



# Social Security Administration (Northern Ireland) Act 1992

## 1992 CHAPTER 8

### PART XV

#### GENERAL

##### *Subordinate legislation*

#### **165 Regulations and orders - general.**

- (1) Subject to subsection (2) below 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 to make regulations or orders is exercisable by statutory rule for the purposes of the <sup>M1</sup>Statutory 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—
    - (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

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*Status: Point in time view as at 06/04/1997.*

**Changes to legislation:** *Social Security Administration (Northern Ireland) Act 1992, Cross Heading:*

*Subordinate legislation is up to date with all changes known to be in force on or before 15 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)*

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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.
- (6) Without prejudice to any specific provision of this Act, a power conferred by any provision of this Act, except sections 12, 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.
- (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—
- (a) regulations prescribing relevant benefits for the purposes of Part IV of this Act;
  - (b) regulations under section 81 or 152(5)(c) above;
  - (c) an order under section 142(7), 145(4) or 148(2) above,
- shall be exercisable with the consent of the Department of Finance and Personnel.
- (10) Any power of the Department under any provision of this Act, except sections 76, 134, 152 and 154, 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 any of sections 153 to 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.
- (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.

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**Modifications etc. (not altering text)**

- C1** 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**

**Marginal Citations**

- M1** 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—
  - (a) to any regulations made by the Department under section 97(2), 131 or 134 above; and
  - (b) to any order made by the Department under section 129, 132, 133 or 142 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.
- (5) Subject to subsection (10) below, all regulations made under this Act by the Lord Chancellor shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument, and section 5 of the<sup>M2</sup>Statutory Instruments Act 1946 shall apply accordingly.
- (6) Section 41(3) of the<sup>M3</sup>Interpretation 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—

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- (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.
- (11) During the interim period (as defined by section 1(4) of the <sup>M4</sup>Northern Ireland Act 1974), subsections (1) and (4) above have effect subject to paragraph 3 of Schedule 1 to that Act.
- (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).

**Modifications etc. (not altering text)**

**C2** S. 166(1) applied (17.3.1993) by S.I. 1993/592 (N.I. 2), **art. 4(8)**

**Marginal Citations**

**M2** 1946 c. 36.

**M3** 1954 c. 33 (N.I.).

**M4** 1974 c. 28.

**Status:**

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