STATUTORY RULES OF NORTHERN IRELAND

1994 No. 370

SOCIAL SECURITY

The Social Security (Severe Disablement Allowance and Invalid Care Allowance) (Amendment) Regulations (Northern Ireland) 1994

Made - - - -	*3rd October 1994*
Coming into operation	*28th October 1994*

The Department of Health and Social Services for Northern Ireland, being a designated Department(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in respect of matters relating to the equal treatment of men and women in relation to severe disablement allowance and invalid care allowance, in exercise of the powers conferred on it by that section 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 and Invalid Care Allowance) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 28th October 1994.

(2) The Interpretation Act 1978(**3**) shall apply to these regulations as it applies to an Act of the United Kingdom Parliament.

Amendment of the Social Security Contributions and Benefits Act

2.—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992(**4**) shall be amended in accordance with paragraphs (2) to (4) of this regulation.

(2) In section 68 (entitlement to and rate of severe disablement allowance)—

(a) in subsection (4)(d) for "pensionable age" there shall be substituted "the age of 65";

(b) in subsection (11)(a)(i) for "retiring age" there shall be substituted "the age of 65"; and

(c) in subsection (13) the words ""retiring age" means 70 in the case of a man and 65 in the case of a woman," shall be omitted.

(**1**) S.I.1993/1571
(**2**) 1972 c. 68
(**3**) 1978 c. 30
(**4**) 1992 c. 7

(3) In section 70 (invalid care allowance)—

(a) in subsection (5) for "pensionable age" there shall be substituted "the age of 65";

(b) in subsection (6) for "retiring age" there shall be substituted "the age of 65"; and

(c) subsection (10) shall be omitted.

(4) In paragraph 4(1) of Schedule 6 (assessment of extent of disablement) at the end there shall be omitted the words ", if a woman, or 70, if a man".

Amendment of the Social Security (Incapacity for Work) Order

3.—(1) The Social Security (Incapacity for Work) (Northern Ireland) Order 1994(**5**) shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) In paragraph 18 of Schedule 1 (severe disablement allowance: consequential amendments) for sub-paragraphs (6) and (7) there shall be substituted the following sub-paragraph—

"(6) Omit subsections (12) and (13).".

(3) In Schedule 2 (repeals), in the third column (extent of repeal), in the entry relating to section 68 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, for paragraph (b) there shall be substituted the following paragraph—

"(b) subsections (12) and (13).".

Amendment of the Social Security (Severe Disablement Allowance) Regulations

4.—(1) The Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(**6**) shall be amended in accordance with paragraphs (2) to (10) of this regulation.

(2) In regulation 2(1) (interpretation)—

(a) "and" shall be omitted; and

(b) after "Health and Social Security (Northern Ireland) Order 1984" there shall be inserted "and "the Contributions and Benefits Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992".

(3) In the heading to regulation 4, for "Circumstances in which a person over pensionable age is to be treated as having been entitled to a severe disablement allowance immediately before attaining that age" there shall be substituted "Circumstances in which a person over the age of 65 is to be treated as having been entitled to a severe disablement allowance immediately before attaining that age".

(4) In regulation 4 for "pensionable age" there shall be substituted "the age of 65".

(5) After regulation 4 there shall be inserted the following regulation—

"**Women aged 65 before 28th October 1994**

4A.—(1) A woman shall be entitled to a severe disablement allowance if—

(a) she attained the age of 65 before 28th October 1994;

(b) immediately before attaining the age of 65 she would have satisfied the requirements for entitlement to a severe disablement allowance or, if she attained that age before 29th November 1984, to a non-contributory invalidity pension (whether or not she made a claim) but for—

(**5**) S.I. 1994/1898 (N.I. 12)

(**6**) S.R. 1984 No. 317, to which there are amendments not relevant to these regulations