1987 No. 129

SOCIAL SECURITY

The Social Security Benefit (Dependency) (Amendment) Regulations (Northern Ireland) 1987

Made	*24th March 1987*
Coming into operation . .	*6th April 1987*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 49 and 84(1) 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) 1987 and shall come into operation on 6th April 1987.

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

Amendment of regulation 4B of the principal regulations

2. After paragraph (2) of regulation 4B of the principal regulations (circumstances in which a person entitled to child benefit is to be treated as if he were not so entitled) there shall be inserted the following paragraph—

"(3) For the purposes of sections 31(*b*) (child's special allowance), 38(1) (guardian's allowance), 41, 44(3)(*c*), 46(2), 49, 64(1) and 66(1)(*d*) (increase of benefit in respect of dependent children and persons having care of dependent children) and 70(1)(*a*)(ii)(**c**) (industrial death benefit) a person who is entitled to child benefit in respect of a child shall be treated as not so entitled for any period for which that benefit is not payable by virtue of any of the provisions of regulations 7 (circumstances in which a

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(**a**) 1975 c. 15; 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)) and the definition of "Entitled to child benefit" was inserted in Schedule 17 by paragraph 37 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16))

(**b**) S.R. 1977 No. 74; the relevant amending regulations are S.R. 1980 No. 144, S.R. 1983 No. 193, S.R. 1984 No. 373, S.R. 1984 No. 382 and S.R. 1985 No. 300

(**c**) Section 31(*b*) was substituted by paragraph 11 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 and sections 38(1), 41, 44(3)(*c*), 46(2), 64(1) and 66(1)(*d*) were amended by paragraphs 13(*a*), 14, 17(*b*), 19, 22(*a*) and 24 respectively of Schedule 4 to that Order. Sections 44(3)(*c*), 46(2) and 66(1)(*d*) were also amended by paragraph 4 of Schedule 1 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)) and section 41 was also amended by Part II of Schedule 4 to that Order. Section 64(1) was also amended by Schedule 5 to the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16)). Section 41 was also amended, and section 70(1)(*a*)(ii) was substituted, by paragraphs 2 and 4 respectively of Schedule 3 to the Health and Social Security (Northern Ireland) Order 1984. *See also* Article 41 of, and paragraph 4 of Schedule 3 to, the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

person who has ceased to receive full-time education is to continue to be treated as a child), 8 (exclusion from benefit of children aged sixteen but under the age of nineteen who are receiving advanced education), 9 (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 supplementary benefit) of the Child Benefit (General) Regulations (Northern Ireland) 1979(**a**).''.

Amendment of regulation 11 of the principal regulations

3.—(1) Regulation 11 of the principal regulations (contribution to maintenance of adult dependant) shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) After paragraph (2) there shall be inserted the following paragraph—

''(2A.) Where, within one month of having been entitled to an increase of unemployment benefit or sickness benefit under section 44(3)(*a*)(**b**) by virtue of contributing to the maintenance of her husband at a weekly rate not less than the standard rate of the increase, a woman becomes entitled to a benefit which attracts a standard rate of increase higher than that of the benefit to which she had been entitled, she shall be deemed to satisfy the condition in paragraph (1)(*a*) if she satisfies it in relation to the benefit to which she had been entitled; and in this paragraph ''entitled'' includes deemed to have been entitled.''.

(3) In paragraph (3) for ''paragraph (2)'' there shall be substituted ''paragraphs (2) and (2A)'' and at the end there shall be inserted ''or the condition of section 44(3)(*a*) that her husband is not engaged in any one or more employments from which his weekly earnings exceed the standard rate of increase''.

Amendment of Schedule 2 to the principal regulations

4.—(1) Schedule 2 to the principal regulations shall be amended in accordance with paragraphs (2) to (4) of this regulation.

(2) After paragraph 2B there shall be inserted the following paragraph—

''2BB. The provisions of paragraphs 2A and 2B above shall not apply so as to affect entitlement to an increase of invalid care allowance in respect of a child in any case where the beneficiary—

(*a*) was entitled to receive such an increase immediately before 26th November 1984; and

(*b*) throughout the period from and including that date to the date of coming into operation of this paragraph was, or but for the operation of those paragraphs would have been, continuously so entitled,

until such time as he would otherwise first cease to be so entitled.''.

(3) In paragraph 7(*b*)(i)(**c**) all the words after ''child benefit'' shall be omitted.

(**a**) S.R. 1979 No. 5; the relevant amending regulations are S.R. 1980 No. 261 and S.R. 1982 No. 114
(**b**) Section 44(3)(*a*) was amended by paragraph 2 of Schedule 1 to the Social Security (Northern Ireland) Order 1980
(**c**) As substituted by Article 38(2) of the Social Security (Northern Ireland) Order 1986