
STATUTORY INSTRUMENTS

1999 No. 3147

**The Welfare Reform and Pensions
(Northern Ireland) Order 1999**

PART VII

GENERAL

Miscellaneous

Authorisation of certain expenditure

72.—(1) Where—

- (a) a Northern Ireland department or Minister of the Crown is proposing that or considering whether any statutory provision should change the law as from a specified date, or a date to be determined; and
- (b) the Department is of the opinion that the change is such that, unless expenditure for preparing for the change is incurred during the period before the making of that statutory provision, it will not be possible for a service for which it has or will have responsibility to be effectively provided as from that date,

the Department may, subject to paragraphs (2) and (3), incur such expenditure during that period.

(2) Expenditure is not authorised by virtue of paragraph (1) unless—

- (a) the Department has with the consent of the Department of Finance and Personnel laid before the Assembly a report which states—
 - (i) the change in the law which the Northern Ireland department or Minister of the Crown is proposing or considering; and
 - (ii) the amount of the expenditure which the Department proposes to incur and the purposes for which it proposes to incur it; and
- (b) the report has been approved by a resolution of the Assembly.

(3) Expenditure is not authorised by virtue of paragraph (1) at any time after the end of the period of two years beginning with (and including) the day on which the resolution under paragraph (2) (b) is passed.

(4) Paragraph (1) is without prejudice to any power of the Department to incur expenditure otherwise than by virtue of that paragraph.

(5) There shall be made out of the Northern Ireland National Insurance Fund into the Consolidated Fund such payments as the Department determines (in accordance with any directions of the Department of Finance and Personnel) to be appropriate in consequence of the operation of this Article.

(6) Any payments falling to be made by virtue of paragraph (5) shall be made at such times and in such manner as may be determined by the Department of Finance and Personnel.

Supplementary

Regulations and orders

73.—(1) Regulations or orders (except orders under Article 1 or 69(2) or regulations under Article 49) made under this Order by a Northern Ireland department shall be subject to negative resolution.

(2) Regulations or orders (except orders under Article 1) made under this Order by a Minister of the Crown or a department of the government of the United Kingdom shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument, and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

(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) Any such power includes power—

(a) to make such incidental, supplementary, consequential, saving or transitional provision (including provision amending, repealing or revoking statutory provisions) as appears to the authority making the regulations or order to be expedient; and

(b) to provide for a person to exercise a discretion in dealing with any matter.

(5) Any power to make regulations or an order for the purposes of any provision of this Order is without prejudice to any power to make regulations or an order for the purposes of any other statutory provision.

(6) Without prejudice to section 17(5) of the Interpretation Act (Northern Ireland) 1954, any power conferred by this Order to make regulations or orders relating to housing benefit includes power to make different provision for different areas; and regulations under Article 57 or 70 may make different provision for different areas.

(7) Without prejudice to the generality of any of the preceding provisions of this Article, regulations under Article 57 or 69 may provide for all or any of the provisions of the regulations to apply only in relation to any area or areas so specified in the regulations.

(8) Subject to paragraph (10), any power to make regulations under Part V shall, if the Department of Finance and Personnel so directs, be exercisable only in conjunction with it.

(9) Subject to paragraph (11), before exercising any power to make regulations under Part V, the authority on whom the power is conferred, or, if the power is the subject of a direction under paragraph (8), that authority and the Department of Finance and Personnel acting jointly, shall consult such persons as the authority, or the authority and that Department, may consider appropriate, but that duty to consult shall not apply to regulations making only provision corresponding to provision contained in regulations made by the Secretary of State in relation to Great Britain.

(10) Any power of the Lord Chancellor to make regulations under Article 40 shall, if the Treasury so directs, be exercisable only in conjunction with them.

(11) Before exercising any power to make regulations under Article 40, the Lord Chancellor or, if the power is the subject of a direction under paragraph (10), the Lord Chancellor and the Treasury acting jointly, shall consult such persons as he, or they, may consider appropriate.

Consequential amendments etc.

74.—(1) The consequential amendments specified in Schedule 9 shall have effect.

(2) The Department may by regulations make such amendments or revocations of any statutory provision as it thinks necessary or expedient in consequence of the coming into operation of any of the provisions specified in paragraph (4).

(3) The Department may, for the purposes of or in connection with the coming into operation of any of the provisions specified in paragraph (4), make by regulations any provision which could be made by an order bringing the provision into operation.

(4) The provisions mentioned in paragraphs (2) and (3) are—

- (a) Part V;
- (b) paragraph (1) so far as relating to paragraphs 4 to 51 of Schedule 9; and
- (c) Article 76 so far as relating to Part III of Schedule 10.

Transitional provisions

75.—(1) The Department may, for the purposes of or in connection with the coming into operation of any provisions of Parts II and III, by regulations make such transitional adaptations or modifications—

- (a) of those provisions, or
- (b) in connection with those provisions, of any provisions of—
 - (i) this Order,
 - (ii) the Pension Schemes Act, or
 - (iii) the Pensions Order,then in operation,

as it considers necessary or expedient.

(2) For the purposes of paragraph (1), Article 76 so far as relating to Part I of Schedule 10, together with that Part of that Schedule, shall be taken to be comprised in Part III of this Order.

(3) No pension sharing order may be made under Article 26A of the Matrimonial Causes Order if the proceedings in which the decree is granted were begun before the day on which Article 18 comes into operation.

(4) Paragraph 4 of Schedule 3 does not have effect if the proceedings in which the decree is granted were begun before the day on which Article 18 comes into operation.

(5) The Department may by regulations make such transitional or consequential provision, or such savings, as it considers necessary or expedient for the purposes of or in connection with—

- (a) the coming into operation of any provision of Part VI, or
- (b) the operation of any statutory provision repealed or amended by a provision of Part VI during any period when the repeal or amendment is not wholly in operation.

(6) For the purposes of paragraph (5), Article 76 so far as relating to Parts IV and V of Schedule 10, together with those Parts of that Schedule, shall be taken to be comprised in Part VI of this Order.

Repeals

76. The statutory provisions specified in Schedule 10 (which include certain statutory provisions no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.