1978 No. 90

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1978

Made . . . . . 30*th March* 1978

Coming into operation . . . 3*rd April* 1978

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 3(2), 35(1), 37A(**a**), 49, 79(1), 80(2)(*b*)(**b**), 84, 85 and 126 of, and Schedule 17(**c**) to, the Social Security (Northern Ireland) Act 1975(**d**), 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 (Miscellaneous Amendments) Regulations (Northern Ireland) 1978 and shall come into operation on 3rd April 1978.

(2) Each provision of these regulations which amends other regulations shall be construed as one with the regulations which it amends.

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

2. In regulation 1 of the Social Security Benefit (Computation of Earnings) (Northern Ireland) Regulations 1975(**e**) (citation, commencement and interpretation), in paragraph (2) in the definition of "gainful employment" after "self-employed earner" there shall be inserted "and any employment which would be such employment if it were in Northern Ireland".

Amendment of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1975

3.—(1) The Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1975(**f**), as amended(**g**), shall be further amended in accordance with the following provisions of this regulation.

(2) In regulation 6 (adjustment of dependency benefit in respect of a child where other dependency benefit is payable for that child), in paragraph (1) after "specified in paragraph (2) is payable" there shall be inserted "to that or any other person".

(**a**) As added by Article 24 of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15))

(**b**) As amended by paragraph 20 of Schedule 6 to the Supplementary Benefits (Northern Ireland) Order 1977 (S.I. 1977/2156 (N.I. 27)), Article 13(2) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11)) and paragraph 28 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16))

(**c**) As amended by paragraph 37 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975

(**d**) 1975 c. 15

(**e**) S.R. 1975 No. 15 (I, p. 70)

(**f**) S.R. 1975 No. 94 (I, p. 561)

(**g**) The relevant amending regulations are S.R. 1975 No. 202 (II, p. 1036) and S.R. 1977 No. 73

(3) For regulation 6A(h) there shall be substituted the following regulation—

"Child Benefit

6A. Benefit under the Act shall not be required to be adjusted by reference to child benefit other than where an increase of child benefit is payable to a person who—

(*a*) either has no spouse or is not residing with his spouse; and

(*b*) is not living with any other person as his spouse,

and for the same period, in respect of the same child, any benefit or allowance or increase of a benefit or allowance under the Act is or, but for this regulation, would be payable to a beneficiary, the weekly rate of that benefit or allowance or increase thereof shall be reduced by the amount of the said increase of child benefit.".

(4) In regulation 12(i) (priority between persons entitled to increase of benefit), in paragraph (3)(*a*) for "has been awarded child benefit in respect of a child" there shall be substituted "is entitled, otherwise than by virtue of regulations made under Schedule 17 to the Act, to child benefit in respect of the child".

Amendment of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977

4.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1977(j) shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (5) of regulation 9 there shall be substituted the following paragraph—

"(5) A claim for benefit under the Supplementary Benefits (Northern Ireland) Order 1977(k) may be treated as a claim also for attendance allowance or an invalid care allowance.".

(3) In Schedule 1 (prescribed times for claiming benefits and disqualifications for benefit arising by reason of late claims)—

(*a*) in column (1) in paragraph 4 after "invalidity pension," there shall be inserted "maternity allowance,";

(*b*) in column (2) there shall be substituted—

(i) for paragraph 4 the following paragraph—

"The period of 1 month from the day in respect of which the claim is made.",

(ii) for paragraph 11 the following paragraph—

"The period of 3 months from the first day on which the conditions for the receipt of that increase of benefit are satisfied.";

(*c*) in column (3) there shall be substituted for paragraph 4 the following paragraph—

"Benefit in respect of any day more than 1 month before the date on which the claim is made.".

(h) As inserted by regulation 10(4) of S.R. 1977 No. 73
(i) As substituted by regulation 10(5) of S.R. 1977 No. 73
(j) S.R. 1977 No. 351
(k) S.I. 1977/2156 (N.I. 27)