



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

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.

[^{F1}(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.

[^{F2}(2A) Subject—

- (a) to subsection (3) below; and
- (b) to section 150 below,

Status: Point in time view as at 01/07/2007.

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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 [^{F3}; and subsection (2A) above does not apply to the regulations specified in Schedule 5A to this Act].
- [^{F4}(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 [^{F5}, this Act and the Social Security (Incapacity for Work) (Northern Ireland) Order 1994], except as they apply to industrial injuries benefit and Old Cases payments;
 - [^{F6}(aa) the provisions of the Jobseekers (Northern Ireland) Order 1995;]
 - and
 - [^{F7}(ab) [^{F8}Article 4 of the Child Support (Northern Ireland) Order 1995;]]
 - [^{F9}(ac) the provisions of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997; and]
 - [^{F10}(ad) the provisions of Chapter II of Part II of the Social Security (Northern Ireland) Order 1998 and Article 68 of that Order;]
 - [^{F11}(ae) Articles 57, 69 and 70 of the Welfare Reform and Pensions (Northern Ireland) Order 1999, and]
 - [^{F12}(af) sections 38, 53 to 56 and 59 to 61 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and Schedule 7 to that Act; and]
 - [^{F13}(ag) sections 6 to 10 of the Social Security Fraud Act (Northern Ireland) 2001;]
 - [^{F14}(ah) the provisions of the State Pension Credit Act (Northern Ireland) 2002;]
 - [^{F15}(ai) Article 9 of the Age-Related Payments (Northern Ireland) Order 2004;]
 - (b) the provisions of Part II of Schedule 3 to the Consequential Provisions Act, except as they apply to industrial injuries benefit; ^{F16} . . .
 - ^{F16}(c)

Textual Amendments

- F1** S. 149(1) substituted (2.12.1999) by 1998 c. 47, s. 89(1); S.I. 1999/3209, art. 2, **Sch.**
- F2** S. 149(2A) inserted (2.12.1999) by 1998 c. 47, s. 89(2); S.I. 1999/3209, art. 2, **Sch.**
- F3** Words in s. 149(3) inserted (2.12.1999) by 1998 c. 47, s. 89(3); S.I. 1999/3209, art. 2, **Sch.**
- F4** S. 149(3A) inserted (2.12.1999) by 1998 c. 47, s. 89(4); S.I. 1999/3209, art. 2, **Sch.**
- F5** 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**
- F6** 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**
- F7** 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**
- F8** 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.**

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- F9** 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**
- F10** 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)**
- F11** 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)
- F12** 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. 1**
- F13** 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**
- F14** 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(1)**; S.R. 2003/373, art. 2
- F15** 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)**
- F16** 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

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 [^{F17}or 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 [^{F17}or 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 [^{F17}or 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 [^{F18}or the Council], the Department may make the proposed regulations before the Committee has made its report [^{F18}or, 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.
- (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 [^{F17}or 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

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- (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;
- [^{F19}“the Council” means the Industrial Injuries Advisory Council;]
- “regulations” means regulations under any statutory provision, whenever passed or made.

Textual Amendments

- F17** 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.
- F18** 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.
- F19** 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
 - (b) in so far as effect has not been given to them, the Department’s reasons why not.
- (3) Section 41(3) of the ^{M1}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

- M1** 1954 c. 33 (N.I.).

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The Disability Living Allowance Advisory Board

152 The Disability Living Allowance Advisory Board.

- (1) The Disability Living Allowance Advisory Board for Northern Ireland (in this section referred to as “the Board”) constituted under Article 5(1) of the ^{M2}Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 shall continue in being by that name.
- (2) Regulations shall confer on the Board such functions relating to disability living allowance or attendance allowance as the Department thinks fit and shall make provision for—
 - (a) the Board’s constitution;
 - (b) the qualifications of its members;
 - (c) the method of their appointment;
 - (d) the term of office and other terms of appointment of its members;
 - (e) their removal.
- (3) Regulations may also make provision—
 - (a) enabling the Board to appoint persons as advisers to it on matters on which in its opinion they are specially qualified;
 - (b) for the appointment of officers and servants of the Board;
 - (c) enabling the Board to act notwithstanding any vacancy among its members;
 - (d) enabling the Board to make rules for regulating its procedure (including its quorum).
- (4) The expenses of the Board to such an amount as may be approved by the Department of Finance and Personnel shall be paid by the Department.
- (5) There may be paid as part of the expenses of the Board—
 - (a) to all or any of the members of the Board, such salaries or other remuneration and travelling and other allowances;
 - (b) to advisers to the Board, such fees; and
 - (c) to such other persons as may be specified in regulations such travelling and other allowances (including compensation for loss of remunerative time),as the Department may with the consent of the Department of Finance and Personnel determine.
- (6) The Department may furnish the Board with such information as it considers that the Board may need to enable it to discharge its functions.

Marginal Citations

M2 S.I. 1991/1712 (N.I.).

Status:

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