

1977 No. 2158

NORTHERN IRELAND

**The Supplementary Benefits, etc., (Consequential Provisions)
(Northern Ireland) Order 1977***Laid before Parliament in draft**Made - - - - 21st December 1977**Coming into operation in accordance with Article 1(2)*

At the Court at Buckingham Palace, the 21st day of December 1977

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 38(2) of the Northern Ireland Constitution Act 1973(a), as extended by paragraph 1(7) of Schedule 1 to the Northern Ireland Act 1974(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:--

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as the Supplementary Benefits, etc., (Consequential Provisions) (Northern Ireland) Order 1977.

(2) This Order shall come into operation on the day appointed under Article 1(2) of the Supplementary Benefits (Northern Ireland) Order 1977(c) for the coming into operation of that Order.

(a) 1973 c. 36.

(b) 1974 c. 28.

(c) S.I. 1977/2156 (N.I. 27).

(3) Any reference in this Order to any enactment is a reference to it as amended by any other enactment.

(4) The Interpretation Act 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(5) This Order extends to the whole of the United Kingdom.

Amendments of the Maintenance Orders Act 1950

2.—(1) The following amendments shall be made in the Maintenance Orders Act 1950(b)—

- (a) in section 11(1) for the words from “section twenty-one” to “1966” substitute “section 159 of the Children and Young Persons Act (Northern Ireland) 1968(c), Article 102 of the Health and Personal Social Services (Northern Ireland) Order 1972(d) or Article 24 of the Supplementary Benefits (Northern Ireland) Order 1977”;
- (b) in section 12(1)(a) for “section 122 of the Children and Young Persons Act (Northern Ireland) 1950(e)” substitute “section 156 of the Children and Young Persons Act (Northern Ireland) 1968”;
- (c) for section 12(1)(b) substitute—
“*(b)* for an order under Article 101 of the Health and Personal Social Services (Northern Ireland) Order 1972 (which provides for the recovery from spouses or parents of sums in respect of accommodation provided under that Order)”;
- (d) in section 12(1)(c) for “section 24 of the Supplementary Benefits &c. Act (Northern Ireland) 1966(f)” substitute “Article 23 of the Supplementary Benefits (Northern Ireland) Order 1977”;
- (e) in section 12(2) for “one hundred and twenty-two or of any order made under any of the said sections 11, 20 and 24” substitute “156 or of any order made under either of the said Articles 101 and 23”;
- (f) in section 16(2)(c)—
 - (i) in sub-paragraph (iii) for the words from “section twenty-one” onwards substitute “section 159 of the Children and Young Persons Act (Northern Ireland) 1968 or Article 102 of the Health and Personal Social Services (Northern Ireland) Order 1972”;
 - (ii) for sub-paragraph (iv) substitute—
“*(iv)* section 156 of the Children and Young Persons Act (Northern Ireland) 1968 or Article 101 of the Health and Personal Social Services (Northern Ireland) Order 1972;”;
 - (iii) for sub-paragraph (vi) substitute—
“*(vi)* Article 23 or 24 of the Supplementary Benefits (Northern Ireland) Order 1977.”;
- (g) in section 25(3)(b) for “section twenty-one of the Petty Sessions (Ireland) Act 1851(g)” substitute “magistrates’ courts rules made under section 23(4) of the Magistrates’ Courts Act (Northern Ireland) 1964(h)”.

(a) 1889 c. 63.

(b) 1950 c. 37 as amended by 1966 c. 20 s. 39 Sch. 6 para. 14 and 1976 c. 71 s. 35(2) Sch. 7 paras. 11, 12, 13(c).

(c) 1968 c. 34 (N.I.).

(d) S.I. 1972/1265 (N.I. 14).

(e) 1950 c. 5 (N.I.).

(f) 1966 c. 28 (N.I.).

(g) 1851 c. 93.

(h) 1964 c. 21 (N.I.).

(2) In consequence of sub-paragraphs (a), (e) and (f)(iii) respectively of paragraph (1) above, paragraphs 11, 12(b) and 13(c) of Schedule 7 to the Supplementary Benefits Act 1976(a) are hereby repealed.

(3) This Article does not prejudice section 31(2) of the Maintenance Orders Act 1950 (construction of references to Northern Ireland enactments).

Amendment of the Income and Corporation Taxes Act 1970

3.—In section 219(2) of the Income and Corporation Taxes Act 1970(b) for “the Supplementary Benefits &c. Act (Northern Ireland) 1966” substitute “the Supplementary Benefits (Northern Ireland) Order 1977”.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes consequential amendments in the Maintenance Orders Act 1950 and the Income and Corporation Taxes Act 1970 to take account of the consolidation of the legislation relating to supplementary benefits in Northern Ireland and, in the case of the Act of 1950, certain other changes in Northern Ireland statute law.

SI 1977/2158
ISBN 0-11-072158-6



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