STATUTORY RULES OF NORTHERN IRELAND

1997 No. 174

SOCIAL SECURITY

The Social Security (Incapacity for Work and Severe Disablement Allowance) (Amendment) Regulations (Northern Ireland) 1997

Made - - - -	*21st March 1997*
Coming into operation	*1st April 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 68(11)(cc), 167D(1) and 171 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Incapacity for Work and Severe Disablement Allowance) (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 1st April 1997.

(2) The Interpretation Act (Northern Ireland) 1954(**2**) shall apply to these Regulations as it applies to a Measure of the Assembly.

Amendment of the Social Security (Severe Disablement Allowance) Regulations

2. In regulation 10(1) of the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(**3**) (adjudication)—

(a) sub-paragraph (*a*) shall be omitted;

(b) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(b) evidence that on that day he is or was entitled to the highest rate of the care component of disability living allowance prescribed in accordance with section 72(3) and (4)(a) of the Contributions and Benefits Act;";

(c) for sub-paragraph (*f*) there shall be substituted the following sub-paragraph—

(**1**) 1992 c. 7; section 68(11)(cc) was inserted by Article 11(3) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)); section 167D was inserted by Article 8(1) of that Order

(**2**) 1954 c. 33 (N.I.)

(**3**) S.R. 1984 No. 317; relevant amending regulations are S.R. 1992 No. 6

"(f) evidence that on that day he is or was certified as blind and in consequence is registered as blind in a register maintained by, or on behalf of, a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**4**);".

Amendment of the Social Security (Incapacity for Work) (General) Regulations

3. In regulation 10(2) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(**5**) (certain persons with a severe condition to be treated as incapable of work) after sub-paragraph (*a*) there shall be inserted the following sub-paragraphs—

"(aa) that he is entitled to—

(i) a disablement pension by virtue of section 103 of the Contributions and Benefits Act by reference to a degree of disability of not less than 80 per cent.;

(ii) a disablement pension by virtue of Part III of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(**6**) or of Part III of the Personal Injuries (Civilians) Scheme 1983(**7**) by reference to a degree of disability of not less than 80 per cent.;

(ab) that evidence in accordance with regulation 10 of the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(**8**) (adjudication), establishes that he suffers from a loss of physical or mental faculty such that the extent of the resulting disablement amounts to not less than 80 per cent.".

Saving

4.—(1) Where—

(a) before the coming into operation of these Regulations, a person is entitled to severe disablement allowance by virtue of having satisfied regulation 10(1)(*a*), (*b*) or (*f*) of the Severe Disablement Allowance Regulations, as then in operation; and

(b) after the coming into operation of these Regulations, he is a person in respect of whom any day is to be treated as part of one period of incapacity for work, within the meaning of section 30C(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**9**), which began before the coming into operation of these Regulations,

regulation 10 of the Severe Disablement Allowance Regulations shall continue to have effect as if regulation 2 had not been made.

(2) In this regulation "the Severe Disablement Allowance Regulations" means the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984.

Revocation

5. Regulation 8 of the Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations (Northern Ireland) 1992(**10**) is hereby revoked.

(**4**) S.I. 1972/1265 (N.I. 14)
(**5**) S.R. 1995 No. 41; regulation 10(2) was amended by S.R. 1995 No. 149 and S.R. 1996 No. 601
(**6**) S.I. 1983/883; relevant amending instruments are S.I. 1983/1116 and 1521, S.I. 1984/1154 and 1687, S.I. 1985/1201, S.I. 1986/592, S.I. 1990/1308, S.I. 1991/766, S.I. 1992/710 and 3208, S.I. 1993/598, S.I. 1995/766 and S.I. 1996/732 and 1638
(**7**) S.I. 1983/686; relevant amending instruments are S.I. 1983/1164 and 1540, S.I. 1984/1289 and 1675, S.I. 1985/1313, S.I. 1986/628, S.I. 1990/1300, S.I. 1992/702 and 3226, S.I. 1993/480, S.I. 1995/445 and S.I. 1996/502
(**8**) Regulation 10 was amended by S.R. 1986 No. 337 and S.R. 1992 No. 6
(**9**) Section 30C was inserted by Article 5(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994
(**10**) S.R. 1992 No. 6