
STATUTORY INSTRUMENTS

1998 No. 1506

The Social Security (Northern Ireland) Order 1998

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Regulations and orders

74.—^{F1}(1) Subject to [^{F2}paragraph (2)] [^{F3}paragraphs (2) and (2A)] and Article 15(13), regulations under this Order 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.

^{F1}[^{F4}(2A) Paragraph (1) has effect subject to any provision providing for regulations to be made by the Treasury or the Commissioners of Inland Revenue.

(2B) Powers of the Treasury or the Commissioners of Inland Revenue to make regulations under this Order are exercisable by statutory instrument.]

(3) Where a power under this Order to make regulations or an order 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.

(4) Powers to make regulations for the purposes of any one provision of this Order are without prejudice to powers to make regulations for the purposes of any other provision.

(5) Without prejudice to any specific provision in this Order, a power conferred by this Order to make regulations includes power to make thereby such incidental, supplementary, consequential or transitional provision as appears to the authority making the regulations to be expedient for the purposes of those regulations.

[^{F5}(5A) The provision referred to in paragraph (5) includes, in a case where regulations under this Order require or authorise the use of electronic communications, provision referred to in sections 1(4) and (5) and 2(5) of the Electronic Communications Act (Northern Ireland) 2001.

(5B) For the purposes of paragraph (5A), references in sections 1(4) and (5) and 2(5) of the Electronic Communications Act (Northern Ireland) 2001 to an order under section 2 of that Act are to be read as references to regulations under this Order; and references to anything authorised by such an order are to be read as references to anything required or authorised by such regulations.]

(6) Without prejudice to any specific provision in this Order, a power conferred by any provision of this Order to make regulations includes power to provide for a person to exercise a discretion in dealing with any matter.

^{F1}(7) Any power conferred by this Order to make regulations relating to housing benefit shall include power to make different provision for different areas.

(8) In this Article “Commissioner” has the same meaning as in section 167(1) of the Administration Act.

Changes to legislation: *The Social Security (Northern Ireland) Order 1998, Section 74 is up to date with all changes known to be in force on or before 15 April 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) View outstanding changes*

- F1** mod. by SI 2005/191
- F2** Words in art. 74(1) substituted (26.2.2003, 1.4.2003, 7.4.2003 for certain purposes and otherwise prosp.) by [Tax Credits Act 2002 \(c. 21\)](#), ss. 51, 61, [Sch. 4 para. 17\(1\)\(2\)](#); S.I. 2003/392, [art. 2](#) (with [art. 3](#))
- F3** Words in art. 74(1) substituted (26.2.2003, 1.4.2003, 7.4.2003 for certain purposes and otherwise prosp.) by [Tax Credits Act 2002 \(c. 21\)](#), ss. 51, 61, [Sch. 4 para. 17\(1\)\(2\)](#); S.I. 2003/392, [art. 2](#) (with [art. 3](#))
- F4** Art. 74(2A)(2B) inserted (26.2.2003, 1.4.2003, 7.4.2003 for certain purposes and otherwise prosp.) by [Tax Credits Act 2002 \(c. 21\)](#), ss. 51, 61, [Sch. 4 para. 17\(1\)\(3\)](#); S.I. 2003/392, [art. 2](#) (with [art. 3](#))
- F5** Art. 74(5A)(5B) inserted (2.5.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), [108\(2\)](#); S.R. 2016/215, art. 2(6)(a)

Modifications etc. (not altering text)

- C1** Art. 74(3)-(6) applied (prosp.) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), [ss. 7\(3\)](#), [36\(2\)](#)
- C2** Art. 74(3)-(6) applied (prosp.) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), [ss. 9\(6\)](#), [36\(2\)](#)

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- power to am. (prosp.) by [1998 c. 47 s.87](#)
- art. 74(7) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1999 c. 10 s.1\(2\)Sch.1 paras.16\(r\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 para. 7A and cross-heading inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 41\(3\)](#)
- Sch. 3 para. 3A inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 42](#)
- art. 38(1A) inserted by [2010 c. 13 \(N.I.\) s. 16\(2\)](#)