
STATUTORY INSTRUMENTS

1981 No. 1118 (N.I. 25)

NORTHERN IRELAND

The Social Security (Northern Ireland) Order 1981

<i>Made</i>	31st July 1981
<i>Laid before Parliament</i>	7th August 1981
<i>Coming into Operation</i>	10th August 1981

ARRANGEMENT OF ORDER

Article

1. Title, citation and commencement.
2. Interpretation.
3. Maternity pay.
4. Increases in certain penalties.
5. Payment of supplementary benefit after return to full-time employment following trade dispute.
6. Determination of days for which sickness or invalidity benefit is payable.
7. Reciprocity with other countries.

Schedule—Increases in penalties.

At the Court at Buckingham Palace, the 31st day of July 1981

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of the Social Security Act 1981 (a):

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974(b) (as modified by section 8 (2) of the said Act of 1981) 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, citation and commencement

1.—(1) This Order may be cited as the Social Security (Northern Ireland) Order 1981 and this Order and the Social Security (Northern Ireland) Acts 1975 to 1980 may be cited together as the Social Security (Northern Ireland) Acts 1975 to 1981.

(a) 1981 c. 33.

(b) 1974 c. 28.

(2) This Order shall come into operation on 10th August 1981.

Interpretation

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

Maternity pay

3.—(1) At the end of Article 17 of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(b) (calculation of maternity pay by reference to amount of employee's weekly pay) the following paragraph shall be added—

“(6) The Department may by order amend paragraph (1)—

(a) by substituting for the fraction of $\frac{9}{10}$ ths referred to there, or the fraction as substituted from time to time under this paragraph, such greater fraction as the Department considers appropriate; or

(b) by deleting the reference to a fraction.”.

(2) In Article 63 (2) of that Order (orders subject to confirmatory procedure), after “16 (3),” there shall be inserted “17 (6),”.

Increases in certain penalties

4.—(1) The Schedule shall have effect in relation to the penalties that may be imposed on summary conviction of certain offences.

(2) The Schedule shall have effect only in relation to offences committed after the commencement of this Article.

(3) Article 18 (15) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(c) (which is rendered spent by paragraph 1 of the Schedule) is hereby repealed.

Payment of supplementary benefit after return to full-time employment following trade dispute

5. In Article 13 (2) of the Supplementary Benefits (Northern Ireland) Order 1977(d) (recovery of certain payments of benefit) for the words from “during the period” to “of that paragraph” there shall be substituted the words “by virtue of paragraph (1)”.

Determination of days for which sickness or invalidity benefit is payable

6. At the end of section 17 of the Social Security (Northern Ireland) Act 1975(e) (determination of days for which benefit is payable), there shall be added the following subsections—

“(4) Regulations may provide for subsection (1) (d) (ii) above to have effect, in such cases as may be specified in the regulations, as if—

(a) the period of four days mentioned there were such lesser period as may be specified; and

(b) the word “consecutive” were omitted.

(5) Regulations under subsection (4) above may be made to have effect from such date, not earlier than 14th September 1980, as may be specified in the regulations.”.

(a) 1954 c. 33 (N.I.). (b) S.I. 1976/2147 (N.I. 28).
(c) S.I. 1977/610 (N.I. 11). (d) S.I. 1977/2156 (N.I. 27). (e) 1975 c. 15.

Reciprocity with other countries

7.—(1) In section 134 of the Social Security (Northern Ireland) Act 1975 (reciprocity with other countries), after subsection (1) there shall be inserted the following subsection—

“(1A) An order made by virtue of subsection (1) above may, instead of or in addition to making specific modifications or adaptations, provide generally that this Act shall be modified to such extent as may be required to give effect to the provisions contained in the agreement or, as the case may be, alterations in question.”.

(2) In Article 17 of the Child Benefit (Northern Ireland) Order 1975(a) (reciprocity with other countries), after paragraph (1) there shall be inserted the following paragraph—

“(1A) An order made by virtue of paragraph (1) may, instead of or in addition to making specific modifications, provide generally that this Order shall be modified to such extent as may be required to give effect to the provisions contained in the agreement or, as the case may be, alterations in question.”.

(3) In Article 40 of the Supplementary Benefits (Northern Ireland) Order 1977 (reciprocity with other countries), after paragraph (1) there shall be inserted the following paragraph—

“(1A) An order made by virtue of paragraph (1) may, instead of or in addition to making specific modifications, provide generally that this Order shall be modified to such extent as may be required to give effect to the provisions contained in the agreement in question.”.

(4) Any statutory provision mentioned in paragraphs (1) to (3) and any statutory provision from which section 134 is derived (whether directly or indirectly) shall, in relation to any Order in Council or other order made or having effect as if made thereunder before the commencement of this Article, be treated as if at the time when the Order in Council or other order was made, the statutory provision contained the relevant power provided by this Article.

N. E. Leigh,
Clerk of the Privy Council.

Article 4.

SCHEDULE

INCREASES IN PENALTIES

The Family Income Supplements Act (Northern Ireland) 1971 (c. 8)

1. In section 11 (false statements), for “£400” substitute “£1,000”.

The Social Security (Northern Ireland) Act 1975 (c. 15)

2. In section 136—

(a) in subsection (3) (obstructing inspector or failing to provide information), for “£50” substitute “£200”;

(b) in subsection (4) (additional penalty for each day offence is continued), for “£10” substitute “£20”.

(a) S.I. 1975/1504 (N.I. 16).

3. In section 137—

(a) in subsection (3) (miscellaneous offences), for “£400” substitute “£1,000”;

(b) in subsection (5) (breaches of regulations), for “£50” and “£10” substitute, respectively, “£200” and “£20”.

The Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16))

4. In Article 13—

(a) in paragraph (1) (false statements, etc.), for “£400” substitute “£1,000”;

(b) in paragraph (2) (breaches of regulations), for “£50” substitute “£200”.

*The Supplementary Benefits (Northern Ireland) Order 1977
(S.I. 1977/2156 (N.I. 27))*

5. In Article 27 (false statements), for “£400” substitute “£1,000”.

6. In Article 28 (impersonation of officers), for “£400” substitute “£500”.

7. In Article 29 (3) (illegal possession of documents), for “£400” substitute “£500”.

8. In Article 30 (1) (failure to notify cessation of employment or re-employment, etc.), for “£100” substitute “£200”.

9. In Article 31 (1) (failure to maintain), for “£400” substitute “£500”.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order is made only for purposes corresponding to those of the Social Security Act 1981.

Article 3 enables the Department of Manpower Services to increase the rate of maternity pay under the Industrial Relations (No. 2) (Northern Ireland) Order 1976. Article 4 increases the maximum fines for certain offences. Article 5 amends Article 13 (2) of the Supplementary Benefits (Northern Ireland) Order 1977 to make clear that any benefit paid to someone by virtue of that Article after he has returned to work at the end of a trade dispute is recoverable, whether or not paid during the period of 15 days mentioned in Article 13 (1) of that Order. Article 6 amends the Social Security (Northern Ireland) Act 1975 so that regulations may relax the rule that there must be at least four consecutive days of incapacity to constitute a period of interruption of employment. Article 7 extends certain powers to give effect to reciprocal agreements entered into with countries outside the United Kingdom.