1988 No. 138

SOCIAL SECURITY

The Social Security Benefit (Dependency) (Amendment) Regulations (Northern Ireland) 1988

Made	*7th April 1988*
Coming into operation . .	*11th April 1988*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 44(3)(*c*), 46(4), 49, 66(1)(*d*) and 84(1) of, and Schedule 17 to, the Social Security (Northern Ireland) Act 1975(**a**) and Article 17(1)(*b*) of the Social Security (Northern Ireland) Order 1988(**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 Benefit (Dependency) (Amendment) Regulations (Northern Ireland) 1988 and shall come into operation on 11th April 1988.

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

Substitution of regulation 4 of the principal regulations

2. For regulation 4 of the principal regulations (deeming benefit under the Act abated under Article 16(2) of the Supplementary Benefits (Northern Ireland) Order 1977 to be a contribution for the maintenance of children or adult dependants), there shall be substituted the following regulation—

"*Deeming benefit under the Act abated under Article 28(3) of the Social Security (Northern Ireland) Order 1986 to be a contribution for the maintenance of children or adult dependants*

(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 46(4) was substituted by Article 15(3) of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)) and amended by paragraph 6 of Schedule 4 to the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)). Section 49 was amended by paragraph 2 of Schedule 2 to the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)). 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; and 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)). 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.I. 1988/594 (N.I. 2)

(c) S.R. 1977 No. 74; the relevant amending provisions are S.R. 1980 Nos. 144 and 396, S.R. 1984 No. 373, S.R. 1987 No. 129 and Article 38(2) of the Social Security (Northern Ireland) Order 1986

4. Where for any period a person (in this regulation referred to as A) is entitled to, or to an increase in the amount of, any benefit prescribed under Article 28(3)(*a*) of the Social Security (Northern Ireland) Order 1986(**a**) (prevention of duplication of payments) in respect of another person (in this regulation referred to as B) and the amount of, or of the increase in, any such benefit is abated under Article 28(3) of that Order, then in determining for the purposes of the Act whether A is wholly or mainly maintaining or is contributing at any weekly rate to the maintenance of, or is or has been contributing at any weekly rate to the cost of providing for, B, the amount by which such benefit for any week has been so abated shall be deemed to be a contribution of that amount for that week made by A for the maintenance of B.''.

Amendment of regulation 4B(3) 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) for ''or 9A (child receiving supplementary benefit) of the Child Benefit (General) Regulations (Northern Ireland) 1979'', there shall be substituted ''or 9A (child receiving income support) of the Child Benefit (General) Regulations (Northern Ireland) 1979(**b**) or any provision contained in regulations made under Article 6(1) of the Child Benefit Order in so far as those regulations provide that child benefit is not to be payable by virtue of Article 4(1)(*aa*) of the Child Benefit Order(**c**) and regulations made under that sub-paragraph.''.

Amendment of regulation 10(2) of the principal regulations

4. For sub-paragraph (*e*) of regulation 10(2) of the principal regulations (increase of benefit for person having care of child) there shall be substituted the following sub-paragraph—

''(*e*) has, in the case of a person with earnings, weekly earnings at or below the standard rate of increase and for this purpose weekly earnings derived from the person's employment by the beneficiary in caring for a child or children in respect of whom the beneficiary is entitled to child benefit shall be disregarded but only if the person is residing with the beneficiary.''.

Amendment of Schedule 2 to the principal regulations

5. In paragraph 7 of Schedule 2 to the principal regulations (increase of invalid care allowance for adult dependants)—

(*a*) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

''(*a*) a spouse whose weekly earnings do not exceed that amount; or'';

(*b*) for head (iii) of sub-paragraph (*b*) there shall be substituted the following head—

(**a**) S.I. 1986/1888 (N.I. 18)
(**b**) S.R. 1979 No. 5; the relevant amending regulations are S.R. 1980 No. 261 and S.R. 1988 No. 132
(**c**) Article 4(1)(*aa*) was inserted into the Child Benefit (Northern Ireland) Order 1975 by Article 6(3) of the Social Security (Northern Ireland) Order 1988; Article 6(1) was amended by Article 6(4) of the same Order