



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART VIII

#### MISCELLANEOUS

##### *Social security, child support and pensions*

#### **87 Consultation and co-ordination.**

- (1) The Secretary of State and the Northern Ireland Minister having responsibility for social security (“the Northern Ireland Minister”) shall from time to time consult one another with a view to securing that, to the extent agreed between them, the legislation to which this section applies provides single systems of social security, child support and pensions for the United Kingdom.
- (2) Without prejudice to section 28, the Secretary of State with the consent of the Treasury, and the Northern Ireland Minister with the consent of the Department of Finance and Personnel, may make—
  - (a) arrangements for co-ordinating the operation of the legislation to which this section applies with a view to securing that, to the extent allowed for in the arrangements, it provides single systems of social security, child support and pensions for the United Kingdom; and
  - (b) reciprocal arrangements for co-ordinating the operation of so much of the legislation as operates differently in relation to Great Britain and in relation to Northern Ireland.
- (3) Such arrangements as are mentioned in subsection (2)(a) or (b) may include provision for making any necessary financial adjustments, other than adjustments between the National Insurance Fund and the Northern Ireland National Insurance Fund.
- (4) The Secretary of State may make regulations for giving effect to arrangements under subsection (2); and any such regulations may for the purposes of the arrangements provide—

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- (a) for adapting legislation (including subordinate legislation) for the time being in force in Great Britain;
  - (b) without prejudice to paragraph (a) above, for securing that acts, omissions and events having any effect for the purposes of the enactments in force in Northern Ireland have a corresponding effect in relation to Great Britain (but not so as to confer any double benefit); and
  - (c) for determining, in cases where rights accrue both in relation to Great Britain and in relation to Northern Ireland, which of those rights shall be available to the person concerned.
- (5) The Northern Ireland department having responsibility for social security may make regulations for giving effect to arrangements under subsection (2); and any such regulations may for the purposes of the arrangements provide—
- (a) for adapting legislation (including subordinate legislation) for the time being in force in Northern Ireland;
  - (b) without prejudice to paragraph (a) above, for securing that acts, omissions and events having any effect for the purposes of the enactments in force in Great Britain have a corresponding effect in relation to Northern Ireland (but not so as to confer any double benefit); and
  - (c) for determining, in cases where rights accrue both in relation to Northern Ireland and in relation to Great Britain, which of those rights shall be available to the person concerned.
- (6) This section applies to—
- (a) the <sup>M1</sup>Social Security Contributions and Benefits Act 1992 and the <sup>M2</sup>Social Security Contributions and Benefits (Northern Ireland) Act 1992;
  - (b) the <sup>M3</sup>Social Security Administration Act 1992 and the <sup>M4</sup>Social Security Administration (Northern Ireland) Act 1992;
  - (c) the <sup>M5</sup>Child Support Act 1991 and the <sup>M6</sup>Child Support (Northern Ireland) Order 1991;
  - (d) the <sup>M7</sup>Social Security Pensions Act 1975 and the <sup>M8</sup>Social Security Pensions (Northern Ireland) Order 1975;
  - (e) the <sup>M9</sup>Social Security Act 1989 and the <sup>M10</sup>Social Security (Northern Ireland) Order 1989;
  - (f) the <sup>M11</sup>Disability (Grants) Act 1993;
  - (g) the <sup>M12</sup>Pension Schemes Act 1993 and the <sup>M13</sup>Pensions Schemes (Northern Ireland) Act 1993;
  - (h) the <sup>M14</sup>Social Security (Incapacity for Work) Act 1994 and the <sup>M15</sup>Social Security (Incapacity for Work) (Northern Ireland) Order 1994;
  - (i) the <sup>M16</sup>Jobseekers Act 1995 and the <sup>M17</sup>Jobseekers (Northern Ireland) Order 1995;
  - (j) the <sup>M18</sup>Pensions Act 1995 and the <sup>M19</sup>Pensions (Northern Ireland) Order 1995;
  - (k) the <sup>M20</sup>Child Support Act 1995 and the <sup>M21</sup>Child Support (Northern Ireland) Order 1995;
  - (l) the <sup>M22</sup>Social Security (Recovery of Benefits) Act 1997 and the <sup>M23</sup>Social Security (Recovery of Benefits) (Northern Ireland) Order 1997;
  - (m) the <sup>M24</sup>Social Security Act 1998 and the <sup>M25</sup>Social Security (Northern Ireland) Order 1998.
- [<sup>F1</sup>(n) the Welfare Reform and Pensions Act 1999 and the Welfare Reform and Pensions (Northern Ireland) Order 1999]

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- [<sup>F2</sup>(o) the Child Support, Pensions and Social Security Act 2000 and the Child Support, Pensions and Social Security Act (Northern Ireland) 2000]
- [<sup>F3</sup>(p) the Social Security Fraud Act 2001 and the Social Security Fraud Act (Northern Ireland) 2001
- [ the State Pension Credit Act 2002 and the State Pension Credit Act (Northern
- <sup>F4</sup>(q) Ireland) 2002]
- [ the Age-Related Payments Act 2004 and the Age-Related Payments (Northern
- <sup>F5</sup>(r) Ireland) Order 2004;
- (s) the Pensions Act 2004 and the Pensions (Northern Ireland) Order 2005]
- [ the Welfare Reform Act 2007 and the Welfare Reform Act (Northern Ireland)
- <sup>F6</sup>(t) 2007;
- (u) the Pensions Act 2007 and the Pensions Act (Northern Ireland) 2008]]
- [<sup>F7</sup>(v) the Child Maintenance and Other Payments Act 2008, the Mesothelioma, etc., Act (Northern Ireland) 2008, and the Child Maintenance Act (Northern Ireland) 2008;
- (w) the Pensions Act 2008 and the Pensions (No. 2) Act (Northern Ireland) 2008.]
- [<sup>F8</sup>(x) the Welfare Reform Act 2012 and the Welfare Reform (Northern Ireland) Order 2015;
- (y) the Pensions Act 2014 and the Pensions Act (Northern Ireland) 2015;
- (z) the Pension Schemes Act 2015 and the Pension Schemes Act (Northern Ireland) 2016.]
- [<sup>F9</sup>(6A) But this section does not apply to the legislation referred to in subsection (6) to the extent that it relates to child benefit or guardian’s allowance.]
- (7) Her Majesty may by Order in Council make any modifications of subsection (6) which She considers necessary or expedient.
- (8) The following provisions (which are superseded by this section and section 88) shall cease to have effect—
- (a) sections 177 and 178 of the Social Security Administration Act 1992 (co-ordination and reciprocity with Northern Ireland);
- (b) sections 153 and 154 of the Social Security Administration (Northern Ireland) Act 1992 (co-ordination and reciprocity with Great Britain);
- (c) section 56(2) to (4) of the Child Support Act 1991 (co-ordination with Northern Ireland);
- (d) Article 49(2) and (3) of the Child Support (Northern Ireland) Order 1991 (co-ordination with Great Britain);
- (e) section 29(2) to (4) of the Child Support Act 1995 (co-ordination with Northern Ireland);
- (f) Article 20 of the Child Support (Northern Ireland) Order 1995 (co-ordination with Great Britain).
- (9) Section 189 of the <sup>M26</sup>Social Security Administration Act 1992 (regulations and orders: general) shall apply in relation to the power conferred by subsection (4) as it applied in relation to the power conferred by section 177(4) of that Act.
- (10) The power conferred by subsection (5) shall be construed as if it had been conferred by an Act of the Assembly; and section 165 of the <sup>M27</sup>Social Security Administration (Northern Ireland) Act 1992 (regulations and orders: general) shall apply in relation to that power as it applied in relation to the power conferred by section 153(3) of that Act.

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- (11) A statutory instrument containing an Order in Council under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F1** S. 87(6)(n) added (13.4.2000) by [S.I. 2000/741](#), **art. 2**
- F2** S. 87(6)(o) added (4.1.2001) by [S.I. 2000/3254](#), **art. 2**
- F3** S. 87(6)(p) added (15.3.2002) by [S.I. 2002/265](#), **art. 2**
- F4** S. 87(6)(q) inserted (19.8.2003) by [The Northern Ireland Act 1998 \(Modification\) Order 2003 \(S.I. 2003/1890\)](#), **art. 2**
- F5** S. 87(6)(r)(s) inserted (15.11.2006) by [The Northern Ireland Act 1998 \(Modification\) Order 2006 \(S.I. 2006/2659\)](#), **art. 2**
- F6** S. 87(6)(t)(u) inserted (18.6.2008) by [The Northern Ireland Act 1998 \(Modification\) Order 2008 \(S.I. 2008/1242\)](#), {art. 2}
- F7** S. 87(6)(v)(w) inserted (20.5.2009) by [The Northern Ireland Act 1998 \(Modification\) Order 2009 \(S.I. 2009/885\)](#), **art. 2**
- F8** S. 87(6)(x)-(z) added (3.3.2016) by [The Northern Ireland Act 1998 \(Modification\) Order 2016 \(S.I. 2016/160\)](#), **arts. 1, 2**
- F9** S. 87(6A) inserted (8.7.2002) by [2002 c. 21, s. 64\(3\)\(4\)](#)

#### Marginal Citations

- M1** 1992 c.4.
- M2** 1992 c.7.
- M3** 1992 c.5.
- M4** 1992 c.8.
- M5** 1991 c.48.
- M6** [S.I. 1991/2628 \(N.I.23\)](#).
- M7** 1975 c.60.
- M8** [S.I. 1975/1503 \(N.I.16\)](#).
- M9** 1989 c.24.
- M10** [S.I. 1989/1342 \(N.I.13\)](#).
- M11** 1993 c.14.
- M12** 1993 c.48.
- M13** 1993 c.49.
- M14** 1994 c.18.
- M15** [S.I. 1994/1898 \(N.I.12\)](#).
- M16** 1995 c.18.
- M17** [S.I. 1995/2705 \(N.I.15\)](#).
- M18** 1995 c.26.
- M19** [S.I. 1995/3213 \(N.I.22\)](#).
- M20** 1995 c.34.
- M21** [S.I. 1995/2702 \(N.I.13\)](#).
- M22** 1997 c.27.
- M23** [S.I. 1997/1183 \(N.I.12\)](#)
- M24** 1998 c.14.
- M25** [S.I. 1998/1506 \(N.I.10\)](#).
- M26** 1992 c.5.
- M27** 1992 c.8.

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## 88 The Joint Authority.

- (1) The Joint Authority continued in being by section 177(2) of the Social Security Administration Act 1992—
  - (a) shall consist of the Secretary of State, the Northern Ireland Minister having responsibility for social security and the Chancellor of the Exchequer; and
  - (b) shall continue in being by the name of the Social Security, Child Support and Pensions Joint Authority for the purposes of the legislation to which section 87 applies.
- (2) The responsibility of the Joint Authority shall include that of giving effect to arrangements under section 87(2), with power to discharge such functions as may be provided under the arrangements.
- (3) The Joint Authority shall also have <sup>F10</sup>power—
  - (a) to require the making by the Commissioners of Inland Revenue of any necessary adjustments between the National Insurance Fund and the Northern Ireland National Insurance Fund, and
  - (b) to make any other necessary financial adjustments.]
- (4) The Joint Authority shall continue—
  - (a) to be a body corporate; and
  - (b) to have an official seal which shall be officially and judicially noticed; and the seal of the Authority may be authenticated by any member of, or the secretary to, the Authority, or by any person authorised by the Authority to act on behalf of the secretary.
- (5) Any member of the Joint Authority shall be entitled, subject to and in accordance with any rules laid down by the Authority, to appoint a deputy to act for him at meetings of the Authority.
- (6) The <sup>M28</sup>Documentary Evidence Act 1868 shall apply to the Joint Authority as if the Authority were included in the first column of the Schedule to that Act and—
  - (a) as if any member or the secretary, or any person authorised to act on behalf of the secretary, of the Authority were mentioned in the second column of that Schedule; and
  - (b) as if the regulations referred to in that Act included any document issued by the Authority.

### Textual Amendments

**F10** Words in s. 88(3) substituted (1.4.1999) by 1999 c. 2, s. 2, [Sch. 3 para. 65](#); S.I. 1999/527, art. 2(b), [Sch. 2](#)

### Marginal Citations

**M28** [1868 c.37.](#)

## 89 Industrial Injuries Advisory Council.

- (1) For subsection (1) of section 149 of the Social Security Administration (Northern Ireland) Act 1992 (Social Security Advisory Committee) substitute—

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- “(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) After subsection (2) of that section insert—
- “(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) At the end of subsection (3) of that section insert “; and subsection (2A) above does not apply to the regulations specified in Schedule 5A to this Act”.
- (4) After that subsection insert—
- “(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.”
- (5) In subsections (1), (2) and (5) of section 150 of that Act (cases in which consultation not required), after “the Committee”, in each place, insert “ or the Council ”.
- (6) In subsection (3) of that section—
- (a) after “the Committee”, in the first place, insert “ or the Council ”; and
  - (b) after “the Committee has made its report” insert “ or, as the case may be, the Council has given its advice ”.
- (7) In subsection (6) of that section, after the definition of “the Committee” insert—
- ““the Council” means the Industrial Injuries Advisory Council;”.
- (8) After Schedule 5 to that Act insert—

#### “SCHEDULE 5A

##### REGULATIONS NOT REQUIRING PRIOR SUBMISSION TO INDUSTRIAL INJURIES ADVISORY COUNCIL

- 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 or 132 above.
- 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

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(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.
- 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.”

(9) In section 192(5) of the <sup>M29</sup>Social Security Administration Act 1992, after the entry relating to section 170 (with Schedule 5) insert— “ section 171 (with Schedule 6); ”.

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**Marginal Citations**

M29 1992 c.5.

**Changes to legislation:**

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