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STATUTORY INSTRUMENTS

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**1990 No. 1511**

**The Social Security (Northern Ireland) Order 1990**

*Introductory*

**Title, citation and commencement**

1.—(1) This Order may be cited as the Social Security (Northern Ireland) Order 1990.

(2) This Order, other than Articles 17 and 22(4), and the Social Security (Northern Ireland) Acts 1975 to 1989 may be cited together as the Social Security (Northern Ireland) Acts 1975 to 1990.

(3) Subject to paragraph (4), this Order shall come into operation on such day or days as the Head of the Department may by order appoint.

(4) The following provisions of this Order shall come into operation on the twenty-first day after the day on which this Order is made—

- (a) this Article and Article 2;
- (b) Articles 5(6), 7, 8, 9, 12, 17, 18(1), (4) to (7) and (9), 20, 21 and 22(3) to (5);
- (c) Schedule 1;
- (d) paragraphs 5, 7, 8 and 14 of Schedule 4 (and Article 16 so far as relating to those provisions);
- (e) paragraphs 1 to 7, 10 to 12, 15, 16 and 19 of Schedule 6 (and Article 22 so far as relating to those provisions);
- (f) the amendments in that Schedule to the extent that they are consequential on any provision specified in sub-paragraphs (a) to (e) (and Article 22 so far as relating to those amendments);
- (g) the repeals in Schedule 7 to the extent that they are consequential on any provision specified in sub-paragraphs (a) to (f) (and Article 22 so far as relating to those repeals).

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954(1) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

- “the Department” means the Department of Health and Social Services;
- “the National Insurance Fund” means the Northern Ireland National Insurance Fund;
- “the 1982 Order” means the Social Security (Northern Ireland) Order 1982(2);
- “the 1986 Order” means the Social Security (Northern Ireland) Order 1986(3);
- “the 1989 Order” means the Social Security (Northern Ireland) Order 1989(4);

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(1) 1954 c. 33 (N.I.)  
(2) 1982 NI 16  
(3) 1986 NI 18  
(4) 1989 NI 13

“the Old Cases Act” means the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975<sup>(5)</sup>;

“the Pensions Order” means the Social Security Pensions (Northern Ireland) Order 1975<sup>(6)</sup>;

“prescribed” means prescribed by regulations;

“the principal Act” means the Social Security (Northern Ireland) Act 1975<sup>(7)</sup>;

“regulations” means, except in Article 17, regulations made by the Department;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

### *Benefits*

#### **Attendance allowance for persons who are terminally ill**

**3.—**(1) In section 35 of the principal Act (attendance allowance), after subsection (2A) there shall be inserted the following subsections—

“(2B) If a terminally ill person makes a claim expressly on the ground that he is such a person, then—

(a) he shall be taken for the purposes of subsection (2) above—

(i) to satisfy, or to be likely to satisfy, both of those conditions for the remainder of his life, beginning with the date of the claim or, if later, the date determined under section 105 or 106 below as the first date on which he is terminally ill; and

(ii) to have satisfied those conditions for the period of 6 months immediately preceding that date (so however that no allowance shall be payable by virtue of this sub-paragraph for any period preceding that date); and

(b) the period specified in a certificate issued by virtue of paragraph (a) above shall be the remainder of the person’s life, beginning with that date.

(2C) For the purposes of subsection (2B) above—

(a) a person is “terminally ill” at any time if at that time he suffers from a progressive disease and his death in consequence of that disease can reasonably be expected within 6 months; and

(b) where a person purports to make a claim for an attendance allowance by virtue of that subsection on behalf of another, that other shall be regarded as making the claim, notwithstanding that it is made without his knowledge or authority.”.

(2) In subsection (4) of that section, after the words “otherwise provide” there shall be inserted the words “and subject to subsection (2B) above”.

(3) In section 105(3) of that Act (questions to be determined by the Attendance Allowance Board), after the words “whether a person” there shall be inserted “(a)” and for the words “section 35(1) of this Act” there shall be substituted the words—

“subsection (1) of section 35 above;

(b) suffers, or has at any time suffered, from renal failure, for the purposes of subsection (2A) of that section; or

(5) 1975 c. 17

(6) 1975 NI 15

(7) 1975 c. 15

- (c) is or has at any time been terminally ill, within the meaning of subsection (2B) of that section.”
- (4) In section 106 of that Act (review of, and appeal from, Board’s decisions), at the beginning of subsection (1) there shall be inserted the words “Subject to the following provisions of this section” and after paragraph (a) of that subsection there shall be inserted the following paragraph—
- “(aa) at any time review a determination of theirs under section 105(3) above or this subsection of any question whether a person is or was at any time terminally ill, within the meaning of section 35(2B) above, if there has been a change in medical opinion with respect to his condition or his reasonable expectation of life;”
- (5) After that subsection there shall be inserted the following subsection—
- “(1A) No determination under section 105(3) or subsection (1) above shall be reviewed on the ground that the person in question is or was at any time terminally ill, within the meaning of section 35(2B) above, unless an application for review is made expressly on that ground either—
- (a) by the person himself; or
- (b) by any other person purporting to act on his behalf, whether or not that other person is acting with his knowledge or authority;
- and a determination may be so reviewed on such an application, notwithstanding that no claim under section 35(2B) above has been made.”
- (6) In section 154A of that Act (making of claim a condition of entitlement) there shall be added at the end the following subsection—
- “(3) Where a person purports to make a claim for an attendance allowance by virtue of section 35(2B) above on behalf of another, that other shall be regarded for the purposes of this section as making the claim, notwithstanding that it is made without his knowledge or authority.”

**Severe disablement allowance: age related addition**

4.—(1) After section 36 of the principal Act (severe disablement allowance) there shall be inserted the following section—

**“Severe disablement allowance: age related addition.**

**36A.**—(1) If a person was under the age of 60 on the day on which he qualified for severe disablement allowance, the weekly rate of his severe disablement allowance shall be increased by an age related addition at whichever of the weekly rates specified in the second column of paragraph 2A of Part III of Schedule 4 to this Act is applicable in his case, that is to say—

- (a) the higher rate, if he was under the age of 40 on the day on which he qualified for severe disablement allowance;
- (b) the middle rate, if he was between the ages of 40 and 50 on that day; or
- (c) the lower rate, if he was between the ages of 50 and 60 on that day.

(2) Subject to subsection (4) below, for the purposes of this section the day on which a person qualified for severe disablement allowance is his first day of incapacity for work in the period of not less than 196 consecutive days mentioned in section 36(2)(b) or (3)(b) above, as the case may be, which preceded the first day in his current period of entitlement.

(3) For the purposes of this section, a person’s “current period of entitlement” is a current period—

- (a) which consists of one or more consecutive days on which he is or has been entitled to a severe disablement allowance; and
  - (b) which begins immediately after the last period of one or more consecutive days for which he was not entitled to such an allowance.
- (4) Regulations—
- (a) may prescribe cases where a person is to be treated for the purposes of this section as having qualified for severe disablement allowance on a prescribed day earlier than the day ascertained in accordance with subsection (2) above;
  - (b) may provide for days which are not days of incapacity for work in relation to a person to be treated as days of incapacity for work for the purpose of determining under this section the day on which he qualified for severe disablement allowance; and
  - (c) may make provision for disregarding prescribed days in computing any period of consecutive days for the purposes of subsection (3) above.”.

(2) In Part III of Schedule 4 to that Act, after paragraph 2 (weekly rate of severe disablement allowance) there shall be inserted the following paragraph—

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“2A. Age related addition (section 36A).	<ul style="list-style-type: none"> <li>(a) higher rate £10.00</li> <li>(b) middle rate £6.20</li> <li>(c) lower rate £3.10 (the appropriate rate being determined in accordance with section 36A(1)).”.</li> </ul>
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(3) In consequence of paragraphs (1) and (2), in section 34(1)(b) of that Act (which specifies severe disablement allowance as one of the non-contributory benefits under Chapter II of Part II of that Act), after the word “(with” there shall be inserted the words “age related addition and”.

### **Reduced earnings allowance and retirement allowance**

**5.—**(1) In subsection (1) of section 59A of the principal Act (conditions of entitlement to reduced earnings allowance), after paragraph (b) there shall be added the words—

“but a person shall not be entitled to reduced earnings allowance to the extent that the relevant loss of faculty results from an accident happening on or after the appointed day.”.

(2) After that subsection there shall be inserted the following subsections—

“(1A) A person—

- (a) who immediately before the appointed day is entitled to reduced earnings allowance in consequence of the relevant accident, but
- (b) who subsequently ceases to be entitled to that allowance for one or more days, shall not again be entitled to reduced earnings allowance in consequence of that accident; but this subsection does not prevent the making at any time of a claim for, or an award of, reduced earnings allowance in consequence of that accident for a period which commences not later than the day after that on which the claimant was last entitled to that allowance in consequence of that accident.

(1B) For the purposes of subsection (1A) above—

- (a) a person who, apart from section 57(4) above, would have been entitled to reduced earnings allowance immediately before the appointed day shall be treated as entitled to that allowance on any day (including a Sunday) on which he would have been entitled to it apart from that provision;

(b) regulations may prescribe other circumstances in which a person is to be treated as entitled, or as having been entitled, to reduced earnings allowance on any prescribed day.”.

(3) In paragraph (b) of subsection (6) of that section (further awards), after the words “for such further period” there shall be inserted the words “, commencing as mentioned in subsection (1A) above,”.

(4) After subsection (10A) of that section there shall be inserted the following subsection—

“(10B) In this section “the appointed day” means the day on which Article 5 of the Social Security (Northern Ireland) Order 1990 comes into operation.”.

(5) In section 59B of that Act (retirement allowance) the following provisions shall cease to have effect—

- (a) in subsection (1) (circumstances in which a beneficiary ceases to be entitled to reduced earnings allowance and in which he may become entitled to it again) the words from “and may become” onwards;
- (b) in subsection (3) (retirement allowance payable for life, unless beneficiary returns to regular employment, etc.) the words “Unless he returns to regular employment,”; and
- (c) subsection (4) (entitlement to retirement allowance to cease on return to regular employment, etc.).

(6) That section shall have effect, and be taken at all times on and after 1st January 1990 to have had effect, with the addition of the following subsection after subsection (8)—

“(9) “Day of interruption of employment” has the same meaning for the purposes of this section as it has for the purposes of provisions of this Act relating to unemployment benefit, sickness benefit or invalidity benefit.”.

(7) In section 77(2)(a) of that Act (regulations modifying provisions relating to certain benefits in their application to prescribed diseases and injuries), after the words “(isableness benefit” there shall be inserted the words “or reduced earnings allowance”.

(8) The following provisions shall cease to have effect—

- (a) in Article 4 of the Social Security (Northern Ireland) Order 1988(8), the paragraph (7) originally made (restriction on entitlement to reduced earnings allowance); and
- (b) in Schedule 1 to the 1989 Order, paragraph 8(7) (which substitutes for paragraph (7) a paragraph (7) and a paragraph (7A)).

### **Computation of additional pension for purposes of invalidity pension, etc.**

6.—(1) In Article 16 of the Pensions Order (which provides for the rate of an invalidity pension under section 15 of the principal Act to be calculated in accordance with Article 8 of the Pensions Order, in similar manner to a Category A retirement pension, but with modifications), for the words from “taking the reference” onwards there shall be substituted the words

“but with the substitution for paragraph (6) of that Article of the following paragraph—

“(6) In the application of this Article for the purpose of determining the weekly rate of a person’s invalidity pension for any period of interruption of employment—

- (a) “relevant year” means any tax year, being neither earlier than the tax year 1978—79 nor later than the tax year 1990—91, in the period which—
  - (i) begins with the tax year in which the invalidity pensioner attained the age of 16; and

- (ii) ends with the tax year immediately preceding the tax year which includes or included the first day of entitlement to the pension in respect of that period of interruption of employment; and
- (b) “final relevant year” means the last tax year which is a relevant year in relation to the invalidity pensioner.”.”.

(2) In Article 17 of the Pensions Order, in paragraph (4) (determination of weekly rate of widow’s invalidity pension by reference to notional rates of widow’s pension), after sub-paragraph (b) there shall be added the words—

“but, in calculating the weekly rate of a widow’s pension for the purposes of sub-paragraph (a), or the weekly rate of a widow’s pension without reduction, for the purposes of sub-paragraph (b), any additional pension by virtue of Article 8 as it applies for the purposes of Article 15 shall be determined without reference to any surpluses in her late husband’s earnings factors for tax years after 1990—91”.

(3) In Article 18 of that Order (invalidity pension for widowers), for paragraph (4) there shall be substituted the following paragraph—

“(4) The weekly rate mentioned in sub-paragraph (b) of paragraph (3) is a rate determined in the manner specified in Article 8 for a Category A retirement pension, but with the modifications that—

- (a) where the man’s wife was over pensionable age when she died, references in that Article to the pensioner shall be taken as references to the wife;
- (b) where the man’s wife was under pensionable age when she died, references in that Article to the pensioner and the tax year in which he attained pensionable age shall be taken as references to the wife and the tax year in which she died; and
- (c) any additional pension shall be determined without reference to any surpluses in her earnings factors for tax years after 1990—91.”.

### **Retrospective effect of section 154A of the principal Act**

7.—(1) After section 154A of the principal Act there shall be inserted the following section—

#### **“Retrospective effect of section 154A.**

**154B.**—(1) This section applies where a claim for benefit is made or treated as made at any time on or after 2nd September 1985 (the date on which section 154A above, as originally enacted, came into force) in respect of a period the whole or any part of which falls on or after that date.

(2) Where this section applies, any question arising as to—

- (a) whether the claimant is or was at any time (whether before, on or after 2nd September 1985) entitled to the benefit in question, or to any other benefit on which his entitlement to that benefit depends; or
- (b) in a case where the claimant’s entitlement to the benefit depends on the entitlement of another person to a benefit, whether that other person is or was so entitled,

shall be determined as if section 154A above, as in force at the time of the claim referred to in subsection (1) above, and any regulations made under or referred to in that section as so in force, had also been in force, with any necessary modifications, at all times relevant for the purpose of determining the entitlement of the claimant, and, where applicable, of the other person, to the benefit or benefits in question (including the entitlement of any person to any benefit on which that entitlement depends, and so on).

(3) In any case where—

- (a) a claim for benefit was made or treated as made (whether before, on or after 2nd September 1985, and whether by the same claimant as the claim referred to in subsection (1) above or not), and benefit was awarded on that claim, in respect of a period falling wholly or partly before that date, but
- (b) that award would not have been made had the current requirements applied in relation to claims for benefit, whenever made, in respect of periods before that date, and
- (c) entitlement to the benefit claimed as mentioned in subsection (1) above depends on whether the claimant or some other person was previously entitled or treated as entitled to that or some other benefit,

then, in determining whether the conditions of entitlement to the benefit so claimed are satisfied, the person to whom benefit was awarded as mentioned in paragraphs (a) and (b) above shall be taken to have been entitled to the benefit so awarded, notwithstanding anything in subsection (2) above.

(4) In subsection (3) above “the current requirements” means—

- (a) the provisions of section 154A above, as in force at the time of the claim referred to in subsection (1) above, and any regulations made under or referred to in that section as so in force, with any necessary modifications; and
- (b) subsection (1) (with the omission of the words following “at any time”) and subsection (2) above.

(5) Any reference in any enactment to section 154A of this Act (but not a reference to any specific provision of that section) shall be taken to include a reference to this section.

(6) This section shall be taken to have come into force on 2nd September 1985.”.

(2) In Schedule 17 to the principal Act (glossary of expressions), the entry relating to “entitled” and cognate expressions—

- (a) shall be taken at all times on or after 2nd September 1985 but before the commencement of this paragraph to have had effect with the substitution, in the second column, of the words “sections 154A and 154B” for the words “section 154A”; and
- (b) shall have effect as from the commencement of this paragraph with the substitution for those words of the words “sections 154A to 154D”.

(3) Article 1(6) of the Social Security (Northern Ireland) Order 1985(9) (which made similar provision to that made by subsection (3) of the section inserted by paragraph (1)) shall be deemed never to have been made.

(4) In paragraph 32 of Schedule 9 to the 1986 Order (which applies sections 87 and 154A(1) of the principal Act to income-related benefits), in sub-paragraph (b), for the words “section 154A(1)” there shall be substituted the words “sections 154A(1) and 154B”.

(5) Paragraph 32 of Schedule 9 to the 1986 Order shall have effect, and be taken always to have had effect, as if it had originally been made as amended by paragraph (4).

### **Late claims for widowhood benefits where death is difficult to establish**

**8.—**(1) In section 154A of the principal Act (no entitlement to benefit without claim)—

- (a) in subsection (1), after the words “Except in such cases as may be prescribed” there shall be inserted the words “and subject to section 154C below”; and

- (b) in subsection (2), after paragraph (b) there shall be inserted the words—  
“except as provided by section 154C below”.

(2) After the section 154B of that Act inserted by Article 7 there shall be inserted the following section—

**“Late claims for widowhood benefits where death is difficult to establish.**

**154C.**—(1) This section applies where a woman’s husband has died, or may be presumed to have died, and the circumstances are such that—

- (a) more than twelve months have elapsed since the date of death (whether he died, or is presumed to have died, before or after the coming into force of this section);
- (b) either—
  - (i) the husband’s body has not been discovered or identified or, if it has been discovered and identified, the woman does not know that fact, or
  - (ii) less than twelve months have elapsed since she first knew of the discovery and identification of the body; and
- (c) no claim for any of the widowhood benefits, that is to say—
  - (i) widow’s benefit,
  - (ii) an invalidity pension under Article 17 of the Pensions Order, or
  - (iii) a Category A retirement pension by virtue of paragraph (5) of that Article, was made or treated as made in respect of the death by the woman before the coming into force of this section.

(2) Where this section applies, notwithstanding that any time prescribed for making a claim for a widowhood benefit in respect of the death has elapsed, then—

- (a) in any case falling within paragraph (b)(i) of subsection (1) above where it has been determined—
  - (i) under subsection (1)(b) of section 98 above on a claim made by the woman, or
  - (ii) under subsection (2A) of that section on the submission of a question by her, that the husband has died or is presumed to have died, or
- (b) in any case falling within paragraph (b)(ii) of subsection (1) above where the identification was made not more than twelve months before the woman first knew of the discovery and identification of the body,

such a claim may be made or treated as made at any time before the expiration of the period of twelve months beginning with the date on which that determination was made or, as the case may be, the date on which she first knew of the discovery and identification.

(3) If, in a case where a claim for a widowhood benefit is made or treated as made by virtue of this section, the claimant would, apart from subsection (2) of section 154A above, be entitled to—

- (a) a widow’s payment in respect of the husband’s death more than twelve months before the date on which the claim is made or treated as made, or
- (b) any other widowhood benefit in respect of his death for a period more than twelve months before that date,

then, notwithstanding anything in that section, she shall be entitled to that payment or, as the case may be, to that other benefit (together with any increase under section 41(4) above).”.

(3) In section 104 of that Act, after subsection (5) (regulations restricting the arrears of benefit payable in consequence of a review, etc.) there shall be added the following subsection—

“(6) Regulations under subsection (5)(b) above shall not restrict the payment to or for a woman of so much of—

(a) any widow’s benefit, any invalidity pension under Article 17 of the Pensions Order or any Category A or Category B retirement pension, or

(b) any increase of such a benefit or pension,

as falls to be paid by reason of a review which takes place by virtue of subsection (1)(a) or (b) above in consequence of a claim for a widowhood benefit, within the meaning of section 154C below, which is made or treated as made by virtue of that section.”.

(4) The Social Security (Widow’s Benefit) (Transitional) Regulations (Northern Ireland) 1987<sup>(10)</sup> shall have effect with the addition in regulation 2, at the end of paragraph (b), of the words—

“; and

(c) any reference in section 154C of the Act to widow’s payment included a reference to widow’s allowance, together with any increase under section 41(2)(e) of the Act”.

(5) The amendment by paragraph (4) of a provision contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending that provision.

### **Recovery from damages, etc., of sums equivalent to benefit: further provision**

9. The statutory provisions specified in Schedule 1 shall have effect with the amendments specified in that Schedule.

### **Liability to maintain dependants**

10.—(1) After Article 25 of the 1986 Order (recovery of expenditure on benefit from person liable for maintenance) there shall be inserted the following Articles—

#### **“Recovery of expenditure on income support: additional amounts and transfer of orders**

25A.—(1) In any case where—

(a) the claim for income support referred to in paragraph (1) of Article 25 is or was made by the parent of one or more children in respect of both himself and those children, and

(b) the other parent is liable to maintain those children but, by virtue of not being the claimant’s husband or wife, is not liable to maintain the claimant,

the sum which the court may order that other parent to pay under paragraph (4) of that Article may include an amount, determined in accordance with regulations, in respect of any income support paid to or for the claimant by virtue of such provisions as may be prescribed.

(2) Where the sum which a court orders a person to pay under Article 25(4) includes by virtue of paragraph (1) an amount (in this Article referred to as a “personal allowance element”) in respect of income support by virtue of paragraph 1(2) of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987<sup>(11)</sup> (personal allowance for lone parent) the order shall separately identify the amount of the personal allowance element.

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<sup>(10)</sup> S.R. 1987 No. 387

<sup>(11)</sup> S.R. 1987 No. 459

(3) In any case where—

- (a) there is in force an order under paragraph (4) of Article 25 made against a person (“the liable parent”) who is the parent of one or more children, in respect of the other parent or the children, and
- (b) payments under the order fall to be made to the Department by virtue of paragraph (6) (a) of that Article, and
- (c) that other parent (“the dependent parent”) ceases to claim income support,

the Department may, by giving notice in writing to the court which made the order and to the liable parent and the dependent parent, transfer to the dependent parent the right to receive the payments under the order, exclusive of any personal allowance element, and to exercise the relevant rights in relation to the order, except so far as relating to that element.

(4) Notice under paragraph (3) shall not be given (and if purportedly given, shall be of no effect) at a time when there is in force a maintenance order made against the liable parent—

- (a) in favour of the dependent parent or one or more of the children; or
- (b) in favour of some other person for the benefit of the dependent parent or one or more of the children;

and if such a maintenance order is made at any time after notice under that paragraph has been given, the order under Article 25(4) shall cease to have effect.

(5) Except as provided by paragraphs (7) and (8), where the Department gives notice under paragraph (3), it shall cease to be entitled—

- (a) to receive any payment under the order in respect of any personal allowance element, or
- (b) to exercise the relevant rights, so far as relating to any such element,

notwithstanding that the dependent parent does not become entitled to receive any payment in respect of that element or to exercise the relevant rights so far as so relating.

(6) If, in a case where the Department gives notice under paragraph (3), a payment under the order is or has been made to the Department wholly or partly in respect of the whole or any part of the period beginning with the day on which the transfer takes effect and ending with the day on which the notice under paragraph (3) is given to the liable parent, the Department shall—

- (a) repay to or for the liable parent so much of the payment as is referable to any personal allowance element in respect of that period or, as the case may be, the part of it in question; and
- (b) pay to or for the dependent parent so much of any remaining balance of the payment as is referable to that period or part;

and a payment under sub-paragraph (b) shall be taken to discharge, to that extent, the liability of the liable parent to the dependent parent under the order in respect of that period or part.

(7) If, in a case where the Department has given notice under paragraph (3), the dependent parent makes a further claim for income support, then—

- (a) the Department may, by giving a further notice in writing to the court which made the order and to the liable parent and the dependent parent, transfer back from the dependent parent to the Department the right to receive the payments and to exercise the relevant rights; and
- (b) that transfer shall revive the Department’s right to receive payment under the order in respect of any personal allowance element and to exercise the relevant rights so far as relating to any such element.

(8) A transfer under paragraph (3) or (7) does not transfer or otherwise affect the right of any person—

- (a) to receive a payment which fell due to him at a time before the transfer took effect; or
- (b) to exercise the relevant rights in relation to any such payment;

and, where notice is given under paragraph (3), paragraph (5) does not deprive the Department of its right to receive such a payment in respect of any personal allowance element or to exercise the relevant rights in relation to such a payment.

(9) For the purposes of this Article—

- (a) a transfer under paragraph (3) takes effect on the day on which the dependent parent ceases to be in receipt of income support in consequence of the cessation referred to in sub-paragraph (c) of that paragraph, and
- (b) a transfer under paragraph (7) takes effect on—
  - (i) the first day in respect of which the dependent parent receives income support after the transfer under paragraph (3) took effect, or
  - (ii) such later day as may be specified for the purpose in the notice under paragraph (7),

irrespective of the day on which notice under the paragraph in question is given.

(10) Section 24(1) of the Interpretation Act (Northern Ireland) 1954 as it applies to the giving of a notice under paragraph (3) or (7), shall have effect as if the word “registering” were omitted.

(11) In this Article—

“child” means a person under the age of 16, notwithstanding Article 27(3)(d);

“court” shall be construed in accordance with Article 25;

“maintenance order” means an order for the making of periodical payments or the payment of a lump sum under any statutory provision prescribed for the purposes of this paragraph;

“the relevant rights”, in relation to an order under Article 25(4), means the right to bring any proceedings, take any steps or do any other thing under or in relation to the order which the Department could have brought, taken or done apart from any transfer under this Article.

### **Reduction of expenditure on income support: certain maintenance orders to be enforceable by the Department**

**25B.**—(1) This Article applies where—

- (a) a person (“the claimant”) who is the parent of one or more children is in receipt of income support either in respect of those children or in respect of both himself and those children; and
- (b) there is in force a maintenance order made against the other parent (“the liable person”)—
  - (i) in favour of the claimant or one or more of the children; or
  - (ii) in favour of some other person for the benefit of the claimant or one or more of the children;

and in this Article “the primary recipient” means the person in whose favour that maintenance order was made.

(2) If, in a case where this Article applies, the liable person fails to comply with any of the terms of the maintenance order—

- (a) the Department may bring any proceedings or take any other steps to enforce the order that could have been brought or taken by or on behalf of the primary recipient; and
- (b) any court before which proceedings are brought by the Department by virtue of subparagraph (a) shall have the same powers in connection with those proceedings as it would have had if they had been brought by the primary recipient.

(3) The Department's powers under this Article are exercisable at the Department's discretion and whether or not the primary recipient or any other person consents to their exercise; but any sums recovered by virtue of this Article shall be payable to or for the primary recipient, as if the proceedings or steps in question had been brought or taken by him or on his behalf.

(4) The powers conferred on the Department by paragraph (2)(a) include power—

- (a) to apply for the registration of the maintenance order under—
  - (i) section 17 of the Maintenance Orders Act 1950;
  - (ii) section 11 of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966; or
  - (iii) the Civil Jurisdiction and Judgments Act 1982; and
- (b) to make an application under section 2 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (application for enforcement in reciprocating country).

(5) Where this Article applies, the prescribed person shall in prescribed circumstances give the Department notice of any application—

- (a) to alter, vary, suspend, discharge, revoke, revive, or enforce the maintenance order in question; or
- (b) to remit arrears under that maintenance order;

and the Department shall be entitled to appear and be heard on the application.

(6) Where by virtue of this Article, the Department commences any proceedings to enforce a maintenance order, the Department shall, in relation to those proceedings, be treated for the purposes of any statutory provision relating to maintenance orders as if it were a person entitled to payment under the maintenance order in question (but shall not thereby become entitled to any such payment).

(7) Where, in any proceedings under this Article, the court makes an order for the whole or any part of the arrears due under the maintenance order in question to be paid as a lump sum, the Department shall inform the Incorporated Law Society of Northern Ireland of the amount of that lump sum if the Department knows—

- (a) that the primary recipient received legal aid under Part II of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 in connection with the proceedings in which the maintenance order was made; and
- (b) that a sum remains unpaid on account of the contribution required of the primary recipient under Article 12 of that Order in respect of those proceedings.

(8) In this Article “maintenance order” has the same meaning as it has in Article 25A, but does not include any such order for the payment of a lump sum.”.

(2) In Article 27 of the 1986 Order, in paragraph (3) (definitions for purposes of Articles 25, 26 and 27) after the words “Articles 25” there shall be inserted “, 25A, 25B”.

### **Income support in respect of accommodation charges for persons in nursing homes, etc.**

11. In Article 23 of the 1986 Order (calculation of income-related benefits), after paragraph (2) there shall be inserted the following paragraphs—

“(2A) In prescribing, for the purposes of income support, amounts under paragraph (1) in respect of accommodation in any area for qualifying persons in cases where prescribed conditions are fulfilled, the Department shall take into account—

- (a) the amounts which the Department has agreed to pay, and
- (b) information provided by the Board or other prescribed persons with respect to the amounts which the Board or such persons have agreed to pay,

for the provision of accommodation in relevant premises in that area.

(2B) In paragraph (2A)—

“accommodation” includes any board or care;

“the Board” means the Health and Social Services Board for that area;

“qualifying persons” means persons who are ordinarily resident in relevant premises and the Department may by regulations prescribe the circumstances in which persons are to be treated as being ordinarily resident in relevant premises for the purposes of this paragraph;

“relevant premises” means subject to such exemptions as may be prescribed—

- (a) nursing homes in respect of which a person is registered under section 1 of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971;
- (b) homes for persons in need in respect of which a person is registered under Article 35 of, and Schedule 5 to, the Health and Personal Social Services (Northern Ireland) Order 1972.”.

### **Amendments relating to the social fund**

12.—(1) In Article 33 of the 1986 Order, after paragraph (8D) there shall be inserted the following paragraph—

“(8E) The Department may give general directions to social fund officers or groups of social fund officers, with respect to the control and management by social fund officers or groups of social fund officers of the amounts allocated to them under paragraphs (8A) to (8D).”.

(2) In paragraph (10) of that Article (power to nominate social fund officer to issue guidance to other officers in his area on specified matters) for the words “to issue” there shall be substituted the words “who shall issue”.

(3) In Article 34 of that Order, after paragraph (10) (questions to be determined in accordance with general directions) there shall be inserted the following paragraph—

“(10ZA) Without prejudice to the generality of paragraph (10), the Department may issue directions under that paragraph for the purpose of securing that a social fund officer or group of social fund officers shall not in any specified period make awards of any specified description which in the aggregate exceed the amount, or a specified portion of the amount, allocated to that officer or group of officers under Article 33(8A) to (8D) for payments under awards of that description in that period.”.

(4) In paragraph (10A) of that Article (which specifies certain matters with respect to which directions may be given), after sub-paragraph (e) there shall be inserted the following sub-paragraph—

- “(f) that a social fund payment such as is mentioned in Article 33(2)(b) shall only be awarded to a person if either—
- (i) he is in receipt of a benefit under the benefit Acts which is specified in the direction and the circumstances are such as are so specified; or
  - (ii) in a case where the conditions specified in head (i) are not satisfied, the circumstances are such as are specified in the direction;”.
- (5) At the end of that Article there shall be added the following paragraph—
- “(13) The Department may by regulations—
- (a) make provision with respect to the time at which an application for a social fund payment such as is mentioned in Article 33(2)(b) is to be treated as made;
  - (b) prescribe conditions that must be satisfied before any determination in connection with such an application may be made or any award of such a payment may be paid;
  - (c) prescribe circumstances in which such an award becomes extinguished.”.

*Occupational and personal pensions, etc.*

**Annual increase of certain occupational pensions**

- 13.—(1) After Article 68 of the Pensions Order there shall be inserted the following Article—

**“Annual increase in rate of pension, other than guaranteed minimum pension or money purchase benefit**

- 68A.—(1) This Article applies in relation to any occupational pension scheme—
- (a) which is neither a public service pension scheme nor a money purchase scheme; and
  - (b) whose rules do not require the annual rate of every pension which commences or has commenced under the scheme to be increased each year by at least an amount equal to the appropriate percentage of that rate.
- (2) On and after the appointed day, Schedule 4A shall have effect for the purpose of requiring the provision by schemes to which this Article applies of annual increases in the annual rates of pensions under those schemes.
- (3) In this Article—
- “annual rate”, in relation to a pension, means the annual rate of the pension, as previously increased under the rules of the scheme or under Schedule 4A;
- “the appointed day” means the day on which this Article and Schedule 4A come into operation;
- “the appropriate percentage”, in relation to an increase in the annual rate of a pension, means the percentage specified in the last revaluation order made before the increase is to take effect as the revaluation percentage for the last revaluation period of 12 months;
- “money purchase scheme” means a pension scheme under which all the benefits that may be provided are money purchase benefits;
- “pension” does not include—
- (a) a guaranteed minimum pension or any increase in such a pension under Article 39A; or
  - (b) any money purchase benefit;

“revaluation order” means an order under Article 53A, “revaluation period” has the meaning given by paragraph (2) of that Article, and “revaluation percentage” means a percentage specified for a revaluation period by a revaluation order.”.

(2) After Schedule 4 to the Pensions Order there shall be inserted the Schedule set out in Schedule 2.

(3) In the case of an occupational pension scheme—

- (a) such as is mentioned in paragraph (1) of Article 68A of the Pensions Order, and
- (b) which is constituted by trust deed,

no payment shall be made out of the resources of the scheme to or for a person who is or has been the employer of persons in the description or category of employment to which the scheme relates until such time as provision has been made by the scheme for every pension which commences or has commenced under it to be increased as mentioned in sub-paragraph (b) of that paragraph.

(4) Nothing in paragraph (3) applies in relation to payments made to or for a person by virtue of his or any other person’s membership of the scheme in question.

(5) Expressions used in this Article and the Pensions Order have the same meaning in this Article as they have in that Order.

(6) The provisions of paragraph (3) override any provision of a scheme to the extent that it conflicts with them.

### **The Pensions Ombudsman**

**14.** The Pensions Order shall have effect with the amendments made by Schedule 3, which are made for the purpose of conferring functions on, and making general provision in connection with, the Pensions Ombudsman appointed under section 59B of the Social Security Pensions Act 1975**(12)**.

### **Registration of occupational and personal pension schemes**

**15.—(1)** At the beginning of Part VI of the Pensions Order there shall be inserted the following Article—

#### **“Registration of occupational and personal pension schemes**

**69J.—(1)** In this Article—

“employer”, in relation to a pension scheme, includes a person who is or has been treated under Article 2(4) as an employer in relation to the scheme for the purposes of Part IV or V;

“the register” means the register of occupational and personal pension schemes compiled and maintained under section 59K of the Social Security Pensions Act 1975;

“the registrar” means the Registrar of Occupational and Personal Pension Schemes appointed under that section.

(2) Regulations may make provision with respect to the staff and the facilities which are to be available to the registrar.

(3) Regulations may require—

- (a) any person who is or has been—
  - (i) a trustee or manager of an occupational or personal pension scheme or an administrator of a public service pension scheme, or

(ii) the employer in relation to employment of any description or category to which an occupational pension scheme relates, and

(b) such other persons as may be prescribed,

to provide the registrar with such information for the purposes of the register in such form and within such time as may be prescribed.

(4) The Department, the Inland Revenue and the Occupational Pensions Board may provide the registrar with such information as he may request for the purposes of the register; and no obligation as to secrecy or confidentiality imposed by statute or otherwise on—

(a) persons employed in the Department,

(b) persons employed in relation to the Inland Revenue, or

(c) the staff of the Occupational Pensions Board,

shall prevent them from disclosing to the registrar such information as is necessary for the purposes of the register.

(5) The Department may direct the registrar to submit to the Department, in such form and at such intervals as may be specified in the direction, such statistical and other reports as the Department may require; and the Department may determine at its discretion whether or not to publish a report submitted to it under this paragraph.”.

(2) The following provisions of the Pensions Order (which make provision with respect to the registration of occupational pension schemes and which are set out in Schedule 2 to the Social Security (Northern Ireland) Order 1985(13) and have not all been brought into operation) shall cease to have effect—

(a) Articles 58B to 58D;

(b) Article 58E(1)(c);

(c) Articles 58F to 58J;

(d) Article 58K(1)(b), (5)(b) and (7); and

(e) Article 58L.

### **Miscellaneous amendments relating to pensions**

**16.—**(1) The statutory provisions mentioned in Schedule 4 (which relate to occupational and personal pensions) shall have effect with the amendments there specified.

(2) Regulations may modify the provisions inserted into the Pensions Order by paragraph 2 of that Schedule in any manner which the Department thinks appropriate with a view to securing the orderly implementation of those provisions and to obtaining general compliance with them.

### *Energy efficiency in certain dwellings, etc.*

### **Grants for the improvement of energy efficiency in certain dwellings, etc.**

**17.—**(1) The Department of Economic Development may make or arrange for the making of grants—

(a) towards the cost of carrying out work—

(i) for the purpose of improving the thermal insulation of dwellings, or

(ii) otherwise for the purpose of reducing or preventing the wastage of energy in connection with space or water heating in dwellings; and

(b) where any such work is, or is to be, carried out, towards the cost of providing persons with advice relating to thermal insulation or to the economic and efficient use of domestic appliances or of facilities for lighting, or for space or water heating, in dwellings;

but no grants shall be made under this Article except in accordance with regulations made by that Department.

(2) The regulations may make provision with respect to—

- (a) the descriptions of dwelling and work in respect of which a grant under paragraph (1)(a) may be made;
- (b) the nature and extent of the advice with respect to the provision of which grants under paragraph (1)(b) may be made;
- (c) the descriptions of person from whom an application for a grant under paragraph (1)(a) or (b) may be entertained;
- (d) the persons to whom such an application is to be made;
- (e) the payment of such grants to persons other than the applicant;
- (f) the conditions on which such a grant may be made.

(3) The regulations—

- (a) may specify or make provision for determining the amount or maximum amount of any grant under this Article; and
- (b) may include provision requiring work to comply with standards of materials and workmanship (whether prescribed standards, or standards otherwise laid down by a prescribed person) if it is to be eligible for a grant under paragraph (1)(a).

(4) Paragraphs (1) to (3) shall apply in relation to any building in multiple occupation as they apply in relation to a dwelling; and for this purpose “building in multiple occupation” means a building, which is occupied by persons who do not form a single household, exclusive of any part of the building which is occupied as a separate dwelling by persons who form a single household.

(5) The Department of Economic Development may delegate any of its functions in relation to grants under this Article to such persons as it may determine, and may pay to any person to whom functions are so delegated, or upon whom functions are otherwise conferred under this Article, such fees as may be agreed.

(6) Without prejudice to the generality of the powers conferred by this Article, the regulations may make provision for any of the following matters, that is to say—

- (a) for appointing for any particular area a person (an “administering agency”) to perform in that area such functions as the Department of Economic Development may confer upon him for the purposes of, or otherwise in connection with, this Article (whether those functions are prescribed, or specified otherwise than in regulations);
- (b) for the administering agency for any area to select, in accordance with criteria (whether prescribed criteria, or criteria otherwise laid down by a prescribed person), and register as the network installer for any particular locality within that area, a person capable of carrying out, or arranging for the carrying out of, work in respect of which grants under paragraph (1)(a) may be made, to perform in that locality such functions as the Department of Economic Development or that agency may confer upon that person for the purposes of, or otherwise in connection with, this Article (whether those functions are prescribed, or specified otherwise than in regulations);

- (c) for the allocation by the Department of Economic Development to an administering agency of the sums which are to be available to that agency in any period for the purpose of making grants under this Article in that period, and for the re-allocation of any sums so allocated;
  - (d) for the allocation by an administering agency to a network installer of an amount which represents the total amount of grant under this Article which the agency determines is, or is to be, available for any period in respect of work carried out, and advice given, by that installer and any sub-contractors of his in that period, and for the re-allocation of any amount so allocated.
- (7) The provision that may be made in regulations by virtue of paragraph (6) includes provision—
- (a) for the making of appointments, or the conferring of functions, under that paragraph to be effected in whole or in part by or under a contract made between prescribed persons and for requiring any such contract to contain prescribed terms and conditions or terms and conditions with respect to prescribed matters;
  - (b) for terminating any appointment as an administering agency or any registration as a network installer;
  - (c) for conferring upon network installers the exclusive right to apply for grants by virtue of paragraph (4);
  - (d) for conferring upon administering agencies functions relating to the general oversight of network installers and the verification of claims made, and information supplied, by them.
- (8) Regulations under this Article shall not be made without the consent of the Department of Finance and Personnel.
- (9) Regulations under this Article shall be subject to negative resolution.
- (10) In this Article—
- “functions” means powers and duties and includes the exercise of a discretion with respect to any matter;
  - “prescribed” means specified in, or determined in accordance with, regulations under this Article;
  - “regulations” means regulations made by the Department of Economic Development.

### *Financial provisions*

#### **Removal of certain liabilities from the National Insurance Fund**

**18.—**(1) In section 1 of the principal Act (outline of the contributory system), at the end of paragraph (a) of subsection (1) there shall be added the word “and” and paragraph (c) of that subsection (benefit under the Old Cases Act to be provided by means of contributions, etc.) shall cease to have effect.

(2) At the end of that subsection there shall be added the words “together with the additions under subsection (4A) below” and after subsection (4) there shall be inserted the following subsection—

“(4A) For the financial year beginning with 1st April 1990 and for each subsequent financial year, there shall, by way of addition to contributions, be paid out of money hereafter appropriated for that purpose, in such manner and at such times as the Department of Finance and Personnel may determine, amounts the total of which for any such year is equal to the aggregate of all statutory sick pay and statutory maternity pay paid by employers and others in that year, as estimated by the Department.”.

(3) In section 128 of that Act (destination of contributions, etc.), after subsection (2) there shall be inserted the following subsection—

“(2A) The additions paid under section 1(4A) above shall be paid, in accordance with any directions given by the Department of Finance and Personnel, into the National Insurance Fund.”.

(4) In section 129 of that Act, at the end of subsection (2) (which specifies the benefits which are to be paid out of money appropriated for that purpose instead of out of the National Insurance Fund) there shall be added the following paragraph—

“(h) industrial injuries benefit.”.

(5) In subsection (5) of that section (Consolidated Fund to be reimbursed out of the National Insurance Fund in respect of certain administrative expenses, but excluding those specified in the paragraphs of that subsection), after paragraph (a) there shall be inserted the following paragraph—

“(aa) expenses attributable to the carrying into effect of the Old Cases Act; and”.

(6) In section 150 of that Act, in subsection (4) (certain payments in respect of pre-1948 cases to be made out of the National Insurance Fund), for the words “the National Insurance Fund” there shall be substituted the words “money hereafter appropriated for that purpose”.

(7) In the Old Cases Act—

(a) in section 2(1) (allowances to be financed out of the National Insurance Fund), for the words “the National Insurance Fund” there shall be substituted the words “money hereafter appropriated for that purpose”;

(b) in section 4(3)(e) (provision for the repayment to the National Insurance Fund of payments subsequently found not to have been due), for the words “the National Insurance Fund” there shall be substituted the words “the Department”; and

(c) section 8 (reciprocal arrangements with Great Britain in relation to payments out of the respective National Insurance Funds) shall cease to have effect.

(8) Article 37 of the 1982 Order and Article 82(2)(a) of the 1986 Order (which provide for the payment of sums out of the National Insurance Fund into the Consolidated Fund in respect of estimated administrative expenses relating to statutory sick pay and statutory maternity pay) shall cease to have effect.

(9) Paragraphs (1) and (4) to (7) shall be taken to have come into operation on 1st April 1990.

### **Interest and penalties in respect of certain contributions**

**19.—**(1) In section 128 of the principal Act (destination of contributions, etc.), after the subsection (2A) inserted by Article 18 there shall be inserted the following subsection—

“(2B) The sums paid over to the Department by the Secretary of State under section 9(6) of the Social Security Act 1975 and by the Inland Revenue under paragraphs 5(3)(b) and 5A(7) of Schedule 1 to this Act in respect of interest and penalties recovered by them in connection with contributions of any class shall be paid, in accordance with any directions given by the Department of Finance and Personnel, into the National Insurance Fund.”.

(2) In section 129 of that Act (general financial arrangements), after subsection (6) there shall be added the following subsection—

“(7) Any expenditure in respect of the payment of interest or repayment supplements under or by virtue of paragraph 5 of Schedule 1 to this Act or paragraph 7 of Schedule 2 to the Social Security Act 1975 shall be defrayed out of the National Insurance Fund in accordance with any directions given by the Department of Finance and Personnel.”.

(3) In paragraph 5 of Schedule 1 to that Act (power to combine collection of contributions with collection of tax), after sub-paragraph (1) there shall be inserted the following sub-paragraphs—

“(1A) Without prejudice to the generality of sub-paragraph (1) above, the provision that may be made by virtue of paragraph (a) of that sub-paragraph includes, in relation to Class 1 contributions—

- (a) provision for requiring the payment of interest on sums due in respect of Class 1 contributions which are not paid by the due date, for determining the date (being not less than 14 days after the end of the tax year in respect of which the sums are due) from which such interest is to be calculated and for enabling the repayment or remission of such interest;
- (b) provision for requiring the payment of interest on sums due in respect of Class 1 contributions which fall to be repaid and for determining the date (being not less than one year after the end of the tax year in respect of which the sums are due) from which such interest is to be calculated;
- (c) provision for, or in connection with, the imposition and recovery of penalties in relation to any returns required to be made which relate to Class 1 contributions, but subject to sub-paragraph (2) and paragraph 5A below;

and any reference to contributions or income tax in paragraph (b) or (c) of sub-paragraph (1) above shall be construed as including a reference to any interest or penalty in respect of contributions or income tax, as the case may be.

(1B) The rate of interest applicable for any purpose of this paragraph shall be—

- (a) the rate from time to time prescribed under section 178 of the Finance Act 1989 for the purpose of any enactment (whether or not extending to Northern Ireland) if prescribed by regulations made by virtue of this paragraph; or
- (b) such other rate as may be prescribed by such regulations.

(1C) Regulations under this paragraph may require the payment of interest on sums due in respect of contributions, notwithstanding that a question arising in relation to the contributions has not been determined under section 93 of this Act by the Department, except that where—

- (a) any such question arises which affects a person’s liability for, or the amount of, any such interest, and
- (b) either—
  - (i) that person requires the question to be determined under section 93, or
  - (ii) a question of law arising in connection with the determination of the question is, or is to be, referred to the court under section 94 of this Act,

the regulations shall not require the payment of any such interest until the question has been determined under section 93 by the Department or the reference has been finally disposed of under section 94, as the case may be; but, subject to that, this paragraph is without prejudice to sections 93, 94 and 96 of this Act.”.

(4) In sub-paragraph (3) of that paragraph (payment of receipts to Department), after the words “pay to it” there shall be inserted “(a)” and at the end of that sub-paragraph there shall be added the words “; and

- (b) so much of any interest recovered by the Inland Revenue by virtue of this paragraph as remains after the deduction by them of any administrative costs attributable to its recovery”.

(5) After that paragraph there shall be inserted the provisions set out in Schedule 5, which relate to the imposition and recovery of certain penalties.

### **General financial provisions**

**20.** There shall be paid out of the National Insurance Fund into the Consolidated Fund, at such times and in such manner as the Department of Finance and Personnel may direct, such sums as the Department may estimate (in accordance with any directions given by the Department of Finance and Personnel) to be the amount of the administrative expenses incurred by the Department under Articles 6, 8 and 19, Schedules 1 and 5 and paragraphs 1, 3, 7, 15 and 16 of Schedule 6 excluding any category of expenses or payments which the Department of Finance and Personnel may direct, or any statutory provision may require, to be excluded from the Department's estimates under this Article.

### *General and supplementary provisions*

### **Regulations and orders**

**21.**—(1) Subject to the following provisions of this Article, subsections (1) to (3A) of section 155 of the principal Act shall apply in relation to any power conferred by any provision of this Order, other than Article 17, to make regulations or an order as they apply in relation to any power conferred by that Act to make regulations or an order, but as if for references to that Act there were substituted references to this Order.

(2) All regulations and orders made under this Order, other than orders under Article 1, shall be subject to negative resolution.

(3) A power conferred by this Order 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.

### **Minor and consequential amendments and repeals**

**22.**—(1) The statutory provisions mentioned in Schedule 6 shall have effect with the amendments there specified (being minor amendments and amendments consequential on provisions of this Order).

(2) The statutory provisions mentioned in Schedule 7 (which include some that are spent or of no further practical utility) are repealed to the extent specified in the third column of that Schedule.

(3) Subject to paragraph (4), the Department may by regulations make—

- (a) such transitional provision,
- (b) such consequential provision, or
- (c) such savings,

as it considers necessary or expedient in preparation for or in connection with the coming into operation of any provision of this Order or the operation of any statutory provision repealed or amended by a provision of this Order during any period when the repeal or amendment is not wholly in operation.

(4) The power conferred by paragraph (3) shall, in relation to Article 17, be exercisable by the Department of Economic Development.

(5) Where by virtue of any provision of this Order the Pensions Order contains a reference to any provision of the Insolvency (Northern Ireland) Order 1989<sup>(14)</sup> the Department may by regulations make such provision as it considers necessary or expedient in preparation for or in connection with the coming into operation of that provision of this Order if any such provision of the Insolvency (Northern Ireland) Order 1989 is not in operation.

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**Status:** *This is the original version (as it was originally made).*

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*G. I. de Deney*  
Clerk of the Privy Council