

F821 Words in s. 147(3)(d) repealed (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), ss. 51(3)(c), 60(2)(a), **Sch. 8**

F822 S. 147(3A) inserted (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 51(4)**, 60(2)(a)

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F823 Words in s. 147(5) substituted (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6 para. 80(2)**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F824 Words in s. 147(5) substituted (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(2)(c), **Sch. 7 para. 2(3)**

F825 S. 147(6) inserted (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506, arts. 1, 78(1), **Sch. 6 para. 80(3)**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F826 Words in s. 147(6) substituted (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(2)(c), **Sch. 7 para. 2(4)**

148 Adjustments between social fund and other sources of finance.

(1) There shall be made—

(a) out of the social fund into the Consolidated Fund or the National Insurance Fund;

(b) into the social fund out of money appropriated by Measure or the National Insurance Fund,

such payments by way of adjustment as the Department determines (in accordance with any directions of the Department of Finance and Personnel) to be appropriate in consequence of any statutory provision relating to the repayment or offsetting of a benefit under the Contributions and Benefits Act **[**F827or the State Pension Credit Act (Northern Ireland) 2002**]** .

(2) Where in any other circumstances payments fall to be made by way of adjustment—

(a) out of the social fund into the Consolidated Fund or the National Insurance Fund; or

(b) into the social fund out of money appropriated by Measure or the National Insurance Fund,

then, in such cases or classes of case as may be specified by the Department by order, the amount of the payments to be made shall be taken to be such, and payments on account of it shall be made at such times and in such manner, as may be determined by the Department in accordance with any direction given by the Department of Finance and Personnel.

Textual Amendments

F827 Words in s. 148(1) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 Pt. 2 para. 17**; S.R. 2002/366, **art. 2(l)**; S.R. 2003/373, art. 2

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PART XII

ADVISORY BODIES AND THE DUTY TO CONSULT

Consultation with the Social Security Advisory Committee

149 Functions of Social Security Advisory Committee in relation to legislation and regulations.

[F828(1) The Department may from time to time—

(a) refer to the Social Security Advisory Committee for consideration and advice such questions relating to the operation of any of the relevant enactments as the Department thinks fit (including questions as to the advisability of amending any of them);

(b) refer to the Industrial Injuries Advisory Council for consideration and advice such questions as the Department thinks fit relating to industrial injuries benefit or its administration.**]**

(2) Subject—

(a) to subsection (3) below; and

(b) to section 150 below,

where the Department proposes to make regulations under any of the relevant enactments, it shall refer the proposals, in the form of draft regulations or otherwise, to the Social Security Advisory Committee.

[F829(2A) Subject—

(a) to subsection (3) below; and

(b) to section 150 below,

where the Department proposes to make regulations relating only to industrial injuries benefit or its administration, it shall refer the proposals, in the form of draft regulations or otherwise, to the Industrial Injuries Advisory Council for consideration and advice.**]**

(3) Subsection (2) above does not apply to the regulations specified in Schedule 5 to this Act **[**F830; and subsection (2A) above does not apply to the regulations specified in Schedule 5A to this Act**]**.

[F831(3A) The Industrial Injuries Advisory Council may also give advice to the Department on any other matter relating to industrial injuries benefit or its administration.**]**

(4) The Department shall furnish the Social Security Advisory Committee with such information as the Committee may reasonably require for the proper discharge of its functions.

(5) In this section "the relevant enactments" means—

(a) the provisions of the Contributions and Benefits Act **[**F832, this Act and the Social Security (Incapacity for Work) (Northern Ireland) Order 1994**]**, except as they apply to industrial injuries benefitF833...;

[F834(aa) the provisions of the Jobseekers (Northern Ireland) Order 1995;**]**

and

[F835(ab) **[**F836Article 4 of the Child Support (Northern Ireland) Order 1995;**]]**

[F837(ac) the provisions of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997; and**]**

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[F838(ad) the provisions of Chapter II of Part II of the Social Security (Northern Ireland) Order 1998 and Article 68 of that Order;**]**

[F839(ae) Articles 57, 69 and 70 of the Welfare Reform and Pensions (Northern Ireland) Order 1999, and**]**

[F840(af) sections 38F841... **[**F842, 60 and 61 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000;**]** and**]**

[F843(ag) **[**F844sections 5A to 10**]** of the Social Security Fraud Act (Northern Ireland) 2001;**]** or

[F845(ah) the provisions of the State Pension Credit Act (Northern Ireland) 2002;**]**

[F846(ai) Article 9 of the Age-Related Payments (Northern Ireland) Order 2004;**]**

[F847(aia) the provisions of Part 1 of the Welfare Reform Act (Northern Ireland) 2007;**]**

[F848(aj) sections 32 and 33 of the Welfare Reform Act (Northern Ireland) 2007;**]**

[F849(ak) the provisions of Part 2 of the Welfare Reform (Northern Ireland) Order 2015;**]**

[F850(aka) Articles 101 to 102 of that Order;**]**

[F851(al) Part 5 of that Order;**]**

[F852(am) the provisions of Part 1 of the Pensions Act (Northern Ireland) 2015;**]**

[F853(an) section 29 of the Pensions Act (Northern Ireland) 2015;**]**

[F854(ao) Articles 13, 14 and 16 of the Welfare Reform and Work (Northern Ireland) Order 2016;**]**

(b) the provisions of Part II of Schedule 3 to the Consequential Provisions Act, except as they apply to industrial injuries benefit; F855. . .

F855(c) . . . . . .

Textual Amendments

F828 S. 149(1) substituted (2.12.1999) by 1998 c. 47, **s. 89(1)**; S.I. 1999/3209, art. 2, **Sch.**

F829 S. 149(2A) inserted (2.12.1999) by 1998 c. 47, **s. 89(2)**; S.I. 1999/3209, art. 2, **Sch.**

F830 Words in s. 149(3) inserted (2.12.1999) by 1998 c. 47, **s. 89(3)**; S.I. 1999/3209, art. 2, **Sch.**

F831 S. 149(3A) inserted (2.12.1999) by 1998 c. 47, **s. 89(4)**; S.I. 1999/3209, art. 2, **Sch.**

F832 Words in s. 149(5)(a) substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1 Pt. II para. 50**; S.R. 1994/450, art. 2, **Sch. Pt. IV**

F833 Words in s. 149(5)(a) repealed (31.10.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 6**; S.R. 2016/234, art. 3(3)

F834 S. 149(5)(aa) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), **Sch. 2**, para. 45; S.R. 1996/180, **art. 2**

F835 S. 149(5)(ab) inserted (16.10.1996) by S.I. 1995/2702 (N.I. 13), **Sch. 3**, para. 16; S.R. 1996/492, art. 2, **Sch. Pt. I**

F836 Words in s. 149(5) repealed (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), s. 68(1)(2), **Sch. 9 Pt. I** (with s. 66(6)); S.R. 2003/53, art. 3, Sch.

F837 S. 149(5)(ac) inserted (6.10.1997) by S.I. 1997/1183 (N.I. 12), art. 31(1), **Sch. 3**, para. 7; S.R. 1997/400, **art. 2**

F838 S. 149(5)(ad) inserted (10.3.1999) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6**, para. 81; S.R. 1999/102, **art. 2(c)**

F839 S. 149(5)(ae) inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), arts. 1(4)(f), 74, **Sch. 9 para. 57** (with art. 75)

F840 S. 149(5)(af) inserted (22.11.2000) by 2000 c. 4 (N.I.), **s. 64** (with s. 66(6)); S.R. 2000/358, art. 2(a), **Sch. Pt. I**

F841 Words in s. 149(5) repealed (23.9.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), s. 36(2), **Sch. 4 Pt. 3**; S.R. 2010/327, art. 2(2)(c)

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F842 Words in s. 149(5) inserted (2.5.2016 for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 22(a)**; S.R. 2016/215, art. 2(2)(c)(v)(dd)
F843 S. 149(5)(ag) inserted (1.4.2002) by 2001 c. 17 (N.I.), ss. 11(3), 17(1); S.R. 2002/75, **art. 2**
F844 Words in s. 149(5) substituted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), s. 36(1)(e), **Sch. 3 para. 7**
F845 S. 149(5)(ah) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 Pt. 2 para. 18**; S.R. 2002/366, **art. 2(l)**; S.R. 2003/373, art. 2
F846 Words in s. 149(5) inserted (4.8.2004) by The Age-Related Payments (Northern Ireland) Order 2004 (S.I. 2004/1987), arts. 1(2), **9(5)**
F847 S. 149(5)(aia) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(24)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2
F848 S. 149(5)(aj) inserted (1.7.2008 for specified purposes, 6.10.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 33(11)**, 60(1); S.R. 2008/276, art. 2(1)(a)(b)
F849 Words in s. 149(5) inserted (2.5.2016 for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 22(b)**; S.R. 2016/215, art. 2(2)(c)(v)(dd)
F850 S. 149(5)(aka) inserted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(c), **7(2)**
F851 S. 149(5)(al) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 23**; S.R. 2016/215, art. 3(2)
F852 Words in s. 149(5) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 20**
F853 Words in s. 149(5) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 30**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)
F854 S. 149(5)(ao) inserted (4.9.2017) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(1), **15(3)**; S.R. 2017/166, art. 2(c)
F855 S. 149(5)(c) and word preceding it repealed (7.2.1994) by 1993 c. 49, s. 182(1), **Sch. 4 Pt. I**; S.R. 1994/17

Modifications etc. (not altering text)
C152 S. 149(2) excluded (15.12.2008) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), **ss. 102(5)**, 118(2)

150 Cases in which consultation with Committee is not required.

(1) Nothing in any statutory provision shall require any proposals in respect of regulations to be referred to the Committee **[**F856or the Council**]**if—

(a) it appears to the Department that by reason of the urgency of the matter it is inexpedient so to refer them; or

(b) the Committee **[**F856or the Council**]** has agreed that they shall not be referred.

(2) Where by virtue only of subsection (1)(a) above the Department makes regulations without proposals in respect of them having been referred, then, unless the Committee **[**F856or the Council**]**agrees that this subsection shall not apply, the Department shall refer the regulations as soon as practicable after making them.

(3) Where the Department has referred proposals to the Committee **[**F857or the Council**]**, the Department may make the proposed regulations before the Committee has made its report **[**F857or, as the case may be, the Council has given its advice**]**only if after the reference it appears to the Department that by reason of the urgency of the matter it is expedient to do so.

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(4) Where by virtue of this section regulations are made before a report of the Committee has been made, the Committee shall consider them and make a report to the Department containing such recommendations with regard to the regulations as the Committee thinks appropriate; and a copy of any report made to the Department on the regulations shall be laid by it before the Assembly together, if the report contains recommendations, with a statement—

(a) of the extent (if any) to which the Department proposes to give effect to the recommendations; and

(b) in so far as it does not propose to give effect to them, of its reasons why not.

(5) Except to the extent that this subsection is excluded by a statutory provision passed or made after 5th November 1986, nothing in any statutory provision shall require the reference to the Committee **[**F856or the Council**]**of any regulations contained in either—

(a) a statutory rule made before the end of the period of 6 months beginning with the coming into operation of the statutory provision under which those regulations are made; or

(b) a statutory rule—

(i) which states that it contains only regulations made by virtue of, or consequential upon, a specified statutory provision; and

(ii) which is made before the end of the period of 6 months beginning with the coming into operation of that specified statutory provision.

(6) In this section and in section 151 below—

"the Committee" means the Social Security Advisory Committee;

[F858"the Council" means the Industrial Injuries Advisory Council;**]**

"regulations" means regulations under any statutory provision, whenever passed or made.

Textual Amendments

F856 Words in s. 150(1)(2)(5) inserted (2.12.1999) by 1998 c. 47, **s. 89(5)** (with s. 95); S.I. 1999/3209, art. 2, **Sch.**

F857 Words in s. 150(3) inserted (2.12.1999) by 1998 c. 47, **s. 89(6)** (with s. 95); S.I. 1999/3209, art. 2, **Sch.**

F858 Definition in s. 150(6) inserted (2.12.1999) by 1998 c. 47, **s. 89(7)**, (with s. 95); S.I. 1999/3209, art. 2, **Sch.**

151 Committee's report on regulations and Department's duties.

(1) The Committee shall consider any proposals referred to it by the Department under section 149 above 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.

(2) 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

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(b) in so far as effect has not been given to them, the Department's reasons why not.

(3) Section 41(3) of the [M38]Interpretation Act (Northern Ireland) 1954 (procedure for laying documents before the Assembly) shall apply in relation to any document which by virtue of subsection (2) above is required to be laid before the Assembly as if it were a statutory document within the meaning of that Act.

(4) In relation to regulations required or authorised to be made by the Department in conjunction with the Department of Finance and Personnel, any reference in this section or section 150 above to the Department shall be construed as a reference to the Department and the Department of Finance and Personnel.

Marginal Citations
M38 1954 c. 33 (N.I.).

The Disability Living Allowance Advisory Board

[F859]152 The Disability Living Allowance Advisory Board.

. . . . . .

Textual Amendments
F859 S. 152 repealed (1.5.2015) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), ss. 2(2)(a), 7(1), **Sch. 3** (with Sch. 1 para. 4(3)); S.R. 2015/230, art. 2(a)(d)

PART XIII

SOCIAL SECURITY SYSTEMS OUTSIDE NORTHERN IRELAND

Co-ordination

[[F860]153]. . . . . .

Textual Amendments
F860 S. 153 repealed and superseded (2.12.1999) by 1998 c. 47, ss. 87(8)(b), 100(2), 101(2)(3), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

Reciprocity

[[F861]154]. . . . . .

Status: *Point in time view as at 26/09/2023.*
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Textual Amendments

F861 S. 154 repealed and superseded (2.12.1999) by 1998 c. 47, ss. 87(8)(b), 100(2), **Sch. 15**; S.I. 1999/3209, **art. 2**,

155 Reciprocal agreements with countries outside the United Kingdom.

(1) For the purpose of giving effect—

(a) to any agreement with the government of a country outside the United Kingdom **[**F862or an international organisation**]** providing for reciprocity in matters relating to payments for purposes similar or comparable to the purposes of legislation to which this section applies, or

(b) to any such agreement as it would be if it were altered in accordance with proposals to alter it which, in consequence of any change in the law of Northern Ireland, the government of the United Kingdom has made to the other government **[**F863or international organisation**]** in question,

the Secretary of State may by order make provision for modifying or adapting such legislation in its application to cases affected by the agreement or proposed alterations.

(2) An order made by virtue of subsection (1) above may, instead of or in addition to making specific modifications or adaptations, provide generally that legislation to which this section applies shall be modified to such extent as may be required to give effect to the provisions contained in the agreement or, as the case may be, alterations in question.

(3) The modifications which may be made by virtue of subsection (1) above include provisions—

(a) for securing that acts, omissions and events having any effect for the purposes of the **[**F864law in force in the country**]** in respect of which the agreement is made **[**F865or has effect**]** have a corresponding effect for the purposes of this Act **[**F866, the Jobseekers (Northern Ireland) Order 1995**][**F867, Chapter II of Part II of the Social Security (Northern Ireland) Order 1998 **][**F868, the State Pension Credit Act (Northern Ireland) 2002**][**F869, Part 1 of the Welfare Reform Act (Northern Ireland) 2007**][**F870, Part 2 of the Welfare Reform (Northern Ireland) Order 2015**][**F871, Part 5 of that Order**][**F872, Part 1 of the Pensions Act (Northern Ireland) 2015**][**F873, Part 5 of that Act**]** and the Contributions and Benefits Act (but not so as to confer a right to double benefit);

(b) for determining, in cases where rights accrue both under such legislation and under the **[**F874law in force in that country**]** , which of those rights is to be available to the person concerned;

(c) for making any necessary financial adjustments.

(4) This section applies—

(a) to the Contributions and Benefits Act ;

[F875(aa) to the Jobseekers (Northern Ireland) Order 1995;**]**

F876...

[F877(ab) to Chapter II of Part II of the Social Security (Northern Ireland) Order 1998;F878...**]**

[F879(ac) to the State Pension Credit Act (Northern Ireland) 2002;**]**F878**[**F880...

(ad) to Part 1 of the Welfare Reform Act (Northern Ireland) 2007;**]**

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[F881(ae) to Part 2 of the Welfare Reform (Northern Ireland) Order 2015;**]**

[F882(af) to Part 5 of that Order;**]**

[F883(ag) to Part 1 of the Pensions Act (Northern Ireland) 2015;**]**

[F884(ah) to Part 5 of the Pensions Act (Northern Ireland) 2015;**]**

[F885(ai) to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018;

(aj) to Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004, as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018;

(ak) to Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018;

(al) to Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018;

(am) to Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality, as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018.**]**

(b) to this Act,

except in relation to the following benefits—

(i) payments out of the social fund;

(ii) Christmas bonus;

(iii) statutory sick pay; and

(iv) statutory maternity pay.

(5) The power conferred by subsection (1) above shall also be exercisable in relation to regulations made under the Contributions and Benefits Act **[**F886, this Act or Part 1 of the Welfare Reform Act (Northern Ireland) 2007**][**F887or Part 1 of the Pensions Act (Northern Ireland) 2015**][**F888or section 29 of that Act**]** and concerning—

[F889(za) universal credit;**]**

(a) income support;

[F890(aa) jobseeker's allowance;**]**

[F891(ab) state pension credit;**]**

[F892(ac) employment and support allowance;**]**

[F893(ad) state pension under Part 1 of the Pensions Act (Northern Ireland) 2015;**]**

[F894(ae) bereavement support payment;**]**

F895(b) . . . . . .

F895(c) . . . . . .

(d) housing benefit; or

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(e) child benefit.

[[F896](6) In this section, "international organisation" means an organisation of which—
(a) two or more sovereign powers are members, or
(b) the governments of two or more sovereign powers are members.**]**

Textual Amendments

F862 Words in s. 155(1)(a) inserted (16.12.2020) by The Social Security Co-ordination (Revocation of Retained Direct EU Legislation and Related Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1508), reg. 1(2), **Sch. para. 2(2)(a)**

F863 Words in s. 155(1)(b) inserted (16.12.2020) by The Social Security Co-ordination (Revocation of Retained Direct EU Legislation and Related Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1508), reg. 1(2), **Sch. para. 2(2)(a)**

F864 Words in s. 155(3)(a) substituted (16.12.2020) by The Social Security Co-ordination (Revocation of Retained Direct EU Legislation and Related Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1508), reg. 1(2), **Sch. para. 2(3)(a)(i)**

F865 Words in s. 155(3)(a) inserted (16.12.2020) by The Social Security Co-ordination (Revocation of Retained Direct EU Legislation and Related Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1508), reg. 1(2), **Sch. para. 2(3)(a)(ii)**

F866 Words in s. 155(3) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2**, para. 48(2); S.R. 1996/180, **art. 2**

F867 Words in s. 155(3)(a) inserted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 84(1)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F868 Words in s. 155(3)(a) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 Pt. 2 para. 19(a)**; S.R. 2002/366, **art. 2(l)**; S.R. 2003/373, art. 2

F869 Words in s. 155(3)(a) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(25)(a)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F870 Words in s. 155(3)(a) inserted (2.5.2016 for specified purposes, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 23(2)**; S.R. 2016/215, art. 2(2)(c)(v)(dd); S.R. 2017/190, art. 4(1)(2)(g)(ii)

F871 Words in s. 155(3)(a) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 24(2)**; S.R. 2016/215, art. 3(2)

F872 Words in s. 155(3)(a) inserted (14.9.2015) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 21(2)**; S.R. 2015/329, art. 2(2)(c)

F873 Words in s. 155(3)(a) inserted (9.2.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 31(2)**; S.R. 2017/37, art. 2(c)

F874 Words in s. 155(3)(b) substituted (16.12.2020) by The Social Security Co-ordination (Revocation of Retained Direct EU Legislation and Related Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1508), reg. 1(2), **Sch. para. 2(3)(b)**

F875 S. 155(4)(aa) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2**, para. 48(3); S.R. 1996/180, **art. 2**

F876 Word in s. 155(4) repealed (6.10.2003) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), s. 21(2), **Sch. 3**; S.R. 2003/373, **art. 2**

F877 S. 155(4)(ab) inserted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 84(2)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18);

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S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F878 Word in s. 155(4)(aa)-(ac) omitted (2.5.2016 for specified purposes, 27.9.2017 in so far as not already in force) by virtue of The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 23(3)**; S.R. 2016/215, art. 2(2)(c)(v)(dd); S.R. 2017/190, art. 4(1)(2)(g)(ii)

F879 S. 155(4)(ac) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 Pt. 2 para. 19(b)**; S.R. 2002/366, **art. 2(l)**; S.R. 2003/373, art. 2

F880 S. 155(4)(ad) and word inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(25)(b)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F881 S. 155(4)(ae) inserted (2.5.2016 for specified purposes, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 23(4)**; S.R. 2016/215, art. 2(2)(c)(v)(dd); S.R. 2017/190, art. 4(1)(2)(g)(ii)

F882 S. 155(4)(af) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 24(3)**; S.R. 2016/215, art. 3(2)

F883 S. 155(4)(ag) inserted (14.9.2015) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 21(3)**; S.R. 2015/329, art. 2(2)(c)

F884 Words in s. 155(4)(ah) inserted (9.2.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 31(3)**; S.R. 2017/37, art. 2(c)

F885 S. 155(4)(ai)-(am) inserted (16.12.2020) by The Social Security Co-ordination (Revocation of Retained Direct EU Legislation and Related Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1508), reg. 1(2), **Sch. para. 2(4)**

F886 Words in s. 155(5) substituted (31.10.2011) by The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2011 (S.R. 2011/357), regs. 1(1), **3**

F887 Words in s. 155(5) inserted (14.9.2015) by virtue of Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 21(4)(a)**; S.R. 2015/329, art. 2(2)(c)

F888 Words in s. 155(5) inserted (9.2.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 31(4)(a)**; S.R. 2017/37, art. 2(c)

F889 S. 155(5)(za) inserted (2.5.2016 for specified purposes, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 23(5)**; S.R. 2016/215, art. 2(2)(c)(v)(dd); S.R. 2017/190, art. 4(1)(2)(g)(ii)

F890 S. 155(5)(aa) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 48(4)**; S.R. 1996/180, **art. 2**

F891 S. 155(5)(ab) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 Pt. 2 para. 19(c)**; S.R. 2002/366, **art. 2(l)**; S.R. 2003/373, art. 2

F892 S. 155(5)(ac) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(25)(c)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F893 S. 155(5)(ad) inserted (14.9.2015) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 21(4)(b)**; S.R. 2015/329, art. 2(2)(c)

F894 S. 155(5)(ae) inserted (9.2.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 31(4)(b)**; S.R. 2017/37, art. 2(c)

F895 S. 155(5)(b)(c) repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), Sch. 2 (with art. 3)

F896 S. 155(6) inserted (16.12.2020) by The Social Security Co-ordination (Revocation of Retained Direct EU Legislation and Related Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1508), reg. 1(2), **Sch. para. 2(5)**

Modifications etc. (not altering text)

C153 S. 155(5) modified (9.9.2021) by The Social Security (Switzerland) Order (Northern Ireland) 2021 (S.R. 2021/277), arts. 1(2), 2(2)(j), **Sch.**

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[F897 155A Exchange of information with overseas authorities

(1) This section applies where it appears to the Department—

(a) that there are arrangements in force for the exchange of relevant information between the Department and any authorities in a country outside the United Kingdom ('the overseas country'); and

(b) that the arrangements and the law in force in the overseas country are such as to ensure that there are adequate safeguards in place against any improper use of information disclosed by the Department under this section

(2) For the purpose of facilitating the carrying out by authorities in the overseas country of any function relating to anything corresponding to, or in the nature of, a social security benefit, the Department may make any such disclosure of relevant information to authorities in the overseas country as the Department considers necessary to give effect to the arrangements.

(3) It shall be the duty of the Department to take all such steps as may be reasonable for securing that relevant information disclosed to it in accordance with the arrangements is not used for any purpose in which its use is not expressly or impliedly authorised by or under the arrangements.

(4) This section does not apply where provision is in force under section 155 above for giving effect to the arrangements in question.

(5) The purposes for which information may be required to be disclosed to the Department under section 116D above or section 122D of the Great Britain Administration Act (information required from authorities administering housing benefit or council tax benefit) shall be deemed to include the further disclosure of that information in accordance with this section.

(6) In this section 'relevant information' means any information held by the Department or any authorities in a country outside the United Kingdom for the purposes of any functions relating to, or to anything corresponding to or in the nature of, a social security benefit.**]**

Textual Amendments

F897 S. 155A inserted (14.2.2003) by 2001 c. 11 , ss. 5(2), 20; S.I. 2003/273, **art. 2**

PART XIV

MISCELLANEOUS

Travelling expenses

156 Payment of travelling expenses by Department.

The Department may pay such travelling expenses as, with the consent of the Department of Finance and Personnel, the Department may determine—

(a) to persons required by the Department to attend any interview in connection with the operation of the Contributions and Benefits Act **[**F898, the Jobseekers (Northern Ireland) Order 1995**][**F899, the Social Security (Recovery of

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Benefits) (Northern Ireland) Order 1997**][**F900, Chapter II of Part II of the Social Security (Northern Ireland) Order 1998 **][**F901, the State Pension Credit Act (Northern Ireland) 2002**][**F902, Part 1 of the Welfare Reform Act (Northern Ireland) 2007**][**F903, Part 2 of the Welfare Reform (Northern Ireland) Order 2015**][**F904, Part 5 of that Order**]** or this Act;

(b) to persons attending social security offices of the Department in connection with the operation—

(i) of the Contributions and Benefits Act **[**, the Jobseekers (Northern Ireland) Order 1995**][**F899, the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997**][**F905, Chapter II of Part II of the Social Security (Northern Ireland) Order 1998 **][**F906, the State Pension Credit Act (Northern Ireland) 2002**][**F902, Part 1 of the Welfare Reform Act (Northern Ireland) 2007**][**F907, Part 2 of the Welfare Reform (Northern Ireland) Order 2015**][**F908, Part 5 of that Order**]** or this Act; or

(ii) of any prescribed statutory provision.

Textual Amendments

F898 Words in s. 156 inserted (17.7.1996) by S.I. 1995/2705 (N.I. 15), art. Sch. 2, para. 49; S.R. 1996/285, art. 2, **Sch.**

F899 Words in s. 156 inserted (6.10.1997) by S.I. 1997/1183 (N.I. 12), art. 31(1), **Sch. 3**, para. 8; S.R. 1997/400, **art. 2**

F900 Words in s. 156(a) substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 85(a)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F901 Words in s. 156(a) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 Pt. 2 para. 20(a)**; S.R. 2002/366, **art. 2(l)**; S.R. 2003/373, art. 2

F902 Words in s. 156 inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(26)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F903 Words in s. 156(a) inserted (2.5.2016 for specified purposes, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 24**; S.R. 2016/215, art. 2(2)(c)(v)(dd); S.R. 2017/190, art. 4(1)(2)(g)(ii)

F904 Words in s. 156(a) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 25**; S.R. 2016/215, art. 3(2)

F905 Words in s. 156(b)(i) substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 85(b)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F906 Words in s. 156(b)(i) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 Pt. 2 para. 20(b)**; S.R. 2002/366, **art. 2(l)**; S.R. 2003/373, art. 2

F907 Words in s. 156(b)(i) inserted (2.5.2016 for specified purposes, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 24**; S.R. 2016/215, art. 2(2)(c)(v)(dd); S.R. 2017/190, art. 4(1)(2)(g)(ii)

F908 Words in s. 156(b)(i) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 25**; S.R. 2016/215, art. 3(2)

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Modifications etc. (not altering text)
C154 S. 156 applied (with modifications) (7.2.1994) by 1993 c. 49, **s. 163(2)**; S.R. 1994/17, **art. 2**

[F909 156A Payment of travelling expenses by the Commissioners of Inland Revenue

The Inland Revenue may pay such travelling expenses as they may determine—

(a) to persons required by them to attend any interview in connection with the operation of the Contributions and Benefits Act, this Act, or Part III of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999;.

(b) to persons attending local offices in connection with the operation of the Contributions and Benefits Act, this Act, or Part III of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999.]

Textual Amendments
F909 S. 156A inserted (1.4.1999) by S.I. 1999/671, art. 17, **Sch. 6 para. 11** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

Offences

157 Impersonation of officers.

If any person, with intent to deceive, falsely represents himself to be a person authorised by the Department to act in any capacity (whether under this Act or otherwise) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

158 Illegal possession of documents.

(1) If any person—

(a) as a pledge or a security for a debt; or

(b) with a view to obtaining payment from the person entitled to it of a debt due either to himself or to any other person,

receives, detains or has in his possession any document issued by or on behalf of the Department in connection with any benefit, pension or allowance (whether payable under the Contributions and Benefits Act or otherwise) he shall be guilty of an offence.

(2) If any such person has such a document in his possession without lawful authority or excuse (the proof whereof shall lie on him) he shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 4 on the standard scale or to both.

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[F910 Redirection of post]

Textual Amendments

F910 S. 158A and the preceding*cross-heading* inserted (5.4.1999) by 1997 c. 47, **s. 20(2)**; S.I. 1999/1046, **art. 2**

[158A Return of social security post.

(1) A social security authority may require **[**F911a postal operator (within the meaning of **[**F912Part 3 of the Postal Services Act 2011**]**)**]** to return to the sender social security post sent by or on behalf of the authority which would otherwise be redirected.

(2) A social security authority shall make payments of such amount as the Department considers reasonable in respect of the return of social security post in compliance with a requirement imposed by the authority under subsection (1) above.

(3) In subsections (1) and (2) above "social security authority" means—

(a) the Department;

(b) the Housing Executive;

(c) the Secretary of State; or

(d) any local or other authority administering housing benefit or council tax benefit (other than the Housing Executive).

(4) In subsections (1) and (2) above "social security post" means postal packets—

(a) the contents of which relate to any benefit, contributions or national insurance number or to any other matter relating to social security; and

(b) which are marked, in a manner approved by the **[**F913postal operator concerned**]**, with the name and address of the sender and with an indication that they are to be returned rather than redirected.

(5) In this section—

(a) "redirected", in relation to any postal packet, means delivered to an address other than that indicated by the sender on the packet; and

(b) "postal packet" has the same meaning as in **[**F914Part 3 of the Postal Services Act 2011**]** .

(6) Any requirement imposed under subsection (1) above has effect subject to any order under—

(a) Article 342 of the M39Insolvency (Northern Ireland) Order 1989 or section 371 of the M40Insolvency Act 1986 (redirection of bankrupt's letters to trustee in bankruptcy);

(b) paragraph 15 of Schedule 1 to the M41Solicitors (Northern Ireland) Order 1976 or paragraph 10 of Schedule 1 to the M42Solicitors Act 1974 (redirection of letters following intervention by Law Society); or

(c) paragraph 10 of Schedule 5 to the M43Administration of Justice Act 1985 (redirection of letters following intervention by Council for Licensed Conveyancers).**]**

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Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F911 Words in s. 158A(1) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. para. 94(2)(a)**

F912 Words in s. 158A(1) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 143**; S.I. 2011/2329, art. 3

F913 Words in s. 158A(4)(b) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. para. 94(2)(b)**

F914 Words in s. 158A(5)(b) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 143**; S.I. 2011/2329, art. 3

Modifications etc. (not altering text)

C155 S. 158A restricted (5.10.1999) by 1999 c. 10, ss. 2(3), 20(2), **Sch. 2 Pt. IV para. 16**

Marginal Citations

M39 S.I. 1989/2405 (N.I.19).

M40 1986 c. 45.

M41 S.I. 1976/582 (N.I.12).

M42 1974 c. 47.

M43 1985 c. 61.

F915[158B Requirement to supply information about redirection of post.

(1) The Department or the Secretary of State may require **[**F916a postal operator**]** to supply information relating to arrangements for the redirection of postal packets to, or to a person supplying services to, the Department or the Secretary of State—

(a) for use in the prevention, detection, investigation or prosecution of offences relating to social security; or

(b) for use in checking the accuracy of information relating to benefits, contributions or national insurance numbers or to any other matter relating to social security and (where appropriate) amending or supplementing such information.

(2) The Housing Executive or any other local or other authority administering housing benefit or council tax benefit may require **[**F916a postal operator**]** to supply information relating to arrangements for the redirection of postal packets to the authority or a person authorised to exercise any function of the authority relating to housing benefit or council tax benefit—

(a) for use in the prevention, detection, investigation or prosecution of offences relating to such a benefit; or

(b) for use in checking the accuracy of information relating to such a benefit and (where appropriate) amending or supplementing such information.

(3) Information shall be supplied under subsection (1) or (2) above in such manner and form, and in accordance with such requirements, as may be prescribed.

(4) Payments of such amount as the Department considers reasonable shall be made by a person or authority imposing a requirement under subsection (1) or (2) above in respect of the supply of information in compliance with the requirement.

(5) Information supplied under subsection (1) or (2) above shall not be supplied by the recipient to any other person or body unless—

(a) it could be supplied to that person or body under either of those subsections; or

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(b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the [M44]Jobseekers (Northern Ireland) Order 1995 **[**[F917], Part 2 of the Welfare Reform (Northern Ireland) Order 2015**]**[F918], Part 5 of that Order**]** or this Act or to any enactment applying in Great Britain corresponding to any of them.

(6) But where information supplied under subsection (1) or (2) above has been used (in accordance with paragraph (b) of the subsection concerned) in amending or supplementing other information, it is lawful for it to be—

(a) supplied to any person or body to whom that other information could be supplied; or

(b) used for any purpose for which that other information could be used.

(7) In subsections (1) and (2) above "arrangements for the redirection of postal packets" means arrangements made with the **[**[F916]postal operator concerned**]** for the delivery of postal packets to addresses other than those indicated by senders on the packets.

(8) In this section **[**[F919]

"postal operator" has the same meaning as in **[**[F920]Part 3 of the Postal Services Act 2011**]** ;**]**

"postal packet" has the same **[**[F921]meaning as in that Part**]** .

Textual Amendments

F915 S. 158B inserted (5.4.1999) by 1997 c. 47, **s. 21(2)**; S.I. 1999/1046, **art. 2**

F916 Words in s. 158B(1)(2)(7) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. para. 94(3)**

F917 Words in s. 158B(5)(b) inserted (2.5.2016 for specified purposes, 27.9.2017 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 25**; S.R. 2016/215, art. 2(2)(c)(v)(dd); S.R. 2017/190, art. 4(1)(2)(g)(ii)

F918 Words in s. 158B(5)(b) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 26**; S.R. 2016/215, art. 3(2)

F919 Words in 158B(8) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. para. 94(3)(d)**

F920 Words in s. 158B(8) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 144(a)**; S.I. 2011/2329, art. 3

F921 Words in s. 158B(8) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 144(b)**; S.I. 2011/2329, art. 3

Modifications etc. (not altering text)

C156 S. 158B extended (6.4.2003) by The Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147), art. 1(2), Sch. 8 para. 32(1), (2)(d), **(3)**; S.R. 2003/204, art. 2

C157 S. 158B restricted (5.10.1999) by 1999 c. 10, ss. 2(3), 20(2), **Sch. 2 Pt. IV para. 16**
S. 158B: functions modified (*prosp.*) by S.I. 1999/3147 (N.I. 11), arts. 1(2), 67, **Sch. 8 para. 32** (with art. 75)

Marginal Citations

M44 S.I. 1995/2705 (N.I.15).

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F922National insurance numbers]

Textual Amendments

F922 S. 158C and preceding cross-heading inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), s. 19(1), **Sch. 1 para. 6(1)**; S.R. 1997/316, **art. 2**

[F923158C Requirement to apply for national insurance number.

(1) Regulations may make provision person to apply for a national insurance number to be allocated to him.

F924(1A) **[** Regulations under subsection (1) above may require the application to be made to the Department or to the Inland Revenue.**]**

(2) An application required by regulations under subsection (1) above shall be accompanied by information or evidence enabling such a number to be allocated.**]**

Textual Amendments

F923 S. 158C and preceding cross-heading inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 19(1), **Sch. 1 para. 6**; S.R. 1997/316, **art. 2**

F924 S. 158C(1A) inserted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 34** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

Industrial injuries and diseases

159 Research on industrial injuries, etc.

(1) The Department may promote research into the causes and incidence of accidents arising out of and in the course of employment, or injuries and diseases which—

(a) are due to the nature of employment; or

(b) it is contemplated might be prescribed for the purposes of sections 108 to 110 of the Contributions and Benefits Act,

either by itself employing persons to conduct such research or by contributing to the expenses of, or otherwise assisting, other persons engaged in such research.

(2) The Department may pay to persons so employed by it such salaries or remuneration, and such travelling and other allowances, as it may determine with the consent of the Department of Finance and Personnel.

160 Control of pneumoconiosis.

(1) As respects pneumoconiosis, regulations may provide—

(a) for requiring persons to be medically examined before, or within a prescribed period after, becoming employed in any occupation in relation to which pneumoconiosis is prescribed, and to be medically examined periodically while so employed, and to furnish information required for the purposes of any such examination;

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(b) for suspending from employment in any such occupation, and in such other occupations as may be prescribed, persons found on such an examination—

(i) to be suffering from pneumoconiosis or tuberculosis, or

(ii) to be unsuitable for such employment, having regard to the risk of pneumoconiosis and such other matters affecting their susceptibility to pneumoconiosis as may be prescribed;

(c) for the disqualification for the receipt of **[**[F925]personal independence payment, or benefit as defined in section 121 of the Contributions and Benefits Act,**]** in respect of pneumoconiosis of any person who fails without good cause to submit himself to any such examination or to furnish information required by the regulations or who engages in any employment from which he has been suspended as mentioned in paragraph (b) above;

(d) for requiring employers—

(i) to provide facilities for such examinations,

(ii) not to employ in any occupation a person who has been suspended as mentioned in paragraph (b) above from employment in that occupation or who has failed without good cause to submit himself to such an examination,

(iii) to give to such officer as may be prescribed the prescribed notice of the commencement of any prescribed industry or process;

(e) for the recovery on summary conviction of monetary penalties in respect of any contravention of or failure to comply with any such requirement as is mentioned in paragraph (d) above, but those penalties shall not exceed £5 for every day on which the contravention or failure occurs or continues;

(f) for such matters as appear to the Department to be incidental to or consequential on provisions included in the regulations by virtue of paragraphs (a) to (d) above or section 110(1) of the Contributions and Benefits Act.

Textual Amendments

F925 Words in s. 160(1)(c) substituted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 27**; S.R. 2016/215, art. 3(2)

Workmen's compensation, etc.

[F926]161 Administration of workmen's compensation etc.

. . . . . .

Textual Amendments

F926 S. 161 repealed (31.10.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 6**; S.R. 2016/234, art. 3(3)

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Supplementary benefit etc.

162 Application of provisions of Act to supplementary benefit, etc.

Schedule 7 to this Act shall have effect for the purposes of making provision in relation to the benefits there mentioned.

Miscellaneous

163 Certain benefit to be inalienable.

(1) Subject to the provisions of this Act, every assignment of, or charge on—

[F927(za) universal credit;**]**

[F928(zb) state pension under Part 1 of the Pensions Act (Northern Ireland) 2015;**]**

(a) benefit as defined in section 121 of the Contributions and Benefits Act;

[F929(aa) a jobseeker's allowance;

[F930(ab) state pension credit;**]]**

[F931(ac) an employment and support allowance;**]**

[F932(ad) personal independence payment;**]**

[F933(ae) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;**]**

(b) any income-related benefit; or

(c) child benefit,

and every agreement to assign or charge such benefit shall be void; and, on the bankruptcy of a beneficiary, such benefit shall not pass to any trustee or other person acting on behalf of his creditors.

(2) In calculating for the purposes of Article 30, 73(5)(b), 99(6)(b) or 107 of the M45Judgments Enforcement (Northern Ireland) Order 1981 or Article 101(5)(b) of the M46Magistrates' Courts (Northern Ireland) Order 1981 the means of any beneficiary, no account shall be taken of any increase of disablement benefit in respect of a child, or of industrial death benefit.

Textual Amendments

F927 S. 163(1)(za) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 26**; S.R. 2017/190, art. 4(1)(2)(g)(ii)

F928 S. 163(1)(zb) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 22**

F929 S. 163(1)(aa) inserted (17.7.1996) by S.I. 1995/2705, art. Sch. 2, para. 50; S.R. 1996/285, art. 2, **Sch.**

F930 S. 163(1)(ab) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 Pt. 2 para. 21**; S.R. 2002/366, **art. 2(l)**; S.R. 2003/373, art. 2

F931 S. 163(1)(ac) inserted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(27)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

F932 S. 163(ad) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 28**; S.R. 2016/215, art. 3(2)

F933 Words in s. 163(1)(ae) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 32**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

Status: *Point in time view as at 26/09/2023.*
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Marginal Citations

M45 S.I. 1981/226 (N.I. 6).

M46 S.I. 1981/1675 (N.I. 26).

164 Exemption from stamp duty.

(1) Stamp duty shall not be chargeable on any document to which this subsection applies.

(2) Subsection (1) above applies to any document authorised by virtue—

(a) of Parts I to VI of the Contributions and Benefits Act; or

(b) of any provision of this Act so far as it operates in relation to matters to which those Parts relate,

or otherwise required in order to give effect to those Parts or to any such provision so far as it so operates or in connection with any description of business thereunder.

F934(3) . . . . . .

Textual Amendments

F934 S. 164(3) repealed (31.10.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 6**; S.R. 2016/234, art. 3(3)

PART XV

GENERAL

Subordinate legislation

165 Regulations and orders - general.

(1) Subject to subsection (2) below and to **[**F935any provision providing for an order or regulations to be made by **[**F936the Secretary of State,**]** the Treasury or the Inland Revenue and to**]**any specific provision of this Act, regulations and orders under this Act shall be made by the Department.

(2) Regulations with respect to proceedings before the Commissioners (whether for the determination of any matter or for leave to appeal to or from the Commissioners) shall be made by the Lord Chancellor.

(3) Any power conferred by this Act **[**F937on the Department **[**F938, the Secretary of State**]** or the Lord Chancellor**]** to make regulations or orders is exercisable by statutory rule for the purposes of the M47Statutory Rules (Northern Ireland) Order 1979.

(4) Except in the case of regulations under section 22 or 152 above and in so far as this Act otherwise provides, any power conferred by this Act to make regulations or an order may be exercised—

(a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;

(b) so as to make, as respects the cases in relation to which it is exercised—

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(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 Act;

(iii) any such provision either unconditionally or subject to any specified condition;

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

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

[F939(5A) The provision referred to in subsection (5) includes, in a case where regulations under this Act require or authorise the use of electronic communications, provision referred to in sections 1(4) and (5) and 2(5) of the Electronic Communications Act (Northern Ireland) 2001.

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

(6) Without prejudice to any specific provision of this Act, a power conferred by any provision of this Act, except sections 12, **[**F940**]**24,**]** 122 and 152, to make regulations or an order includes power to provide for a person to exercise a discretion in dealing with any matter.

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

[F941(7A) Without prejudice to the generality of any of the preceding provisions of this section, regulations under any of sections 2A to **[**F942**]**2F**]** and 5A above may provide for all or any of the provisions of the regulations to apply only in relation to any area or areas specified in the regulations.**]**

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

(9) Any power to make—

F943(a) . . . . . .

(b) regulations under section F944. . . 152(5)(c) above;

(c) an order under section **[**F945**]**145(4)(a)**]** or 148(2) above,

shall be exercisable with the consent of the Department of Finance and Personnel.

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(10) Any power of the Department under any provision of this Act, except sections 76, 134, **[**F946and 152**]**, to make any regulations or an order, where the power is not expressed to be exercisable with the consent of the Department of Finance and Personnel, shall if that Department so directs be exercisable only in conjunction with it.

(11) A power under **[**F947section 155**]** above to make regulations, or to make provision by an order, for modifications or adaptations of the Contributions and Benefits Act or this Act shall be exercisable in relation to any enactment passed or made after this Act which is directed to be construed as one with them, except in so far as any such enactment relates to a benefit in relation to which the power is not exercisable; but this subsection applies only so far as a contrary intention is not expressed in the enactment, and is without prejudice to the generality of any such direction.

[F948(11A) Any power of the Treasury or the Inland Revenue under this Act to make regulations or orders is exercisable by statutory instrument; and subsections (4) to (6) above apply to those regulations or orders as they apply to regulations or orders made by the Department.**]**

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

Textual Amendments

F935 Words in s. 165(1) inserted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 49(2)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F936 Words in s. 165(1) inserted (13.5.2014) by National Insurance Contributions Act 2014 (c. 7), **s. 18(5)**(7)

F937 Words in s. 165(3) inserted (26.2.2003 for specified purposes, 1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 4 para. 10**; S.I. 2003/392, art. 2 (subject to savings in art. 3)

F938 Words in s. 165(3) inserted (13.5.2014) by National Insurance Contributions Act 2014 (c. 7), **s. 18(6)**(7)

F939 S. 165(5A)(5B) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **108(1)**; S.R. 2016/215, art. 2(6)(a)

F940 Words in s. 165(6) ceased to have effect (6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 86**; S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472); and those same words repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by the said S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of that S.R.)

F941 S. 165(7A) inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), arts. 1(4)(f), 74, **Sch. 9 para. 58** (with art. 75)

F942 Word in s. 165(7A) substituted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 2(4)**, 36(1)(a)

F943 S. 165(9)(a) repealed (6.10.1997) by S.I. 1997/1183 (N.I. 12), **art. 31(1)(2)**, SCh. 3, para. 9(1)(a), Sch. 4; S.R. 1997/400, **art. 2**

F944 Words in s. 165(9)(b) repealed (6.10.1997) by S.I. 1997/1183, art. 31(1)(2), Sch. 3, para. 9(b), **Sch. 4**; S.R. 1997/400, **art. 2(2)**

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F945 Words in s. 165(9)(c) substituted (*retrospective* to 1.4.1999) by 1999 c. 30, ss. 81, 89(4)(d), **Sch. 11 para. 19** (the amendment being in place of that made by S.I. 1999/671, **Sch. 3 para. 49(3)**)

F946 Words in s. 165(10) substituted (2.12.1999) by 1998 c. 47, s. 99, **Sch. 13 para. 12(a)** (with s. 95); S.I. 1999/3209, art. 2, **Sch.**

F947 Words in s. 165(11) substituted (2.12.1999) by 1998 c. 47, s. 99, **Sch. 13 para. 12(b)** (with s. 95); S.I. 1999/3209, art. 2, **Sch.**

F948 S. 165(11A) inserted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 49(4)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

Modifications etc. (not altering text)

C158 S. 165 extended (2.12.1999) by 1998 c. 47, **s. 87(10)** (with s. 95); S.I. 1999/3209, art. 2, **Sch.**

C159 S. 165(1) modified (5.10.1999) by 1999 c. 10, ss. 2, 20(2), **Sch. 2 para. 22**

C160 S. 165(3) modified (5.10.1999) by 1999 c. 10, ss. 2, 20(2), **Sch. 2 para. 31**

C161 S. 165(4)(5)(6)(10) applied (5.9.1997) by S.I. 1997/1183 (N.I. 12), **art. 28(3)**; S.R. 1997/400, art. 2(1), **Sch. Pt. I**

C162 S. 165(8): functions transferred (1.12.1999) from the Department of the Environment to the Department of Finance and Personnel by S.R. 1999/481, art. 6(b), **Sch. 4 Pt. II**

Marginal Citations

M47 S.I. 1979/1573 (N.I. 12).

166 Assembly, etc. control of orders and regulations.

(1) The regulations and orders to which this subsection applies shall be laid before the Assembly after being made and shall take effect on such date as may be specified in the regulations or order, but shall (without prejudice to the validity of anything done thereunder or to the making of new regulations or a new order) 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, or the order has, been approved by a resolution of the Assembly.

(2) Subsection (1) above applies—

[F949(za) to any order made under section 109A(3B);**]**

(a) to any regulations made by the Department under section F950. . . **[**F951116B(1)(b),**]** 131 or 134 above; and

[F952(aa) the first regulations to be made under section 2A;**]** and

[F953(aaa) to the first regulations to be made under section 2AA above;**]**

[F954(ab) to any order containing provision adding any person to the list of persons falling within section 103B(2A) above;**]**

(b) to any order made by the Department under **[**F955section 132 **[**F956, 132A **[**F957132B,**]]** or 133 above.**]**

(3) Subsection (1) above does not apply to regulations which, in so far as they are made under the powers conferred by subsection (2)(a) above, only replace provisions of previous regulations with new provisions to the same effect.

(4) Subject to subsection (8) below, all regulations and orders made under this Act by the Department, other than regulations or orders to which subsection (1) above applies, shall be subject to negative resolution.

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(5) Subject to subsection (10) **[**F958and (10A)**]** below, all regulations **[**F958or orders**]**made under this Act by F959... **[**F958the Treasury or the Inland Revenue**]** shall be subject to annulment in pursuance of a resolution of either House of ParliamentF959....

[F960(5A) All regulations made under this Act by the Department of Justice shall be subject to negative resolution.**]**

(6) Section 41(3) of the M48Interpretation Act (Northern Ireland) 1954 (laying statutory instruments or statutory documents before the Assembly) shall apply in relation to any instrument or document which by virtue of any provision of this Act is required to be laid before the Assembly as if it were a statutory instrument or statutory document within the meaning of that Act.

(7) This subsection applies to any regulations or order made under this Act which—

(a) but for subsection (8) below, would be subject to negative resolution, and

(b) are or is contained in a statutory rule which includes any regulations or order subject to the confirmatory procedure.

(8) Any regulations or order to which subsection (7) above applies shall not be subject to negative resolution, but shall be subject to the confirmatory procedure.

(9) This subsection applies to any regulations or order made under this Act which—

(a) but for subsection (10) below, would be subject to annulment in pursuance of a resolution of either House of Parliament, and

(b) are, or is, contained in an instrument which is subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament.

(10) Any regulations or order to which subsection (9) above applies shall not be subject as mentioned in paragraph (a) of that subsection, but shall be subject to the procedure described in paragraph (b) of that subsection.

[F961(10A) A statutory instrument containing provision under section 129 **[**F962, 132, 133, 134**]** or 142(7) shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.**]**

F963(11) . . . . . .

(12) In this section—

"the confirmatory procedure" means the procedure described in subsection (1) above;

"subject to negative resolution" has the meaning assigned by section 41(6) of the Interpretation Act (Northern Ireland) 1954 (but as if the regulations or orders in question were statutory instruments within the meaning of that Act).

Textual Amendments

F949 S. 166(2)(za) inserted (4.4.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **116(2)**; S.R. 2016/46, art. 4(b)

F950 Words in s. 166(2)(a) repealed (6.10.1997) by S.I. 1997/1183 (N.I. 12), art. 31(1)(2), Sch. 3, para. 10, **Sch. 4**; S.R. 1997/400, **art. 2**

F951 Words in s. 166(2)(a) inserted (1.7.1997) by 1997 c. 47, s. 22, **Sch. 1 para. 13**; S.I. 1997/1577, art. 2, **Sch.**

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F952 S. 166(2)(aa) inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), arts. 1(4)(f), 74, **Sch. 9 para. 59** (with art. 75)
F953 S. 166(2)(aaa) inserted (10.9.2003) by Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), **Sch. 1 para. 9**; S.R. 2003/396, **art. 2**
F954 S. 166(2)(ab) inserted (23.12.2002 for certain purposes, otherwise 24.2.2003) by 2001 c. 17 (N.I.), ss. 1(9), 17(1); S.R. 2002/406, **art. 2(1)(a)(b)**
F955 Words in s. 166(2)(b) substituted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 50(2)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)
F956 Word in s. 166(2)(b) inserted (with effect in accordance with s. 5(3)(4) of the amending Act) by Pensions Act (Northern Ireland) 2008 (c. 1), **Sch. 1 para. 27**
F957 Word in s. 166(2)(b) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by virtue of Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 23**
F958 Words in s. 166(5) inserted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 50(3)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)
F959 Words in s. 166(5) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 47(a)** (with arts. 28-31)
F960 S. 166(5A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 47(b)** (with arts. 28-31)
F961 S. 166(10A) inserted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 50(4)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)
F962 Words in s. 166(10A) inserted (26.2.2003 for specified purposes, 1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 4 para. 11(3)**; S.I. 2003/392, art. 2 (subject to savings in art. 3)
F963 S. 166(11) repealed (2.12.1999) by S.I. 1999/663, arts. 1(2), 2(2), **Sch. 2**; S.I. 1999/3208, **art. 2**

Modifications etc. (not altering text)
C163 S. 166(1) applied (17.3.1993) by S.I. 1993/592 (N.I. 2), **art. 4(8)**
C164 S. 166 excluded (1.10.2013) by Welfare Benefits Up-rating Act 2013 (c. 16), **ss. 1(9)**, 3(4); S.I. 2013/2317, art. 2(a)
C165 S. 166(1) extended (4.7.1996) by S.I. 1996/1632 (N.I. 11), **art. 1(2)**, 17(4)
C166 S. 166(1) applied by SI 1988/594 (N.I. 2) art. 13(7) (as substituted (27.11.2006) by The Food Benefit Schemes (Northern Ireland) Order 2003 (S.I. 2003/3202), arts. 1(3), **3(1)**; S.R. 2006/418, art. 2(1) (with art. 2(2)) (as substituted by S.R. 2006/437, art. 2))

Marginal Citations
M48 1954 c. 33 (N.I.).

Supplementary

167 Interpretation.

(1) In this Act, unless the context otherwise requires—

"the Assembly" means the Northern Ireland Assembly;

"the 1975 Act" means the [M49]Social Security (Northern Ireland) Act 1975;

"benefit" means benefit under the Contributions and Benefits Act **[**[F964]and includes **[**[F965]universal credit,**][**[F966]state pension under Part 1 of the Pensions Act (Northern Ireland) 2015,**]** a jobseeker's allowance **][**[F967]state pension credit, an employment and support allowance and personal independence

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payment**]**[F968and bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015**]** ;

"Christmas bonus" means a payment under Part X of the Contributions and Benefits Act;

"claimant" (in relation to contributions under Part I and to benefit under Parts II to IV of the Contributions and Benefits Act) means—

(a) a person whose right to be excepted from liability to pay, or to have his liability deferred for, or to be credited with, a contribution, is in question;

(b) a person who has claimed benefit;

and includes, in relation to an award or decision, a beneficiary under the award or affected by the decision;

"claim" is to be construed in accordance with "claimant";

"claimant" (in relation to industrial injuries benefit) means a person who has claimed such a benefit and includes—

(a) an applicant for a declaration under **[**F969Article 29 of the Social Security (Northern Ireland) Order 1998**]** that an accident was or was not an industrial accident; and

(b) in relation to an award or decision, a beneficiary under the award or affected by the decision;

[F970"Commissioner" means the Chief Social Security Commissioner or any other Social Security Commissioner and includes a tribunal of 2 or more Commissioners constituted under Article 16(7) of the Social Security (Northern Ireland) Order 1998;**]**

F971 . . .

F971 . . .

"the Consequential Provisions Act" means the M50Social Security (Consequential Provisions) (Northern Ireland) Act 1992;

"Consolidated Fund" means the Consolidated Fund of Northern Ireland;

[F972"contribution" means a contribution under Part I of the Contributions and Benefits Act;**]**

[F973"contribution-based jobseeker's allowance" has the same meaning as in the Jobseekers (Northern Ireland) Order 1995;**]**

"contribution card" has the meaning assigned to it by section 108(6) above;

"the Contributions and Benefits Act" means the M51Social Security Contributions and Benefits (Northern Ireland) Act 1992;

[F974"contributory employment and support allowance" means a contributory allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance);**]**

[F975"the Department" means the Department for Social Development but—

(a) in sections 109A, 116 and 116B to 116D also includes the Department of Finance and Personnel; and

(b) **[**F976in sections **[**F9772E, 2F, 2G (except in the second reference in subsection (11)(c))**]** 115D, 115E, 116, 116ZA, 116C and 116D also includes the Department for Employment and Learning;**]]**

"the Department of the Environment" means the Department of the Environment for Northern Ireland;

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"the Department of Finance and Personnel" means the Department of Finance and Personnel in Northern Ireland; **[**F978but in sections 116 and 116B also includes the Department of the Environment;**]**

"disablement benefit" is to be construed in accordance with section 94(2)(a) of the Contributions and Benefits Act;

[F979"the disablement questions" is to be construed in accordance with section 43 above;**]**

"dwelling" means any residential accommodation, whether or not consisting of the whole or part of a building and whether or not comprising separate and self-contained premises;

"the Great Britain Administration Act" means the M52Social Security Administration Act 1992;

"the Great Britain Contributions and Benefits Act" means the M53Social Security Contributions and Benefits Act 1992;

"the Housing Executive" means the Northern Ireland Housing Executive;

[F980"income-based jobseeker's allowance" has the same meaning as in the Jobseekers (Northern Ireland) Order 1995;**]**

"income-related benefit" means—

(a) income support;

F981(b) . . . . . .

F981(c) . . . . . .

(d) housing benefit;

[F982"income-related employment and support allowance" means an income-related allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance);**]**

"industrial injuries benefit" means benefit under Part V of the Contributions and Benefits ActF983...;

[F984"Inland Revenue" means the Commissioners of Inland Revenue;**]**

F985. . .

F986. . .

"medical examination" includes bacteriological and radiographical tests and similar investigations, and "medically examined" has a corresponding meaning;

"medical practitioner" means—

(a) a registered medical practitioner; or

(b) a person outside the United Kingdom who is not a registered medical practitioner, but has qualifications corresponding (in the Department's opinion) to those of a registered medical practitioner;

"medical treatment" means medical, surgical or rehabilitative treatment (including any course of diet or other regimen), and references to a person receiving or submitting himself to medical treatment are to be construed accordingly;

[F987**[**F988"money purchase contracted-out scheme" is to be construed in accordance with **[**F989section 3B**]** of the Pensions Act;**]]**

"National Insurance Fund" means the Northern Ireland National Insurance Fund;

"occupational pension scheme" has the same meaning as in **[**F990section 1 of the Pensions Act**]**;

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"the Old Cases Act" means the [M54]Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975;

[F983]...

"the 1986 Order" means the [M55]Social Security (Northern Ireland) Order 1986;

[[F991]"pensionable age" has the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995;**]**

[[F992]"the Pensions Act" means the Pension Schemes (Northern Ireland) Act 1993;**]**

"the Pensions Order" means the [M56]Social Security Pensions (Northern Ireland) Order 1975;

"personal pension scheme" has the meaning assigned to it by **[**[F993]section 1 of the Pensions Act**][**[F994]and "appropriate", in relation to such a scheme, shall be construed in accordance with **[**[F995]section 3B(6)**]** of that Act**]**;

"prescribe" means prescribe by regulations **[**[F996]and "prescribed" must be construed accordingly**]** ;

[[F997]"President" means the President of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals;**]**

"regulations" means regulations made by the Department or the Lord Chancellor under this Act;

[[F998]"state pension credit" means state pension credit under the State Pension Credit Act (Northern Ireland) 2002;**]**

"statutory provision" has the meaning assigned to it by section 1(f) of the [M57]Interpretation Act (Northern Ireland) 1954 ;

"tax year" means the 12 months beginning with 6th April in any year;

"widow's benefit" has the meaning assigned to it by section 20(1)(e) of the Contributions and Benefits Act.

(2) For the purposes of Part III of the [M58]Northern Ireland Constitution Act 1973 (validity of Measures of the Northern Ireland Assembly, including Orders in Council under the [M59]Northern Ireland Act 1974), provisions of this Act which re-enact provisions of a Measure of the Assembly or such an Order are to be treated as provisions of such a Measure or Order.

Textual Amendments

F964 Words in s. 167(1) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 51(2)**; S.R. 1996/180, **art. 2**

F965 Words in s. 167(1) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 27**; S.R. 2017/190, art. 4(1)(2)(g)(ii)

F966 Words in s. 167(1) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 24**

F967 Words in s. 167(1) substituted (2.5.2016 for specified purposes, 20.6.2016 in so far as not already in force) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 29**; S.R. 2016/215, arts. 2(5)(h)(ii), 3(2)

F968 Words in s. 167(1)(a) added (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 33**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

F969 Words in s. 167(1) substituted (5.7.1999 and 29.11.1999 for different purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 87(b)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

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F970 Definition in s. 167(1) substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 87(c)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F971 Definitions in s. 167(1) repealed (6.10.1997) by S.I. 1997/1183 (N.I. 11), art. 31(1)(2), Sch. 3, para. 11, **Sch. 4**; S.R. 1997/400, **art. 2**

F972 Definition in s. 167(1) inserted (1.7.1997) by 1997 c. 47, s. 22, **Sch. 1 para. 14(2)**; S.I. 1997/1577, art. 2, **Sch.**

F973 Definition in s. 167(1) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 51(3)**; S.R. 1996/180, **art. 2**

F974 Words in s. 167(1) inserted (1.7.2008 for specified purposes, 27.7.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(28)(b)**; S.R. 2008/276, art. 2(2)(a)(i)(ii)

F975 S.167(1): definition of "the Department" substituted (9.9.2002) by Employment Act 2002 (c. 22), ss. 53, 55(2), **Sch. 7 para. 17**; S.I. 2002/2256, **art. 2**

F976 S. 167(1)(b) substituted (19.11.2002) by Social Security Act (Northern Ireland) 2002 (c. 10), **ss. 6(4)**, 9; S.R. 2002/351, **art. 2**, Sch. Pt. I

F977 Words in s. 167(1) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 2(5)**, 36(1)(a)

F978 Words in definition in s. 167(1) inserted (1.7.1997) by 1997 c. 47, s. 22, **Sch. 1**, para. 14(3); S.I. 1997/1577, art. 2, **Sch.**

F979 Definition in s. 167(1) repealed (29.11.1999 for certain purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78, Sch. 6 para. 87(a), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F980 Definition in s. 167(1) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 51(4)**; S.R. 1996/180, **art. 2**

F981 Words in s. 167(1) repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), Sch. 2 (with art. 3)

F982 Words in s. 167(1) inserted (1.7.2008 for specified purposes, 27.7.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(28)(c)**; S.R. 2008/276, art. 2(2)(a)(i)(ii)

F983 Words in s. 167(1) repealed (31.10.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 6**; S.R. 2016/234, art. 3(3)

F984 Definition in s. 167(1) inserted (24.3.1999 for certain purposes, otherwise 1.4.1999) by S.I. 1999/671, arts. 1(2), 3(1), **Sch. 1 para. 35** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F985 Definition in s. 167(1) repealed (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1)(2), Sch. 1 Pt. II, para. 51, **Sch. 2**; S.R. 1994/450, art. 2, **Sch. Pt. IV**

F986 Definition in s. 167(1) repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

F987 Definitions in s. 167(1) added (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 42(a)**; S.R. 1994/17, **art. 2**

F988 Words in s. 167(1) substituted (6.4.2012) by The Pensions (2008 Act) (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Provisions) Regulations (Northern Ireland) 2012 (S.R. 2012/120), regs. 1(a), **2(3)(a)**

F989 Words in s. 167 substituted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 13 para. 56(a)**

F990 Words in definition in s. 167(1) substituted (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 42(b)**; S.R. 1994/17, **art. 2**

F991 Definition in s. 167(1) substituted (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 123, **Sch. 2**, Pt. III, para. 10; S.R. 1997/192, **art. 2**

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F992 Definition in s. 167(1) inserted (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 42(c)**; S.R. 1994/17, **art. 2**

F993 Words in definition in s. 167(1) substituted (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 42(d)**; S.R. 1994/17, **art. 2**

F994 Words in definition in s. 167(1) added (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 42(d)**; S.R. 1994/17, **art. 2**

F995 Words in s. 167 substituted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 13 para. 56(b)**

F996 Words in s. 167(1) added (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(2)(b), **Sch. 5 para. 5**

F997 Definition in s. 167(1) repealed (29.11.1999 for certain purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78, Sch. 6 para. 87(a), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F998 S. 167(1): definition of "state pension credit" inserted (2.12.2002) for certain purposes, otherwise prosp. by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 Pt. 2 para. 22**; S.R. 2002/366, **art. 2(l)**

Modifications etc. (not altering text)

C167 S. 167(1) modified (25.10.2022) by Health and Social Care Levy (Repeal) Act 2022 (c. 43), **Sch. para. 7(6)** (with Sch. para. 8)

Marginal Citations

M49 1975 c. 15.
M50 1992 c. 9.
M51 1992 c. 7.
M52 1992 c. 5.
M53 1992 c. 4.
M54 1975 c. 17.
M55 S.I. 1986/1888 (N.I. 18).
M56 S.I. 1975/1503 (N.I. 15).
M57 1954 c. 33 (N.I.).
M58 1973 c. 36.
M59 1974 c. 28.

168 Short title, commencement and extent.

(1) This Act may be cited as the Social Security Administration (Northern Ireland) Act 1992.

(2) This Act is to be read, where appropriate, with the Contributions and Benefits Act and the Consequential Provisions Act.

(3) The enactments consolidated by this Act are repealed, in consequence of the consolidation, by the Consequential Provisions Act.

(4) Except as provided in Schedule 4 to the Consequential Provisions Act, this Act shall come into force on 1st July 1992.

(5) Subject to subsection (6) below, this Act extends to Northern Ireland only.

(6) Section 22 above and this section also extend to Great Britain.

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SCHEDULES

SCHEDULE 1

Section 1(6).

CLAIMS FOR BENEFIT MADE OR TREATED BEFORE 1ST OCTOBER 1990

Claims made or treated as made on or after 2nd September 1985 and before 19th November 1986

1 Section 1 above shall have effect in relation to a claim made or treated as made on or after 2nd September 1985 and before 19th November 1986 as if the following subsections were substituted for subsections (1) to (3)—

"(1) Except in such cases as may be prescribed, no person shall be entitled to any benefit unless, in addition to any other conditions relating to that benefit being satisfied—

(a) he makes a claim for it—

(i) in the prescribed manner; and

(ii) subject to subsection (2) below, within the prescribed time; or

(b) by virtue of a provision of Chapter VI of Part II of the 1975 Act or of regulations made under such a provision, he would have been treated as making a claim for it.

(2) Regulations shall provide for extending, subject to any prescribed conditions, the time within which a claim may be made in cases where it is not made within the prescribed time but good cause is shown for the delay.

(3) Notwithstanding any regulations made under this section, no person shall be entitled to any benefit (except disablement benefit or industrial death benefit) in respect of any period more than 12 months before the date on which the claim is made.".

Claims made or treated as made on or after 19th November 1986 and before 6th April 1987

2 Section 1 above shall have effect in relation to a claim made or treated as made on or after 19th November 1986 and before 6th April 1987 as if the subsections set out in paragraph 1 above were substituted for subsections (1) to (3) but with the insertion in subsection (3) of the words " , reduced earnings allowance " after the words "disablement benefit".

Claims made or treated as made on or after 6th April 1987 and before 23rd August 1989

3 Section 1 above shall have effect in relation to a claim made or treated as made on or after 6th April 1987 and before 23rd August 1989, as if—

(a) the following subsection were substituted for subsection (1)—

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"(1) Except in such cases as may be prescribed, no person shall be entitled to any benefit unless, in addition to any other conditions relating to that benefit being satisfied—

(a) he makes a claim for it in the prescribed manner and within the prescribed time; or

(b) by virtue of regulations made under Article 52 of the 1986 Order he would have been treated as making a claim for it."; and

(b) there were omitted—

(i) from subsection (2), the words "except as provided by section 3 below"; and

(ii) subsection (3).

Claims made or treated as made on or after 23rd August 1989 and before 14th August 1990

4 Section 1 above shall have effect in relation to a claim made or treated as made on or after 23rd August 1989 and before 14th August 1990 as if there were omitted—

(a) from subsection (1), the words "and subject to the following provisions of this section and to section 3 below";

(b) from subsection (2), the words "except as provided by section 3 below"; and

(c) subsection (3).

Claims made or treated as made on or after 14th August 1990 and before 1st October 1990

5 Section 1 above shall have effect in relation to a claim made or treated as made on or after 14th August 1990 and before 1st October 1990 as if there were omitted—

(a) from subsection (1), the words "the following provisions of this section and to"; and

(b) subsection (3).

SCHEDULE 2

Sections 39, 41 and 48 to 50.]

[F999 COMMISSIONERS – SUPPLEMENTARY PROVISIONS

Textual Amendments

F999 Sch. 2 heading substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Tenure of offices

1 [F1000(1) Subject to the following provisions of this paragraph, the President and the full-time chairmen of social security appeal tribunals, medical appeal tribunals and disability

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appeal tribunals shall hold and vacate office in accordance with the terms of their appointment.**]**

(2) Commissioners, **[**F1001 the President and the full-time chairmen**]** shall vacate their offices **[**F1002on the day on which they attain the age of **[**F1003**]**75**]** .**]**

F1004(3) . . . . . .

F1005(4) . . . . . .

[F1006(5) Neither the President nor any full-time chairman shall either directly or indirectly practise as a barrister or solicitor or as an agent for a solicitor.**]**

(6) Nothing in sub-paragraph (2) F1007. . .above or in paragraphs 6 to 7A of Schedule 10 to the 1975 Act (which relate to pensions for Commissioners) shall apply to a person by virtue of his appointment in pursuance of section 50(2) above.

Textual Amendments

F1000 Sch. 2 para. 1(1) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(a)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
Sch. 2 para. 1(1) repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F1001 Words in Sch. 2 para. 1(2)(4) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
Words in Sch. 2 para. 1(2)(4). repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F1002 Words in Sch. 2 para. 1(2) substituted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 22(2)** (with s. 27, Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**

F1003 Word in Sch. 2 para. 1(2) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 24** (with Sch. 1 para. 43)

F1004 Sch. 2 para. 1(3) repealed (31.3.1995) by 1993 c. 8, s. 26, Sch. 6 para. 22(3), **Sch. 9** (with s. 27, Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**

F1005 Sch. 2 para. 1(4) repealed (3.4.2006) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 13**; S.R. 2006/124, art. 2, Sch. para. 11(i)

F1006 Sch. 2 para. 1(5) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(d)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
Sch. 2 para. 1(5) repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F1007 Words in Sch. 2 para. 1(6) repealed (31.3.1995) by 1993 c. 8, s. 26, Sch. 6 para. 22(4), **Sch. 9** (with s. 27, Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**

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[F1008 2 Part-time chairmen of such tribunals shall hold and vacate office in accordance with the terms of their appointment.**]**

Textual Amendments

F1008 Sch. 2 para. 2 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(e)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
Sch. 2 para. 2 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Remuneration etc. for President and chairmen

[F1009 3 [F1010(1)]The Department may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of the President and full-time chairmen as, with the consent of the Department of Finance and Personnel, it may determine.

[F1011(2) Sub-paragraph (1) above, so far as relating to pensions, allowances and gratuities, shall not have effect in relation to persons to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.**]]**

Textual Amendments

F1009 Sch. 2 para. 3 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(e)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
Sch. 2 para. 3 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F1010 Sch. 2 para. 3 renumbered as sub-para. (1) (31.3.1995) by 1993 c. 8, s. 31(3), **Sch. 8 para. 24**; S.I. 1995/631, **art. 2**

F1011 Sch. 2 para. 3(2) added (31.3.1995) by 1993 c. 8, s. 31(3), **Sch. 8 para. 24**; S.I. 1995/631, **art. 2**

Officers and staff

[F1012 4 The President may appoint such officers and staff as he thinks fit—

(a) for himself;
(b) for the full-time chairmen;
(c) for social security appeal tribunals;
(d) for disability appeal tribunals; and
(e) for medical appeal tribunals,

with the consent of the Department and the Department of Finance and Personnel as to numbers and as to remuneration and other terms and conditions of service.**]**

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Textual Amendments

F1012 Sch. 2 para. 4 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(e)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
Sch. 2 para. 4 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Clerks to social security appeal tribunals and disability appeal tribunals

[F1013 5 (1) The President shall assign a clerk to service the social security appeal tribunal for each area and the disability appeal tribunal for each area.

(2) The duty of summoning members of a panel to serve on such a tribunal shall be performed by the clerk to the tribunal.**]**

Textual Amendments

F1013 Sch. 2 para. 5 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(e)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
Sch. 2 para. 5 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Miscellaneous administrative duties of President

[F1014 6 It shall be the duty of the President—

(a) to arrange—

(i) such meetings of chairmen and members of social security appeal tribunals, chairmen and members of disability appeal tribunals and chairmen and members of medical appeal tribunals;

(ii) such training for such chairmen and members,

as he considers appropriate; and

(b) to secure that such works of reference relating to social security law as he considers appropriate are available for the use of chairmen and members of social security appeal tribunals, disability appeal tribunals and medical appeal tribunals.**]**

Textual Amendments

F1014 Sch. 2 para. 6 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(e)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts.

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4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
Sch. 2 para. 6 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Remuneration etc.

7 The **[**F1015Department of Justice**]** shall pay to a Commissioner such salary or other remuneration, **[**F1016and such allowances**]** and such expenses incurred in connection with the work of a Commissioner or any tribunal presided over by a Commissioner, as may be determined by the **[**F1017Lord Chancellor**]** .

Textual Amendments

F1015 Words in Sch. 2 para. 7 substituted (10.3.2022 for specified purposes, 10.5.2022 in so far as not already in force) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(b)(ii), **Sch. 2 para. 12(a)**

F1016 Words in Sch. 2 para. 7 inserted (10.3.2022 for specified purposes, 10.5.2022 in so far as not already in force) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(b)(ii), **Sch. 2 para. 12(b)**

F1017 Words in Sch. 2 para. 7 substituted (10.3.2022 for specified purposes, 10.5.2022 in so far as not already in force) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(b)(ii), **Sch. 2 para. 12(c)**

[F1018 8 (1) The Department may pay—

(a) to any person specified in sub-paragraph (2) below, such remuneration and such travelling and other allowances;

(b) to any person specified in sub-paragraph (3) below, such travelling and other allowances;

(c) subject to sub-paragraph (4) below, such other expenses in connection with the work of any person, tribunal or inquiry appointed or constituted under any provision of this Act,

as the Department with the consent of the Department of Finance and Personnel may determine.

(2) The persons mentioned in sub-paragraph (1)(a) above are—

(a) any person (other than a Commissioner) appointed under this Act to determine questions or as a member of, or assessor to, a social security appeal tribunal, a disability appeal tribunal or a medical appeal tribunal; and

[F1019(aa) a person appointed as medical assessor to a social security appeal tribunal under regulations under section 59A(4) above; and**]**

(b) a medical officer appointed under regulations under section 60 above.

(3) The persons mentioned in sub-paragraph (1)(b) are—

(a) any person required to attend at any proceedings or inquiry under this Act; and

(b) any person required under this Act (whether for the purposes of this Act or otherwise) to attend for or to submit themselves to medical or other examination or treatment.

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(4) Expenses are not payable under sub-paragraph (1)(c) above in connection with the work—

(a) of a tribunal presided over by a Commissioner; or

(b) of a social fund officer, a social fund inspector or the social fund Commissioner.

(5) In this paragraph references to travelling and other allowances include references to compensation for loss of remunerative time but such compensation shall not be paid to any person in respect of any time during which he is in receipt of remuneration under this paragraph.**]**

Textual Amendments

F1018 Sch. 2 para. 8 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(f)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
Sch. 2 para. 8 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F1019 Sch. 2 para. 8(2)(aa) inserted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1**, Pt. II para. 52; S.R. 1994/450, art. 2, **Sch. Pt. IV**

Certificates of decisions

9 A document bearing a certificate which—

(a) is signed by a person authorised in that behalf by the Department; and

(b) states that the document, apart from the certificate, is a record of a decision—

(i) of a Commissioner;

[F1020(ii) of a social security appeal tribunal;

(iii) of a disability appeal tribunal; or

(iv) of an adjudication officer,**]**

shall be conclusive evidence of the decision; and a certificate purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Textual Amendments

F1020 Sch. 2 para. 9(b)(ii)-(iv) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise*prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(g)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
Sch. 2 para. 9(b)(ii)-(iv) repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

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[F1021]SCHEDULE 3

Section 57.

REGULATIONS AS TO PROCEDURE

Textual Amendments

F1021 Sch. 3 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Interpretation

[[F1022]1 In this Schedule "competent tribunal" means—

(a) a Commissioner;

(b) a social security appeal tribunal;

(c) a disability appeal tribunal;

(d) a medical appeal tribunal;

(e) an adjudicating medical practitioner.**]**

Textual Amendments

F1022 Sch. 3 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Provision which may be made

[[F1023]2 Provision prescribing the procedure to be followed in connection with the consideration and determination of claims and questions by the Department, an adjudication officer or a competent tribunal, or in connection with the withdrawal of a claim.**]**

Textual Amendments

F1023 Sch. 3 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[[F1024]3 Provision as to the striking out of proceedings for want of prosecution.**]**

Textual Amendments

F1024 Sch. 3 repealed (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[[F1025]4 Provision as to the form which is to be used for any document, the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence.**]**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F1025 Sch. 3 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F1026 5 Provision as to the time to be allowed—

(a) for producing any evidence; or

(b) for making an appeal.**]**

Textual Amendments

F1026 Sch. 3 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F1027 6 Provision as to the manner in which, and the time within which, a question may be raised with a view to its decision by the Department under Part II of this Act or with a view to the review of a decision under that Part.**]**

Textual Amendments

F1027 Sch. 3 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F1028 7 Provision for summoning persons to attend and give evidence or produce documents and for authorising the administration of oaths to witnesses.**]**

Textual Amendments

F1028 Sch. 3 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F1029 8 Provision for authorising a competent tribunal consisting of two or more members to proceed with any case, with the consent of the claimant, in the absence of any member.**]**

Textual Amendments

F1029 Sch. 3 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F1030 9 Provision for giving the chairman of a competent tribunal consisting of two or more members a second or casting vote where the number of members present is an even number.**]**

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F1030 Sch. 3 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F1031 10 Provision empowering the chairman of a social security appeal tribunal, a disability appeal tribunal or a medical appeal tribunal to give directions for the disposal of any purported appeal which he is satisfied that the tribunal does not have jurisdiction to entertain.**]**

Textual Amendments

F1031 Sch. 3 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F1032 11 Provision for the non-disclosure to a person of the particulars of any medical advice or medical evidence given or submitted for the purposes of a determination.**]**

Textual Amendments

F1032 Sch. 3 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F1033 12 Provision for requiring or authorising the Department to hold, or to appoint a person to hold, an inquiry in connection with the consideration of any question by the Department.**]**

Textual Amendments

F1033 Sch. 3 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[F1034 SCHEDULE 3A

HEALTH IN PREGNANCY GRANT: CIVIL PENALTY FOR FRAUD, ETC.

Textual Amendments

F1034 Sch. 3A inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by Health and Social Care Act 2008 (c. 14), **ss. 136(2)**, 170; S.I. 2008/3137, art. 2

Penalty

1 (1) This paragraph applies where a person fraudulently or negligently—

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) makes an incorrect statement or declaration in or in connection with a claim for health in pregnancy grant, or

(b) gives incorrect information or evidence in response to a requirement imposed on the person by virtue of section 5.

(2) The Commissioners for Her Majesty's Revenue and Customs may make a determination imposing a penalty on the person.

(3) The amount of a penalty imposed under this paragraph—

(a) is to be determined by the Commissioners, but

(b) may not exceed the amount of the grant.

(4) A penalty imposed under this paragraph becomes payable at the end of the period of 30 days beginning with the date on which the notice is given.

(5) The Commissioners must give notice of a determination imposing a penalty under this paragraph to the person on whom it is imposed.

(6) The notice must—

(a) state the date on which the notice is given,

(b) state the date on or before which payment is due in accordance with sub-paragraph (4), and

(c) give details of the right to appeal under paragraph 2.

Appeal

2 (1) A person on whom a penalty is imposed under paragraph 1 may appeal to an appeal tribunal against the determination imposing it.

(2) On an appeal under sub-paragraph (1), an appeal tribunal may—

(a) set the determination aside,

(b) confirm the determination,

(c) reduce the amount of the penalty, or

(d) increase the amount of it (but not so as to exceed the amount of the grant).

(3) An appeal lies to a Commissioner from a decision of an appeal tribunal under sub-paragraph (2).

(4) On an appeal under sub-paragraph (3), a Commissioner has a similar jurisdiction to that conferred on an appeal tribunal by sub-paragraph (2).

(5) In sub-paragraphs (1) to (4), "appeal tribunal" has the same meaning as in Chapter 2 of Part 2 of the Social Security (Northern Ireland) Order 1998 (decisions, etc.).

(6) The Commissioners for Her Majesty's Revenue and Customs may by regulations apply provision contained in that Order in relation to an appeal under this paragraph (with such modifications as are prescribed).

Mitigation

3 The Commissioners for Her Majesty's Revenue and Customs may mitigate or entirely remit a penalty under this Schedule.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Time limit

4 (1) The Commissioners for Her Majesty's Revenue and Customs may make a determination imposing a penalty under paragraph 1 at any time before the end of the period of two years beginning with the relevant day.

(2) In sub-paragraph (1), the "relevant day" is the day on which the statement or declaration, or information or evidence, referred to in paragraph 1(1) is made or given.

Recovery

5 A penalty payable under this Schedule is to be treated for the purposes of Part 6 of the Taxes Management Act 1970 (collection and recovery) as if it were tax charged in an assessment and due and payable.**]**

SCHEDULE 4

Section 117.

PERSONS EMPLOYED IN SOCIAL SECURITY ADMINISTRATION OR ADJUDICATION

Modifications etc. (not altering text)

C168 Sch. 4: functions modified (*prosp.*) by S.I. 1999/3147 (N.I. 11), arts. 1(2), 67, **Sch. 8 para. 32** (with art. 75)

C169 Sch. 4 extended (6.4.2003) by The Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147), art. 1(2), Sch. 8 para. 32(1), **(2)(e)**; S.R. 2003/204, art. 2

C170 Sch. 4 applied (with modifications) (27.11.2006) by The Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006 (S.R. 2006/478), reg. 1, **Sch. 5**

PART I

THE SPECIFIED PERSONS

Modifications etc. (not altering text)

C171 Sch. 4 Pt. I applied (with modifications) (14.12.2009) by Rates (Amendment) Act (Northern Ireland) 2009 (c. 8), **s. 11(3)(b)**(4), 19(1); S.R. 2009/375, art. 2(2), Sch. 2

C172 Sch. 4 Pt. I applied (with modifications) (14.12.2009) by Rates (Amendment) Act (Northern Ireland) 2009 (c. 8), **s. 11(1)(b)**(2), 19(1); S.R. 2009/375, art. 2(2), Sch. 2

Government departments

A civil servant in—

(a) the Department;

(b) the Department of Social Security;

(c) the **[**[F1035]Department of Justice**]** .

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F1035 Words in Sch. 4 substituted (12.4.2010) by The Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 1, **Sch. para. 6(2)** (with arts. 5-7)

F1036 . . .

Textual Amendments

F1036 Entry in Sch. 4 Pt. I and the heading preceding that entry repealed (1.4.1999) by S.I. 1999/671, arts. 6, 24(3), Sch. 5 para. 6(a), **Sch. 9** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

F1036 . . .

F1037 ***[*** *The Housing Executive etc.*

Textual Amendments

F1037 Heading and entries inserted (1.7.1997) by S.I. 1997/1182 (N.I. 11), **art. 4(1)**; S.R. 1997/316, art. 2, **Sch.**

A member, officer or employee of the Housing Executive.

A person authorised to exercise any function of the Housing Executive relating to housing benefit or any employee of such a person.

A person authorised under section 128A(1) of this Act to consider and report to the Department on the administration of housing benefit.**]**

[F1038 *Adjudication officers*

Textual Amendments

F1038 Entry in Sch. 4, Pt. I repealed (29.11.1999, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1)(2), Sch. 6, para. 89(a), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

The Chief Adjudication Officer.

An adjudication officer.**]**

Adjudicating bodies

The clerk to, or other officer or member of the staff of, any of the following bodies—

(a) **[**F1039an**]** appeal tribunal;

[F1040(b) a disability appeal tribunal;

(c) a medical appeal tribunal;

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(d) a vaccine damage tribunal;**]**

(e) a Pensions Appeal Tribunal constituted under the [M60]Pensions Appeal Tribunals Act 1943.

Textual Amendments

F1039 Sch. 4 Pt. I: word in the entry headed "Adjudicating bodies" substituted (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6 para. 89(b)**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F1040 Sch. 4 Pt. I: in the entry headed "Adjudicating bodies" paras. (b)-(d) repealed (29.11.1999, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1)(2), Sch. 6, para. 89(b), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Marginal Citations

M60 1943 c. 39.

The Disability Living Allowance Advisory Board for Northern Ireland

F1041 …

Textual Amendments

F1041 Words in Sch. 4 Pt. I repealed (1.5.2015) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), s. 7(1), Sch. 2 para. 3(a), **Sch. 3** (with Sch. 1 para. 4(3)); S.R. 2015/230, art. 2(b)(c)

F1041 …

F1042 . . .

Textual Amendments

F1042 Sch. 4 Pt. I: entries relating to the Occupational Pensions Board repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, Sch. 3, para. 12(4), **Sch. 5**, Pt. III; S.R. 1997/192, **art. 2**

F1042 . . .

F1042 . . .

F1042 . . .

F1043 …

Textual Amendments

F1043 Words in Sch. 4 Pt. I heading repealed (31.3.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 7**; S.R. 2016/411, art. 3(3)(a)

F1044 …

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F1044 Words in Sch. 4 Pt. I repealed (31.3.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 7**; S.R. 2016/411, art. 3(3)(a)

[[F1045]A social fund officer.**]**

Textual Amendments

F1045 Sch. 4 Pt. I: words in the entry headed "The Social Fund"repealed (29.11.1999, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1)(2), Sch. 6, para. 89(c), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F1044 …

F1044 …

I[F1046]*Discretionary support officers*

Textual Amendments

F1046 Words in Sch. 4 Pt. I inserted (17.2.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **136(8)**; S.R. 2016/46, art. 3(5)(f)

The discretionary support Commissioner.

A discretionary support inspector.

A member of any staff appointed under Article 136(3)(b) of the Welfare Reform (Northern Ireland) Order 2015.**]**

Former statutory bodies

An officer or other member of the staff of—

(a) the former Supplementary Benefits Commission for Northern Ireland;

(b) the former National Assistance Board for Northern Ireland;

(c) the former Attendance Allowance Board for Northern Ireland.

A benefit officer.

An insurance officer.

A supplement officer.

F1047**[**A Chief Adjudication Officer.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F1047 Sch. 4 Pt. I: words in the entry headed "Former statutory bodies" inserted (29.11.1999, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6 para. 89(d)**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

An adjudication officer.

A social fund officer.

[[F1048]The social fund Commissioner.

Textual Amendments

F1048 Words in Sch. 4 Pt. I inserted (31.3.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 8 para. 4**; S.R. 2016/411, art. 3(2)(b)

A social fund inspector.

A member of any staff employed in connection with the social fund.**]**

A clerk to, or other officer or member of the staff of, a former social security appeal tribunal, a former disability appeal tribunal or a former medical appeal tribunal.**]**

[[F1049]A member of, or an officer or servant of, the Disability Living Allowance Advisory Board for Northern Ireland.**]**

Textual Amendments

F1049 Words in Sch. 4 Pt. I added (1.5.2015) by Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3), s. 7(1), **Sch. 2 para. 3(b)** (with Sch. 1 para. 4(3)); S.R. 2015/230, art. 2(b)

PART II

CONSTRUCTION OF REFERENCES TO GOVERNMENT DEPARTMENTS ETC.

1 (1) The reference in Part I of this Schedule to the Department is a reference to the Department only to the extent that it carries out functions relating to social security or occupational or personal pension schemes.

(2) The reference in Part I of this Schedule to the Department includes a reference to the Department when styled—

(a) the Ministry of Health and Social Services for Northern Ireland, or

(b) the Ministry of Labour and National Insurance for Northern Ireland,

and to any former government department, but only (in each case) to the extent mentioned in sub-paragraph (1) above.

2 The reference in Part I of this Schedule to the Department of Social Security shall be construed subject to paragraph 1 of Part II of Schedule 3 to the Great Britain Administration Act.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

3 The reference in Part I of this Schedule to the **[**F1050Department of Justice is a reference to that Department**]** only to the extent that the functions carried out relate to functions of the Chief, or any other, Social Security Commissioner.

Textual Amendments

F1050 Words in Sch. 4 substituted (12.4.2010) by The Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 1, **Sch. para. 6(3)** (with arts. 5-7)

F1051 4 . . . . . .

Textual Amendments

F1051 Sch. 4 Pt. II para. 4 repealed (1.4.1999) by S.I. 1999/671, arts. 6, 24(3), Sch. 5 para. 6(b), **Sch. 9 Pt. I** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

SCHEDULE 5

Section 149.

REGULATIONS NOT REQUIRING PRIOR SUBMISSION TO SOCIAL SECURITY ADVISORY COMMITTEE

[F1052Personal independence payment

Textual Amendments

F1052 Sch. 5 para. A1 and cross-heading inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 30**; S.R. 2016/215, art. 3(2)

A1 Regulations under Article 83(3) or 84(3) of the Welfare Reform (Northern Ireland) Order 2015.**]**

Disability living allowance

1 Regulations under section 72(3) or 73(10) of the Contributions and Benefits Act.

Industrial injuries

2 Regulations relating only to industrial injuries benefit.

Up-rating, etc.

3 Regulations which state that they contain only provisions in consequence of an order under section 129 **[**F1053, 132 or 132A**]** of this Act.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F1053 Words in Sch. 5 para. 3 substituted (with effect in accordance with s. 5(3)(4) of the amending Act) by Pensions Act (Northern Ireland) 2008 (c. 1), **Sch. 1 para. 28**

[F1054 Benefit cap

Textual Amendments

F1054 Sch. 5 para. 3A and cross-heading inserted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(c), **7(3)**

3A Regulations under Article 101A of the Welfare Reform (Northern Ireland) Order 2015.**]**

Earnings limits

[F1055 4 Regulations which state that they only contain regulations to make provision consequential on regulations under section 5 of the Contributions and Benefits Act .**]**

Textual Amendments

F1055 Sch. 5 para. 4 substituted (1.4.1999) by S.I. 1999/671, art. 6, **Sch. 5 para. 51(2)** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

Married women and widows—reduced rate contributions

F1056 5 . . . . . .

Textual Amendments

F1056 Sch. 5 para. 5 repealed (1.4.1999) by S.I. 1999/671, arts. 6, 24(3), Sch. 5 para. 51(3), **Sch. 9 Pt. I** (subject to transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of the said S.R.)

Child benefit

6 Regulations prescribing the rate or any of the rates of child benefit.

7 Regulations varying social security benefits following an increase of the rate or any of the rates of child benefit.

Statutory maternity pay and statutory sick pay

8 Regulations under section **[**F1057 154 or**]** 163 of the Contributions and Benefits Act.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F1057 Words in Sch. 5 para. 8 omitted (6.4.1995) by virtue of S.R. 1995/69, **art. 6(2)(c)**

Consolidation, etc.

9 Regulations made for the purpose only of consolidating other regulations revoked by them.

10 Regulations making only provision corresponding to provision contained in regulations made by the Secretary of State or the Lord Chancellor in relation to Great Britain.

[F1058 SCHEDULE 5A

REGULATIONS NOT REQUIRING PRIOR SUBMISSION TO INDUSTRIAL INJURIES ADVISORY COUNCIL

Textual Amendments

F1058 Sch. 5A inserted (2.12.1999) by 1998 c. 47, **s. 89(8)** (with s. 95); S.I. 1999/3209, art. 2, **Sch.**

1 Regulations under section 120(1)(b) of the Contributions and Benefits Act.

2 Regulations which state that they contain only provisions in consequence of an order under section 129 **[**F1059, 132 or 132A**]** above.

Textual Amendments

F1059 Words in Sch. 5A para. 2 substituted (with effect in accordance with s. 5(3)(4) of the amending Act) by Pensions Act (Northern Ireland) 2008 (c. 1), **Sch. 1 para. 29**

3 Regulations made within a period of 6 months from the passing of any Act passed after this Act and directed to be construed as one with this Act, where—

(a) the regulations state that they contain only regulations to make provision consequential on the passing of the Act; and

(b) the Act does not exclude this paragraph in respect of the regulations;

and in this paragraph "Act" includes an Act of the Northern Ireland Assembly.

4 Regulations which state that they contain only regulations making with respect to industrial injuries benefit or its administration the same or substantially the same provision as has been, or is to be, made with respect to other benefit as defined in section 121(1) of the Contributions and Benefits Act or its administration.

5 Regulations which state that the only provision with respect to industrial injuries benefit or its administration that is made by the regulations is the same or substantially the same as provision made by the instrument with respect to other benefit as defined in section 121(1) of the Contributions and Benefits Act or its administration.

Status: *Point in time view as at 26/09/2023.*
Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

6 Regulations made for the purpose only of consolidating other regulations revoked by them.

7 Regulations making only provision corresponding to provision contained in regulations made by the Secretary of State or the Lord Chancellor in relation to Great Britain.**]**

[F1060]SCHEDULE 6

Section 161.

. . . . . .

Textual Amendments

F1060 Sch. 6 repealed (31.10.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 6**; S.R. 2016/234, art. 3(3)

SCHEDULE 7

Section 162.

SUPPLEMENTARY BENEFITS, ETC.

Claims and payments

1 (1) Section 5 above shall have effect in relation to the benefits specified in sub-paragraph (2) below as it has effect in relation to the benefits to which it applies by virtue of subsection (2).

(2) The benefits mentioned in sub-paragraph (1) above are benefits under—

(a) the former National Insurance Acts;

(b) the former Industrial Injuries Acts;

(c) the [M61]National Assistance Act (Northern Ireland) 1948;

(d) the [M62]Supplementary Benefits &c. Act (Northern Ireland) 1966;

(e) the [M63]Supplementary Benefits (Northern Ireland) Order 1977;

(f) the [M64]Family Income Supplements Act (Northern Ireland) 1971.

(3) In sub-paragraph (2) above—

"the former National Insurance Acts" means the [M65]National Insurance Act (Northern Ireland) 1946 and the [M66]National Insurance Act (Northern Ireland) 1966; and

"the former Industrial Injuries Acts" means the [M67]Industrial Injuries Act (Northern Ireland) 1946 and the [M68]Industrial Injuries Act (Northern Ireland) 1966.

Marginal Citations

M61 1948 c. 13 (N.I.).

M62 1966 c. 28 (N.I.).

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M63 S.I. 1977/2156 (N.I. 27).
M64 1971 c. 8 (N.I.).
M65 1946 c. 23 (N.I.).
M66 1966 c. 6 (N.I.).
M67 1946 c. 21 (N.I.).
M68 1966 c. 9 (N.I.).

Adjudication

2 (1) **[**F1061Articles 9 to 18, 29 to 31 and 39 of the Social Security (Northern Ireland) Order 1998 and section 22 above**]** shall have effect for the purposes of the benefits specified in paragraph 2(2) above as they have effect for the purposes of benefit within the meaning of section 121 of the Contributions and Benefits Act other than attendance allowance, disability living allowance and disability working allowance.

(2) Procedure regulations made under **[**F1062Article 16 of the Social Security (Northern Ireland) Order 1998**]** by virtue of sub-paragraph (1) above may make different provision in relation to each of the benefits specified in paragraph 1(2) above.

Textual Amendments

F1061 Words in Sch. 7 para. 2(1) substituted (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6**, para. 91(1); S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

F1062 Words in Sch. 7, para. 2(2) substituted (29.11.1999 for certain purposes, otherwise*prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1, 78(1), **Sch. 6**, para. 91(2); S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Overpayments etc.

3 (1) Section 69 above shall have effect in relation to the benefits mentioned in paragraph 2(2) above as it has effect in relation to the benefits to which it applies by virtue of subsection (11).

(2) Section 72 above shall have effect in relation to supplementary benefit as it has effect in relation to income support.

(3) The reference to housing benefit in section 73 above includes a reference to housing benefits under the M69Housing Benefits (Northern Ireland) Order 1983.

Marginal Citations

M69 S.I. 1983/1121 (N.I. 14).

Inspection

4 **[**F1063Part VI of this Act shall have effect as if the following statutory provisions were included in the statutory provisions comprised in the relevant social security legislation**]**—

(a) the M70Supplementary Benefits (Northern Ireland) Order 1977,

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(b) the [M71]Family Income Supplements Act (Northern Ireland) 1971.

Textual Amendments

F1063 Words in Sch. 7 para. 4 substituted (2.4.2001) by 2000 c. 4 (N.I.), s. 58, **Sch. 6 para. 9** (with s. 66(6)); S.R. 2001/141, art. 2(1), **Sch. Pt. I**

Marginal Citations

M70 S.I. 1977/2156 (N.I. 27).
M71 1971 c. 8 (N.I.).

Legal proceedings

5 Section 110 above shall have effect as if any reference to this Act in that section included—

(a) the [M72]National Assistance Act (Northern Ireland) 1948;
(b) the [M73]Supplementary Benefits &c. Act (Northern Ireland) 1966;
(c) the Supplementary Benefits (Northern Ireland) Order 1977;
(d) the Family Income Supplements Act (Northern Ireland) 1971.

Marginal Citations

M72 1948 c. 13 (N.I.).
M73 1966 c. 28 (N.I.).

TABLE OF DERIVATIONS

Note:

1. Abbreviations used in this Table are the same as those used in the Table of Derivations for the Social Security Contributions and Benefits (Northern Ireland) Bill. They are set out at the beginning of that Table.

2. The Table does not acknowledge the general changes made by Articles 3 and 4 of the Social Security Adjudications (Northern Ireland) Order 1983. Those Articles transferred adjudication functions to adjudication officers, social security appeal tribunals and adjudicating medical practitioners.

3. The Table does not contain any entries in respect of Article 2(3) of the Social Security Pensions (Northern Ireland) Order 1975 (NI 15) under which, with certain exceptions, that Order and the Social Security (Northern Ireland) Act 1975 (c. 15) have effect as if the provisions of the Order were contained in the Social Security (Northern Ireland) Act 1975. The effect is that the general provisions of the Social Security (Northern Ireland) Act 1975 apply to the provisions of the Social Security Pensions (Northern Ireland) Order 1975.

4. The Table does not contain any entries for Transfer of Functions Orders.

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Provision	Derivation
1(1), (2)	1975 s. 154A(1), (2); 1986 Sch. 9 para. 56; 1989 Sch. 8 para. 8; 1990 art. 8(1)
(3)	1975 s. 154A(3); 1990 art. 3(6); 1991D Sch. 1 para. 19
(4)	1975 s. 154A(1); 1986 Sch. 9 paras. 32(b), 56; 1990 art. 7(4)
(5), (6)	Drafting
2	1975 s. 154B; 1990 art. 7(1)
3	1975 s. 154C; 1990 art. 8(2)
4	1990 Sch. 6 para. 16(2)
5(1)	1986 art. 52(1)
(2)	1986 art. 52(2); 1988 Sch. 3 para. 13, Sch. 5; 1991D Sch. 3 para. 2
(3), (4)	1986 art. 52(3), (4)
6	1975 s. 88; 1986 Sch. 10
7	1975 s. 89; 1982 Sch. 5
8	1975 s. 90; 1982 Sch. 5; 1985 Sch. 6; 1986 Sch. 9 para. 55, Sch. 10
9	1986 art. 28B(1) - (3); 1991D art. 9(1)
10(1)	1986 art. 34(1); 1988 Sch. 3 para. 7, Sch. 5
(2)	1986 art. 34(13); 1990 art. 12(5)
11(1)	1975CB art. 8(1); 1989 Sch. 7 para. 19
(2)	1975CB art. 8(3)
12(1)	1982 art. 19(2)
(2)	1982 art. 19(2A); 1985 art. 20
(3)	1982 art. 19(3)
13	1986 Sch. 4 paras. 6, 7
14	1988 art. 9
15(1)(a), (b)	1975 s. 93(1)(a), (b)
(c)	1975 s. 93(1)(bb); 1991C art. 5(1)
(d)	1975 s. 93(1)(d)
(e)	1975 s. 93(1)(e); 1977 art. 18(5)
(f)	1975P art. 70(1)(a); M5
(g)(i) - (iv)	1986 Sch. 5 Part II para. (b)(i) - (iv); M5
(v)	1986 Sch. 5 Part II para. (b)(vi); 1991SP art. 4(3); M5

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(vi)	1986 Sch. 5 Part II para. (b)(v); M5
(h)	1986 Sch. 5 Part II para. (c); M5
(2), (3)	1975 s. 93(2), (2A); 1989 Sch. 3 para. 1(1)
(4)	1975 s. 93(3); M6
16	1975 s. 94; M5
17(1)	1975 s. 96(1); 1986 Sch. 5 para. 2; M6
(2), (3)	1975 s. 96(2); 1980 Sch. 1 para. 9
18(1), (2)	1975 s. 98(1), (2); 1986 Sch. 5 para. 3; 1991D Sch. 1 para. 2
(3)	1975 s. 98(1); 1986 art. 53(3), (7)(a); 1991D Sch. 2 para. 11(a)
(4)	1975 s. 98(2A); 1986 Sch. 5 para. 3
(5)	1975 s. 98(3)
(6)	1975 s. 98(1); 1986 art. 53(3)(a), (3A), (6); 1988 Sch. 3 para. 13; 1991D Sch. 2 para. 11, Sch. 3 para. 3(1)
19(1), (2)	1975 s. 99(1), (2); 1986 Sch. 5 para. 4; 1991D Sch. 1 para. 3(1), (2)
(3)	1975 s. 99(2A); 1986 art. 53(3A); 1991D Sch. 1 para. 3(3), Sch. 3 para. 3(1), (2)
(4), (5)	1975 s. 99(3); 1986 art. 53(7)(b)
(6)	1975 s. 99(4); 1989 Sch. 3 para. 2
20(1)	1975 s. 100(1); 1986 art. 53(3A), (7)(c)(i); 1991D Sch. 1 para. 4(a), Sch. 3 para. 3(1)
(2)	1975 s. 100(2); 1986 art. 53(7)(c)(ii), Sch. 5 para. 5(b); 1991D Sch. 1 para. 4(b)
(3)	1975 s. 100(3); 1986 Sch. 5 para. 5(c); 1989 Sch. 3 para. 5
(4)	1975 s. 100(4); 1986 Sch. 5 para. 5(d)
(5)	1975 s. 100(6); 1986 art. 53(7)(c)(iii), Sch. 5 para. 5(e); 1991D Sch. 1 para. 4(c)
(6), (7)	1975 s. 100(7), (8); 1990 Sch. 6 para. 4(1)
21(1)	1975 s. 101(1); 1986 Sch. 5 para. 6(1)
(2)	1975 s. 101(2); 1986 art. 53(3), (7)(d)
(3)	1975 s. 101(2); 1986 art. 53(3), Sch. 5 para. 6(2)
(4)	1975 s. 101(2)(bb); 1990 Sch. 6 para. 4(2)
(5)	1975 s. 101(3); 1986 Sch. 10; 1990 Sch. 6 para. 4(3)

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(6)	1975 s. 101(4)
(7) - (10)	1975 s. 101(5) - (5B); 1986 Sch. 5 para. 6(3); 1989 Sch. 3 para. 6
22(1) - (5)	1980A s. 14(1) - (5)
(6)	1980A s. 14(8)(a); 1986A Sch. 9 para. 11(c)(i)
23(1)	1975 s. 104(1); 1986 art. 53(3), (3A), Sch. 5 para. 9(a); 1988 Sch. 3 para. 13, Sch. 4 para. 11; 1989 art. 12(5), Sch. 3 para. 11(1); 1991D Sch. 1 para. 8(a), Sch. 3 para. 3(1)
(2)	1975 s. 104(1A); 1983 Sch. 1 para. 2; 1986 art. 53(3A), Sch. 10; 1991D Sch. 1 para. 8(b), Sch. 3 para. 3(1)
(3)	1975 s. 104(1); 1986 Sch. 5 para. 9(a)
(4)	1986 art. 53(8); M10
(5)	1975 s. 104(1ZA); 1989 Sch. 3 para. 11(2)
24(1), (2)	1975 s. 104(2), (3)
(3)	1975 s. 104(3A); 1986 Sch. 5 para. 9(c)
25(1)	1975 s. 104(5); 1986 Sch. 5 para. 9(d); 1989 Sch. 3 para. 11(3), (4)
(2)	1975 s. 104(6); 1990 art. 8(3)
26	1975 s. 104(4)
27	1975 s. 104(3B); 1989 Sch. 3 para. 7
28(1)	1975 s. 100A(1); 1986 art. 53(3A), (10); 1991D Sch. 1 para. 5, Sch. 3 para. 3(1), (3)
(2) - (4)	1975 s. 100A(2) - (4); 1991D Sch. 1 para. 5
(5)	1975 s. 100A(2); 1986 art. 53(3A), (9)(a), (b), (10); 1991D Sch. 1 para. 5, Sch. 3, para. 3(1), (3)
(6) - (11)	1975 s. 100A(5) - (10); 1986 art. 53(3A); 1991D Sch. 1 para. 5, Sch. 3 para. 3(1)
(12)	1975 s. 100A(11); 1991D Sch. 1 para. 5
(13)	1975 s. 100A(12); 1986 art. 53(3A); 1991D Sch. 1 para. 5, Sch. 3 para. 3(1)
29	1975 s. 100B; 1986 art. 53(3A); 1991D Sch. 1 para. 5, Sch. 3 para. 3(1)
30(1)	1975 s. 100C(1); 1986 art. 53(3A); 1991D Sch. 1 para. 5, Sch. 3 para. 3(1)
(2) - (5)	1975 s. 100C(2) - (5); 1991D Sch. 1 para. 5

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(6), (7)	1975 s. 100C(6), (7); 1986 art. 53(3A); 1991D Sch. 1 para. 5, Sch. 3 para. 3(1)
(8)	1975 s. 100C(8)(a), 104(5)(b); 1986 art. 53(3A), Sch. 5 para. 9(d); 1991D Sch. 1 para. 5, Sch. 3 para. 3(1)
(9), (10)	1975 s. 100C(9), (10); 1986 art. 53(3A); 1991D Sch. 1 para. 5, Sch. 3 para. 3(1)
31	1975 s. 100D(1) - (6); 1986 art. 53(3A); 1991D Sch. 1 para. 5, Sch. 3 para. 3(1)
32(1) - (4)	1975 s. 101; 1986 art. 53(3A), Sch. 5 para. 6; 1991D Sch. 1 para. 6, Sch. 3 para. 3(1)
(5)	1980A s. 14(1) - (4), (8)(b)
33(1), (2)	1975 s. 104A(1), (2); 1991D Sch. 1 para. 9
(3)	1975 s. 104A(1); 1986 art. 53(3A), (9)(a), (b), (10); 1991D Sch. 1 para. 9, Sch. 3 para. 3(1), (3)
(4)	1975 s. 104A(3); 1986 art. 53(3A); 1991D Sch. 1 para. 9, Sch. 3 para. 3(1)
(5)	1975 ss. 104(3A), 104A(9)(b); 1986 art. 53(3A), (9)(c), Sch. 5 para. 9(c); 1991D Sch. 1 para. 9, Sch. 3 para. 3(1), (3)
(6) - (9)	1975 s. 104A(4) - (7); 1986 art. 53(3A); 1991D Sch. 1 para. 9, Sch. 3 para. 3(1)
(10)	1975 ss. 104(5)(b), 104A(9)(c); 1986 art. 53(3A), (9)(c); 1991D Sch. 1 para. 9, Sch. 3 para. 3(1), (3)
(11)	1975 ss. 104(1ZA), 104A(9)(a); 1991D Sch. 1 para. 9
(12)	1975 s. 104A(8); 1986 art. 53(3A); 1991D Sch. 1 para. 9, Sch. 3 para. 3(1)
34(1)	1975 s. 102(1), (2); 1986 Sch. 5 para. 7; 1991D Sch. 1 para. 7(1)
(2)	1975 s. 102(3); 1991D Sch. 1 para. 7(2)
35	1975 s. 103; 1986 Sch. 5 para. 8; 1989 Sch. 3 para. 15
36	1975 s. 97(1), (1A); 1983 Sch. 1 para. 1; 1990 Sch. 6 para. 3(1)
37	1975 s. 97(1B) - (1E); 1983 Sch. 1 para. 1
38(1)	1975 Sch. 10 para. 1(1); 1983 Sch. 1 para. 5
(2), (3)	1975 Sch. 10 para. 1(2), (2A); 1984 art. 10(b)
(4)	1975 Sch. 10 para. 1(6); 1983 Sch. 1 para. 5

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39(1), (2)	1975 s. 97(2), (2A); 1983 Sch. 1 para. 1; 1984 art. 10(a)
(3), (4)	1975 s. 97(2C) - (2D); 1983 Sch. 1 para. 1
(5)	1975 Sch. 10 para. 1(8); 1983 Sch. 1 para. 5
(6)	Drafting
40	1975 Sch. 10 para. 1(2), (2A), Sch. 10A paras. 3 - 8; 1984 art.10(b); 1991D Sch. 1 para. 16
41(1) - (3)	1975 Sch. 10A paras. 1, 9, 10; 1983 Sch. 1 para. 1; 1991D Sch. 1 para. 16
(4), (5)	1975 s. 97(2C), (2D), Sch. 10A para. 2; 1984 art. 10(a); 1991D Sch. 1 para. 16
(6), (7)	1975 Sch. 10A paras. 12, 13; 1991D Sch. 1 para. 16
(8)	Drafting
42	1975 s. 107; 1986 Sch. 5 para. 11, Sch. 10; 1988 Sch. 1 para. 6
43(1), (2)	1975 s. 108(1), (2); 1983 Sch. 2 para. 1(1); 1984 Sch. 2 paras. 4, 5; 1986 Sch. 3 para. 14(a); 1989 Sch. 3 para. 12(1)
(3) - (6)	1975 s. 108(4) - (5); 1983 Sch. 2 para. 1(3); 1989 Sch. 3 para. 12(2)
44	1975 s. 109; 1983 Sch. 2 para. 2, Sch. 3; 1984 Sch. 2 para. 6; 1986 Sch. 5 para. 12
45(1) - (9)	1975 s. 110; 1979 Sch. 3 para. 7; 1983 Sch. 2 para. 3; 1984 Sch. 2 para. 7; 1986 Sch. 5 para. 13, Sch. 10
(10)	Social Security (Consequential Provisions) Act 1975 (c. 18) Sch. 3 paras. 20, 31
46(1) - (4)	1975 s. 112A(1) - (5); 1986A Sch. 9 para. 1; 1989 Sch. 9
(5), (6)	1975 s. 112A(5A), (5B); 1989 Sch. 3 para. 9(2)
47(1), (2)	1975 Sch. 12 para. 1; 1983 Sch. 2 para. 7(a)
(3)	1975 Sch. 12 para. 3; 1983 Sch. 2 para. 7(b)
48(1) - (4)	1975 Sch. 12 para. 2(1) - (4); 1983 Sch. 1 para. 6; 1986 Sch. 5 para. 15
(5)	1975 Sch. 12 para. 2(6); 1983 Sch. 1 para. 6
(6)	1975 Sch. 12 para. 3; 1983 Sch. 2 para. 7(b)
(7)	Drafting

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49(1) - (3)	1975 s. 97(2D)(a), Sch. 10 para. 1A(1) - (3); 1983 Sch. 1 paras. 1, 5; 1991D Sch. 1 para. 15
(4)	1975 s. 97(2E), Sch. 10A para. 2, Sch. 12 para. 2(5); 1983 Sch. 1 paras. 1, 6; 1991D Sch. 1 para. 16
(5)	Drafting
50(1)	1975 s. 97(3); 1979 s. 9(2)
(2)	1980A s. 13(5); Courts and Legal Services Act 1990 (c. 41) Sch. 10 para. 46
(3)	Drafting
51	1975 s. 115A; 1989 Sch. 3 para. 3(1); 1991D Sch. 1 para. 11, Sch. 4
52(1), (2)	1975 s. 115C(1), (2); 1986 art. 53(3A); 1991D Sch. 1 para. 13, Sch. 3, para. 3(1)
(3)	1975 s. 115C(3); 1991D Sch. 1, para. 13
(4)	1975 s. 115C(3); 1986 art. 53(3A), (9)(d); 1991D Sch. 1 para. 13, Sch. 3 para. 3(1), (3)
(5)	1975 s. 115C(4); 1986 art. 53(3A), (9)(b); 1991D Sch. 1 para. 13, Sch. 3 para. 3(1)
(6)	1975 s. 115C(5); 1991D Sch. 1 para. 13
(7)	1975 s. 115C(5); 1986 art. 53(3A), (9)(e); 1991D Sch. 1 para. 13, Sch. 3 para. 3(1), (3)
(8)	1975 s. 115C(6); 1986 art. 53(3A); 1991D Sch. 1 para. 13, Sch. 3 para. 3(1)
53	1975 s. 115D; 1986 art. 53(3A)(c); 1991D Sch. 1 para. 13, Sch. 3 para. 3(1)
54	1975 s. 115B; 1989 Sch. 3 para. 3(1); 1991D Sch. 1 para. 12, Sch. 4
55	1975 s. 116; 1980A s. 12
56(1), (2)	1975 s. 114(1); 1986 art. 53(3)(b), (3A), (6); 1988 Sch. 3 para. 13; 1991D Sch. 3 para. 3(1)
(3)	1975 s. 114(2)
(4)	1976IR art. 72(3)
(5) - (7)	1975 s. 114(2A) - (2C); 1986 Sch. 5 para. 14
(8)	1975 s. 114(5)
57(1), (2)	1975 s. 115(1) - (3); 1986 art. 53(3)(c), (3A), (4), (6); 1988 Sch. 3 para. 13; 1991D Sch. 3 para. 3(1)
(3)	1975 s. 115(4)

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(4)	1975 s. 115(4A); 1991C art. 5(2)
(5), (6)	1975 s. 115(5); 1989 Sch. 3 para. 1(2)
58(1)	1975 s. 117(1); 1983 Sch. 1 para. 4; 1986 art. 53(3), (3A), (6); 1991D Sch. 3 para. 3(1)
(2)	1975 s. 117(2); 1986 art. 53(3), (3A), (6); 1991D Sch. 3 para. 3(1)
(3)	1975 s. 117(3); 1983 Sch. 2 para. 6
(4)	1975 s. 117(4); 1988 Sch. 1 para. 6
(5)	1975 s. 117(5)
59(1), (2)	1975 s. 119(3), (4)(a)
(3)	1977 art. 13(5)
(4)	1986 art. 53(3)(e), (3A), (6); 1988 Sch. 3 para. 13; 1991D Sch. 3 para. 3(1)
60	1975 s. 113(1), (2)(a), (b); 1983 Sch. 2 para. 4
61	1986 art. 30(1) - (3)
62(1), (2)	1986 art. 33(8), (9); 1988 Sch. 5
(3)	1986 art. 33(10); 1988 Sch. 3 para. 6; 1990 art. 12(2)
63	1986 art. 36
64(1) - (8)	1986 art. 35; 1988 Sch. 5
(9), (10)	1986 art. 33(11), (12); 1988 Sch. 3 para. 6
65	1986 Sch. 6 para. 4
66(1) - (3)	1975 s. 154D(1) - (3); 1990 Sch. 6 para. 5(2)
(4)	1975 s. 154D(4); 1986 Sch. 9 para. 32; 1990 Sch. 6 para. 5(2), (3); 1991D Sch. 2 para. 4
(5), (6)	1975 s. 154D(5), (6); 1990 Sch. 6 para. 5(2)
67	1975 s. 104(7) - (10); 1986 art. 53(3); 1990 Sch. 6 para. 5(1); 1991D Sch. 2 para. 11, Sch. 3 para. 3(1)
68	National Insurance Measure (NI) 1974 (c. 4) s. 5(1), (4)
69(1)	1986 art. 54(1)
(2)	1986 art. 54(1A); 1989 Sch. 3 para. 14(1)
(3) - (10)	1986 art. 54(2) - (9); 1989 Sch. 3 para. 14(2)
(11)	1986 art. 54(10); 1988 Sch. 3 para. 13, Sch. 4 para. 23(1), Sch. 5; 1991D Sch. 3 para. 4
70(1), (2)	1986 art. 21(4E), (4H); 1988 art. 6(2)

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(3) - (6)	1986 art. 21(4J) - (4M); 1988 art. 6(2)
(7), (8)	1986 arts. 21(4F), (4G), 54(10A); 1988 art. 6(2), Sch. 4 para. 23(2)
71	1975 s. 85; 1975CB Sch. 4 para. 29, Sch. 5; 1979 art. 12
72	1986 art. 28
73	1986 art. 30(4) - (7)
74(1) - (3)	1986 art. 34(5) - (7)
(4)	1986 art. 33(4); 1988 Sch. 5
(5)	1986 art. 34(12)
(6) - (8)	1986 arts. 27(3) - (5), 34(8); 1989 art. 7(2), (3), Sch. 9; 1990 art. 10(2)
75	1986 arts. 30(8), 54(7A); 1988 Sch. 4 paras. 19, 21
76	1975CB art. 6A; 1979 art. 12(2)
77(1)	1989 art. 24(3), Sch. 4 para. 1(1); 1990 Sch. 1 para. 1(1) - (3); 1991SP art. 3(5)
(2)	1989 art. 24(3A); 1991SP art. 3(5)
(3) - (5)	1989 art. 24(4) - (6)
(6)	1989 Sch. 4 para. 1(2)
(7)	1989 art. 24(8)
78	1989 art. 24(1), (2)
79	1989 Sch. 4 para. 2
80	1989 Sch. 4 para. 3
81	1989 Sch. 4 para. 4
82	1989 Sch. 4 para. 5
83	1989 Sch. 4 para. 6
84	1989 Sch. 4 para. 7
85	1989 Sch. 4 para. 8
86	1989 Sch. 4 para. 9
87	1989 Sch. 4 para. 10
88	1989 Sch. 4 para. 11
89	1989 Sch. 4 para. 12; 1990 Sch. 1 para. 2
90	1989 Sch. 4 para. 13; 1990 Sch. 1 para. 1(4)
91	1989 Sch. 4 para. 14
92	1989 Sch. 4 para. 15
93	1989 Sch. 4 para. 16

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94	1989 Sch. 4 para. 17; 1990 Sch. 1 paras. 3, 4
95	1989 Sch. 4 para. 18
96	1989 Sch. 4 para. 19
97	1989 Sch. 4 para. 21
98	1989 Sch. 4 para. 23; 1990 Sch. 1 para. 5
99	1989 art. 28
100	1986 art. 27; 1989 art. 7(2), (3); 1990 art. 10(2)
101	1986 art. 25
102	1986 art. 25A; 1990 art. 10(1)
103	1986 art. 25B; 1990 art. 10(1)
104(1) - (8)	1986 art. 59(1) - (7); 1989 Sch. 4 para. 20(1) - (6)
(9)	1986 art. 59(10); 1989 Sch. 4 para. 20(3), (7)
105	1986 art. 59(8), (9)
106	1986 art. 56
107	1986 art. 55
108(1)	1975 s. 137(1); 1975P Sch. 5 para. 36; 1984F arts. 5(2), 6(1), (3)
(2)	1975 s. 1(4), Sch. 1 para. 5(2)
(3)	1975 s. 137(2)
(4)	1975 s. 137(3); 1981 Sch. para. 3(a); 1986 Sch. 10
(5), (6)	1975 s. 137(4)
109	1986 art. 58
110(1) - (3)	1986 art. 57(1) - (3)
(4)	1986 art. 57(3A); 1990 Sch. 6 para. 3(2)
(5), (6)	1986 art. 57(4), (5)
111	1975 s. 139; 1986 art. 53(5); M6
112	1975 s. 140
113	1975 s. 141
114(1), (2)	1975 s. 142(1), (2); 1975P Sch. 5 para. 39; 1986 Sch. 10
(3)	1975 s. 142(3); 1991C art. 4(6)(a)
(4)	1975 s. 142(3A); 1991C art. 4(6)(b)
(5)	1975 s. 142(4)
(6)	1975 s. 142(5); 1991C art. 4(6)(c)

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115(1)	1975 s. 143(7); Criminal Justice (NI) Order 1980 (NI 6) Sch. 1 para. 72; 1981MC Sch. 6 para. 35
(2) - (6)	1975 s. 143(1), (3), (4), (5); 1990 Sch. 7
116	1986 art. 60; 1989 art. 22
117	1989 art. 21; 1990 Sch. 6 para. 17
118	1986 art. 61
119	1986 art. 28A; 1989 Sch. 8 para. 16
120	1986 art. 32(1) - (3)
121	1982 art. 19(1)
122(1) - (3)	1982 art. 20; 1984 Sch. 2 para. 13(1)
(4)	1982 arts. 11(3)(a), 19(4)
123	1986 Sch. 4 para. 9
124(1), (2)	1986 Sch. 4 para. 8A; 1989 Sch. 8 para. 17
(3)	1986 Sch. 4 para. 8
125	1975 s. 151; Adoption (NI) Order 1987 (NI 22) Sch. 5
126(1)	1986 art. 29(1)
(2)	1986 art. 29(1A); 1989 art. 16(1)
(3) - (6)	1986 art. 29(2) - (5)
127(1), (2)	1986 art. 31(1), (2)
(3)	1986 art. 31(4); 1989 art. 17
128	1986 art. 31(5) - (8); 1989 art. 17
129	1975 s. 120; 1979 Sch. 3 para. 9; 1985 art. 9(5)
130	1975P art. 23; 1985 Sch. 3 para. 1
131	1982 art. 11(1E); 1991SP art. 4(1)
132	1986 art. 64
133	1975 art. 64A; 1989 art. 19(1)
134(1), (2)	1975CB art. 19(1), (2)(a) - (e)
135	1986 art. 65; 1989 art. 19(2)(a)
136	1975P art. 11(3A); 1989 Sch. 8 para. 10
137(1)	1975CB art. 7(5), Sch. 3 paras. 1, 2; 1986 Sch. 9 para. 62
(2)	1975CB Sch. 3 para. 3
138	1977 art. 13(4)
139	1986 art. 65A; 1989 art. 20

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140	1986 art. 65B; 1990 Sch. 6 para. 13
141	1975 s. 127(1) - (4); Finance Act 1980 (c. 48) Sch. 19 para. 5(4)
142(1), (2)	1975 s. 128(1), (2); 1991R Sch. 2
(3)	1975 s. 128(2A); 1990 art. 18(3)
(4)	1975 s. 128(2B); 1990 art. 19(1)
(5)	1975 ss. 128(4); 1981 art. 5(2)(b), (c), (3); 1982 art. 5(2); 1985 Sch. 5 para. 4; Social Security (Consolidated Fund of Northern Ireland Supplements to, and Allocation of, Contributions) (Re-rating) Order (NI) 1987 (SR 1987 No. 25) art. 3(2); 1989 art. 3(2); Social Security (Contributions and Allocation of Contributions) (Re-rating) Order (NI) 1989 (SR 1989 No. 89) art. 6(2); 1991RF Sch. 2; 1991C art. 6(a)
(6)	1975 s. 128(4); 1985 Sch. 5 para. 4
(7), (8)	1975 s. 128(4A), (4B); 1981C art. 5(3)
(9) - (11)	1975 s. 128(5)
(12)	1975 s. 128(6); 1979 art. 11(3)
143(1)(a), (b)	1975 ss. 1(5), 129(1), (2); 1975P Sch. 5 para. 32; 1986 Sch. 10; 1990 art. 18(4); 1991D Sch. 1 para. 18
(c)	1986 art. 82(1)(c)
(d)	1982 art. 11(7); 1985 art. 19(1)(d); 1986 art. 82(1)(c)
(e)	1989 art. 29(3)(b)
(2)	1975 s. 129(2), (3); 1984 Sch. 2 para. 2; 1989 art. 29(3); 1990 art. 18(4); 1991D Sch. 1 para. 18
(3)	1975 s. 129(4)
(4)	1977 art. 3(2)
(5)	1975 s. 129(7); 1990 art. 19(2)
144(1) - (3)	1986 art. 82(3) - (5)
(4)	1975OC s. 4(3)(e); 1990 art. 18(7)(b)
(5)	1975 s. 113(2)(b); 1983 Sch. 2 para. 4(b); 1986 art. 82(6)
(6)	1989 art. 29(2)
145(1)	1975 s. 127(5); 1986 art. 82(7); 1991D Sch. 3 para. 7

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(2) - (4)	1975 s. 127(6); 1975CB art. 25; 1986 art. 82(8)
(5)	1975 s. 129(5); 1975P art. 73(1); 1977 art. 20; 1980 art. 14; 1982 art. 37; 1986 art. 82(2); 1988 art. 15; 1989 art. 29(1); 1990 arts. 18(5), 20(2)
146(1)	1986 art. 33(1)
(2) - (4)	1986 art. 33(5) - (7)
(5), (6)	1986 art. 3(7A), (7B); 1988 Sch. 3, para. 3
147(1) - (4)	1986 art. 33(8A) - (8D); 1988 Sch. 3 para. 5
(5)	1986 art. 33(8E); 1990 art. 12(1)
148	1986 art. 82(9), (10)
149	1980A ss. 9(3), 10; 1986 Sch. 9 para. 64; 1991SP art. 5(1)(b)
150(1) - (4)	1986 art. 62(1) - (4)
(5)	1986 art. 62(5); 1989 Sch. 8 para. 11(2)
(6)	1986 art. 62(6); 1989 Sch. 8 para. 11(2)
151	1980A s. 10(3), (6), (8), (9)
152	1991D art. 5(1) - (6)
153	1975 s. 133; Social Security Pensions Act 1975 (c. 60) Sch. 4 para. 69; 1986 art. 66(1)
154	1975CB art. 16; 1986 art. 66(4); 1991D Sch. 3 para. 5
155(1)	1975 s. 134(1); 1975CB art. 17(1); 1977A s. 20(3); 1977 art. 16; 1986 art. 66(2), Sch. 10
(2)	1975 s. 134(1A); 1975CB art. 17(1A); 1981 art. 7(1), (2)
(3)	1975 s. 134(2); 1975CB art. 17(2)
(4)	1975 s. 134(1); 1975CB art. 17(1); 1986 art. 66(4); 1991D Sch. 3 para. 5
(5)	1975CB art. 17(3); 1986 art. 66(4); 1991D Sch. 3 para. 6
(6)	1975CB arts. 16(3), 17(3)
156	1986 art. 78
157	1977SB art. 28; 1984F arts. 4, 6(1), (3)
158	1977SB art. 29; 1984F arts. 4, 6(1), (3)
159	1975 s. 145
160	1975 s. 146
161(1)	Drafting

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(2)	1975 s. 150(3)(c)
162	Drafting
163(1)	1975 s. 87(1); 1975CB art. 14; 1986 Sch. 9 para. 32(a)
(3)	1975 s. 87(3); Judgments Enforcement (Northern Ireland Consequential Amendments) Order 1981 (SI 1981/234) art. 5; 1981MC Sch. 6 para. 34
164(1), (2)	1975 s. 153
(3)	1975OC s. 7
165(1)	1975 Sch. 17; 1986 Sch. 5 para. 17
(2)	1975 Sch. 17; 1986 Sch. 5 para. 17
(3)	1975 s. 155(1); 1986 art. 81(1); 1989 art. 30(1); 1991D art. 13(2)
(4)	1975 s. 155(2); 1982 art. 36(1); 1986 art. 81(1); 1989 art. 30(1); 1991D art. 13(2)
(5)	1975 ss. 13(2)(c), 155(3); 1975CB art. 24(5); 1982 art. 36(1); 1986 art. 81(1); 1989 art. 30(1), Sch. 8 para. 9(1); M8
(6)	1975 s. 155(3A); 1975CB art. 24(5A); 1986 arts. 63(1), (2), 81(1); 1989 art. 30(1); 1991D art. 13(2)
(7)	1986 art. 81(2)
(8)	1986 art. 81(5)
(9)	1975 s. 127(6); 1986 art. 81(6); 1989 art. 30(5)
(10)	1975 s. 155(5); 1982 art. 36(1); 1986 art. 81(7)
(11)	1975 s. 155(7); 1975CB arts. 16(3), 17(3); 1977A Sch. 2; 1986 art. 66(4); 1991D Sch. 3 para. 5
(12)	1975 s. 157(4); 1977A Sch. 2
166(1)	1975 s. 156(1)
(2)	1975 s. 156(2); 1975CB art. 24(2); 1982 art. 11(1F); 1986 art. 81(3)(c); 1989 art. 30(2)(h); 1991SP art. 4(1)
(3)	1975 s. 156(3)(c); 1975CB art. 24(3); 1990 Sch. 6 para. 6(1)
(4)	1975 s. 156(4); 1975OC s. 4(9); 1975CB art. 24(4); 1977 arts. 9(2), 19(3); 1982 art. 36(2); 1986 art. 81(4); 1988 art. 15A(2); 1989 art. 30(3); 1990 Sch. 6 para. 6(4), (6), (8), (11)

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(5)	1975 s. 156(5A); 1989 Sch. 3 para. 16; 1990 Sch. 6 para. 6(16)
(6)	s. 156(5)
(7)	1990 Sch. 6 para. 6(12), (17)
(8)	1990 Sch. 6 para. 6(13)
(9)	1990 Sch. 6 para. 6(14), (17)
(10)	1990 Sch. 6 para. 6(15)
(11)	1975 s. 156(6)
(12)	1975 s. 156(4); 1980A s. 14(8); 1986A Sch. 9 para. 11(c); 1990 Sch. 6 para. 6(12)(a)
167	1975 Sch. 17
168	Short title, etc.
Sch. 1	
para. 1	1975 s. 154A; 1985 art. 17
para. 2	1975 s. 154A; 1985 art. 17; 1986 Sch. 9 para. 57; Social Security (1986 Order) (Commencement No. 1) Order (NI) 1986 (SR 1986 No. 339)
para. 3	1975 s. 154A; 1986 Sch. 9 para. 56; Social Security (1986 Order) (Commencement No. 3) Order (NI) 1987 (SR 1987 No. 21)
para. 4	1975 s. 154A; 1986 Sch. 9 para. 56; 1989 arts. 1(2), (3), Sch. 8 para. 8(1)
para. 5	1975 s. 154A; 1986 Sch. 9 para. 56; 1989 Sch. 8 para. 8(1); 1990 arts. 1(3), (4), 8(1)
Sch. 2	
para. 1(1)	1975 Sch. 10 para. 1A(4); 1983 Sch. 1 para. 5
(2)	1975 Sch. 10 paras. 1A(5), 5; 1980A s. 13(1); 1983 Sch. 1 para. 5
(3) - (5)	1975 Sch. 10 para. 1A(6) - (8); 1980A s. 13(2); 1983 Sch. 1 para. 5
(6)	1980A s. 13(5)(a); Judicial Pensions Act 1981 (c. 20) Sch. 3 para. 10
para. 2	1975 Sch. 10 para. 2(1); Sch. 10A para. 11; 1991D Sch. 1 para. 16
para. 3	1975 Sch. 10 para. 1A(9); 1983 Sch. 1 para. 5
para. 4	1975 Sch. 10 para. 1A(10), Sch. 10A para. 11; Sch. 12 para. 5A; 1983 Sch. 1 paras. 5, 7; 1991D Sch. 1 para. 16

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para. 5	1975 Sch. 10 paras. 1B, 1C, Sch. 10A para. 11; 1983 Sch. 1 para. 5; 1991D Sch. 1 para. 16
para. 6	1975 Sch. 10 para. 1D, Sch. 10A para. 11, Sch. 12 para. 9; 1983 Sch. 1 para. 5; 1991D Sch. 1 para. 16
para. 7	1975 Sch. 10 para. 4; 1986A Sch. 9 para. 10(1)(a), (b)
para. 8	1975 s. 113(3), Sch. 10 para. 3, Sch. 10A para. 11, Sch. 12 paras. 4 - 7; 1983 Sch. 2 para. 7(b); 1991D Sch. 1 para. 16
para. 9	1980 art. 12; 1991D Sch. 2 para. 9
Sch. 3	
para. 1	1975 s. 115(2); 1983 Sch. 1 para. 3, Sch. 2 para. 5; 1991D Sch. 1 para. 10
para. 2	1975 Sch. 13 para. 1; 1989 Sch. 3 para. 4
para. 3	1975 Sch. 13 para. 1A; 1986 Sch. 5 para. 16(a)
paras. 4 - 9	1975 Sch. 13 paras. 2 - 7
para. 10	1975 Sch. 13 para. 7A; 1989 Sch. 3 para. 10; 1991D Sch. 1 para. 17
para. 11	1975 Sch. 13 para. 10; 1986 Sch. 5 para. 16(b); 1991D Sch. 2 para. 13
para. 12	1975 Sch. 13 para. 11
Sch. 4	1989 Sch. 2; 1990 Sch. 5 para. 17(4); 1991D Sch. 2 para. 13
Sch. 5	
para. 1	1980A Sch. 3 para. 12(4); 1991D Sch. 2 para. 8(b); Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21) Sch. 2 para. 10
para. 2	1980A Sch. 3 para. 12(1)
para. 3	1980A Sch. 3 para. 12(2); 1982A s. 42(2); 1986A Sch. 10 para. 99
para. 4	1980A Sch. 3 para. 13(1)
para. 5	1980A Sch. 3 para. 13(1A); 1986A Sch. 10 para. 106; 1986 Sch. 9 para. 73
paras. 6, 7	1980A Sch. 3 para. 14
para. 8	1980A Sch. 3 paras. 15A, 15AA; 1982 Sch. 4 para. 18(3); 1982A Sch. 4 para. 33(3); 1989 Sch. 8 para. 11(3); Social Security Act 1989 (c. 24) Sch. 8 para. 12(6)

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paras. 9, 10	1980A Sch. 3 paras. 20, 21; 1986A Sch. 9 para. 13
Sch. 6	
para. 1	1975OC s. 4
para. 2	1975OC s. 5
para. 3	1986 art. 54(11)
Sch. 7	
para. 1	1986 Sch. 7 paras. 1, 3
para. 2	1986 Sch. 7 para. 4; 1991D Sch. 2 para. 11(b)
para. 3	1986 Sch. 7 para. 5
para. 4	1986 Sch. 7 para. 7
para. 5	1986 Sch. 7 para. 6

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