

1984 No. 382

SOCIAL SECURITY

The Social Security Benefit (Dependency, Claims and Payments and Hospital In-Patients) (Amendment) Regulations (Northern Ireland) 1984

Made 8th November 1984

Coming into operation—

except for regulation 3(a) 26th November 1984

regulation 3(a) 28th November 1984

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 41(2D), 44(3)(c), 45(3), 46(3), 49, 64(1D), 66(1)(d), 79(1), 84(1) and (4), 85(1) 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 and commencement

1. These regulations may be cited as the Social Security Benefit (Dependency, Claims and Payments and Hospital In-Patients) (Amendment) Regulations (Northern Ireland) 1984 and shall come into operation on 26th November 1984 except for regulation 3(a) which shall come into operation on 28th November 1984.

Amendment of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975

2. The Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(c) shall be amended by adding at the end of paragraph (a) of Schedule 1 to those regulations "or any child benefit under the Child Benefit (Northern Ireland) Order 1975".

(a) 1975 c. 15; section 41(2D) was inserted by Article 7 of, and paragraph 2(c) of Schedule 3 to, the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)). Section 44(3)(c) was amended by Article 23(1) of, and paragraph 17(b) of Schedule 4 to, the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)), and by Article 3 of, and paragraph 4(a) of Schedule 1 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)). Section 49 was amended by Article 5 of, and paragraph 2 of Schedule 2 to, the Health and Social Security (Northern Ireland) Order 1984. Section 64 (1D) was inserted by Article 7 of, and paragraph 3 of Schedule 3 to, the Health and Social Security (Northern Ireland) Order 1984. Section 66(1)(d) was amended by Article 23(1) of, and paragraph 24 of Schedule 4 to, the Child Benefit (Northern Ireland) Order 1975, and Article 3 of, and paragraph 4(a) of Schedule 1 to, the Social Security (Northern Ireland) Order 1980. Section 85(1) was amended by Article 23(1) of, and paragraph 29 of Schedule 4 to, the Child Benefit (Northern Ireland) Order 1975. *See* definitions of "prescribe" and "regulations" in Schedule 17

(b) 1980 c. 30.

(c) S.R. 1975 No. 109, to which there are amendments not relevant to the subject matter of these regulations

Amendment of the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977

3. The Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(a) shall be amended as follows—

- (a) in regulations 3(1) and 5(1) for the figures “70(4)”, in each of the places where they occur, there shall be substituted “70(2)”;
- (b) in regulation 10(2)(a) the words after “sections” shall be omitted; and
- (c) after paragraph 2 of Schedule 2 there shall be inserted the following paragraphs—

“2A. Where—

(a) a beneficiary is one of two persons who are—

- (i) spouses residing together; or
- (ii) an unmarried couple; and

(b) the other person had earnings in any week,

the beneficiary’s right to payment of increases for the following week under paragraph 2 above shall be determined in accordance with paragraph 2B below.

2B. No such increase shall be payable—

- (a) in respect of the first child where the earnings were £80 or more; and
- (b) in respect of a further child for each complete £10 by which the earnings exceeded £80.

2C. In this Part of this Schedule—

“unmarried couple” means a man and a woman who are not married to each other but are living together as husband and wife; and

“week” means a period of 7 days beginning with midnight between Sunday and Monday.”.

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

4. The Social Security (Claims and Payments) Regulations (Northern Ireland) 1977(b) shall be amended as follows—

(a) for regulation 15(3) there shall be substituted—

“(3) In the expression “week for which he is entitled to benefit” in section 45(3) and in the expression “had earnings in any week” in sections 41 and 64 “week” means a period of 7 days beginning with midnight between Sunday and Monday.”;

(b) in column (1) of sub-paragraphs (c) and (d) of paragraph 5 of Schedule 1, for “a child or” there shall be substituted “an”;

(c) in paragraph 3(1) of Schedule 2 for “a child or” there shall be substituted “an” and where the words “child or” occur for the second time they shall be omitted.

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. 1977 No. 74; the relevant amending regulations are S.R. 1983 No. 193 and S.R. 1984 Nos. 373 and 377

(b) S.R. 1977 No. 351, to which there are amendments not relevant to the subject matter of these regulations

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975, the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977 and the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977.

Schedule 3 to the Health and Social Security (Northern Ireland) Order 1984 abolishes child dependency increases payable with certain short-term benefits and the lower rate industrial death benefit payable in respect of children of the deceased. It also provides that where the recipient of a long-term benefit is married and residing with his or her spouse, or is living with someone as husband and wife, child dependency increases will be withdrawn if the partner has earnings above a certain level. The amendments made by these regulations reflect these changes.

1984 No. 383

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.

1984 No. 384

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROAD TRAFFIC AND VEHICLES.

1984 Nos. 385, 386, 387

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.