1986 No. 157

SOCIAL SECURITY

The Social Security (Claims and Payments, Hospital In-Patients and Maternity Benefit) (Amendment) Regulations (Northern Ireland) 1986

Made	*3rd June 1986*
Coming into operation . . .	*30th June 1986*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 22(1), 27(4), 85(1) and 154A(1) of 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 (Claims and Payments, Hospital In-Patients and Maternity Benefit) (Amendment) Regulations (Northern Ireland) 1986 and shall come into operation on 30th June 1986.

(2) In these regulations "the principal regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977(**b**).

Amendment of the principal regulations

2.—(1) The principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 3 (claims not required for entitlement to benefit in certain cases) after paragraph (*d*) there shall be inserted the following paragraph—

"(*e*) in the case of a Category B retirement pension where the beneficiary is a woman entitled to a retirement pension of any other category (or is treated as so entitled under section 35(7) of the National Insurance Act (Northern Ireland) 1966(**c**)), on her husband attaining pensionable age and retiring.".

(3) For Schedule 1 (prescribed times for claiming benefit) there shall be substituted the Schedule set out in the Schedule to these regulations.

(4) In Schedule 2—

(*a*) in the general heading for "**and retirement pensions**" there shall be substituted ", **retirement pensions and disablement benefit**";

(*b*) for paragraph 3 there shall be substituted the following paragraph—

"3.—(1) Subject to the following provisions of this paragraph, a claim for maternity allowance in expectation of confinement in respect of any day falling within the maternity allowance period, or for an increase in such an allowance in respect of an adult dependant, may be made at any time during the period of 3 weeks preceding the start of the maternity allowance period.

(**a**) 1975 c. 15; section 85(1) was amended by Article 23(1) of, and paragraph 29 of Schedule 4 to, the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)) and section 154A was inserted by Article 17 of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16))

(**b**) S.R. 1977 No. 351; the relevant amending regulations are S.R. 1980 No. 385, S.R. 1983 Nos. 36 and 203, S.R. 1984 No. 382 and S.R. 1985 Nos. 92 and 226

(**c**) 1966 c. 6 (N.I.); section 35 was repealed by the Social Security Act 1973 (c. 38) but is continued in force by regulation 2 of S.R. 1978 No. 105 in the modified form set out in Schedule 1 to those regulations as amended by Article 6 of S.R. 1985 No. 230

(2) A claim for an increase of maternity allowance in respect of an adult dependant may not be made in advance unless, on the date when made, the circumstances relating to the adult dependant concerned are such as would qualify the claimant for such an increase if they occurred in a period for which she was entitled to a maternity allowance.

(3) A claim for an increase of maternity allowance made in advance under this paragraph shall be treated as not having been made if the claimant fails within the period specified in column (2) of paragraph 4 of Schedule 1 to these regulations, to provide such certificates, documents, information or evidence as may be required under regulation 7.";

(*c*) after paragraph 4(2) there shall be inserted the following sub-paragraphs—

"(2A) Where a person who gives notice of retirement in accordance with paragraph (2) above is, or would, but for the fact of his retirement, be, in receipt of sickness, invalidity or unemployment benefit for a period which includes the date specified in the notice as the date of his retirement then, if the date so specified is not the appropriate day of the week for payment of retirement pension in his case, the notice shall be treated as if it specified instead the date of the next following such pay day.

(2B) Where the spouse of such a person as is mentioned in sub-paragraph (2A) above also gives notice of retirement and specifies the same date of retirement as that person the provisions of that sub-paragraph shall apply also to the notice given by the spouse.".

(*d*) after paragraph 4 there shall be inserted the following paragraph—

"DISABLEMENT BENEFIT

5.—(1) Subject to sub-paragraph (2), where, on a claim for disablement benefit, the assessment of the extent of disablement is such that there would be payable a disablement gratuity, the claimant shall not be disentitled to that gratuity by reason only of the fact that his claim was not made within the prescribed time.

(2) This paragraph does not apply to a disablement pension in lieu of a gratuity.".

Amendment of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975

3. After regulation 4 of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(**a**) there shall be inserted the following regulation—

"*Provision for adjusting benefit for part of a week*

4A.—(1) Notwithstanding regulation 16(10) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977 (commencement or change in rate of benefit not to have effect until next following pay day) but subject to the following provisions of this regulation, where benefit has been adjusted in accordance with regulation 5, 6 or 7 and a further adjustment falls to be made by reason of the beneficiary's temporary absence from hospital, that adjustment shall have immediate effect; and any benefit which is not payable at a daily rate shall be deemed to be so payable at a rate equal to one-seventh of the appropriate weekly rate.

(2) An absence from hospital shall not be treated as temporary if, on the day the beneficiary leaves hospital, he is not expected to return within the following 28 days.

(a) S.R. 1975 No. 109; the relevant amending regulations are S.R. 1977 No. 316, S.R. 1979 No. 68 and S.R. 1984 No. 317

(3) An absence from hospital which would otherwise be treated as temporary shall cease to be so treated upon the expiration of 28 days from the first appropriate day of the week for the payment of the relevant benefit occurring after the beneficiary leaves hospital.''.

Amendment of the Social Security (Maternity Benefit) Regulations (Northern Ireland) 1975

4.—(1) In paragraph (1) of regulation 4 of the Social Security (Maternity Benefit) Regulations (Northern Ireland) 1975(**a**) (conditions attaching to a maternity allowance in respect of expectation of confinement) for ''14'' there shall be substituted ''11''.

(2) Paragraph (2) of the said regulation 4 is hereby revoked.

Revocations

5. Regulation 4 of, and the Schedule to, the Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1985(**b**) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 3rd June 1986.

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

(**a**) S.R. 1975 No. 107; to which there are amendments not relevant to these regulations
(**b**) S.R. 1985 No. 226