1975 No. 44

SOCIAL SECURITY

The Social Security (Short-Term Benefits) (Transitional) (Northern Ireland) Regulations 1975

Made . . . . . *28th February* 1975

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

The Department of Health and Social Services for Northern Ireland, in exercise of powers conferred by sections 12(2) and 100(1) of the Social Security Act 1973(a) and paragraphs 2, 4 and 6 of Schedule 26 to that Act, and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Social Security (Short-Term Benefits) (Transitional) (Northern Ireland) Regulations 1975 and shall come into operation on 6th April 1975.

Interpretation

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

"the 1966 Act" means the National Insurance Act (Northern Ireland) 1966(b);

"the (No. 2) Act of 1966" means the National Insurance (No. 2) Act (Northern Ireland) 1966(c);

"the 1973 Act" means the Social Security Act 1973;

"the Department" means the Department of Health and Social Services for Northern Ireland;

"former contributor" means—

(*a*) a person who was insured under the 1966 Act; and

(*b*) in relation to a widow's allowance, also means a person who within the prescribed time referred to in paragraph 17(1)(*a*) of Schedule 9 to the 1966 Act was or was deemed to be or treated as, insured under the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland) 1936 to 1946 for purposes which included widows' and orphans' pensions purposes;

"transitional period" means the period commencing on 6th April 1975 and ending on 1st January 1977 or, in relation to a period of interruption of employment commencing on or before and continuing after 1st January 1977, ending on 28th May 1977;

and any other expression to which a meaning is assigned by the 1973 Act has that meaning in these regulations.

(2) Any reference in these regulations to benefit to which a person is entitled shall, unless the context otherwise requires, include increases of such benefit for a child or adult dependant to which that person may be entitled.

(a) 1973 c. 38 (b) 1966 c. 6 (N.I.) (c) 1966 c. 16 (N.I.)

(3) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except in so far 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 it re-enacts or replaces or which may re-enact or replace it with or without modification.

(4) Any reference in these regulations to a contribution paid or credited shall, unless the context otherwise requires, be construed as a reference to a contribution which has been paid by or credited to the person concerned.

(5) Unless the context otherwise requires, any reference in these regulations 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.

(6) 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.

Claims for certain benefits during transitional period to be determined as if the 1966 Act were in force

3. Where a claim is made for a maternity grant, unemployment benefit or sickness benefit under the 1973 Act in respect of an event or for a day falling within the transitional period and the relevant contributor is a former contributor, that claim shall be determined as if the contribution conditions in Schedule 2 to the 1966 Act, as they existed on 5th April 1975 for the corresponding benefit under that Act, applied instead of those in Schedule 3 to the 1973 Act; and for this purpose those conditions and other provisions of the 1966 Act and the regulations made under it which were in force then shall be applied subject to the following provisions of these regulations.

Modifications relating to "contribution year" and "benefit year" under the 1966 Act

4.—(1) The provisions of regulation 2 of the National Insurance (General Benefit) Regulations (Northern Ireland) 1971(**e**), as amended(**f**), shall not be applied to a claim to which regulation 3 applies and the periods set out in columns (2) and (3) of Schedule 1 to these regulations against the month in column (1) of that Schedule in which occurs the relevant contribution week determined by the Department in accordance with the said regulation 2 to be applicable in the case of a former contributor shall, in relation to such former contributor, constitute respectively, as set out in column (2), contribution years and, as set out in column (3), benefit years; but nothing in this paragraph shall prevent the provisions of the said regulation 2 being applied for the purposes of the rules, relating to the late payment of contributions, in the National Insurance (Contributions) Regulations (Northern Ireland) 1962(**g**), as amended(**h**).

(**d**) 1889 c. 63
(**e**) S.R. & O. (N.I.) 1971 No. 190 (p. 956)
(**f**) There is no amendment which relates expressly to the subject-matter of these regulations
(**g**) S.R. & O. (N.I.) 1962 No. 65 (p. 247)
(**h**) The relevant amending regulations are S.R. & O. (N.I.) 1963 No. 59 (p. 193) and S.R. & O. (N.I.) 1971 No. 284 (p. 1359)

(2) Each period set out in column (2) of Schedule 1 to these regulations shall be deemed to be the last complete contribution year before the beginning of the period constituting a benefit year set out against it in column (3) of that Schedule.

(3) For the purposes of any claim to which regulation 3 applies, a former contributor, who has paid or been credited with at least one contribution in the period specified in relation to him in column (2) of Schedule 1 to these regulations as constituting the contribution year ending 5th April 1975, shall be deemed to have been credited with contributions as an employed person for that contribution year for such number of weeks as will, when added to the number of weeks in that period, amount to a total of 52; so however that this paragraph shall not apply in the case of a woman in respect of whom there is current on 5th April 1975 an election, made under regulation 2(1)(*a*) of the National Insurance (Married Women) Regulations (Northern Ireland) 1973(i) (married women who are employed persons) not to pay contributions.

Modifications relating to the first contribution condition for unemployment benefit, sickness benefit and maternity grant

5. In the case of a claim to which regulation 3 applies, for the purpose of satisfying the first contribution condition for unemployment benefit and sickness benefit specified in paragraph 1(*a*) of Schedule 2 to the 1966 Act and the first contribution condition for a maternity grant specified in paragraph 2(1)(*a*) of that Schedule, a former contributor shall be deemed to have paid, in addition to any contributions of the appropriate class actually paid, under the 1966 Act, such number of contributions of the appropriate class as results from dividing the earnings factor derived from contributions of the relevant class he has actually paid under the 1973 Act in any year or part of a year before the relevant time by the lower earnings limit for that year, and if that is not a whole number any fraction shall be disregarded.

Unemployment or sickness benefit at reduced rates for persons who do not satisfy the contribution conditions in full

6.—(1) In the case of a claim to which regulation 3 applies, where the claimant would be entitled to unemployment or sickness benefit but for the fact that the relevant contribution conditions are not satisfied as respects the number of contributions under the 1966 Act paid or credited in respect of the relevant contribution year, he shall be entitled to unemployment or sickness benefit as the case may be, during the transitional period in accordance with paragraph (2) if at least 26 such contributions of the appropriate class or their equivalent have been paid or credited in respect of that year.

(2) Where the full weekly rate of benefit or increase of benefit for an adult dependant under Schedule 4 to the 1973 Act is at one of the rates set out at the head of columns (2), (3) and (4) of Schedule 2 to these regulations, then the benefit or increase of benefit under paragraph (1) shall be at the reduced weekly rate specified in that column which corresponds to the number of contributions under the 1966 Act of the appropriate class paid or credited in the relevant contribution year as shown in column (1) of that Schedule.

(3) In this regulation "the relevant contribution year" means the last complete contribution year before the beginning of the benefit year which includes the day for which benefit is claimed.

(i) S.R. & O. (N.I.) 1973 No. 146

Continuity of periods of interruption of employment

7. Any day before 6th April 1975 which was a day of interruption of employment for the purposes of the 1966 Act shall be treated as a day of interruption of employment for the purposes of the 1973 Act; and where a person has been entitled to any benefit or earnings-related supplement under the 1966 Act in respect of such a day, he shall be treated as having been so entitled to the corresponding benefit or supplement under the 1973 Act (but not so as to make benefit payable under the 1973 Act in respect of that day).

Exhaustion of and requalification for unemployment or sickness benefit

8.—(1) For the purposes of satisfying the conditions in section 13(2) of the 1973 Act, a former contributor who has exhausted his right to unemployment benefit under the 1966 Act before 6th April 1975 shall be deemed to have been working for 21 hours in employment as an employed earner for such number of weeks in the period between the date on which he exhausted his right to that benefit and 6th April 1975 as he has paid contributions as an employed person in that period.

(2) Where a person has, by virtue of section 20(3) of the 1966 Act, exhausted his right to sickness benefit under that Act, he shall not be entitled to sickness benefit under the 1973 Act for any day before either of the requirements of paragraph (3) is satisfied in his case.

(3) The said requirements are that—

(*a*) the earnings factor derived from contributions of a relevant class paid by him in any one year under the 1973 Act is not less than that year's lower earnings limit multiplied by 25; or

(*b*) he has—

(i) made a claim for sickness benefit in respect of a day in the transitional period, and

(ii) paid 25 contributions after he exhausted his right to sickness benefit under the 1966 Act, but before the relevant time, and for this purpose contributions of an appropriate class under that Act shall be counted and there shall be added such number as results from dividing the earnings factor derived from contributions of a relevant class paid by him under the 1973 Act in respect of any one year by that year's lower earnings limit.

Certain contributions to be treated as contributions of the appropriate class for unemployment and sickness benefit

9. Where—

(*a*) a claim for unemployment or sickness benefit is made by a former contributor for a day in the transitional period, and

(*b*) he has paid or has been credited with at least 39 contributions of the appropriate class in respect of the last complete contribution year or the last deemed complete contribution year before the benefit year which includes that day,

every contribution as an insured person which is not a contribution of the appropriate class and has been paid by or credited to the claimant in respect of the relevant contribution year shall, for the purpose of his right to the benefit claimed for the day in question, be treated as equivalent to a contribution of the appropriate class.

Calculation of earnings-related supplement of unemployment and sickness benefit

10. Where a person is entitled under section 10(8) of the 1973 Act to an earnings-related supplement of unemployment or sickness benefit in respect of a day forming part of a period of interruption of employment which commences before the end of the transitional period, the rate of that supplement shall be ascertained in accordance with the provisions for computing the weekly rate of earnings-related supplement in section 2 of the (No. 2) Act of 1966 (earnings-related supplement of unemployment and sickness benefit), and any regulations made under that Act as in force on 5th April 1975.

Entitlement to earnings-related supplement for certain widows

11.—(1) Where a widow would be entitled to unemployment benefit or sickness benefit in respect of any day in the transitional period but for one or more of the following, namely, her failure to satisfy the contribution conditions for that benefit or the operation of regulation 8(2) or of section 13 of the 1973 Act, she shall, if she satisfies one of the requirements in paragraph (2) of this regulation, be treated for the purposes of section 10(8) of that Act as being entitled to that benefit at a nominal weekly rate.

(2) The said requirements are that in respect of the day in question—

(*a*) regulation 6(1) of the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975(**j**) (credits for women who have been recently widowed), applies to her; or

(*b*) she is a qualifying widow within the meaning of regulation 2(1)(*b*) of the Social Security (Contributions) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975(**k**) (widows who may elect to be liable to pay Class 1 contributions at a reduced rate or not to pay Class 2 contributions).

Days to be treated as days of incapacity for work

12. A day during the transitional period for which a woman would be entitled to a maternity allowance but for the fact that she does not satisfy the contribution conditions for such an allowance, shall be deemed for the purposes of sections 10 to 12 of the 1973 Act to be a day of incapacity for work.

Modifications and transitional provisions relating to widow's allowance

13.—(1) The contribution condition for a widow's allowance specified in paragraph 4 of Schedule 3 to the 1973 Act shall be deemed to be satisfied where the contributor concerned was a former contributor who has paid not less than 25 contributions under the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland) 1936 to 1946 since his last entry into insurance under those Acts for purposes which include widows' and orphans' pensions purposes, or 25 contributions of any class under the 1966 Act which he was liable to pay before he attained pensionable age, or an aggregate of 25 such contributions under the said Contributory Pensions Acts and the 1966 Act.

(2) Where a widow's allowance under the 1966 Act is payable to the widow of a former contributor for a period which commenced, but was not completed, before 6th April 1975, she shall be entitled, without any claim

(**j**) S.R. 1975 No. 19 (**k**) S.R. 1975 No. 16