1994 No. 45

SOCIAL SECURITY

The Social Security Benefit (Persons Abroad) (Amendment) Regulations (Northern Ireland) 1994

Made . . . . . *11th February 1994*

Coming into operation . . *8th March 1994*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 113(1)(*a*) 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) Regulations (Northern Ireland) 1994 and shall come into operation on 8th March 1994.

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

Amendment of the principal regulations

2.—(1) 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) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1)—

(*a*) at the beginning there shall be inserted "Except as provided by paragraph (1A) or (1B) below,";

(*b*) for the words from "sickness benefit" to "maternity allowance" there shall be substituted "any benefit in respect of incapacity";

(*c*) after "any day" there shall be inserted "falling within the first 26 weeks beginning with the day following the day on which he left Northern Ireland";

(*d*) for ", (*c*) and (*d*)" there shall be substituted "and (*c*)";

(**a**) 1992 c. 7

(**b**) S.R. 1978 No. 114; relevant amending regulations are S.R. 1983 No. 36, S.R. 1984 No. 317, S.R. 1986 No. 303 and S.R. 1990 No. 22

(**c**) Regulation 2 was amended by regulation 11 of S.R. 1983 No. 36, regulation 15 of S.R. 1984 No. 317, regulation 2 of S.R. 1986 No. 303 and regulation 3 of S.R. 1990 No. 22

(*e*) in sub-paragraph (*c*) for "since the absence began; or" there shall be substituted "since the absence began."; and

(*f*) sub-paragraph (*d*) shall be omitted.

(3) After paragraph (1) there shall be inserted the following paragraphs—

"(1A) Subject to paragraph (1B), a person who is in receipt of attendance allowance or disability living allowance shall not by reason of being temporarily absent from Northern Ireland be disqualified for receiving any benefit in respect of incapacity if—

(*a*) the absence is for the specific purpose of being treated for incapacity which commenced before he left Northern Ireland; or

(*b*) in the case of sickness benefit and invalidity benefit the incapacity for work is the result of a personal injury of a kind mentioned in section 94(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and the absence is for the specific purpose of receiving treatment which is appropriate to that injury; or

(*c*) on the day on which the absence began he was, and had for the past 6 months continuously been, incapable of work and on the day for which benefit is claimed he has remained continuously so incapable since the absence began.

(1B) A person who is a member of the family of a serving member of the forces and temporarily absent from Northern Ireland by reason only of the fact that he is living with that member shall not by reason of being temporarily absent be disqualified—

(*a*) for receiving any benefit in respect of incapacity except severe disablement allowance if—

(i) the absence is for the specific purpose of being treated for incapacity which began before he left Northern Ireland; or

(ii) in the case of sickness benefit and invalidity benefit the incapacity for work is the result of a personal injury of a kind mentioned in section 94(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and the absence is for the specific purpose of receiving treatment which is appropriate to that injury; or

(iii) on the day on which the absence began he was, and had for the past 6 months continuously been, incapable of work and on the day for which benefit is claimed he has remained continuously so incapable since the absence began, or

(*b*) for the receipt of severe disablement allowance.".

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

"(5) In this regulation—

(*a*) "benefit in respect of incapacity" means sickness benefit, invalidity benefit, severe disablement allowance, an unemployability supplement or a maternity allowance;