

1984 No. 317

SOCIAL SECURITY

**The Social Security (Severe Disablement Allowance) Regulations
(Northern Ireland) 1984***Made* 4th September 1984*Coming into operation —*

regulations 1, 2, 10, 16, 17 and 18 ... 10th September 1984

remainder 29th November 1984

The Department of Health and Social Services for Northern Ireland, in exercise of the powers set out in Schedule 1 below, and of all others enabling it in that behalf, hereby makes the following regulations which contain only provisions consequential on Article 5 of the Health and Social Security (Northern Ireland) Order 1984(a) and regulations made under section 36 of the Social Security (Northern Ireland) Act 1975(b) and which accordingly, by virtue of Article 16(1)(b) of that Order, are not subject to the requirement of section 10(1) of the Social Security Act 1980(c) for prior reference to the Social Security Advisory Committee:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984 and shall come into operation in the case of regulations 1, 2, 10, 16, 17 and 18 on 10th September 1984, and in the case of the remainder of the regulations on 29th November 1984.

Interpretation

2.—(1) In these regulations “the Act” means the Social Security (Northern Ireland) Act 1975, and “the Order” means the Health and Social Security (Northern Ireland) Order 1984.

(2) Any reference in these regulations to a person’s father, mother, son, or daughter includes a reference to his step-father, step-mother, step-son or step-daughter, as the case may be, and a person shall be treated as such a relative if he would be such a relative if some person born illegitimate had been born legitimate.

(3) In determining whether a day falls within a period of interruption of employment, the provisions of section 17(1) of the Act (days for which unemployment, sickness and invalidity benefit are payable) and of any regulations made under section 17(1) and (2) shall have effect for the purposes of severe disablement allowance as they have effect for the purposes of invalidity benefit.

(4) References in regulations 5(b) and 6 to a person being entitled to a severe disablement allowance and in regulation 19 to a person being entitled to a non-contributory invalidity pension include a reference to a person who would be entitled to a payment of such an allowance or, as the case may be, such a pension but

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

(b) 1975 c. 15; for section 36 as now substituted *see* Article 5(1) of the Health and Social Security (Northern Ireland) Order 1984

(c) 1980 c. 30

for any provision of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(a).

PART II

MISCELLANEOUS PROVISIONS RELATING TO SEVERE DISABLEMENT ALLOWANCE

Conditions relating to residence and presence

3.—(1) Subject to the following provisions of this regulation, the prescribed conditions for the purposes of section 36(4)(c) of the Act as to residence and presence in Northern Ireland in relation to any person in respect of any day shall be—

- (a) that he is present in Northern Ireland;
- (b) that he has been present in Northern Ireland for 168 days or more in the 196 days immediately preceding that day; and
- (c) that he has been resident in Northern Ireland for a period of or periods amounting in the aggregate to—
 - (i) 10 years in the 20 years immediately preceding that day; or
 - (ii) 10 years since his birth if he is under 20 years of age on that day.

(2) For the purposes of paragraph (1)(a) or (b) notwithstanding that on any day a person is absent from Northern Ireland he shall be treated as though he were present in Northern Ireland if his absence is by reason only of the fact that on that day—

- (a) he is abroad in his capacity as—
 - (i) a serving member of the forces within the meaning of the definition of “serving member of the forces” in regulation 1(2) of the Social Security (Contributions) Regulations 1979(b), or
 - (ii) an airman or mariner within the meaning of regulation 80 and regulation 84 respectively of the Social Security (Contributions) Regulations (Northern Ireland) 1979(c); or
- (b) he is in prescribed employment in connection with continental shelf operations within the meaning of regulation 85 of the Social Security (Contributions) Regulations 1979(d); or
- (c) he is living with a person mentioned in sub-paragraph (a)(i) and is the spouse, son, daughter, father, father-in-law, mother or mother-in-law of that person.

(3) Where a person has been entitled to a severe disablement allowance or a non-contributory invalidity pension for any day, the conditions set out in paragraph (1) shall not apply to that person in respect of any subsequent day of incapacity for work falling within the same period of interruption of employment.

Circumstances in which a person over pensionable age is to be treated as having been entitled to a severe disablement allowance immediately before attaining that age

4. A person who has attained pensionable age shall for the purposes of section 36(4)(d) of the Act be treated as having been entitled to a severe disablement allowance immediately before attaining that age if immediately before attaining it—

- (a) he would have satisfied the conditions for entitlement to that allowance or to a non-contributory invalidity pension but for the provisions of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979, or

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

(b) S.I. 1979/591

(c) S.R. 1979 No. 186; to which there are amendments not relevant to the subject matter of these regulations

(d) S.I. 1979/591; the relevant amending instrument is S.I. 1982/1738

(b) he was entitled to a non-contributory invalidity pension.

Severe disablement allowance for persons over retiring age

5. A person who—

(a) has attained retiring age; and

(b) was entitled to a severe disablement allowance immediately before he attained that age,

shall continue to be so entitled notwithstanding that he does not satisfy the conditions specified in subsection (2) or (3) of section 36 of the Act if he satisfies the other requirements for entitlement to such an allowance.

Modification of section 36(2) and (3) of the Act in relation to persons who have previously been entitled to a severe disablement allowance

6. A person who has previously been entitled to a severe disablement allowance for any day shall be entitled to such an allowance on the relevant day notwithstanding that he does not satisfy—

(a) in the case of a person who on the earlier day satisfied the conditions specified in section 36(2) of the Act, the conditions specified in subsection (2)(b) of that section; or

(b) in the case of a person who on the earlier day satisfied the conditions specified in section 36(3) of the Act, the conditions specified in subsection (3)(b) of that section,

if the relevant day and the earlier day fall within the same period of interruption of employment and if he satisfies the other requirements for entitlement to such an allowance.

Days for which persons are to be treated as incapable of work for the purposes of severe disablement allowance

7.—(1) Subject to paragraph (3), for the purposes of severe disablement allowance a person shall not be treated as incapable of work for any day unless that day would be a day of incapacity for work under section 17(1)(a) of the Act or regulation 3, 5 or 7(1)(f) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(a) (provisions for determining whether a day is one of incapacity for work for the purposes of sickness or invalidity benefit); and in the case of a person who has not attained retiring age, Sunday or the day which would be substituted for Sunday under regulation 4 of the said regulations of 1984 shall (except for the purposes of the requirements of section 36(2) or (3) of the Act as to the period for which a person must have been incapable of work as those apply in the case of a person who has not previously been entitled to severe disablement allowance) not be treated as a day on which that person is incapable of work.

(2) In determining for the purposes of section 36(2) or (3) of the Act whether a person has been incapable of work for a period of not less than 196 consecutive days, a day shall not be treated as a day on which that person was incapable of work if on that day he was undergoing imprisonment or detention in legal custody.

(3) A person who was incapable of work—

(a) for not less than 196 consecutive days commencing on or before he attained the age of 20, and

(b) for not less than 196 consecutive days immediately preceding the relevant day,

but who was capable of work for a period which does not, or for periods which in the aggregate do not, exceed 182 days where that period or those periods occurred—

(i) after the 196 days mentioned in sub-paragraph (a) but before the 196 days mentioned in sub-paragraph (b), and

(ii) after he attained the age of 15 years 24 weeks,

shall be treated for the purposes of section 36(2)(b) of the Act, and for that purpose only, as incapable of work on each day within that period or those periods.

Circumstances in which a person is to be treated as receiving full-time education

8.—(1) A person shall be treated as receiving full-time education for the purposes of severe disablement allowance for any period during which—

(a) he is not less than 16 or more than 19 years of age; and

(b) he attends for not less than 21 hours a week a course of education; so, however, that in calculating the number of hours a week during which he attends that course no account shall be taken of any instruction or tuition which is not suitable for persons of the same age and sex who do not suffer from a physical or mental disability.

(2) In determining the duration of a period of full-time education under paragraph (1), any temporary interruption of that education may be disregarded.

(3) A person over the age of 19 shall be treated as not receiving full-time education.

Disqualification for severe disablement allowance

9. A person shall be disqualified from receiving a severe disablement allowance for such period not exceeding 6 weeks as may be determined in accordance with sections 97 to 104 of the Act if—

(a) he has become incapable of work through his own misconduct, except that this disqualification shall not apply where the incapacity is due to venereal disease; or

(b) he fails without good cause to comply with a notice in writing given by or on behalf of the Department requiring him to attend for and to submit himself to medical or other examination on a date not earlier than the third day after the day on which the notice was sent and at a time and place specified in that notice; or

(c) he fails without good cause to attend for, or submit himself to, medical or other treatment; so however that this disqualification shall not apply to any failure to attend for or to submit to vaccination or inoculation of any kind or to a surgical operation, unless the failure is a failure to attend for or to submit to a surgical operation of a minor character, and is unreasonable; or

(d) he fails without good cause to observe any of the following rules of behaviour, namely:—

(i) to refrain from behaviour calculated to retard his recovery, and to answer any reasonable enquiries (not being enquiries relating to medical examination, treatment or advice) by the Department or its officers directed to ascertaining whether he is doing so;

(ii) not to be absent from his place of residence without leaving word where he may be found;

(iii) to do no work for which remuneration is, or would ordinarily be, payable unless it is—

(aa) work which is undertaken under medical supervision as part of his treatment while he is a patient in or of a hospital or similar institution, or

(bb) work which is not so undertaken and which he has good cause for doing,

and from which, in the case of work of either description, his earnings, if any are ordinarily not more than £23·50 a week.

Adjudication

10.—(1) For the purposes of section 36(5) of the Act (extent of disablement), the evidence required that on any day a person suffers or suffered from loss of physical or mental faculty such that the assessed extent of the resulting disablement amounts or amounted to not less than 80 per cent. shall consist of—

- (a) evidence that that day falls within the period specified in a certificate issued in respect of him by the Attendance Allowance Board under section 35(2) of the Act;
- (b) evidence that on that day he is or was entitled to—
 - (i) a mobility allowance under section 37A of the Act(a); or
 - (ii) a mobility supplement under Article 26A of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(b) or under Article 25A of the Personal Injuries (Civilians) Scheme 1983(c);
- (c) evidence that the extent of his disablement on that day has been assessed for the purposes of section 57 of the Act as not less than 80 per cent.;
- (d) evidence that that day is or was or is or was later than one in respect of which it has been determined under the Vaccine Damage Payments Act 1979(d) that he is or was severely disabled as a result of a vaccination against any of the diseases to which that Act applies;
- (e) evidence that the degree of his disablement on that day has been assessed for the purposes of Part III of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 or of Part III of the Personal Injuries (Civilians) Scheme 1983 as not less than 80 per cent.;
- (f) evidence that on that day he is or was registered as a blind or partially sighted person with a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(e) for that purpose;
- (g) evidence that on that day the Department provides or provided him with an invalid carriage or other vehicle under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972 or makes or made payments by way of grant to him under Article 30(3) of that Order;
- (h) evidence that the extent of his disablement on that day has been assessed for the purposes of section 36 of the Act as not less than 80 per cent.;
- (i) such other evidence as satisfies an adjudicating medical authority that he so suffers or suffered.

(2) For the purposes of sub-paragraphs (a) to (h) of paragraph (1) an official record of the Department of any fact specified in those sub-paragraphs shall be sufficient evidence of that fact.

(3) The disablement questions in relation to severe disablement allowance shall be referred to and determined by an adjudication officer in any case where the Department has an official record as specified in paragraph (2).

(a) Section 37A was inserted by Article 24 of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15))

(b) S.I. 1983/883; Article 26A was inserted by Article 4 of S.I. 1983/1116

(c) S.I. 1983/686; Article 25A was inserted by Article 3 of S.I. 1983/1164

(d) 1979 c. 17

(e) S.I. 1972/1265 (N.I. 14)

(4) For the purposes of paragraph (1)(i) “adjudicating medical authority” means an adjudicating medical practitioner, or two or more adjudicating medical practitioners acting as a medical board or a medical appeal tribunal.

PART III

CONSEQUENTIAL AMENDMENT OF REGULATIONS

Consequential amendment of regulations

11. For the words “non-contributory invalidity pension” wherever they occur in any provision mentioned in column (3) of Schedule 2 there shall be substituted the words “severe disablement allowance”.

Amendment of the Social Security (Adjudication) Regulations (Northern Ireland) 1984

12. In regulation 81(1)(b) of the Social Security (Adjudication) Regulations (Northern Ireland) 1984(a) for “or non-contributory invalidity pension” there shall be substituted “non-contributory invalidity pension or severe disablement allowance”.

Amendment of the Social Security (Airmen’s Benefits) Regulations (Northern Ireland) 1975

13. In regulation 2 of the Social Security (Airmen’s Benefits) Regulations (Northern Ireland) 1975(b) (removal of disqualification in the case of airmen for receiving benefit while absent from Northern Ireland) for the words “invalidity benefit or non-contributory invalidity pension” where they occur in paragraphs (1) and (2) there shall be substituted “invalidity benefit or severe disablement allowance”.

Amendment of the Social Security (Mariners’ Benefits) Regulations (Northern Ireland) 1975

14.—(1) The Social Security (Mariners’ Benefits) Regulations (Northern Ireland) 1975(c) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 4 (removal of disqualification for receiving benefit by reason of absence from Northern Ireland)—

(a) in paragraph (a) for “sickness benefit, invalidity benefit or non-contributory invalidity pension” there shall be substituted “sickness benefit, invalidity benefit or severe disablement allowance”;

(b) in paragraph (b) for “unemployment benefit, sickness benefit, invalidity benefit or non-contributory invalidity pension”, there shall be substituted “unemployment benefit, sickness benefit, invalidity benefit or severe disablement allowance”.

(3) In regulation 5 (evidence of unemployment or incapacity) for “unemployment benefit, sickness benefit, invalidity benefit or non-contributory invalidity pension”, there shall be substituted “unemployment benefit, sickness benefit, invalidity benefit or severe disablement allowance”.

(4) In regulation 6(2) (special provisions relating to days of incapacity for work) for “sickness benefit, invalidity benefit or non-contributory invalidity pension” there shall be substituted “sickness benefit, invalidity benefit or severe disablement allowance”.

(a) S.R. 1984 No. 144

(b) S.R. 1975 No. 101; the relevant amending regulations are S.R. 1975 No. 202

(c) S.R. 1975 No. 108; the relevant amending regulations are S.R. 1975 No. 202

Amendment of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978

15. In regulation 2(1) of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(a) (modification of the Act in relation to various benefits) for the shoulder note and the words in that regulation down to and including "non-contributory invalidity pension", there shall be substituted the following shoulder note and words—

"Modification of the Act in relation to sickness benefit, invalidity benefit, severe disablement allowance, unemployability supplement and maternity allowance

2.—(1) A person shall not be disqualified for receiving sickness benefit, invalidity benefit, severe disablement allowance".

Amendment of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977

16.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1977(b) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 9 (interchange with claims for other benefits), after paragraph (5) there shall be added the following paragraphs—

"(6) A claim for a non-contributory invalidity pension may be treated also as a claim for a severe disablement allowance.

(7) A claim for a severe disablement allowance may be treated also as a claim for a non-contributory invalidity pension."

(3) In regulation 11(5)(b) (provisions relating to continuing disallowance) for "regulation 3 of the Social Security (Non-Contributory Invalidity Pension) Regulations (Northern Ireland) 1975(h), as amended(i)", there shall be substituted "regulation 3 of the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984"(c).

(4) In paragraph 2(1) of Schedule 2 (miscellaneous provisions) for the words "that benefit or pension", wherever they occur, there shall be substituted "that benefit or allowance".

PART IV

TRANSITIONAL PROVISIONS AND REVOCATIONS

Claims made before 29th November 1984

17.—(1) A claim for a severe disablement allowance may be made in writing before 29th November 1984 on a form approved for the purpose by the Department by any person in relation to whom the appointed day for the coming into operation generally of Article 5 of, and Schedule 2 to, the Order is 29th November 1984(d).

(2) Any claim made in accordance with paragraph (1) may be treated as made for a period commencing on or after 29th November 1984.

(3) A decision which is given before 29th November 1984 awarding a severe disablement allowance on such a claim as is referred to in paragraph (1) of this regulation—

(a) S.R. 1978 No. 114; the relevant amending regulations are S.R. 1983 No. 36

(b) S.R. 1977 No. 351; the relevant amending regulations are S.R. 1978 No. 90

(c) S.R. 1984 No. 317

(d) See Article 3(4)(a) of the Health and Social Security (1984 Order) (Commencement No. 1) Order (Northern Ireland) 1984 (S.R. 1984 No. 300 (C. 7))

- (a) may award the allowance from a date not before 29th November 1984 on which it appears probable that the requirements for entitlement will be satisfied;
- (b) shall be subject to the condition that those requirements are satisfied on the date from which it is so awarded;
- (c) may be reviewed if any question arises as to the satisfaction of those requirements.

Claims made before 28th November 1985

18. In relation to any person other than one to whom paragraph (1) of regulation 17 refers that regulation shall have effect, from a day three months before the day appointed(a) for the coming into operation generally in relation to him of the provisions referred to in that paragraph, as if for each reference to 29th November 1984 there were substituted a reference to the day so appointed.

Persons formerly entitled to non-contributory invalidity pension

19.—(1) Any person who, immediately before both 10th September 1984 and 29th November 1984 was entitled to a non-contributory invalidity pension shall be entitled for 29th November 1984, and for any subsequent days which together with 29th November 1984 fall within a single period of interruption of employment, to a severe disablement allowance whether or not—

- (a) he is disabled for the purposes of section 36 of the Act, or
- (b) 29th November 1984 is appointed for the purposes of Article 5 of the Order in relation to persons of his age,

if he satisfies the other requirements for entitlement to such an allowance.

(2) If in the case of any person a day and an earlier day for which he was entitled to a non-contributory invalidity pension fall within a single period of interruption of employment—

- (a) for the purposes of section 36 of the Act he shall be deemed to be disabled on the day first-mentioned whether or not he is suffering from such loss of faculty as is specified in subsection (5) of that section; and
- (b) the condition in section 79(1) of the Act (benefit must be duly claimed) shall be deemed to be satisfied for the purposes of his right to a severe disablement allowance for the day first-mentioned if, but for the making of the Order, that condition would have been satisfied for the purposes of his right to a non-contributory invalidity pension for that day.

(3) A person who was entitled to a non-contributory invalidity pension immediately before attaining retiring age shall be treated for the purposes of regulation 5 as having been entitled to a severe disablement allowance immediately before attaining that age.

(4) A person who was entitled to a non-contributory invalidity pension for any day before 29th November 1984 shall be treated for the purposes of regulation 6 as having been entitled to a severe disablement allowance for that day.

Revocations

20. The regulations set out in column (1) of Schedule 3 are revoked to the extent mentioned in column (3) of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 4th September 1984.

(L.S.)

A. N. Burns

Assistant Secretary

(a) See Article 3(4)(b) and (c) of S.R. 1984 No. 300 (C. 7)

SCHEDULE 1

PROVISIONS COVERING POWERS EXERCISED IN MAKING THESE REGULATIONS

Column (1) <i>Provision</i>		Column (2) <i>Relevant Amendments</i>
The Social Security (Northern Ireland) Act 1975(a)	Section 3(2)	None.
	Section 36(4) and (7)	The Health and Social Security (Northern Ireland) Order 1984(b), Article 5(1).
	Section 40(2)	None.
	Section 79(3)	The Social Security (Northern Ireland) Order 1982(c), Article 38 and paragraph 10 of Schedule 4.
	Section 80	The Health and Social Security (Northern Ireland) Order 1984, Article 5(2) and paragraph 2 of Schedule 2.
	Section 81	The Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(d), Article 13(2).
	Section 82	The Child Benefit (Northern Ireland) Order 1975(e), Article 23(2) and Part I of Schedule 5.
	Section 83(1)	The Social Security (Northern Ireland) Order 1982, Article 39 and Schedule 5.
	Section 85	None.
	Section 85	None.
	Section 85	The Child Benefit (Northern Ireland) Order 1975, Article 23(1) and paragraph 29 of Schedule 4.
	Section 108(2)	The Social Security Adjudications (Northern Ireland) Order 1983(f), Article 4 and paragraph 1(1) of Schedule 2.
	Section 108(2)	The Health and Social Security (Northern Ireland) Order 1984, Article 5(2) and Paragraph 5 of Schedule 2.
	Section 115(1)	None.
	Section 119(3)	The Social Security (Northern Ireland) Order 1979(g), Article 16 and paragraph 8(a) of Schedule 3.

(a) 1975 c. 15

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

(c) S.I. 1982/1084 (N.I. 16)

(d) S.I. 1977/610 (N.I. 11)

(e) S.I. 1975/1504 (N.I. 16)

(f) S.I. 1983/1524 (N.I. 17)

(g) S.I. 1979/396 (N.I. 5)

Column (1) <i>Provision</i>		Column (2) <i>Relevant Amendments</i>
	Section 124(1)	None.
	Section 126	None.
	Schedule 13 paragraph 2	None.
	Schedule 17 (definition of "prescribe" and "regulations")	None.
The Child Benefit (Northern Ireland) Order 1975	Article 19(5) and (6) and paragraph 5 of Schedule 1	The Health and Social Security (Northern Ireland) Order 1984, Article 5(2) and paragraphs 10 and 11 of Schedule 2.
The Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977	Article 18(1)	None.
The Health and Social Security (Northern Ireland) Order 1984	Article 18(1)	None.

SCHEDULE 2

Regulation 11

CONSEQUENTIAL AMENDMENTS OF REGULATIONS

Column (1) <i>Citation</i>	Column (2) <i>Statutory Rule</i>	Column (3) <i>Provision</i>
The Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975	S.R. 1975 No. 109; the relevant amending regulations are S.R. 1975 No. 202	Regulation 7(3)(a)(i) and (3)(b)(i). Schedule 2.
The Social Security (Medical Evidence) Regulations (Northern Ireland) 1976	S.R. 1976 No. 175; the relevant amending regulations are S.R. 1982 No. 153, regulation 2(2)	Regulation 5(1).
The Social Security Benefit (Persons Residing Together) Regulations (Northern Ireland) 1977	S.R. 1977 No. 166; the relevant amending regulations are S.R. 1983 No. 36, regulation 9	Regulation 2(2)(a).
The Social Security (Claims and Payments) Regulations (Northern Ireland) 1977	S.R. 1977 No. 351; the relevant amending regulations are S.R. 1978 No. 90 regulation 4(4), S.R. 1982 No. 318 regulation 2(3) and (4), and S.R. 1983 No. 36 regulation 10	Regulation 10. Regulation 11(1)(a) and (5). Regulation 15(1)(h). Schedule 1, paragraphs 3 and 4. Schedule 2, paragraphs 2 and 2A. Schedule 3.
The Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978	S.R. 1978 No. 371	Regulation 1(2).
The Child Benefit (General) Regulations (Northern Ireland) 1979	S.R. 1979 No. 5	Regulation 17.
The Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979	S.R. 1979 No. 242; the relevant amending regulations are S.R. 1983 No. 36	Regulation 4(2)(d). Regulation 12. Regulation 14(2). Schedule 1, paragraph 4.
The Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979	S.R. 1979 No. 243	Regulation 17(1)(e).
The Social Security (General Benefit) Regulations (Northern Ireland) 1984	S.R. 1984 No. 92	Regulation 2(2).

SCHEDULE 3

Regulation 20

REGULATIONS REVOKED

Column (1) <i>Citation</i>	Column (2) <i>Statutory Rule</i>	Column (3) <i>Extent of Revocation</i>
The Social Security (Non-Contributory Invalidity Pension) Regulations (Northern Ireland) 1975	S.R. 1975 No. 202	The whole regulations
The Social Security (Child Benefit Consequential) Regulations (Northern Ireland) 1977	S.R. 1977 No. 73	Regulation 15
The Social Security (Non-Contributory Invalidity Pension) (Amendment) Regulations (Northern Ireland) 1977	S.R. 1977 No. 243	The whole regulations
The Social Security (Claims and Payments) Regulations (Northern Ireland) 1977	S.R. 1977 No. 351	Regulation 11(7)
The Social Security (Non-Contributory Invalidity Pension) (Amendment) Regulations (Northern Ireland) 1978	S.R. 1978 No. 275	The whole regulations
The Social Security (Non-Contributory Invalidity Pension) (Amendment No. 2) Regulations (Northern Ireland) 1978	S.R. 1978 No. 385	The whole regulations
The Social Security (Sickness and Invalidity Benefit and Non-Contributory Invalidity Pension) (Amendment) Regulations (Northern Ireland) 1983	S.R. 1983 No. 343	The whole regulations
The Social Security (Non-Contributory Invalidity Pension) (Amendment) Regulations (Northern Ireland) 1983	S.R. 1983 No. 370	The whole regulations

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations contain provisions relating to severe disablement allowance ("allowance"). They are all either made under section 36 of the Social Security (Northern Ireland) Act 1975, as substituted by Article 5 of the Health and Social Security (Northern Ireland) Order 1984 ("the Order"), or are otherwise consequential on Article 5 and are made earlier than 6 months from the first day appointed for the coming into operation of that Article (10th September 1984 — See Article 3 of the Health and Social Security (1984 Order) (Commencement No. 1) Order (Northern Ireland) 1984, S.R. 1984 No. 300 (C. 7)).

Part I of the regulations relates to their citation, commencement and interpretation.

Part II of the regulations contains miscellaneous provisions relating to residence and presence in Northern Ireland conditions (regulation 3); circumstances in which a person over pensionable age (60 in the case of a woman, 65 in the case of a man) is to be treated as having been entitled to the allowance before attaining that age (regulation 4); relaxing conditions for entitlement to an allowance for certain persons over retiring age (65 in the case of a woman, 70 in the case of a man) (regulation 5); modification of the requirements of section 36(2) and (3) of the Social Security (Northern Ireland) Act 1975 in the case of a person who has previously been entitled to an allowance (regulation 6); days for which persons are to be treated as incapable of work for the purposes of an allowance (regulation 7); circumstances in which persons are to be treated as receiving full-time education (regulation 8); disqualification for an allowance for misconduct or failure to undergo medical examination (regulation 9); and the evidence required to satisfy the adjudication officer in cases referred to and determined by him, and the adjudicating medical authority in other cases, that a person suffers from loss of physical or mental faculty such that the assessed extent of the resulting disablement amounts to not less than 80 per cent. (regulation 10).

Part III of the regulations and Schedule 2 contain minor consequential amendments to other sets of social security regulations.

Part IV contains transitional provisions relating to claims made in advance by persons in respect of whom Article 5 of the Order comes into operation on 29th November 1984 (regulation 17) and by all other persons (regulation 18); and to persons who were formerly entitled to non-contributory invalidity pension (regulation 19). Regulation 20 and Schedule 3 contain revocations consequential upon the coming into operation of these regulations.

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These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.