

1976 No. 1781 (N.I. 26)

NORTHERN IRELAND

**The Supplementary Benefits (Amendment) (Northern Ireland)
Order 1976**

<i>Made</i> - - - - -	27th October 1976
<i>Laid before Parliament</i>	4th November 1976
<i>Coming into Operation</i>	15th November 1976

At the Court at Buckingham Palace, the 27th day of October 1976

Present,

The Queen's Most Excellent Majesty in Council

Whereas it has been made to appear to Her Majesty that by reason of urgency this Order requires to be made without a draft having been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Supplementary Benefits (Amendment) (Northern Ireland) Order 1976.

(2) This Order shall come into operation on 15th November 1976.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order "the 1966 Act" means the Supplementary Benefits &c. Act (Northern Ireland) 1966(c).

Earnings and other income disregarded

3.—(1) In Schedule 2 to the 1966 Act, paragraph 23 (earnings to be disregarded in calculating resources as compared with requirements) is amended as follows—

(a) in sub-paragraph (1) for "sub-paragraphs (1A) and (2)" substitute "the following sub-paragraphs";

(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).

(c) 1966 c. 28 (N.I.).

(b) re-number sub-paragraph (1A) as (1B) and before it insert—

“(1A) Where that person is the parent in a one-parent family, that is to say—

- (a) he has to provide for the requirements of another person, being a member of the same household and either a child or disentitled under section 9 (persons completing secondary education);
- (b) that other’s requirements and resources are aggregated with his under paragraph 3; and
- (c) the household does not include a person to whom he is married, and there is no one with whom he is cohabiting as man and wife,

his weekly earnings shall be taken to be his net weekly earnings reduced by £6.”;

(c) in sub-paragraph 2 (b) for “sub-paragraph (1)” and “paragraph (b) of that sub-paragraph” substitute “sub-paragraphs (1) and (1A)” and “sub-paragraphs (1) (b) or (1A)” respectively.

(2) In paragraph 24 of that Schedule (certain other income to be disregarded as resources), the words “(in the case only of persons having preserved 1976 rights)” are inserted in the following places:—

- (a) in sub-paragraph (3), after the word “except”; and
- (b) in each of sub-paragraphs (4) and (5), at the beginning of each of paragraphs (b) and (c).

(3) The Schedule explains who, for the purposes of paragraph 24 of Schedule 2 to the 1966 Act, are persons having preserved 1976 rights.

N. E. Leigh

SCHEDULE

Article 3(3).

SAVING FOR 38P AND 28P DISREGARDS, WHERE AVAILABLE BEFORE THIS ORDER

1. In this Schedule—

- (a) “the commencement date” means 15th November 1976;
- (b) “paragraph 24” means paragraph 24 of Schedule 2 to the 1966 Act;
- (c) “supplementary benefit” means benefit under that Act; and
- (d) “the benefits formerly subject to disregard” means the allowances and increased allowances referred to in sub-paragraphs (3)(a), (b), (4)(b), (c) and (5)(b), (c) of paragraph 24.

2. For the purposes of paragraph 24, a person has preserved 1976 rights if—

- (a) at any time before the commencement date he was entitled simultaneously both to any one or more of the benefits formerly subject to disregard and also to supplementary benefit, and
- (b) he has since that time continued so entitled, without interruption for any period longer than 13 weeks.

3. For the purposes of paragraph 2(b), the question whether the person was entitled to supplementary benefit at any time is determined on the assumption that he then had preserved 1976 rights.

4. In reckoning any period for the purposes of paragraph 2(b), no account is to be taken of periods during which the person was an in-patient in a hospital.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Supplementary Benefits &c. Act (Northern Ireland) 1966 by increasing the amount of earnings of a parent in a one-parent family which are to be disregarded in calculating entitlement to supplementary benefit and by discontinuing, except for existing beneficiaries, the disregard of part of children's allowances payable with widow's benefit, industrial death benefit and war widows' pensions.