1989 No. 103

SOCIAL SECURITY

The Social Security Benefit (Dependency) (Amendment) Regulations (Northern Ireland) 1989

Made	*22nd March 1989*
Coming into operation . .	*11th April 1989*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 44(3)(*c*), 45(2A)(*b*), 45A(3)(*b*), 46(4), 47(1A)(*b*), 47B(2), 49, 66(1)(*d*), (3), (4)(*b*) and (5) and 66A(2) of, and Schedule 17 to, the Social Security (Northern Ireland) Act 1975(**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 (Dependency) (Amendment) Regulations (Northern Ireland) 1989 and shall come into operation on 11th April 1989.

(2) In these regulations "the principal regulations" means the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(**b**).

Amendment of regulation 4A of the principal regulations

2. In regulation 4A(1) of the principal regulations (circumstances in which a person who is not entitled to child benefit is to be treated as if he were so entitled) the word "female" shall be omitted.

(a) 1975 c. 15; section 44(3)(*c*) was amended by paragraph 17(*b*) of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)), and paragraph 4(*a*) of Schedule 1 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)). Section 45(2A) was inserted by Article 15(1) of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)) and amended by paragraph 4(*b*) of Schedule 4 to the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)). Section 45A was inserted by Article 6 of the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)), and subsection (3) of that section was inserted by Article 15(2)(*b*) of the Social Security (Northern Ireland) Order 1985 and amended by paragraph 5(*b*) of Schedule 4 to the Social Security (Northern Ireland) Order 1988. Section 46(4) was substituted by Article 15(3) of the Social Security (Northern Ireland) Order 1985 and amended by paragraph 6 of Schedule 4 to the Social Security (Northern Ireland) Order 1988. Section 47(1A)(*b*) was inserted by Article 15(4)(*b*) of the Social Security (Northern Ireland) Order 1985. Section 47B was inserted by Article 8(*a*) of the Health and Social Security (Northern Ireland) Order 1984. Section 49 was amended by paragraph 2 of Schedule 2 to the Health and Social Security (Northern Ireland) Order 1984. Section 66(1)(*d*) was amended by paragraph 24 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 and paragraph 4 of Schedule 1 to the Social Security (Northern Ireland) Order 1980. Section 66(3) to (5) was substituted by Article 15(5) of the Social Security (Northern Ireland) Order 1985 and amended by paragraph 10 of Schedule 4 to the Social Security (Northern Ireland) Order 1988. Section 66 ceased to have effect except for existing beneficiaries from 6th April 1987 by virtue of paragraph 4 of Schedule 3 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)). Section 66A was inserted by Article 8(*b*) of the Health and Social Security (Northern Ireland) Order 1984. Schedule 17 is cited because of the power conferred in the meaning of the expression "entitled to child benefit", as inserted by paragraph 37 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975

(b) S.R. 1977 No. 74; the relevant amending regulations are S.R. 1980 No. 144, S.R. 1984 No. 373, S.R. 1985 No. 229, S.R. 1987 No. 129 and S.R. 1988 No. 138

Amendment of regulation 4B of the principal regulations

3. In regulation 4B(3) of the principal regulations (circumstances in which a person entitled to child benefit is to be treated as if he were not so entitled)—

(*a*) after "For the purposes of sections" there shall be inserted "25(1) (widowed mother's allowance),"; and

(*b*) for "(child receiving financial support under the Disabled Persons (Employment) Act (Northern Ireland) 1945, the Employment and Training Act (Northern Ireland) 1950 or the Industrial Training Act (Northern Ireland) 1964) or 9A (child receiving income support)" there shall be substituted "(child receiving training under the youth training programme), 9A (child receiving income support) or 9C (child receiving financial support under the Disabled Persons (Employment) Act (Northern Ireland) 1945 or the Industrial Training (Northern Ireland) Order 1984)".

Amendment of regulation 8 of the principal regulations

4. In regulation 8(7) of the principal regulations (meaning of "week") for "regulation 16(6) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977" there shall be substituted "regulation 22 of, and paragraph 5 of Schedule 6 to, the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**a**)".

Insertion of regulation 9A into the principal regulations

5. Immediately before regulation 10 of the principal regulations (increase of benefit for person having care of child) there shall be inserted the following regulation—

"*Apportionment of payments by way of occupational pension made otherwise than weekly*

9A. For the purposes of the provisions mentioned in section 47B(1) and in section 66A(1) of the Act, (earnings to include occupational pensions for certain purposes) where payment by way of occupational pensions is for any period made otherwise than weekly, the amount of any such payment for any week in that period shall be determined—

(*a*) where payment is made for a year, by dividing the total by 52;

(*b*) where payment is made for three months, by dividing the total by 13;

(*c*) where payment is made for a month, by multiplying the total by 12 and dividing the result by 52;

(*d*) where payment is made for two or more months, otherwise than for a year or for three months, by dividing the total by the number of months, multiplying the result by 12 and dividing the result of that multiplication by 52; or

(*e*) in any other case, by dividing the amount of the payment by the number of days in the period for which it is made and multiplying the result by 7.".

(a) S.R. 1987 No. 465