1975 No. 68

SOCIAL SECURITY

The Social Security (Miscellaneous and Consequential Provisions) (Northern Ireland) Regulations 1975

Made . . . . . *20th March* 1975

Coming into operation . . . *6th April* 1975

The Department of Health and Social Services for Northern Ireland, in exercise of powers conferred by paragraph 3(1) of Schedule 6 to the National Insurance &c. (No. 2) Act (Northern Ireland) 1969(**a**), section 35(5) of and paragraph 2(1)(*a*) of Schedule 10 and paragraph 2(1) of Schedule 26 to the Social Security Act 1973(**b**), 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 and Consequential Provisions) (Northern Ireland) Regulations 1975 and shall come into operation on 6th April 1975.

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

"the Act" means the Social Security Act 1973;

"the Act of 1969" means the National Insurance &c. (No. 2) Act (Northern Ireland) 1969;

"the Act of 1975" means the Social Security Benefits Act 1975(**c**);

"benefit" means benefit under the Act or under the former principal Act including such benefit, pension or allowance as is mentioned in paragraph 17(2)(*b*) of Schedule 9 to that Act (pre-1948 beneficiaries);

"regulations" means regulations made under the Act;

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

(3) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except insofar as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**d**) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

Conditions relating to payment of additional benefit under awards made before the appointed or prescribed day

2. Where an award of benefit has been made before the day appointed or prescribed for the payment at a higher weekly rate, by virtue of the Act of 1975 or of regulations, of benefit corresponding to that to which the award

(**a**) 1969 c. 19 (N.I.)
(**b**) 1973 c. 38
(**c**) 1975 c. 11
(**d**) 1889 c. 63

relates, paragraphs 2 and 3 of Schedule 6 to the Act of 1969 as amended by section 8(8) of the Act of 1975 (effect of any such award) shall, unless the period to which the award relates has ended before that day or the award, in accordance with the provisions of sub-paragraph (2) of the said paragraph 3, provides for the payment of the benefit at the higher weekly rate as from that day, have effect subject to the condition that if a question arises as to—

(*a*) the weekly rate at which the benefit is payable by virtue of the Act of 1975 or of regulations; or

(*b*) whether the conditions for the receipt of the benefit at the higher weekly rate are satisfied,

the benefit shall be or continue to be payable at the weekly rate specified in the award until that question shall have been determined in accordance with the provisions of the Act.

Persons not ordinarily resident in Northern Ireland

3.—(1) Notwithstanding the provisions of these or any other regulations, but subject to the provisions of this regulation, a person who is not ordinarily resident in Northern Ireland immediately before 7th April 1975 (in this regulation referred to as "the said date") shall, unless and until that person becomes ordinarily resident in Northern Ireland, be disqualified for receiving—

(*a*) in the case of a woman who immediately before the said date is a married woman and had not retired from regular employment, any additional Category B retirement pension by virtue of her husband's contributions if the husband before the said date had retired from regular employment and was not ordinarily resident in Northern Ireland;

(*b*) in the case of a woman who immediately before the said date is a widow, any additional Category B retirement pension by virtue of her husband's contributions if her husband had died before the said date;

(*c*) in any other case, any additional retirement pension of any category (not being additional retirement pension to which either of the two foregoing sub-paragraphs applies) if that person had retired from regular employment, or had otherwise become entitled to a retirement pension, before the said date;

(*d*) any additional widow's benefit, or benefit under section 27(4) of the Act corresponding to a widow's pension or a widowed mother's allowance, if her husband had died or retired before the said date;

(*e*) any additional child's special allowance if her former husband had died before the said date.

(2) Notwithstanding as aforesaid, if immediately before the said date a person is not ordinarily resident in Northern Ireland but that person has, or would, but for the absence of any child from Northern Ireland, have in his family immediately before the said date a child in relation to whom the conditions for guardian's allowance specified in section 22 of the Act are satisfied, that person and any other person who would otherwise be entitled to any additional guardian's allowance in respect of that child shall be disqualified for receiving any additional guardian's allowance in respect of that child unless and until the child becomes (or is) included in the family of a person who is ordinarily resident in Northern Ireland.