1994 No. 269

SOCIAL SECURITY

The Social Security Benefit (Persons Abroad) (Amendment No. 2) Regulations (Northern Ireland) 1994

Made	*14th July 1994*
Coming into operation . .	*6th August 1994*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 113(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) 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 Benefit (Persons Abroad) (Amendment No. 2) Regulations (Northern Ireland) 1994 and shall come into operation on 6th August 1994.

(2) In these regulations "the principal regulations" means the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(**b**).

Amendment of regulation 2 of the principal regulations

2. In regulation 2 of the principal regulations(**c**) (modification of the Act in relation to sickness benefit, invalidity benefit, severe disablement allowance, unemployability supplement and maternity allowance) paragraph (5) shall be renumbered as paragraph (4).

Amendment of regulation 5 of the principal regulations

3.—(1) Regulation 5 of the principal regulations(**d**) (application of disqualificatioin in respect of up-rating of benefit) shall be amended in accordance with paragraphs (2) to (4) of this regulation.

(2) At the beginning of paragraphs (3) and (5) there shall be inserted "Subject to paragraph (7) below and Schedule 1 to these regulations,".

(3) After sub-paragraph (*a*) of paragraph (3) there shall be inserted the following sub-paragraph—

(**a**) 1992 c. 7. *See* section 35 of the National Insurance Act (Northern Ireland) 1966 (c. 6 (N.I.)) as continued in force by the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978 (S.R. 1978 No. 105) and which is to be construed in accordance with subsection (9) of that section

(**b**) S.R. 1978 No. 114; relevant amending regulations are S.R. 1979 No. 392, S.R. 1988 No. 77, S.R. 1989 No. 373, S.R. 1990 No. 123, S.R. 1992 No. 330 and S.R. 1994 No. 45

(**c**) Paragraph (5) was added by regulation 2(4) of S.R. 1994 No. 45

(**d**) Regulation 5 was amended by regulation 4 of S.R. 1979 No. 392, regulation 3 of S.R. 1988 No. 77, regulation 6 of S.R. 1989 No. 373, regulation 2 of S.R. 1990 No. 123 and regulation 3 of S.R. 1992 No. 330

"(*aa*) in the case of a married woman, any additional Category B retirement pension if immediately before the appointed date her husband was entitled to a Category A retirement pension and was not ordinarily resident in Northern Ireland (whether or not she was married to him immediately before that date);".

(4) After paragraph (6) there shall be added the following paragraph—

"(7) Schedule 1 to these regulations shall have effect in relation to the disqualification of persons for receiving additional benefit in the circumstances specified in that Schedule (being certain cases in which a person was awarded a widow's benefit or a retirement pension or a higher rate of retirement pension between 1st September 1985 and 7th August 1991).".

Amendment of regulation 18 of the principal regulations

4. In regulation 18(1) of the principal regulations (revocations) for "the Schedule" there shall be substituted "Schedule 2".

Insertion of Schedule 1 to the principal regulations

5. The Schedule to the principal regulations shall be numbered as Schedule 2 and before it there shall be inserted Schedule 1 as set out in the Schedule to these regulations.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 14th July 1994.

(L.S.) *W. F. T. Green*
Assistant Secretary