

1984 No. 267

SOCIAL SECURITY

**The Family Income Supplements (General) (Amendment) Regulations
(Northern Ireland) 1984***Made* 27th July 1984*Coming into operation* 7th August 1984

The Department of Health and Social Services, in exercise of the powers conferred on it by sections 6(2) and (3) and 10(2)(e) of the Family Income Supplements Act (Northern Ireland) 1971(a) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(b) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Income Supplements (General) (Amendment) Regulations (Northern Ireland) 1984 and shall come into operation on 7th August 1984.

(2) In these regulations “the principal regulations” means the Family Income Supplements (General) Regulations (Northern Ireland) 1980(c).

Amendment of regulation 3 of the principal regulations

2. In regulation 3 of the principal regulations (awards for other than fifty-two weeks and increases in rates of benefit)—

(a) in paragraph (2), for the words from “any benefit” to the end there shall be substituted the following sub-paragraphs—

“(a) subject to sub-paragraph (c), any benefit payable on the basis of the renewal claim shall be payable for a period commencing immediately after the expiration of the period for which benefit was previously payable;

(b) subject to sub-paragraphs (c) and (d), the amount of any benefit payable on the basis of the renewal claim shall be calculated in accordance with the regulations made under section 2(1) or 3 of the Act(d) which are in operation on the day following the last day of the period for which benefit was previously payable;

(c) if the period for which benefit was previously payable expires on 5th or 12th November 1984, benefit shall, subject to paragraph (1), be payable on the renewal claim either—

(a) 1971 c. 8 (N.I.); section 6(2) and (3) was substituted by section 3 of the Pensioners and Family Income Supplement Payments Act 1972 (c. 75)

(b) 1980 c. 30

(c) S.R. 1980 No. 375; to which there are amendments not relevant to the subject matter of these regulations

(d) Sections 2 and 3 were amended by Article 23(1) of, and paragraphs 5 and 6 of Schedule 4 to, the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16))

- (i) for the period of fifty-two weeks commencing on the day immediately following the expiration of the period for which benefit was previously payable at the weekly rate calculated in accordance with the Family Income Supplements (Computation) Regulations (Northern Ireland) 1983(a), or
- (ii) if the claimant so elects in writing, for the period of fifty-two weeks commencing on 27th November 1984 at the weekly rate calculated in accordance with regulations made under section 2(1) or 3 of the Act which are in operation on that day;
- (d) if the period for which benefit was previously payable expires on 19th November 1984, any benefit payable on the basis of the renewal claim calculated in accordance with the Family Income Supplements (Computation) Regulations (Northern Ireland) 1983 shall be awarded for the period of one week commencing 20th November 1984 and any benefit payable on the basis of that claim calculated in accordance with regulations made under section 2(1) or 3 of the Act which are in operation on 27th November 1984 shall, subject to paragraph (1), be awarded for the period of fifty-two weeks commencing on that day.”; and
- (b) paragraph (5) shall be omitted and, in the heading to that regulation 3, “and in which the rate of benefit payable may be increased” shall be deleted.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 27th July 1984.

(L.S.)

C. Davie

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend regulation 3 of the Family Income Supplements (General) Regulations (Northern Ireland) 1980 by providing (1) that an award made in respect of a claim not more than four weeks before or after the expiration of a previous award to the claimant shall be assessed at the rate of benefit payable by virtue of the regulations made under section 2(1) or 3 of the Family Income Supplements Act (Northern Ireland) 1971 ("the Act") in operation at the date of the expiry of the previous award; and (2) that such an award shall be payable for a period commencing immediately after the expiration of the period for which benefit was previously payable. These regulations also make special provision for recipients of awards which terminate less than four weeks before the uprating of benefits on 27th November 1984: recipients of awards which expire on 5th or 12th November 1984 are given the option of electing to receive either an award for fifty-two weeks beginning immediately after the expiry of their old award calculated in accordance with the Family Income Supplements (Computation) Regulations (Northern Ireland) 1983 ("the 1983 Computation Regulations") or an award for fifty-two weeks beginning on 27th November 1984 at the rate in accordance with the regulations in operation on that day; recipients of awards which expire on 19th November 1984 are given the right to an award for one week at the rate in accordance with the 1983 Computation Regulations and then for a further fifty-two weeks at the rate in accordance with the regulations in operation on 27th November 1984.

These regulations also omit the exception, set out in paragraph (5) of that regulation 3, to the provision in section 6(3) of the Act under which the rate at which benefit is payable is not affected by any change of circumstances during the period of the award.