Northern Ireland Act 1998

1998 CHAPTER 47

PART VIII

MISCELLANEOUS

Social security, child support and pensions

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—

"(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

    (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 Social Security Administration Act 1992, after the entry relating to section 170 (with Schedule 5) insert—

    "section 171 (with Schedule 6);".