1995 No. 410

HOUSING; RATES; SOCIAL SECURITY

The Income-Related Benefits (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 1995

Made	*27th October 1995*
Coming into operation . .	*28th October 1995*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 122(1) and 132(4)(*a*) and (*b*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(**b**) in so far as relates to regulation 4 of these Regulations and without having referred any proposals on the matter to the Social Security Advisory Committee since it appears to the Department of Health and Social Services for Northern Ireland that by reason of the urgency of the matter it is inexpedient to do so(**c**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-Related Benefits (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 1995 and shall come into operation on 28th October 1995.

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

Amendment of the Disability Working Allowance (General) Regulations

2. In Schedule 3 to the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**e**) (sums to be disregarded in the calculation of income other than earnings) for paragraph 14 there shall be substituted the following paragraph—

"**14.** Subject to paragraph 29, £10 of any of the following, namely—

(*a*) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 6 or 7);

(*b*) a war widow's pension;

(**a**) 1992 c. 7

(**b**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8))

(**c**) *See* section 150(1)(*a*) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

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

(**e**) S.R. 1992 No. 78; relevant amending regulations are S.R. 1993 No. 373

(*c*) a pension payable to a person as a widow under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983(**a**) insofar as that Order is made under the Naval and Marine Pay and Pensions Act 1865(**b**), or is made only under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(**c**) and any power of Her Majesty otherwise than under any statutory provision, to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;

(*d*) a payment made to compensate for the non-payment of such a pension as is mentioned in any of the preceding sub-paragraphs;

(*e*) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions mentioned in sub-paragraphs (*a*) to (*c*);

(*f*) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.".

Amendment of the Family Credit (General) Regulations

3. In Schedule 2 to the Family Credit (General) Regulations (Northern Ireland) 1987(**d**) (sums to be disregarded in the calculation of income other than earnings) for paragraph 14 there shall be substituted the following paragraph—

"**14.** Subject to paragraph 29, £10 of any of the following, namely—

(*a*) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 6 or 7);

(*b*) a war widow's pension;

(*c*) a pension payable to a person as a widow under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 insofar as that Order is made under the Naval and Marine Pay and Pensions Act 1865, or is made only under section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977 and any power of Her Majesty otherwise than under any statutory provision, to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;

(*d*) a payment made to compensate for the non-payment of such a pension as is mentioned in any of the preceding sub-paragraphs;

(a) S.I. 1983/883; relevant amending instruments are S.I. 1993/598 and 1994/1906. The Order needs to be read subject to the provisions of section 168 of the Pensions Act 1995 (c. 26), the effect of which is to disregard subsequent marriages which have been dissolved or been the subject of a decree of judicial separation, in determining a person's entitlement to a widow's pension

(b) 28 & 29 Vict. c. 73

(c) 1977 c. 5

(d) S.R. 1987 No. 463; relevant amending regulations are S.R. 1990 No. 138, S.R. 1991 No. 326 and S.R. 1993 No. 373