



# 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.**

- (1) The Department may from time to time 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).
- (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.
- (3) Subsection (2) above does not apply to the regulations specified in Schedule 5 to this Act.
- (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—

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- (a) the provisions of the Contributions and Benefits Act <sup>[F1]</sup>, 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;
- <sup>[F2]</sup>(aa) the provisions of the Jobseekers (Northern Ireland) Order 1995;]
- and
- <sup>[F3]</sup>(ab) Article 4 of the Child Support (Northern Ireland) Order 1995;]
- <sup>[F4]</sup>(ac) the provisions of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997; and]
- <sup>[F5]</sup>(ad) the provisions of Chapter II of Part II of the Social Security (Northern Ireland) Order 1998 and Article 68 of that Order;]
- <sup>[F6]</sup>(ae) Articles 57, 69 and 70 of the Welfare Reform and Pensions (Northern Ireland) Order 1999, and]
- (b) the provisions of Part II of Schedule 3 to the Consequential Provisions Act, except as they apply to industrial injuries benefit; <sup>[F7]</sup>and
- (c) Article 52A(10), Part VA and Articles 691 and 70ZA of the Social Security Pensions (Northern Ireland) Orders 1975.]

#### Textual Amendments

- F1** 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**
- F2** 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**
- F3** 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**
- F4** 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**
- F5** 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)**
- F6** 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)
- F7** S. 149(5)(c) and 'and' 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 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 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 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, the Department may make the proposed regulations before the Committee has made its report 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 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;
- “regulations” means regulations under any statutory provision, whenever passed or made.

## **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 <sup>M1</sup>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.

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#### **Marginal Citations**

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

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