

1984 No. 381

SOCIAL SECURITY

**The Social Security (Savings for Existing Beneficiaries) Regulations
(Northern Ireland) 1984**

Made 8th November 1984

Coming into operation 26th November 1984

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 18(1) of the Health and Social Security (Northern Ireland) Order 1984(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 and commencement

1. These regulations may be cited as the Social Security (Savings for Existing Beneficiaries) Regulations (Northern Ireland) 1984 and shall come into operation on 26th November 1984.

Saving for existing beneficiaries

2.—(1) The provisions of sections 41(2A) to (2D) and 64(1A) to (1D) (abatement of child dependency increases on account of earnings of spouse etc.) and 47B and 66A (earnings to include occupational pensions for purposes of benefits) of the Social Security (Northern Ireland) Act 1975(c) shall not apply so as to affect entitlement to an increase of any benefit in respect of a child or adult dependant in any case where the beneficiary is entitled to receive such an increase—

(a) in respect of at least 5 days in the period 19th November 1984 to 24th November 1984; and

(b) but for those provisions would be so entitled in respect of at least 5 days in each consecutive period of 7 days beginning with 26th November 1984, until such time as he would otherwise first cease to be so entitled.

(2) A person shall be deemed to satisfy the conditions specified in paragraph (1) if his period of entitlement to such an increase as is there specified begins in the period mentioned in paragraph (1)(a) or ends in the period mentioned in paragraph (1)(b).

(3) Paragraph (4) applies in a case where—

(a) a person is entitled to receive unemployment benefit, sickness benefit or maternity allowance—

(i) in respect of at least 5 days in the period of 7 days immediately preceding the day on which, in his case, an increase of that benefit takes effect

(a) S.I. 1984/1158 (N.I. 8)

(b) 1980 c. 30

(c) 1975 c. 15; sections 41(2A) to (2D) were inserted by paragraph 2, and sections 64(1A) to (1D) by paragraph 3, of Schedule 3 to the Health and Social Security (Northern Ireland) Order 1984. Sections 47B and 66A were inserted by Article 8 of that Order

under the Social Security Benefits Up-rating Order (Northern Ireland) 1984(a); and

(ii) in respect of at least 5 days in the period of 7 days beginning with that day;

(b) in respect of each of the 5 days in the periods mentioned in sub-paragraph (a)(i) and (ii) he would but for the provisions of Schedule 3 to the Health and Social Security (Northern Ireland) Order 1984, be entitled to receive with that benefit an increase or increases for one or more child dependants, with or without an increase for an adult dependant; and

(c) the weekly rate of that benefit, as applicable in the case of that person, including any increases for child and adult dependants which he is entitled to receive, reduced or adjusted as appropriate under any provision of the Health and Social Security (Northern Ireland) Order 1984 or regulations made thereunder, would, apart from this paragraph but because of the Social Security Benefits Up-rating Order (Northern Ireland) 1984 or Schedule 3 to the Health and Social Security (Northern Ireland) Order 1984 be less for the period mentioned in sub-paragraph (a)(ii) than for that mentioned in sub-paragraph (a)(i).

(4) In a case to which this paragraph applies the person in question shall continue to be entitled to receive the benefit in question including any increases in question at the same rate as was applicable in respect of the period mentioned in paragraph (3)(a)(i) for each consecutive period of 7 days in which he continues to satisfy the conditions of entitlement to that benefit without any change in the number of adult and child dependants for whom he is entitled to receive increases and without any further adjustment falling to be made to that rate as a result of the operation of any provision of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(b) or of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(c).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 8th November 1984.

(L.S.)

A. N. Burns

Assistant Secretary

(a) S.R. 1984 No. 273

(b) S.R. 1975 No. 109, as amended by S.R. 1975 No. 202, S.R. 1977 Nos. 73, 166 and 316, S.R. 1979 No. 68 and S.R. 1983 No. 36

(c) S.R. 1979 No. 242, as amended by S.R. 1980 No. 451, S.R. 1982 No. 272 and S.R. 1983 No. 36

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Article 8 of the Health and Social Security (Northern Ireland) Order 1984 ("the Order") provides that references to "earnings" in provisions of the Social Security (Northern Ireland) Act 1975 concerned with benefits in respect of dependants shall include a reference to payments by way of occupational pension. Schedule 3 to the Order provides for the abolition of increases of short-term benefits in respect of children where the beneficiary is under pensionable age and for the abatement of increases of long-term benefits in all cases where the beneficiary has a spouse (including a person with whom he is living as husband and wife) whose earnings exceed £80 a week. These regulations provide that the provisions relating to abatement in respect of earnings shall not apply in the case of a person who was entitled to such an increase in the period immediately before they came into operation until such time as he first ceases to satisfy the conditions for that increase. They also provide that the rate of benefit shall be the same for those persons to whom regulation 2(4) applies.