STATUTORY RULES OF NORTHERN IRELAND

1991 No. 333

SOCIAL SECURITY

The Social Security (Severe Disablement Allowance) (Amendment) Regulations (Northern Ireland) 1991

Made - - - -	*26th July 1991*
Coming into operation	*14th October 1991*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 36(4)(c), 36A(4), 124(1) and 126 of the Social Security (Northern Ireland) Act 1975(**1**) 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) 1991 and shall come into operation on 14th October 1991.

(2) In these regulations "the principal regulations" means the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(**2**) .

Amendment of regulation 3 of the principal regulations

2. In regulation 3 of the principal regulations (conditions relating to residence and presence) for paragraph (2) there shall be substituted the following paragraph—

"(2) Section 36 of the Act shall be modified by inserting after subsection (4) the following subsection—

"(4ZA) In determining whether the person satisfies any conditions prescribed under subsection (4)(c) above—

(a) any period during which the person is absent from Northern Ireland by reason only of the fact that—

(i) he is abroad in his capacity as a serving member of the forces; or

(**1**) 1975 c. 15; section 36(4)(c) was substituted by Article 5(1) of the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)). Section 36A(4) was inserted by Article 4(1) of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15))

(**2**) S.R. 1984 No. 317; the relevant amending regulations are S.R. 1990 No. 392

(ii) he is living with a person mentioned in sub-paragraph (i) and is the spouse, son, daughter, father, father-in-law, mother or mother-in-law of that person, shall be treated as a period during which the person was resident in Northern Ireland; and

(b) any day on which the person is absent from Northern Ireland by reason only of the fact that on that day—

(i) he is abroad in his capacity as a serving member of the forces; or

(ii) he is living with a person mentioned in sub-paragraph (i) and is the spouse, son, daughter, father, father-in-law, mother or mother-in-law of that person; or

(iii) he is in employment prescribed for the purposes of section 132 of the Social Security Act 1975(**3**) in connection with continental shelf operations; or

(iv) he is abroad in his capacity as an airman or mariner within the meaning of regulation 80 and regulation 84 respectively of the Social Security (Contributions) Regulations (Northern Ireland) 1979(**4**),

shall be treated as a day on which the person is present in Northern Ireland;

and for the purposes of this provision "serving member of the forces" has the same meaning as in regulation 1(2) of the Social Security (Contributions) Regulations 1979(**5**).".".

Substitution of regulation 10A of the principal regulations

3. For regulation 10A of the principal regulations (circumstances in which a person is to be treated as having qualified for severe disablement allowance) there shall be substituted the following regulation—

"**10A.** —

(1) A person shall be treated, for the purposes of section 36A of the Act(**6**) (which applies to an age related addition in a severe disablement allowance), as having qualified for severe disablement allowance—

(a) where he is a person to whom regulation 19 (persons formerly entitled to non-contributory invalidity pension) applies, on the first day of incapacity for work in a period of not less than 196 consecutive days of incapacity for work which immediately preceded the day on which he was first entitled to a non-contributory invalidity pension;

(b) where he is a person who qualified for severe disablement allowance by virtue of section 36(3)(b) of the Act and was incapable of work on each day in a period which immediately preceded the period of not less than 196 consecutive days mentioned in that subsection, on the first day of incapacity for work in the period first mentioned; or

(c) where he is a person to whom regulation 6 (modification of section 36(2) and (3) of the Act etc.) applies, on the first day of incapacity for work in a period of

(**3**) 1975 c. 14; section 132(2) was amended by paragraph 21 of Schedule 3 to the Oil and Gas (Enterprise) Act 1982 (c. 23)
(**4**) S.R. 1979 No. 186; to which there are amendments not relevant to these regulations
(**5**) S.I.1979/591; to which there are amendments not relevant to these regulations
(**6**) Section 36A was inserted by Article 4(1) of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15))