1992 No. 453

SOCIAL SECURITY; STATUTORY MATERNITY PAY; STATUTORY SICK PAY

The Social Security (Miscellaneous Provisions) (Amendment No. 3) Regulations (Northern Ireland) 1992

Made . . . . . 22nd October 1992

Coming into operation in accordance with regulation 1(1)

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Article 84(1) of the Social Security (Northern Ireland) Order 1986(**a**), sections 113(1)(*a*), 159(3) and 167(5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**b**) and sections 5(1)(*a*), (*b*), (*j*), (*p*) and (*q*) and 71(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992(**c**) 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 (Miscellaneous Provisions) (Amendment No. 3) Regulations (Northern Ireland) 1992 and shall come into operation on 16th November 1992 except for regulation 6(4) which shall come into operation on 4th January 1993.

(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 Social Security (Hospital In-Patients) Regulations

2. For regulation 2(2) of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(**e**) (interpretation) there shall be substituted the following paragraph—

"(2) For the purposes of these regulations, a person shall be regarded as receiving or having received free in-patient treatment for any period for which he is or has been maintained free of charge while undergoing medical or other treatment as an in-patient—

(*a*) in a hospital or similar institution under the Order or the Health and Personal Social Services (Northern Ireland) Order 1991(**f**); or

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(a) S.I. 1986/1888 (N.I. 18)
(b) 1992 c. 7
(c) 1992 c. 8
(d) 1954 c. 33 (N.I.)
(e) S.R. 1975 No. 109; relevant amending regulations are S.R. 1987 No. 391
(f) S.I. 1991/194 (N.I. 1)

(*b*) in a hospital or similar institution maintained or administered by the Defence Council,

and such a person shall for the purposes of sub-paragraph (*a*) be regarded as being maintained free of charge in such a hospital or similar institution unless his accommodation and services are provided under Article 31 of the Order(**a**) or paragraph 14 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991.''.

Amendment of the Social Security Benefit (Persons Abroad) Regulations

3.—(1) The Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(**b**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation) after the definition of ''the Child Benefit Order'' there shall be inserted the following definition—

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

(3) In regulation 9 (modification of the Act in relation to title to disablement benefit and industrial death benefit) after paragraph (5) there shall be added the following paragraph—

''(6) A person shall not be disqualified for receiving retirement allowance under paragraph 13 of Schedule 7 to the Contributions and Benefits Act by reason of being absent from Northern Ireland.''.

Amendment of the Statutory Sick Pay (General) Regulations

4.—(1) The Statutory Sick Pay (General) Regulations (Northern Ireland) 1982(**c**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation) before the definition of ''the Order'' there shall be inserted the following definition—

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

(3) In regulation 17 (meaning of ''earnings'')—

(*a*) paragraph (1) shall be omitted;

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

''(2) For the purposes of section 159(2) of the Contributions and Benefits Act, the expression ''earnings'' refers to gross earnings and includes any remuneration or profit derived from a person's employment except any payment or amount which is excluded from the computation of a person's earnings under regulation 19 (payments to be disregarded) or 19B (payments to directors which are to be disregarded) of the Social Security (Contributions) Regulations (Northern Ireland) 1979(**d**).''; and

(**a**) Article 31 was subsfituted by Article 3(9) of the Health and Medicines (Northern Ireland) Order 1988 (S.I. 1988/2249 (N.I. 24))
(**b**) S.R. 1978 No. 114; relevant amending regulations are S.R. 1983 No. 36
(**c**) S.R. 1982 No. 263; relevant amending regulations are S.R. 1983 No. 54 and S.R. 1987 No. 248
(**d**) S.R. 1979 No. 186; relevant amending regulations are S.R. 1983 No. 64, S.R. 1984 No. 43; S.R. 1987 Nos. 143, 348 and 468, S.R. 1988 No. 204 and S.R. 1991 Nos. 106 and 490

(*c*) paragraphs (2A), (4) and (5) shall be omitted.

Amendment of the Statutory Maternity Pay (General) Regulations

5.—(1) The Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**a**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation) after the definition of "the Act" there shall be inserted the following definition—

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

(3) In regulation 20 (meaning of "earnings")—

(*a*) paragraph (1) shall be omitted;

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

"(2) For the purposes of section 167(4) of the Contributions and Benefits Act, the expression "earnings" refers to gross earnings and includes any remuneration or profit derived from a woman's employment except any payment or amount which is excluded from the computation of a person's earnings under regulation 19 (payments to be disregarded) or 19B (payments to directors which are to be disregarded) of the Social Security (Contributions) Regulations (Northern Ireland) 1979."; and

(*c*) paragraphs (3), (5) and (6) shall be omitted.

Amendment of the Social Security (Claims and Payments) Regulations

6.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**b**) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 19(2A) (time for claiming benefit) for "or family credit" there shall be substituted ", family credit or disability working allowance".

(3) In regulation 32(1) (information to be given when obtaining payment of benefit) after "in writing" there shall be inserted "(unless the Department determines in any particular case to accept notice given otherwise than in writing)".

(4) In regulation 34 (payment to another person on the beneficiary's behalf) for "another person" there shall be substituted "another individual".

(5) Regulation 48 (savings) is hereby revoked.

(6) In Part I of Schedule 1 (benefit claimed and other benefit which may be treated as if claimed in addition or in the alternative) in column (2) the words "Supplementary benefit, or" shall be omitted.

(7) In Schedule 8A (deductions from benefits and direct payment to third parties)—

(**a**) S.R. 1987 No. 30; relevant amending regulations are S.R. 1990 No. 112

(**b**) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 Nos. 67 and 141 and S.R. 1992 Nos. 7 and 83