1989 No. 443

SOCIAL SECURITY

The Social Security (Severe Disablement Allowance (Amendment) and Councillors Consequential) (No. 2) Regulations (Northern Ireland) 1989

Made . . . . . 22nd November 1989

Coming into operation—
Regulations 1 and 5 . . . 22nd November 1989
Regulations 2, 3 and 4 . . 23rd November 1989

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 36(7)(*c*)(i) and (*cc*) of the Social Security (Northern Ireland) Act 1975(**a**), Article 31(1) and (3) of, and paragraph 2(6) of Schedule 8 to, the Social Security (Northern Ireland) Order 1989(**b**) 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) and Councillors Consequential) (No. 2) Regulations (Northern Ireland) 1989 and shall come into operation in the case of regulations 1 and 5 on 22nd November 1989 and in the case of regulations 2, 3 and 4 on 23rd November 1989.

(2) In these regulations—

"councillor" and "councillor's allowance" have the same meanings as in paragraph 2(6) of Schedule 8 to the Social Security (Northern Ireland) Order 1989;

"Education and Library Board" means a Board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(**c**); and

"the Severe Disablement Allowance Regulations" means the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(**d**).

(3) The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

(**a**) 1975 c. 15; section 36 was substituted by Article 5(1) of the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)) and subsection (7)(*cc*) was inserted by paragraph 2(5) of Schedule 8 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13))
(**b**) S.I. 1989/1342 (N.I. 13)
(**c**) S.I. 1986/594 (N.I. 3)
(**d**) S.R. 1984 No. 317; to which there are amendments not relevant to these regulations
(**e**) 1954 c. 33 (N.I.)

Amendment of the Severe Disablement Regulations

2.—(1) The Severe Disablement Allowance Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation) after paragraph (1) there shall be inserted the following paragraph—

"(1A) In these regulations "councillor" and "councillor's allowance" have the same meanings as in paragraph 2(6) of Schedule 8 to the Social Security (Northern Ireland) Order 1989.".

(3) After regulation 7 (days for which persons are to be treated as incapable of work for the purposes of severe disablement allowance) there shall be inserted the following regulation—

"*Treatment of a day on which duties as a councillor are performed as a day of incapacity for work*

7A. A person who is a councillor shall be treated as incapable of work for the purposes of subsections 2(*b*) and 3(*b*) of section 36 of the Act on any day on which he undertook work as a councillor, and which would, but for this regulation, have been a day on which he was treated as not incapable of work solely by reason of the work he undertook as a councillor.".

(4) After regulation 8 (circumstances in which a person is to be treated as receiving full-time education) there shall be inserted the following regulation—

"*Severe disablement allowance for persons who are councillors*

8A. Where the amount of a councillor's allowance to which a person is entitled in respect of any week exceeds the sum for the time being specified in regulation 3(3) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(**a**), then an amount equal to the excess shall be deducted from the amount of any severe disablement allowance to which he is entitled in respect of that week, and only the balance remaining (if any) shall be payable.".

Payments prescribed for the purposes of determining a councillor's allowance

3. The following payments are prescribed for the purposes of paragraph 2(6) of Schedule 8 to the Social Security (Northern Ireland) Order 1989 ("councillor's allowance")—

(*a*) an attendance allowance or special responsibility allowance payable by virtue of regulations made under section 36(1) of the Local Government Act (Northern Ireland) 1972(**b**); and

(*b*) an attendance allowance payable in relation to his functions as a member of an Education and Library Board in accordance with Article 79(3) of the Education and Libraries (Northern Ireland) Order 1986.

(**a**) S.R. 1984 No. 245; the relevant amending regulations are S.R. 1987 No. 221 and S.R. 1989 No. 91

(**b**) 1972 c. 9 (N.I.); section 36(1) was substituted by Article 9(*a*) of the Financial Provisions (Northern Ireland) Order 1978 (S.I. 1978/1041 (N.I. 11))