1987 No. 21 (C. 3)

SOCIAL SECURITY

The Social Security (1986 Order) (Commencement No. 3) Order (Northern Ireland) 1987

Made . . . . . 26th January 1987

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 1(3) of the Social Security (Northern Ireland) Order 1986(**a**), paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(**b**) and of all other powers enabling it in that behalf, hereby makes the following order:

Citation and interpretation

1.—(1) This order may be cited as the Social Security (1986 Order) (Commencement No. 3) Order (Northern Ireland) 1987.

(2) In this order "the Order" means the Social Security (Northern Ireland) Order 1986.

Appointed days

2. Subject to the exceptional provisions in Articles 3 and 4, the day appointed for the coming into operation—

(*a*) of the provisions of the Order specified in Schedule 1 is 15th March 1987;

(*b*) of the provisions of the Order specified in Schedule 2 is 6th April 1987;

(*c*) of the provisions of the Order specified in Schedule 3 is 7th April 1987.

Saving for appeals from decisions of social security appeal tribunals recorded in writing before the appointed day

3. The bringing into operation of the repeal of Article 11 of the Social Security (Northern Ireland) Order 1980(**c**) (leave required for appeal from social security appeal tribunal to Commissioner) and the amendment made to it by paragraph 17 of Schedule 1 to the Social Security Adjudications (Northern Ireland) Order 1983(**d**) shall not have effect in relation to any decisions of social security appeal tribunals which are recorded in writing before the appointed day.

(**a**) S.I. 1986/1888 (N.I. 18); Article 81(1) provides for section 155(1) to (3A) of the Social Security (Northern Ireland) Act 1975 (c. 15) (extent of powers) to apply to the powers conferred by Article 1(3); section 155(3A) was inserted by Article 63(1) of the Social Security (Northern Ireland) Order 1986

(**b**) 1974 c. 28

(**c**) S.I. 1980/870 (N.I. 8); references in Article 11 to social security appeal tribunals were substituted for references to local tribunals by Article 3 of the Social Security Adjudications (Northern Ireland) Order 1983 (S.I. 1983/1524 (N.I. 17))

(**d**) S.I. 1983/1524 (N.I. 17)

Saving for the review of, or appeal from, determinations before the appointed day in relation to overpayments

4.—(1) The bringing into operation of paragraphs (1), (2), (4) and (5) of Article 54 of the Order (overpayments) and of the repeal, in whole or in part of the statutory provisions specified in paragraph (2) below (overpayments and set-off) and the provisions by which those statutory provisions have been amended shall not have effect in relation to any review of, or appeal from, any determination, first made before 6th April 1987, of any question of repayment or recoverability under those statutory provisions.

(2) The statutory provisions specified for the purposes of paragraph (1) are—

Section 8 of the Family Income Supplements Act (Northern Ireland) 1971(**a**).

Sections 86 and 119 of the Social Security (Northern Ireland) Act 1975(**b**).

Articles 25 and 26 of the Supplementary Benefits (Northern Ireland) Order 1977(**c**).

Sealed with the Official Seal of the Department of Health and Social Services on 26th January 1987.

(L.S.) *A. N. Burns*
Assistant Secretary

(**a**) 1971 c. 8 (N.I.)
(**b**) 1975 c. 15
(**c**) S.I. 1977/2156 (N.I. 27)

SCHEDULE 1 Article 2(*a*)

Provisions of the Order for which 15th March 1987 is appointed as the day of coming into operation

Provision of the Order	*Subject Matter*
Article 47(4) and (5) Paragraph 6(*a*) of Schedule 4 and Article 50 so far as it relates to it	Statutory maternity pay

SCHEDULE 2 Article 2(*b*)

Provisions of the Order for which 6th April 1987 is appointed as the day of coming into operation

Provision of the Order	*Subject Matter*
Article 28, for the sole purpose of enabling its provisions to have effect under Schedule 7, paragraph 2, in relation to supplementary benefit	Prevention of duplication of payments
Article 33(1), (2)(*a*) and (3) to (7)	Social Fund payments for maternity and funeral expenses
Article 39, to the extent that it is not already in operation	Abolition of maternity grant
Article 41	Abolition of child's special allowance except for existing beneficiaries
Article 42	Abolition of death grant
Article 47, to the extent that it is not brought into operation by Schedule 1 to this order, and Articles 48 to 51	Statutory maternity pay
Article 52, to the extent that it is not already in operation, except for the purpose of applying paragraph (1)(*a*) to (*r*) to benefits under the Social Security (Northern Ireland) Act 1975 and child benefit	Claims and payments
Article 54	Overpayments
Articles 55 to 60	Common provisions on offences, proceedings, inspection and disclosure of information
Article 61	Notification of deaths
Article 68, to the extent that it is not already in operation, and Article 69	Statutory sick pay
Article 70	Repeal of section 92 of the Social Security (Northern Ireland) Act 1975 (Estains)
Article 79(4) to (6)	Crown employment
Article 80, except in its application to Part II of the Order	Modifications for special cases
Schedule 4, to the extent that it is not brought into operation by Schedule 1 to this order, and Article 50 so far as it relates to it	Statutory maternity pay
Schedule 7, except the application of paragraph 3 to Article 52(1)(*a*) to (*r*) of the Order, and Article 74 so far as it relates to it	Application of new common provisions to supplementary benefit etc.
Schedule 8 and Article 76 so far as it relates to it	Earnings factors

Provision of the Order	*Subject Matter*
Schedule 9 in the respects specified below and Article 83(1) so far as it relates to them—	Minor and consequential amendments
paragraphs 46 to 51	(statutory maternity pay etc.)
paragraphs 52, 63, 68, 72 and 77	(references to the Social Security (Northern Ireland) Acts 1975 to 1986)
paragraph 56	(entitlement conditional on claim within time)
paragraph 76(*a*)	(forfeiture)
The following repeals in Schedule 10 and Article 83(2) so far as it relates to them—	Repeals
The Supplementary Benefits &c Act (Northern Ireland) 1966(**a**), section 26	(overpayment recovery)
The Children and Young Persons Act (Northern Ireland) 1968(**b**), in section 119(3), the words from "less any amount" to "section 32 of the Social Security (Northern Ireland) Act 1975"	(death grant)
The Welfare Services Act (Northern Ireland) 1971(**c**), in section 25(4), the words from "less any amount" to "section 32 of the Social Security (Northern Ireland) Act 1975"	(death grant)
The Family Income Supplements Act (Northern Ireland) 1971(**d**), sections 8(5) and 12	(family income supplements, overpayments, offences and proceedings)
The Health and Personal Social Services (Northern Ireland) Order 1972(**e**), in Article 39(2), the words from "less any amount" to "section 32 of the Social Security (Northern Ireland) Act 1975"	(death grant)
The provisions of the Social Security (Northern Ireland) Act 1975(**f**) specified below—	
(i) in section 13(1) the entry relating to death grant	(death grant)
(ii) sections 21 and 32	(maternity grant and death grant)
(iii) section 92	(Estains)
(iv) section 95, in section 100, in subsection (1), the words "adversely to the claimant" and subsection (5), in section	(determination of questions)

(**a**) 1966 c. 28 (N.I.)
(**b**) 1968 c. 34 (N.I.)
(**c**) 1971 c. 2 (N.I.)
(**d**) 1971 c. 8 (N.I.)
(**e**) S.I. 1972/1265 (N.I. 14)
(**f**) 1975 c. 15