1985 No. 226

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1985

Made . . . . . *27th August 1985*

Coming into operation . . . . *2nd September 1985*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 154A 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) (Amendment No. 2) Regulations (Northern Ireland) 1985 and shall come into operation on 2nd September 1985.

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

Substitution of regulation 3 of the principal regulations

2. For regulation 3 of the principal regulations (claims not required in certain cases) there shall be substituted the following regulation—

"Claims not required for entitlement to benefit in certain cases

3. It shall not be a condition of entitlement to benefit that a claim be made for it in the following cases—

(*a*) in the case of a Category C retirement pension where the beneficiary is in receipt of—

(i) another retirement pension under the Act; or

(ii) widow's benefit under Chapter I of Part II of the Act; or

(iii) benefit by virtue of section 39(4) corresponding to a widow's pension or a widowed mother's allowance;

(*b*) in the case of a Category D retirement pension where the beneficiary—

(i) was ordinarily resident in Northern Ireland on the day on which he attained 80 years of age; and

(ii) is in receipt of another retirement pension under the Act;

(*c*) age addition in any case;

(*d*) in the case of a Category A or B retirement pension—

(i) where the beneficiary is a woman over the age of 65 and entitled to a widowed mother's allowance, on her ceasing to be so entitled; or

(ii) where the beneficiary is a woman under the age of 65 and in receipt of widow's pension, on her attaining that age.".

(**a**) 1975 c. 15; section 154A was inserted into the Social Security (Northern Ireland) Act 1975 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. 1978 No. 90, S.R. 1982 No. 318, S.R. 1983 No. 36 and S.R. 1984 Nos. 123, 317 and 382

Amendment of regulation 14 of the principal regulations

3.—(1) Regulation 14 of the principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (1) there shall be substituted the following paragraph—

"(1) Subject to the provisions of Schedule 2 to these regulations the prescribed time for claiming any benefit specified in column (1) of Schedule 1 to these regulations shall be the appropriate time specified opposite that benefit in column (2) of that Schedule.".

(3) In paragraph (2) for "section 82(2)" there shall be substituted "section 154A(3)".

(4) In paragraph (4) for "section 82(2)) be disqualified under Schedule 1 to these regulations for receiving" there shall be substituted "section 154A(3)) be disentitled under section 154A(1) to".

Substitution of Schedule 1 to the principal regulations

4. For Schedule 1 to the principal regulations (showing prescribed times for claiming benefit and disqualifications for benefit arising by reason of late claims) there shall be substituted the Schedule set out in the Schedule to these regulations.

Amendment of Schedule 2 to the principal regulations

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

(2) In paragraph 1 (unemployment benefit) for "disqualified for the receipt of" there shall be substituted "disentitled to".

(3) In sub-paragraph (*b*) of paragraph 2A (extension of prescribed time in certain cases) for "disqualified" there shall be substituted "disentitled" and for "for the receipt of" there shall be substituted "to".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 27th August 1985.

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

Assistant Secretary