STATUTORY RULES OF NORTHERN IRELAND

# 1994 No. 462

# SOCIAL SECURITY

## The Social Security (Severe Disablement Allowance) (Amendment) Regulations (Northern Ireland) 1994

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| *Made - - - -* | *25th November 1994* |
| *Coming into operation* | *13th April 1995* |

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 68(11)(b), (c) and (d) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and Article 14(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994(**2**) 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 (Severe Disablement Allowance) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 13th April 1995.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

### Amendment of the Social Security (Severe Disablement Allowance) Regulations

**2.**—(1) The Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(**4**) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 2 (interpretation)—

(a) for paragraph (1) there shall be substituted the following paragraph—

"(1) In these regulations—

"the Act" means the Social Security (Northern Ireland) Act 1975(**5**);

"the Contributions and Benefits Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

(**1**) 1992 c. 7
(**2**) S.I. 1994/1898 (N.I. 12)
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1984 No. 317; relevant amending regulations are S.R. 1989 No. 443, S.R. 1992 No. 114 and S.R. 1994 No. 370
(**5**) 1975 c. 15

"the Order" means the Health and Social Security (Northern Ireland) Order 1984(**6**);

"the Incapacity Benefit Regulations" means the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(**7**).''; and

(b) for paragraph (1A) there shall be substituted the following paragraph—

"(1A) In these regulations—

"councillor" has the same meaning as in section 167F(2) of the Contributions and Benefits Act(**8**);

"councillor's allowance" has the same meaning as in section 30E(2) of the Contributions and Benefits Act(**9**).''; and

(c) for paragraph (3) there shall be substituted the following paragraph—

"(3) In determining whether a day falls within a period of incapacity for work, the provisions of section 30C of the Contributions and Benefits Act(**9**) (incapacity benefit: days and periods of incapacity for work) and of any regulations made under section 30C(3) and (4) shall have effect for the purposes of severe disablement allowance as they have effect for the purposes of incapacity benefit.''.

(3) In regulation 3(3) (conditions relating to residence and presence) for "period of interruption of employment" there shall be substituted "period of incapacity for work".

(4) In regulation 6 (modification of section 68(2) and (3) of the Contributions and Benefits Act in relation to persons who have previously been entitled to a severe disablement allowance) for "period of interruption of employment" there shall be substituted "period of incapacity for work".

(5) In regulation 7 (days for which persons are to be treated as incapable of work for the purposes of severe disablement allowance—

(a) for paragraph (1) there shall be substituted the following paragraphs—

"(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 which is not to be treated as a day of incapacity for work under regulation 3(1)(c) of the Incapacity Benefit Regulations (persons attending training courses).

(1A) Regulation 4 of the Incapacity Benefit Regulations (night workers) shall apply for the purposes of severe disablement allowance as it applies for the purposes of incapacity benefit.''; and

(b) for paragraph (2) there shall be substituted the following paragraph—

"(2) Indetermining for the purposes of section 68(2) or (3) of the Contributions and Benefits 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 that day was a day on which he was undergoing imprisonment or detention in legal custody and which was part of a period of imprisonment or detention of more than 6 weeks.''.

(6) In regulation 8A (severe disablement allowance for persons who are councillors) for "regulation 3(3) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984" there shall be substituted "regulation 7 of the Incapacity Benefit Regulations".

(**6**) S.I. 1984/1158 (N.I. 8)
(**7**) S.R. 1994 No. 461
(**8**) Section 167F was inserted by Article 8(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994
(**9**) Sections 30C and 30E were inserted by Article 5(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994
(**9**) Sections 30C and 30E were inserted by Article 5(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994