



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART VIII

#### MISCELLANEOUS

##### *Social security, child support and pensions*

#### **87 Consultation and co-ordination.**

- (1) The Secretary of State and the Northern Ireland Minister having responsibility for social security (“the Northern Ireland Minister”) shall from time to time consult one another with a view to securing that, to the extent agreed between them, the legislation to which this section applies provides single systems of social security, child support and pensions for the United Kingdom.
- (2) Without prejudice to section 28, the Secretary of State with the consent of the Treasury, and the Northern Ireland Minister with the consent of the Department of Finance and Personnel, may make—
  - (a) arrangements for co-ordinating the operation of the legislation to which this section applies with a view to securing that, to the extent allowed for in the arrangements, it provides single systems of social security, child support and pensions for the United Kingdom; and
  - (b) reciprocal arrangements for co-ordinating the operation of so much of the legislation as operates differently in relation to Great Britain and in relation to Northern Ireland.
- (3) Such arrangements as are mentioned in subsection (2)(a) or (b) may include provision for making any necessary financial adjustments, other than adjustments between the National Insurance Fund and the Northern Ireland National Insurance Fund.
- (4) The Secretary of State may make regulations for giving effect to arrangements under subsection (2); and any such regulations may for the purposes of the arrangements provide—

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- (a) for adapting legislation (including subordinate legislation) for the time being in force in Great Britain;
  - (b) without prejudice to paragraph (a) above, for securing that acts, omissions and events having any effect for the purposes of the enactments in force in Northern Ireland have a corresponding effect in relation to Great Britain (but not so as to confer any double benefit); and
  - (c) for determining, in cases where rights accrue both in relation to Great Britain and in relation to Northern Ireland, which of those rights shall be available to the person concerned.
- (5) The Northern Ireland department having responsibility for social security may make regulations for giving effect to arrangements under subsection (2); and any such regulations may for the purposes of the arrangements provide—
- (a) for adapting legislation (including subordinate legislation) for the time being in force in Northern Ireland;
  - (b) without prejudice to paragraph (a) above, for securing that acts, omissions and events having any effect for the purposes of the enactments in force in Great Britain have a corresponding effect in relation to Northern Ireland (but not so as to confer any double benefit); and
  - (c) for determining, in cases where rights accrue both in relation to Northern Ireland and in relation to Great Britain, which of those rights shall be available to the person concerned.
- (6) This section applies to—
- (a) the <sup>M1</sup>Social Security Contributions and Benefits Act 1992 and the <sup>M2</sup>Social Security Contributions and Benefits (Northern Ireland) Act 1992;
  - (b) the <sup>M3</sup>Social Security Administration Act 1992 and the <sup>M4</sup>Social Security Administration (Northern Ireland) Act 1992;
  - (c) the <sup>M5</sup>Child Support Act 1991 and the <sup>M6</sup>Child Support (Northern Ireland) Order 1991;
  - (d) the <sup>M7</sup>Social Security Pensions Act 1975 and the <sup>M8</sup>Social Security Pensions (Northern Ireland) Order 1975;
  - (e) the <sup>M9</sup>Social Security Act 1989 and the <sup>M10</sup>Social Security (Northern Ireland) Order 1989;
  - (f) the <sup>M11</sup>Disability (Grants) Act 1993;
  - (g) the <sup>M12</sup>Pension Schemes Act 1993 and the <sup>M13</sup>Pensions Schemes (Northern Ireland) Act 1993;
  - (h) the <sup>M14</sup>Social Security (Incapacity for Work) Act 1994 and the <sup>M15</sup>Social Security (Incapacity for Work) (Northern Ireland) Order 1994;
  - (i) the <sup>M16</sup>Jobseekers Act 1995 and the <sup>M17</sup>Jobseekers (Northern Ireland) Order 1995;
  - (j) the <sup>M18</sup>Pensions Act 1995 and the <sup>M19</sup>Pensions (Northern Ireland) Order 1995;
  - (k) the <sup>M20</sup>Child Support Act 1995 and the <sup>M21</sup>Child Support (Northern Ireland) Order 1995;
  - (l) the <sup>M22</sup>Social Security (Recovery of Benefits) Act 1997 and the <sup>M23</sup>Social Security (Recovery of Benefits) (Northern Ireland) Order 1997;
  - (m) the <sup>M24</sup>Social Security Act 1998 and the <sup>M25</sup>Social Security (Northern Ireland) Order 1998.
- [<sup>F1</sup>(n) the Welfare Reform and Pensions Act 1999 and the Welfare Reform and Pensions (Northern Ireland) Order 1999]

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- [<sup>F2</sup>(o) the Child Support, Pensions and Social Security Act 2000 and the Child Support, Pensions and Social Security Act (Northern Ireland) 2000]
- [<sup>F3</sup>(p) the Social Security Fraud Act 2001 and the Social Security Fraud Act (Northern Ireland) 2001
- [ the State Pension Credit Act 2002 and the State Pension Credit Act (Northern
- <sup>F4</sup>(q) Ireland) 2002]
- [ the Age-Related Payments Act 2004 and the Age-Related Payments (Northern
- <sup>F5</sup>(r) Ireland) Order 2004;
- (s) the Pensions Act 2004 and the Pensions (Northern Ireland) Order 2005]
- [ the Welfare Reform Act 2007 and the Welfare Reform Act (Northern Ireland)
- <sup>F6</sup>(t) 2007;
- (u) the Pensions Act 2007 and the Pensions Act (Northern Ireland) 2008]]
- [<sup>F7</sup>(v) the Child Maintenance and Other Payments Act 2008, the Mesothelioma, etc., Act (Northern Ireland) 2008, and the Child Maintenance Act (Northern Ireland) 2008;
- (w) the Pensions Act 2008 and the Pensions (No. 2) Act (Northern Ireland) 2008.]
- [<sup>F8</sup>(x) the Welfare Reform Act 2012 and the Welfare Reform (Northern Ireland) Order 2015;
- (y) the Pensions Act 2014 and the Pensions Act (Northern Ireland) 2015;
- (z) the Pension Schemes Act 2015 and the Pension Schemes Act (Northern Ireland) 2016.]
- [<sup>F9</sup>(6A) But this section does not apply to the legislation referred to in subsection (6) to the extent that it relates to child benefit or guardian’s allowance.]
- (7) Her Majesty may by Order in Council make any modifications of subsection (6) which She considers necessary or expedient.
- (8) The following provisions (which are superseded by this section and section 88) shall cease to have effect—
- (a) sections 177 and 178 of the Social Security Administration Act 1992 (co-ordination and reciprocity with Northern Ireland);
- (b) sections 153 and 154 of the Social Security Administration (Northern Ireland) Act 1992 (co-ordination and reciprocity with Great Britain);
- (c) section 56(2) to (4) of the Child Support Act 1991 (co-ordination with Northern Ireland);
- (d) Article 49(2) and (3) of the Child Support (Northern Ireland) Order 1991 (co-ordination with Great Britain);
- (e) section 29(2) to (4) of the Child Support Act 1995 (co-ordination with Northern Ireland);
- (f) Article 20 of the Child Support (Northern Ireland) Order 1995 (co-ordination with Great Britain).
- (9) Section 189 of the <sup>M26</sup>Social Security Administration Act 1992 (regulations and orders: general) shall apply in relation to the power conferred by subsection (4) as it applied in relation to the power conferred by section 177(4) of that Act.
- (10) The power conferred by subsection (5) shall be construed as if it had been conferred by an Act of the Assembly; and section 165 of the <sup>M27</sup>Social Security Administration (Northern Ireland) Act 1992 (regulations and orders: general) shall apply in relation to that power as it applied in relation to the power conferred by section 153(3) of that Act.

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- (11) A statutory instrument containing an Order in Council under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F1** S. 87(6)(n) added (13.4.2000) by [S.I. 2000/741](#), **art. 2**
- F2** S. 87(6)(o) added (4.1.2001) by [S.I. 2000/3254](#), **art. 2**
- F3** S. 87(6)(p) added (15.3.2002) by [S.I. 2002/265](#), **art. 2**
- F4** S. 87(6)(q) inserted (19.8.2003) by [The Northern Ireland Act 1998 \(Modification\) Order 2003 \(S.I. 2003/1890\)](#), **art. 2**
- F5** S. 87(6)(r)(s) inserted (15.11.2006) by [The Northern Ireland Act 1998 \(Modification\) Order 2006 \(S.I. 2006/2659\)](#), **art. 2**
- F6** S. 87(6)(t)(u) inserted (18.6.2008) by [The Northern Ireland Act 1998 \(Modification\) Order 2008 \(S.I. 2008/1242\)](#), {art. 2}
- F7** S. 87(6)(v)(w) inserted (20.5.2009) by [The Northern Ireland Act 1998 \(Modification\) Order 2009 \(S.I. 2009/885\)](#), **art. 2**
- F8** S. 87(6)(x)-(z) added (3.3.2016) by [The Northern Ireland Act 1998 \(Modification\) Order 2016 \(S.I. 2016/160\)](#), **arts. 1, 2**
- F9** S. 87(6A) inserted (8.7.2002) by [2002 c. 21, s. 64\(3\)\(4\)](#)

#### Marginal Citations

- M1** 1992 c.4.
- M2** 1992 c.7.
- M3** 1992 c.5.
- M4** 1992 c.8.
- M5** 1991 c.48.
- M6** [S.I. 1991/2628 \(N.I.23\)](#).
- M7** 1975 c.60.
- M8** [S.I. 1975/1503 \(N.I.16\)](#).
- M9** 1989 c.24.
- M10** [S.I. 1989/1342 \(N.I.13\)](#).
- M11** 1993 c.14.
- M12** 1993 c.48.
- M13** 1993 c.49.
- M14** 1994 c.18.
- M15** [S.I. 1994/1898 \(N.I.12\)](#).
- M16** 1995 c.18.
- M17** [S.I. 1995/2705 \(N.I.15\)](#).
- M18** 1995 c.26.
- M19** [S.I. 1995/3213 \(N.I.22\)](#).
- M20** 1995 c.34.
- M21** [S.I. 1995/2702 \(N.I.13\)](#).
- M22** 1997 c.27.
- M23** [S.I. 1997/1183 \(N.I.12\)](#)
- M24** 1998 c.14.
- M25** [S.I. 1998/1506 \(N.I.10\)](#).
- M26** 1992 c.5.
- M27** 1992 c.8.

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