1985 No. 227

SOCIAL SECURITY

The Social Security (Guardian's Allowances) (Amendment) Regulations (Northern Ireland) 1985

Made . . . . . *28th August 1985*

Coming into operation . . . *23rd September 1985*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 38(4)(*a*) and 155 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 (Guardian's Allowances) (Amendment) Regulations (Northern Ireland) 1985 and shall come into operation on 23rd September 1985.

(2) In these regulations "the principal regulations" means the Social Security (Guardian's Allowances) Regulations (Northern Ireland) 1975(**b**).

Substitution of regulation 2 of the principal regulations

2. For regulation 2 of the principal regulations there shall be substituted the following regulation—

"Adopted children

2.—(1) Subject to paragraph (3) below, this regulation applies in cases where a child has been adopted in pursuance of an order made in the United Kingdom, the Channel Islands or the Isle of Man or by a foreign adoption within the meaning of section 4(3) of the Adoption (Hague Convention) Act (Northern Ireland) 1969(**c**).

(2) In a case to which this regulation applies section 38(2) of the Act (circumstances in which guardian's allowance may be payable) shall be modified so that—

(*a*) in the case of a child adopted by two spouses jointly, references to the child's parents are read as references to those spouses; and

(*b*) in the case of a child adopted by one person only, for the circumstances mentioned in that subsection there is substituted the circumstance that that person is dead.

(3) Where a person adopts a child and, immediately before the adoption, he is entitled to guardian's allowance in respect of that child then, for the purpose of determining his entitlement to that allowance for any continuous period immediately following the adoption, this regulation shall not apply and,

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(a) 1975 c. 15

(b) S.R. 1975 No. 98; to which there are amendments not relevant to the subject matter of these regulations

(c) 1969 c. 22 (N.I.)