1984 No. 92

SOCIAL SECURITY

The Social Security (General Benefit) Regulations (Northern Ireland) 1984

Made . . . . . *21st March 1984*

Coming into operation . . . *1st May 1984*

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The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 57(5), 58(3), 60(4) and (7), 61(1), 62(2), 67(1), 68(2), 70(2), 72(1) and (8), 74(1), 81(6), 82(5) and (6), 83(1), 85(1), 86(2) and (5), 90(2), 91(1), 119(3) and (4), 150(3) and 157(1) of, and paragraphs 2, 3 and 6 of Schedule 8, paragraphs 1 and 8 of Schedule 9, Schedule 14 and Schedule 17 to, the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in

(a) 1975 c. 15; *see* definitions of "prescribe" and "regulations" in Schedule 17. Section 68(2)(*a*) was amended by Article 23(1) of, and paragraph 25 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)). Section 85(1) was amended by Article 23(1) of, and paragraph 29 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975. Section 86(2) was substituted by Article 8 of the Social Security (Northern Ireland) Oeder 1979 (S.I. 1979/396 (N.I. 5)). Section 86(5) was amended by Article 23(1) of, and paragraph 30 of Schedule 4 to, the Child Benefit (Northern Ireland) Order 1975. Sections 90(2) and 91(1) were amended by Articles 38 and 39 of, and Schedules 4 and 5 to, the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16)). Section 119(3)(*b*) was amended by Article 16 of, and paragraph 8(*a*) of Schedule 3 to, the Social Security (Northern Ireland) Order 1979. Section 119(4)(*c*) was amended by Article 23(1) of, and paragraph 34 of Schedule 4 to, the Child Benefit (Northern Ireland) Order 1975 and by Article 16 of, and paragraph 8(*b*)(i) of Schedule 3 to, the Social Security (Northern Ireland) Order 1979. Section 119(4)(*cc*) was inserted by Article 3 of, and paragraph 12 of Part II of Schedule 1 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)). Section 119(4)(*d*) was amended by Article 16 of, and paragraph 8(*b*)(iii) of Schedule 3 to, the Social Security (Northern Ireland) Order 1979. Schedule 9, paragraph 1, was amended by Article 23(2) of, and Schedule 5 to, the Child Benefit (Northern Ireland) Order 1975

that behalf, hereby makes the following regulations, which only consolidate the regulations hereby revoked, and accordingly, by virtue of paragraph 20 of Schedule 3 to the Social Security Act 1980(**a**), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (General Benefit) Regulations (Northern Ireland) 1984 and shall come into operation on 1st May 1984.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the Social Security (Northern Ireland) Act 1975;

"the Child Benefit Order" means the Child Benefit (Northern Ireland) Order 1975;

"child benefit" means benefit under Part II of the Child Benefit Order;

"determining authority" means, as the case may require, an insurance officer appointed under section 97(1), a local tribunal constituted under section 97(2), or the Chief Social Security Commissioner appointed under section 97(3) or any other Social Security Commissioner so appointed, or any Tribunal of Commissioners constituted under section 116(1);

"entitled to child benefit" includes treated as so entitled;

"industrial injuries benefit" means disablement benefit and industrial death benefit payable under section 50;

"parent" has the meaning assigned to it by Article 2(4) of the Child Benefit Order;

"the Workmen's Compensation Acts" means the Workmen's Compensation Acts (Northern Ireland) 1927 to 1943(**b**) or the enactments repealed by the Workmen's Compensation Act (Northern Ireland) 1927(**c**) or the enactments repealed by the Workmen's Compensation Act 1906(**d**);

and other expressions have the same meanings as in the Act.

(3) Unless the context otherwise requires, any reference in these regulations—

(*a*) to a numbered section is to the section of the Act bearing that number;

(*b*) to a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number.

Exceptions from disqualification for imprisonment, etc.

2.—(1) The following provisions of this regulation shall have effect to except benefit from the operation of section 82(5)(*b*) which provides that (except where regulations otherwise provide) a person shall be disqualified for receiving any benefit and an increase of benefit shall not be payable in respect of any person as the beneficiary's wife or husband, for any period during which that person is undergoing imprisonment or detention in legal custody (hereafter in this regulation referred to as "that section").

(**a**) 1980 c. 30
(**b**) 1927 c. 16 (N.I.); 1931 c. 16 (N.I.); 1940 c. 18 (N.I.); 1941 c. 16 (N.I.); 1943 c. 6 (N.I.); 1943 c. 13 (N.I.)
(**c**) 1927 c. 16 (N.I.)
(**d**) 1906 c. 58

(2) That section shall not operate to disqualify a person for receiving sickness benefit, invalidity benefit, mobility allowance(**a**), widow's benefit, child's special allowance, maternity allowance, retirement pension of any category, age addition, non-contributory invalidity pension, disablement benefit or industrial death benefit, or to make an increase of benefit not payable in respect of a person as the beneficiary's wife or husband, for any period during which that person is undergoing imprisonment or detention in legal custody in connection with a charge brought or intended to be brought against him in criminal proceedings, or pursuant to any sentence or order for detention made by a court in such proceedings unless, in relation to him, a penalty is imposed at the conclusion of those proceedings or, in the case of default of payment of a sum adjudged to be paid on conviction, a penalty is imposed in respect of such default.

(3) That section shall not operate to disqualify a person for receiving any benefit (not being a guardian's allowance or a death grant), or to make an increase of benefit not payable in respect of a person as the beneficiary's wife or husband, for any period during which that person is undergoing detention in legal custody after the conclusion of criminal proceedings if it is a period during which he is liable to be detained in a hospital or similar institution in Northern Ireland as a person suffering from mental disorder unless—

(*a*) pursuant to any sentence or order for detention made by the court at the conclusion of those proceedings, he has undergone detention by way of penalty in a prison, young offenders centre, a remand home or a training school; and

(*b*) he was removed to the hospital or similar institution while liable to be detained as a result of that sentence or order, and, in the case of a person who is liable to be detained in the hospital or similar institution by virtue of any provision of the Mental Health Act (Northern Ireland) 1961(**b**), a direction restricting his discharge has been given under that Act and is still in force.

(4) Where, as respects a person in relation to whom each of the conditions specified in paragraph (3)(*a*) and (*b*) is satisfied, a certificate given by or on behalf of the Prison Governor and furnished to the Department shows the earliest date on which that person would have been expected to be discharged from detention pursuant to the said sentence or order if he had not been transferred to a hospital or similar institution, the said conditions shall be deemed not to be satisfied in relation to that person as from the day next following that date.

(5) That section shall not operate to disqualify a person for receiving a guardian's allowance or a death grant.

(6) Subject to paragraph (7), that section shall not operate to disqualify a person for receiving disablement benefit, other than any increase thereof, for any period during which he is undergoing imprisonment or detention in legal custody.

(7) The amount payable by virtue of paragraph (6) by way of any disablement pension or pensions in respect of any period, other than a period in respect of which that person is excepted from disqualification by virtue of the provisions of paragraph (3), during which that person is and has continuously been undergoing imprisonment or detention in legal custody, shall not exceed the total amount payable by way of such pension or all such pensions for a period of one year.

(8) For the purposes of this regulation—

(*a*) "court" means any court in the United Kingdom, the Channel Islands or the Isle of Man or in any place to which the Colonial Prisoners Removal Act

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(**a**) *See* the Social Security (Northern Ireland) Act 1975 c. 15 section 37A as inserted by the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) Article 24

(**b**) 1961 c. 15 (N.I.)