STATUTORY RULES OF NORTHERN IRELAND

2002 No. 87

SOCIAL SECURITY

The Social Security (Guardian's Allowances) (Amendment) Regulations (Northern Ireland) 2002

Made - - - -	*7th March 2002*
Coming into operation	*1st April 2002*

The Department for Social Development, in exercise of the powers conferred by sections 77(8)(*b*) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and now vested in it(**2**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Social Security (Guardian's Allowances) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 1st April 2002.

Amendment of the Social Security (Guardian's Allowances) Regulations

2.—(1) Regulation 5 of the Social Security (Guardian's Allowances) Regulations (Northern Ireland) 1975(**3**) (children whose surviving parents are in prison or legal custody) shall be amended in accordance with paragraphs (2) to (6).

(2) For paragraph (1) there shall be substituted the following paragraph—

> "(1) Subject to the following provisions of this regulation, the circumstances in which a person is to be treated for the purposes of section 77(2)(*c*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as being in prison are that he is—
>
> (a) serving a custodial sentence within the meaning of Article 2(2) of the Criminal Justice (Northern Ireland) Order 1996(**4**) of not less than 2 years; or

(**1**) 1992 c. 7
(**2**) *See* Article 8(*b*) of S.R. 1999 No. 481
(**3**) S.R. 1975 No. 98; relevant amending regulations are S.R. 1977 No. 73
(**4**) S.I.1996/3160 (N.I. 24); the definition of "custodial sentence" was amended by paragraph 51(*b*) of Schedule 5 to the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))