STATUTORY INSTRUMENTS

1988 No. 594 (N.I. 2)

The Social Security (Northern Ireland) Order 1988

- - - - - - *23rd March 1988*

Introductory

Title, citation and commencement

1.—(1) This Order may be cited as the Social Security (Northern Ireland) Order 1988.

(2) Articles 3 to 12 (including Schedules 1 to 3), and this Article, Article 2 and Articles 15 to 17 (including Schedules 4 and 5) so far as they have effect for the purposes of Articles 3 to 12, may be cited together with the Social Security (Northern Ireland) Acts 1975 to 1986 and the Social Fund (Maternity and Funeral Expenses) (Northern Ireland) Order 1987[F1] as the Social Security (Northern Ireland) Acts 1975 to 1988.

(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[F2].

(4) The following provisions of this Order shall come into operation on 1st April 1988—

this Article and Article 2;

[F3]...

Article 16(2), so far as it relates to—

(a) sections 45, 45A, 46, 47B and 66 of the principal Act;

(b) Schedule 1 to the Social Security (Northern Ireland) Order 1980[F4]; and

(c) Article 15(4)(a) of the Social Security (Northern Ireland) Order 1985[F5];

Article 17.

F1 1987 NI 8
F2 partly excercised by SR 1988/126, 254, 380
F3 1992 c. 9
F4 1980 NI 8
F5 1985 NI 16

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F6] 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 1986 Order" means the Social Security (Northern Ireland) Order 1986[F7];

"the Pensions Order" means the Social Security Pensions (Northern Ireland) Order 1975[F8];

"the principal Act" means the Social Security (Northern Ireland) Act 1975[F9];

"statutory provision" has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954[F10].

F6 1954 c. 33 (NI)
F7 1986 NI 18
F8 1975 NI 15
F9 1975 c. 15
F10 1954 c. 33 (NI)

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

Art. 10 rep. by 1993 c. 49

Arts. 11, 12 rep. by 1992 c. 9

Welfare foods

[F11Benefits under schemes for improving nutrition: pregnant women, mothers and children

13.—(1) Regulations may establish one or more schemes to provide benefits for prescribed descriptions of—

(a) pregnant women,

(b) mothers, and

(c) children,

with a view to helping and encouraging them to have access to, and to incorporate in their diets, food of a prescribed description.

(2) A scheme may, in particular, specify requirements that must be satisfied—

(a) before a person may become entitled to a benefit;

(b) for a beneficiary to remain entitled to a continuing benefit.

(3) A scheme may also include provision—

(d) for a benefit to consist of food of a prescribed description being provided by—

(i) a person who supplies, or arranges for the supply of, food of that description for beneficiaries under the scheme;

(ii) a person providing a service (such as day care) for the recipient of the benefit; or

(iii) a health service body;

(e) for the use of vouchers, or similar arrangements, in connection with the provision of benefits;

(f) that a person taking part in the scheme, otherwise than as a beneficiary, must be registered under the scheme;

(g) for the payment by the Department of sums to persons registered in accordance with a provision of a kind mentioned in sub-paragraph (c), in respect of things provided or done by them in accordance with the scheme;

(h) for the making of payments to such persons entitled to receive benefits as may be determined by or under the scheme;

(i) for the delegation, in accordance with provisions of the scheme, of prescribed functions under the scheme;

(j) for the scheme, or prescribed provisions of the scheme, to be administered on behalf of the Department by such health service body, or other description of body, as may be prescribed;

(k) requiring prescribed categories of persons to take reasonable steps to provide—

(i) to a person authorised for the purpose in accordance with the scheme,

(ii) on production, if required, of evidence of his authority, such information or evidence as may be reasonably needed in connection with administering the scheme.

(4) Provision of a kind mentioned in paragraph (3)(h) may, in particular—

(a) require information or evidence to be provided in a legible form;

(b) authorise the taking of copies or making of extracts;

(c) require an explanation by the information provider of anything which he has provided;

(d) require an information provider to state, to the best of his knowledge and belief, where information or evidence that he has failed to provide is held.

(5) The Department may give such directions—

(a) to a body administering a scheme (or part of a scheme),

(b) in relation to matters relating to the operation of the scheme (or that part of the scheme),

as the Department considers appropriate.

(6) A scheme may direct that prescribed statutory provisions relating to the administration of benefit under the Social Security Administration (Northern Ireland) Act 1992 (c. 8) (including provisions relating to offences and criminal proceedings) are to have effect for the purpose of administering the scheme subject to such modifications (if any) as may be prescribed.

(7) Section 166(1) of the Social Security Administration (Northern Ireland) Act 1992 (confirmatory procedure) shall apply to the first set of regulations made under paragraph (1).

(8) In this Article—

"benefit", in relation to a scheme, means a benefit under that scheme;

"children" has such meaning as may be prescribed;

"food" includes vitamins, minerals and other dietary supplements;

"health service body" has such meaning as may be prescribed;

"information provider" means the person who is required to provide information or, where that person is a body corporate, any person who is, or at any time has been, an officer or employee of the body corporate;

"pregnant" includes recently pregnant;

"scheme" means a scheme made under this Article;

"women" includes persons under the age of 18.**]**

F11 Art. 13 substituted (27.11.2006) by Food Benefit Schemes (Northern Ireland) Order 2003 (S.I. 2003/3202 (N.I. 19)), arts. 1(3), 3(1); S.R. 2006/418, **art. 2(1)** (as substituted by S.R. 2006/437, **art. 2(2)**) (with art. 2(2) (as substituted by S.R. 2006/437, art. 2(2)))

Modifications etc. (not altering text)

C1 Art. 13 extended (27.11.2006) by Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006 (S.R. 2006/478), **reg. 20**

Health service

Payment of travelling expenses, etc., and remission of charges

14.—(1) In Article 45 of the Health and Personal Social Services (Northern Ireland) Order 1972[F12] (travelling expenses of patients, etc.)—

(a) in paragraph (a) (person availing himself of prescribed services), after the words "any person" there shall be inserted the words " of a prescribed description "; and

(b) in paragraph (c) (visiting relative), after the words "any relative" there shall be inserted the words " being a person of a prescribed description, "; and

(c) at the end of paragraph (c) there shall be added the following paragraph—

"(2) Paragraph 1B of Schedule 15 (powers to prescribe descriptions of persons) shall have effect in relation to paragraph (1) as it has effect in relation to paragraph 1(b) of that Schedule." .

(2) In Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972[F13] (charges in respect of certain services, and other related matters)—

(a) in paragraph 1(b) (remission or repayment of charges) for the words from "any such prescribed charge" to "classes of persons" there shall be substituted the words " such charges in respect of persons of such descriptions ";

(b) after paragraph 1A there shall be inserted the following paragraph—

"**1B.**—(1) Descriptions of persons may be prescribed for the purposes of paragraph 1(b) by reference to any criterion and, without prejudice to the generality of this sub#paragraph, by reference to any of the following criteria—

(a) their age;

(b) the fact that a prescribed person or a prescribed body accepts them as suffering from a prescribed medical condition;

(c) the fact that a prescribed person or a prescribed body accepts that a prescribed medical condition from which they suffer arose in prescribed circumstances;

(d) their receipt of benefit in money or in kind under any transferred provision or their entitlement to receive any such benefit;

(e) the receipt of any such benefit by other persons satisfying prescribed conditions or the entitlement of other persons satisfying prescribed conditions to receive such benefits; and

(f) the relationship, as calculated in accordance with the regulations by a prescribed person, between their resources and their requirements.

(2) Regulations under this paragraph may direct how a person's resources and requirements are to be calculated and, without prejudice to the generality of this sub# paragraph, may direct that they shall be calculated—

(a) by a method set out in the regulations; or