
STATUTORY INSTRUMENTS

1990 No. 1511 (N.I. 15)

The Social Security (Northern Ireland) Order 1990

- - - - - 24th July 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^{F1}.

(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).

Annotations:

F1 partly exercised by SRs 1990/307, 351; 1991/110; 1992/102, 285

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F2} 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;

Definitions rep. by 1992 c. 9

“the Pensions Order” means the Social Security Pensions (Northern Ireland) Order 1975^{F3};

“prescribed” means prescribed by regulations;

“the principal Act” means the Social Security (Northern Ireland) Act 1975^{F4};

“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.

Annotations:

F2 1954 c. 33 (N.I.)

F3 1975 NI 15

F4 1975 c. 15

Benefits

Arts. 3#7 rep. by 1992 c. 9

Late claims for widowhood benefits where death is difficult to establish

Paras. (1)#(3) rep. by 1992 c. 9

(4) The Social Security (Widow's Benefit) (Transitional) Regulations (Northern Ireland) 1987^{F5} 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.

Annotations:

F5 S.R. 1987 No. 387

Article 9—Amendments

Arts. 10#12 rep. by 1992 c. 9

Arts. 13#15 rep. by 1993 c. 49

Miscellaneous amendments relating to pensions

Para. (1)—Amendments

Para. (2) rep. by 1993 c. 49

Energy efficiency in certain dwellings, etc.

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

17^{F6}.—^{F7}(1) The Department of Economic Development may make or arrange for the making of grants—

(a) towards the cost of carrying out work for the purpose of—

- (i) improving the thermal insulation of dwellings, or
 - (ii) otherwise reducing or preventing the wastage of energy in dwellings (whether in connection with space or water heating, lighting, the use of domestic appliances or otherwise), and
- (b) where any such work is, or is to be, carried out, towards the cost of providing persons with advice on reducing or preventing the wastage of energy 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;
- [^{F8}“materials” includes space and water heating systems;]
- “prescribed” means specified in, or determined in accordance with, regulations under this Article;
- “regulations” means regulations made by the Department of Economic Development.

Annotations:

- F6** functions transf. by SRs 1997/391, 1999/481
- F7** 1996 NI 21
- F8** 1996 NI 21

Financial provisions

Arts. 18#19 rep. by 1992 c. 9

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^[F9] paragraph 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.

Annotations:

F9 1992 c. 9

General and supplementary provisions

Regulations and orders

Para.(1) rep. by 1993 c. 49

(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

Para. (1)—Amendments

Para. (2)—Repeals

(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.

Para.(5) rep. by 1993 c. 49

Schedule 1 — Amendments

Schedules 2 — 4 rep. by 1993 c. 49

Schedule 5 rep. by 1992 c. 9

Schedule 6 — Amendments

Schedule 7 — Repeals

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Northern Ireland) Order 1990.