



# Social Security Administration (Northern Ireland) Act 1992

## 1992 CHAPTER 8

### PART XV

#### GENERAL

##### *Subordinate legislation*

#### **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 <sup>F1</sup> . . . [<sup>F2</sup>116B(1)(b),] 131 or 134 above; and
    - [<sup>F3</sup>(aa) the first regulations to be made under section 2A;] and
    - [<sup>F4</sup>(aaa) to the first regulations to be made under section 2AA above;]
    - [<sup>F5</sup>(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 [<sup>F6</sup>section 132 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.

*Status: Point in time view as at 27/11/2006. This version of this provision has been superseded.*

*Changes to legislation: Social Security Administration (Northern Ireland) Act 1992, Section 166 is up to date with all changes known to be in force on or before 02 July 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)*

- (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) [<sup>F7</sup> and (10A)] below, all regulations [<sup>F7</sup> or orders] made under this Act by the Lord Chancellor [<sup>F7</sup>, the Treasury or the Inland Revenue] shall be subject to annulment in pursuance of a resolution of either House of Parliament [<sup>F8</sup> (in the case of regulations made by the Lord Chancellor in like manner as a statutory instrument, with section 5 of the Statutory Instruments Act 1946 (c. 36) applying accordingly)].
- (6) Section 41(3) of the <sup>M1</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—
  - (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.
- <sup>F9</sup>(10A) A statutory instrument containing provision under section 129 [<sup>F10</sup>, 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.]

<sup>F11</sup>(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**

**F1** 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

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- F2** 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.**
- F3** 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)
- F4** 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**
- F5** 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)**
- F6** 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.)
- F7** 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.)
- F8** Words in s. 166(5) substituted (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(2)**; S.I. 2003/392, **art. 2** (subject to savings in art. 3)
- F9** 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.)
- F10** 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)
- F11** 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)

- C1** S. 166(1) applied (17.3.1993) by S.I. 1993/592 (N.I. 2), **art. 4(8)**
- C2** S. 166(1) extended (4.7.1996) by S.I. 1996/1632 (N.I. 11), **art. 1(2)**, 17(4)
- C3** 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

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

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