

1984 No. 373

SOCIAL SECURITY

**The Social Security Benefit (Dependency) (Amendment) Regulations
(Northern Ireland) 1984**

Made 1st November 1984

Coming into operation 26th November 1984

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 44(3)(c), 46(3) and (4), 49, 66(1)(d), 84 and 157(1) of, and Schedule 17 to, the Social Security (Northern Ireland) Act 1975(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 Social Security Benefit (Dependency) (Amendment) Regulations (Northern Ireland) 1984 and shall come into operation on 26th November 1984.

(2) In these regulations “the principal regulations” means the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(c).

Amendment of the principal regulations

2.—(1) The principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) After regulation 3(4) there shall be inserted the following paragraph—

“(5) In the heading to this regulation and in paragraphs (1) and (2) the word “spouse” includes husband as well as wife, except in relation to maintenance contributions for the purposes of section 44(1)(a) (short term benefit increase for dependent wife) and section 45(2)(b) (pension increase for dependent wife) where it means wife only.”

(3) In regulation 4A(4) “female” shall be omitted and for “wife” there shall be substituted “spouse”.

(4) In regulation 4B(1) “female” shall be omitted.

(5) In the heading to and in paragraphs (1) and (2) of regulation 10 “female” shall be omitted.

(6) In regulation 10(2)(b)(ii) for “her” there shall be substituted “the”.

(a) 1975 c. 15; see definitions of “prescribe” and “regulations” in Schedule 17. Sections 44(3)(c) and 66(1)(d) were amended by Article 23(1) of, and paragraphs 17 and 24 of Schedule 4 to, the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)). Those sections and section 46(4) were also amended by Article 3 of, and paragraph 4 of Schedule 1 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)). Section 49 of the Act was amended by Article 5(2) of, and paragraph 2 of Schedule 2 to, the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)).

(b) 1980 c. 30

(c) S.R. 1977 No. 74; the relevant amending regulations are S.R. 1977 No. 280, S.R. 1978 No. 90, S.R. 1980 No. 144 and S.R. 1983 Nos. 36 and 193

(7) In regulation 10(2)(e) the word "her" where it first occurs shall be omitted and for that word where it occurs for the second time there shall be substituted "the".

(8) After regulation 10(2)(e) there shall be added the following sub-paragraph—

"(f) in the case only of an increase under section 46(2) of a Category A or Category C retirement pension, is a female."

(9) In regulation 10(3) "female" shall be omitted.

(10) In regulation 10(4) for the words "such female person" where they first occur there shall be substituted "person such as is mentioned in section 46(2) or 66(1)(d) who is female".

(11) In regulation 11(1)—

(a) after "45(2)" there shall be inserted "45A"(a);

(b) the word "female" shall be omitted in each of the places where it occurs; and

(c) in sub-paragraph (a) and in sub-paragraph (b) after "person" there shall be inserted "having the care of a child".

(12) In regulation 12(1) the words after "adult dependants" where that expression occurs for the second time shall be omitted.

(13) Regulations 4A(2) and 18A are revoked.

Saving provision

3. Where, immediately before the coming into operation of these regulations, a man was entitled to an increase of benefit in respect of a child under any of the provisions mentioned in regulation 4A(2) of the principal regulations he shall, notwithstanding the revocation of that regulation, continue to be so entitled until such time as his entitlement ends for some other reason.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 1st November 1984.

(L.S.)

C. Davie

Assistant Secretary

(a) Section 45A was inserted by Article 6 of the Health and Social Security (Northern Ireland) Order 1984

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977 ("the principal regulations"). They are, in the main, consequential upon the Social Security (1980 Order) (Commencement No. 4) Order (Northern Ireland) 1984 (S.R. 1984 No. 356 (C. 10)), bringing into effect on 26th November 1984, paragraph 4 of Part I of Schedule 1 to, the Social Security (Northern Ireland) Order 1980. The regulations insert a new paragraph (5) into regulation 3 of the principal regulations, relating to the meaning of the word "spouse" in that regulation. They substitute for the references to a female person in regulations 4A(4), 4B(1), 10 and 11 of the principal regulations references to a person having the care of a child.

The regulations revoke regulation 4A(2) of the principal regulations whereby in certain circumstances a man may be treated as being entitled to child benefit in respect of a child of his who is not living with him but provide a saving for those men who were so treated immediately before the revocation. Regulation 18A of the principal regulations, which is spent, is also revoked.