1980 No. 451

SOCIAL SECURITY

The Social Security (Overlapping Benefits) (Amendment) Regulations (Northern Ireland) 1980

Made . . . . . *17th December 1980*

Coming into operation . . . *5th January 1981*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 85 of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**b**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Overlapping Benefits) (Amendment) Regulations (Northern Ireland) 1980 and shall come into operation on 5th January 1981.

(2) In these regulations "the principal regulations" means the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(**c**).

Amendment of regulation 2 of the principal regulations

2. In paragraph (1) of regulation 2 of the principal regulations (interpretation)—

(*a*) in the definition of "personal benefit" there shall be inserted after the word "allowance" the words "(whether under the Act or otherwise)" and after the words "and which" the words ", apart from these regulations,"; and

(*b*) for the definition of "Service Pensions Instrument" there shall be substituted the following definition—

"'Service Pensions Instrument' means any instrument described in sub-paragraph (*a*) or (*b*) below in so far, but only in so far, as the pensions or other benefits provided by that instrument are not calculated or determined by reference to length of service, namely—

(*a*) any instrument made in exercise of powers—

(i) referred to in section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(**d**) (pensions or other benefits for disablement or death due to service in the armed forces of the Crown); or

(ii) under section 1 of the Polish Resettlement Act 1947(**e**) (pensions and other benefits for disablement or death due to service in certain Polish forces); or

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(**a**) 1975 c. 15; s. 85 was amended by Art. 23(1) of and para. 29 of Sch. 4 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)) and by Art. 12(1) of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))

(**b**) 1980 c. 30

(**c**) S.R. 1979 No. 242 (II, p. 1132)

(**d**) 1977 c. 5

(**e**) 1947 c. 19