
STATUTORY INSTRUMENTS

1982 No. 1084 (N.I. 16)

NORTHERN IRELAND

The Social Security (Northern Ireland) Order 1982

Made 30th July 1982

Laid before Parliament 9th August 1982

Coming into operation in accordance with Article 1

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At the Court at Buckingham Palace, the 30th day of July 1982

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of Parts I and III of the Social Security and Housing Benefits Act 1982 (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 48 (2) of the said Act of 1982) 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:—

PART I

INTRODUCTORY

Title, citation and commencement

1.—(1) This Order may be cited as the Social Security (Northern Ireland) Order 1982 and this Order and the Social Security (Northern Ireland) Acts 1975 to 1981 may be cited together as the Social Security (Northern Ireland) Acts 1975 to 1982.

(2) This Part and Articles 9, 28, 33 and 35 to 37 and paragraphs 1 to 3, 7, 10 (1) and (3), 14, 15 and 17 to 20 of Schedule 4 together with Article 38 so far as it relates to those paragraphs shall come into operation on 10th August 1982 and the remaining provisions of this Order shall come into operation on such day or days as the Head of the Department may by order appoint.

(3) An order under paragraph (2) may make such transitional provision as appears to the Head of the Department to be necessary or expedient in connection with the provisions thereby brought into operation.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c) 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—

“benefit” has the same meaning as in the principal Act;

“the Department” means the Department of Health and Social Services;

“the National Insurance Fund” means the Northern Ireland National Insurance Fund;

“principal Act” means the Social Security (Northern Ireland) Act 1975 (d);

“regulations” means regulations made by the Department;

“statutory provision” has the same meaning as in section 1 (f) of the Interpretation Act (Northern Ireland) 1954;

“tax year” means the period of twelve months beginning with 6th April in any year.

(a) 1982 c. 24.

(b) 1974 c. 28.

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

(d) 1975 c. 15.

PART II

STATUTORY SICK PAY

Employer's liability

3.—(1) Where an employee has a day of incapacity for work in relation to his contract of service with an employer, that employer shall, if the conditions set out in Articles 4 to 6 are satisfied, be liable to make to him, in accordance with the following provisions of this Part, a payment (to be known as “statutory sick pay”) in respect of that day.

(2) Any agreement shall be void to the extent that it purports—

- (a) to exclude, limit or otherwise modify any provision of this Part; or
- (b) to require an employee to contribute (whether directly or indirectly) towards any costs incurred by his employer under this Part.

(3) For the purposes of this Part a day shall not be treated as a day of incapacity for work in relation to any contract of service unless on that day the employee concerned is, or is deemed in accordance with regulations to be, incapable by reason of some specific disease or bodily or mental disablement of doing work which he can reasonably be expected to do under that contract.

(4) In any case where an employee has more than one contract of service with the same employer the provisions of this Part shall, except in such cases as may be prescribed and subject to the following provisions of this Part, have effect as if the employer were a different employer in relation to each contract of service.

The qualifying conditions

Period of incapacity for work

4.—(1) The first condition is that the day in question forms part of a period of incapacity for work.

(2) In this Part “period of incapacity for work” means any period of four or more consecutive days, each of which is a day of incapacity for work in relation to the contract of service in question.

(3) Any two periods of incapacity for work which are separated by a period of not more than two weeks shall be treated as a single period of incapacity for work.

(4) No day of the week shall be disregarded in calculating any period of consecutive days for the purposes of this Article.

(5) A day may be a day of incapacity for work in relation to a contract of service, and so form part of a period of incapacity for work, notwithstanding that—

- (a) it falls before the making of the contract or after the contract expires or is brought to an end; or
- (b) it is not a day on which the employee concerned would be required by that contract to be available for work.

Period of entitlement

5.—(1) The second condition is that the day in question falls within a period which is, as between the employee and his employer, a period of entitlement.

(2) For the purposes of this Part a period of entitlement, as between an employee and his employer, is a period beginning with the commencement of a period of incapacity for work and ending with whichever of the following first occurs—

- (a) the termination of that period of incapacity for work;
- (b) the day on which the employee reaches, as against the employer concerned, his maximum entitlement to statutory sick pay (determined in accordance with Article 7);
- (c) the day on which the employee's contract of service with the employer concerned expires or is brought to an end;
- (d) in the case of an employee who is, or has been, pregnant, the day immediately preceding the beginning of the disqualifying period.

(3) Schedule 1 shall have effect for the purpose of specifying circumstances in which a period of entitlement does not arise in relation to a particular period of incapacity for work.

(4) A period of entitlement as between an employee and an employer of his may also be, or form part of, a period of entitlement as between him and another employer of his.

(5) Regulations may provide, in relation to prescribed cases, for a period of entitlement to end otherwise than in accordance with paragraph (2).

(6) In a case where the employee's contract of service first takes effect on a day which falls within a period of incapacity for work, the period of entitlement begins with that day.

(7) Regulations shall make provision as to an employer's liability under this Part to pay statutory sick pay to an employee in any case where the employer's contract of service with that employee has been brought to an end by the employer solely, or mainly, for the purpose of avoiding liability for statutory sick pay.

(8) Paragraph (2) (d) does not apply in relation to an employee who has been pregnant if her pregnancy terminated, before the beginning of the disqualifying period, otherwise than by confinement.

(9) In this Article—

“confinement” has the same meaning as in section 23 of the principal Act;

“disqualifying period” means the period of eighteen weeks beginning with the eleventh week before the expected week of confinement; and

“expected week of confinement” has the same meaning as in section 22 of the principal Act.

Qualifying days

6.—(1) The third condition is that the day in question is a qualifying day.

(2) The days which are, for the purposes of this Part, to be qualifying days as between an employee and an employer of his (that is to say those days of the week on which he is required by his contract of service with that employer to be available for work or which are chosen to reflect the terms of that contract) shall be such day, or days, as may be agreed between the employee and his employer or, failing such agreement, determined in accordance with regulations.

(3) In any case where qualifying days are determined by agreement between an employee and his employer there shall, in each week (beginning with Sunday), be at least one qualifying day.

(4) A day which is a qualifying day as between an employee and an employer of his may also be a qualifying day as between him and another employer of his.

Limitations on entitlement, etc.

Limitations on entitlement

7.—(1) Statutory sick pay shall not be payable for the first three qualifying days in any period of entitlement.

(2) An employee shall not be entitled, as against any one employer, to an aggregate amount of statutory sick pay in respect of any one period of entitlement, or tax year, which exceeds his maximum entitlement.

(3) The maximum entitlement as against any one employer is reached on the day on which the amount to which the employee has become entitled by way of statutory sick pay during the period of entitlement in question or, as the case may be, the aggregate amount to which he has become so entitled during the tax year in question first reaches or passes the entitlement limit.

(4) The entitlement limit is an amount equal to eight times the appropriate weekly rate set out in Article 9.

(5) Regulations may make provision for calculating the entitlement limit in any case where an employee's entitlement to statutory sick pay is calculated by reference to different weekly rates in the same tax year or period of entitlement.

Notification of incapacity for work

8.—(1) Regulations shall prescribe the manner in which, and the time within which, notice of any day of incapacity for work is to be given by or on behalf of an employee to his employer.

(2) An employer who would, apart from this Article, be liable to pay an amount of statutory sick pay to an employee in respect of a qualifying day (the "day in question") shall be entitled to withhold payment of that amount if—

(a) the day in question is one in respect of which he has not been duly notified in accordance with regulations under paragraph (1); or

(b) he has not been so notified in respect of any of the first three qualifying days in a period of entitlement (a "waiting day") and the day in question is the first qualifying day in that period of entitlement in respect of which the employer is not entitled to withhold payment—

(i) by virtue of sub-paragraph (a); or

(ii) in respect of an earlier waiting day by virtue of this sub-paragraph.

(3) Where an employer withholds any amount of statutory sick pay under this Article—

(a) the period of entitlement in question shall not be affected; and

(b) for the purposes of calculating his maximum entitlement in accordance with Article 7, the employee shall not be taken to have become entitled to the amount so withheld.

Rate of payment, etc.

Rate of payment

9.—(1) Statutory sick pay shall be payable by an employer at the weekly rate of—

(a) £37, in a case where the employee's normal weekly earnings under his contract of service with that employer are not less than £60;

(b) £31, in a case where those earnings are less than £60 but not less than £45;
or

(c) £25, in any other case.

(2) The amount of statutory sick pay payable by any one employer in respect of any day shall be the weekly rate applicable on that day divided by the number of days which are, in the week (beginning with Sunday) in which that day falls, qualifying days as between that employer and the employee concerned.

(3) Whenever the Secretary of State makes an order under section 7 of the Social Security and Housing Benefits Act 1982 (rate of payment of statutory sick pay in Great Britain) the Department may make a corresponding order for Northern Ireland.

(4) Section 156 (1) of the principal Act (orders subject to confirmatory procedure) shall apply to any order made under paragraph (3).

Regulations as to method of payment, etc.

10.—(1) Regulations may prescribe the manner in which statutory sick pay may, and may not, be paid.

(2) Regulations may prescribe, in relation to any case where—

(a) a decision has been made by an insurance officer, local tribunal or Commissioner in proceedings under this Part that an employee is entitled to an amount of statutory sick pay; and

(b) the time for bringing an appeal against the decision has expired and either—

(i) no such appeal has been brought; or

(ii) such an appeal has been brought and has been finally disposed of;

the time within which that amount of statutory sick pay is to be paid.

(3) Regulations may make provision—

(a) enabling a person to be appointed to exercise, on behalf of an employee who may be or become unable for the time being to act, any right or power which the employee may be entitled to exercise under this Part;

(b) authorising a person so appointed to receive and deal with, on behalf of the employee, any sum payable by way of statutory sick pay;

(c) in connection with an employee's death—

(i) enabling proceedings on a question as to, or arising under this Part in connection with, entitlement to statutory sick pay to be begun or continued in his name;

(ii) authorising payment or distribution of statutory sick pay to or amongst persons claiming as his personal representatives, legatees, next of kin, or creditors (or, in any case where a deceased employed earner was illegitimate, to or amongst others); and

(iii) dispensing with strict proof of the title of persons so claiming; and

(d) adjusting amounts payable by way of statutory sick pay so as to avoid fractional amounts or facilitate computation.

(4) In paragraph (3) (c) (ii) "next of kin" means the persons who would take beneficially on an intestacy under the provisions of Part II of the Administration of Estates Act (Northern Ireland) 1955 (a).

(a) 1955 c. 24 (N.I.).

Recovery by employers of amounts paid by way of statutory sick pay

11.—(1) Regulations shall make provision—

- (a) entitling, except in prescribed circumstances, any employer who has made a payment of statutory sick pay to recover the amount so paid by making one or more deductions from his contributions payments; and
- (b) for the payment, in prescribed circumstances, by or on behalf of the Department of sums to employers who are unable so to recover the whole, or any part, of any payments of statutory sick pay which they have made.

(2) In paragraph (1) (a), “contributions payments”, in relation to an employer, means any payments (other than payments arising under the National Insurance Surcharge Act 1976 (a)) which the employer is required, by or under any statutory provision, to make in discharge of any liability in respect of primary or secondary Class 1 contributions.

(3) Regulations under this Article may, in particular,—

- (a) require employers who have made payments of statutory sick pay to furnish to the Department such documents and information, at such times, as may be prescribed; and
- (b) provide for any deduction made in accordance with the regulations to be disregarded for prescribed purposes.

(4) The power to make regulations conferred by paragraph 5 of Schedule 1 to the principal Act (power to combine collection of contributions with collection of income tax) shall include power to make such provision as the Department considers expedient in consequence of any provision made by or under this Article.

(5) Provision made in regulations under paragraph 5 of that Schedule, by virtue of paragraph (4) of this Article, may in particular require the inclusion—

- (a) in returns, certificates and other documents; or
- (b) in any other form of record;

which the regulations require to be kept or produced or to which those regulations otherwise apply, of such particulars relating to statutory sick pay as may be prescribed by those regulations.

(6) Where, in accordance with any provision of regulations made under this Article, an amount has been deducted from an employer’s contributions payments, the amount so deducted shall (except in such cases as may be prescribed) be treated for the purposes of any statutory provisions in relation to primary or secondary Class 1 contributions as having been—

- (a) paid (on such date as may be determined in accordance with the regulations); and
- (b) received by the Department;

towards discharging the liability mentioned in paragraph (2).

(7) Any sums paid under regulations made by virtue of paragraph (1) (b) shall be paid out of the National Insurance Fund.

(8) Any employer who, in purporting to comply with any requirement imposed by regulations under this Article—

- (a) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular; or

(a) 1976 c. 85.

(b) recklessly produces or furnishes any document or information which is false in a material particular;
shall be guilty of an offence.

(9) A person guilty of an offence under paragraph (8) shall be liable, on summary conviction—

(a) in the case of an offence under paragraph (8) (a), to a fine not exceeding £1,000 or to imprisonment for a term of not more than three months or to both; or

(b) in the case of an offence under paragraph (8) (b), to a fine not exceeding £500.

(10) Paragraphs (8) and (9) shall apply, in place of the provision made by section 98 (2) of the Taxes Management Act 1970 (a) (penalties for providing false information etc.) as applied by paragraph 5 (2) of Schedule 1 to the principal Act, in relation to such requirements of the regulations made under paragraph 5 of that Schedule by virtue of paragraph (4) of this Article as may be specified in those regulations.

Relationship with benefits and other payments, etc.

Relationship with benefits and other payments, etc.

12. Schedule 2 shall have effect with respect to the relationship between statutory sick pay and certain benefits and payments and for the purpose of modifying other statutory provisions.

Determination of questions

Determination of questions by the Department

13.—(1) Any question arising under any provision of this Part, or of regulations under this Part, as to—

(a) whether a person is, or was, an employee or employer of another;

(b) whether an employer is entitled to make any deduction from his contributions payments, in accordance with regulations under Article 11;

(c) whether a payment falls to be made to an employer in accordance with those regulations;

(d) the amount that falls to be so deducted or paid; or

(e) whether two or more employers or two or more contracts of service are, by virtue of regulations made under Article 28 (5), to be treated as one;

shall be determined by the Department on a reference to it under this Article made in accordance with regulations.

(2) Regulations under paragraph (1) may, in particular—

(a) provide for questions to be referred to the Department under this Article only by prescribed persons or classes of person; and

(b) make provision as to the manner in which, and time within which, references are to be made.

(3) The Department may, if it thinks fit, before determining any question under this Article, appoint a person to hold an inquiry into, and to report on, the question or any matter arising in connection with it.

(a) 1970 c. 9.

(4) A question of law arising in connection with the determination by the Department of any question under this Article may, if the Department thinks fit, be referred for decision to the Court of Appeal.

(5) Any person aggrieved by the decision of the Department on any such question of law which is not so referred may appeal from that decision to the Court of Appeal.

(6) If the Department determines to refer any question of law to the court, it shall give notice in writing of its intention to do so to any person appearing to it to be concerned with that question.

(7) On any such reference or appeal—

(a) the Department shall be entitled to appear and be heard;

(b) the court may order the Department to pay the costs of any other person, whether or not the decision is in that other person's favour and whether or not the Department has appeared on the reference or appeal;

(c) the decision of the court shall be final.

Determination by insurance officer or local tribunal

14.—(1) Any question arising under any provision of this Part, or of regulations under this Part, as to, or in connection with, entitlement to statutory sick pay shall, unless it is for determination—

(a) by the Department under Article 13; or

(b) by a local tribunal on a reference under paragraph (2) or (4);

be determined by an insurance officer on a reference to him under this paragraph.

(2) Regulations may prescribe cases in which any such question is to be determined by a local tribunal on a reference to the tribunal under this paragraph.

(3) An insurance officer to whom a question is referred under paragraph (1) shall, so far as is practicable, dispose of it within fourteen days of the making of the reference.

(4) An insurance officer may, instead of determining a question referred to him under paragraph (1), refer it to a local tribunal.

(5) Any reference under this Article shall be made in accordance with regulations.

(6) Regulations under paragraph (5) may, in particular—

(a) provide for questions to be referred under this Article only by the Department or prescribed persons or classes of person; and

(b) make provision as to the manner in which, and time within which, references are to be made.

(7) Where an insurance officer refers a question to a local tribunal under paragraph (4), notice of the reference shall be given in writing by the Department to those appearing to the Department to be concerned with the question.

(8) Where an insurance officer determines a question referred to him under paragraph (1), notice—

(a) of the insurance officer's decision and of the reasons for it; and

(b) of the right of appeal given by Article 15 (1); shall be given in writing by the Department to those appearing to the Department to be concerned with the question.

Appeals

15.—(1) Where an insurance officer has determined a question referred to him under Article 14 (1) any person aggrieved by his decision may appeal to a local tribunal; but where—

- (a) there has arisen a question for determination by the Department under Article 13;
- (b) that question has been determined; and
- (c) the insurance officer certifies that the decision on that question is the sole ground of his decision;

no appeal lies under this Article without leave of the chairman of the local tribunal.

(2) Where a local tribunal has taken any decision in respect of a question referred to it under Article 14 (2) or (4) or on an appeal brought under paragraph (1), an insurance officer or any person aggrieved by the decision may, subject to Article 11 of the Social Security (Northern Ireland) Order 1980 (a) (leave required for appeal from local tribunal to Commissioner), appeal to a Commissioner.

(3) An appeal to a local tribunal under paragraph (1) shall be brought by giving notice of appeal to the Department before the expiry of the period of 28 days beginning with the date on which notice of the insurance officer's decision was given to the appellant in accordance with Article 14 (8) or within such further time as the chairman of the local tribunal may for good cause allow.

(4) An appeal to a Commissioner under paragraph (2) shall be brought by giving notice of appeal to the Department before the expiry of the period of three months beginning—

- (a) in a case where leave to appeal is required, with the date on which leave was given for the appeal; or
- (b) in any other case, with the date on which notice of the tribunal's decision was given to the appellant;

or within such further time as a Commissioner may for special reasons allow.

(5) A notice of appeal under paragraph (3) or (4) shall be in writing and shall contain a statement of the grounds upon which the appeal is made; and regulations may provide for copies of the notice to be sent by the Department to prescribed persons.

Review of decisions

16.—(1) Regulations may make provision for requiring or enabling, in prescribed circumstances—

- (a) the Department to review any determination of the Department under this Part; and
- (b) an insurance officer or (on a reference from an insurance officer) a local tribunal to review any other determination under this Part, whether made by an insurance officer or by a local tribunal or Commissioner;

and as to the consequences of any such review.

(a) S.I. 1980/870 (N.I. 8).

(2) Regulations under this Article may in particular provide for any decision on a review carried out in accordance with the regulations to be subject to appeal in such circumstances and in such manner as may be prescribed.

Determination: supplemental

17.—(1) If, in determining any question under this Part, it appears to an insurance officer that a question arises for determination by the Department under Article 13 the insurance officer shall refer that question to the Department for determination.

(2) An insurance officer may, in any case, postpone the reference, or determination, of any question until any other question has been determined (whether by him or by a local tribunal or Commissioner).

(3) Paragraphs (1) and (2) apply to a local tribunal and a Commissioner as they apply to an insurance officer except that a tribunal or Commissioner shall, instead of referring a question to the Department in accordance with paragraph (1), direct it to be so referred by an insurance officer.

(4) Where a question for determination under this Part (other than one for determination by the Department under Article 13) first arises in the course of an appeal to a local tribunal or Commissioner, the tribunal or Commissioner may proceed to determine the question notwithstanding that it has not been considered by an insurance officer.

(5) Regulations may make provision as to the procedure to be followed in connection with the determination of questions under this Part; and any such regulations may, in particular, make any provision of a kind mentioned in Schedule 3.

Enforcement of decisions

18.—(1) This Article applies to any case where—

(a) a decision of an insurance officer, local tribunal or Commissioner in proceedings under this Part is that an employee is entitled to an amount of statutory sick pay; and

(b) the requirements of regulations made under Article 10 (2) (time within which statutory sick pay to be paid) have not been satisfied in respect of the whole or any part of that amount.

(2) In a case to which this Article applies, any amount payable in pursuance of the decision shall, if the county court so orders, be enforceable as if it were payable under an order of that court.

(3) Regulations may, in relation to cases to which this Article applies, make provision for payments to be made by the Department to employees in prescribed circumstances in connection with court fees or fees payable to the Enforcement of Judgments Office incurred, or likely to be incurred, by those employees in seeking to enforce decisions by virtue of paragraph (2).

(4) The regulations may, in particular, make provision for the recovery of payments made under the regulations from persons to whom such payments are made; and any sum so recoverable may, without prejudice to any other method of recovery, be recovered by deduction from prescribed benefits (“benefits” having the meaning given by the regulations).

(5) Any payment made by the Department under the regulations shall be paid out of the National Insurance Fund, and any sums recovered by the Department under the regulations shall be paid into that Fund.

Provision of information: general

19.—(1) Where the Department considers that it is reasonable for information held by it to be disclosed to an employer, for the purpose of enabling that employer to determine the duration of a period of entitlement in respect of an employee, or whether such a period exists, the Department may disclose the information to that employer.

(2) Any employee who claims to be entitled to statutory sick pay from his employer shall, if so required by his employer, provide such information as may reasonably be required for the purpose of determining the duration of the period of entitlement in question or whether a period of entitlement exists as between them.

(3) Where an employee asks an employer of his to provide him with a written statement, in respect of a period before the request is made, of one or more of the following—

- (a) the days within that period which the employer regards as days in respect of which he is liable to pay statutory sick pay to that employee;
- (b) the reasons why the employer does not so regard the other days in that period;
- (c) the employer's opinion as to the amount of statutory sick pay to which the employee is entitled in respect of each of those days;

the employer shall, to the extent to which the request was reasonable, comply with it within a reasonable time.

(4) Regulations may require employers to maintain such records in connection with statutory sick pay as may be prescribed and may provide for—

- (a) any person claiming to be entitled to statutory sick pay; or
- (b) any other person who is a party to proceedings arising under this Part;

to furnish to the Department, within a prescribed period, any information required for the determination of any question arising in connection therewith.

Claims for sickness and other benefits: provision of information by employers

20.—(1) Regulations may make provision requiring an employer, in a case falling within paragraph (3), to furnish information in connection with the making, by a person who is, or has been, an employee of that employer, of a claim for any of the following benefits—

- (a) sickness benefit;
- (b) a maternity allowance;
- (c) an invalidity pension;
- (d) industrial injuries benefit; or
- (e) a non-contributory invalidity pension.

(2) Regulations under this Article shall prescribe—

- (a) the kind of information to be furnished in accordance with the regulations;
- (b) the person to whom information of the prescribed kind is to be furnished; and
- (c) the manner in which, and period within which, it is to be furnished.

(3) The cases are—

- (a) where, by virtue of paragraph 2 of Schedule 1 or of regulations made under paragraph 1 of that Schedule, a period of entitlement does not arise in relation to a period of incapacity for work;

- (b) where a period of entitlement has come to an end but the period of incapacity for work which was running immediately before the period of entitlement came to an end continues; and
- (c) where a period of entitlement has not come to an end but, on the assumption that—
 - (i) the period of incapacity for work in question continues to run for a prescribed period; and
 - (ii) there is no material change in circumstances, the period of entitlement will have ended on or before the end of the prescribed period.

Inspections and offences

Inspections

21.—(1) Every appointment of an inspector under section 135 of the principal Act shall be an appointment for the purposes of this Part as well as for the purposes of the principal Act, the Family Income Supplements Act (Northern Ireland) 1971 (a), and the Supplementary Benefits (Northern Ireland) Order 1977 (b).

(2) Accordingly, the principal Act shall have effect as if—

(a) in sections 135 (2) to (5) and 136 references to that Act included references to this Part; and

(b) in section 136—

(i) in subsection (1) (b) the reference to benefit included a reference to statutory sick pay;

(ii) in subsection (2) (b) the reference to any person who is or has been employing another included a reference to any person who is or has been an employer (within the meaning of this Part); and

(iii) in subsection (2) (e) the reference to any person who is or has been liable to pay contributions included a reference to any person who is or has been an employee (within the meaning of this Part).

(3) The following provisions of sections 135 and 136 (which among other things relate to injuries and diseases and to contributions and premiums) shall not apply for the purposes of this Part—

(a) in section 135, subsection (2) (b) (ii) and (d) and so much of subsection (2) (c) as relates to contributions and premiums;

(b) in section 136, subsection (1) (a).

Offences and penalties

22. Regulations may provide for contravention of, or failure to comply with, any provision contained in regulations made under Article 10 (2), 11 (3) (a), 19 (4) or 20 to be an offence under this Part and for the recovery, on summary conviction of any such offence, of penalties not exceeding—

(a) for any one offence, £200; or

(b) for an offence of continuing any such contravention or failure after conviction, £20 for each day on which it is so continued.

(a) 1971 c. 8 (N.I.).

(b) S.I. 1977/2156 (N.I. 27).

General provisions as to prosecutions

23.—(1) Proceedings for an offence under this Part shall not be instituted except—

- (a) by or with the consent of the Department; or
- (b) by an inspector or other officer authorised for that purpose by special or general directions of the Department.

(2) An inspector or other officer so authorised may, although not of counsel or a solicitor, prosecute or conduct before a magistrates' court any proceedings for such an offence.

(3) Notwithstanding any statutory provision prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Part may be commenced at any time within whichever of the following periods expires the later—

- (a) the period of three months from the date on which evidence, sufficient in the opinion of the Department to justify a prosecution for the offence, comes to its knowledge;
- (b) the period of 12 months after the commission of the offence.

(4) For the purposes of paragraph (3), a certificate purporting to be signed by the Head of the Department or a secretary, under secretary or assistant secretary of the Department as to the date on which the evidence in question came to the knowledge of the Department is conclusive evidence of the date on which it did so.

(5) In proceedings for an offence under this Part, the wife or husband of the accused—

- (a) is competent to give evidence, whether for or against the accused;
- (b) is not compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him by the accused during the marriage.

(6) For the purposes of section 1 of the Criminal Evidence Act (Northern Ireland) 1965 (a) (admissibility of statements contained in certain business records) as it applies in relation to proceedings for any offence under this Part "business" shall include the activities of the Department.

Miscellaneous

Modification of provisions of Part II

24.—(1) The Department may make regulations modifying provisions of this Part, in such manner as the Department thinks proper, in their application to any person who is, has been or is to be—

- (a) employed on board any ship, vessel, hovercraft or aircraft; or
- (b) outside Northern Ireland at any prescribed time or in any prescribed circumstances.

(2) Regulations under paragraph (1) may in particular provide—

- (a) for any provision of this Part to apply to any such person, notwithstanding that it would not otherwise apply;
- (b) for any provision of this Part not to apply to any such person, notwithstanding that it would otherwise apply;

(a) 1965 c. 15 (N.I.).

- (c) for excepting any such person from the application of any such provision where he neither is domiciled nor has a place of residence in Northern Ireland;
- (d) for the taking of evidence, for the purposes of the determination of any question arising under this Part, in a country or territory other than Northern Ireland, by a British consular official or such other person as may be prescribed.

Statutory sick pay to count as remuneration for principal Act

25. For the purposes of section 3 of the principal Act (meaning of “earnings”), any sums paid to, or for the benefit of, a person in satisfaction (whether in whole or in part) of any entitlement of his to statutory sick pay shall be treated as remuneration derived from an employed earner’s employment.

Payments of statutory sick pay wrongly made

26.—(1) Regulations may make provision for the payment to an employer, by the Department and in prescribed circumstances, of an amount calculated in accordance with the regulations in any case where—

- (a) a payment purporting to be a payment of statutory sick pay (the “payment wrongly made”) has been made by that employer to a person (the “recipient”); and
- (b) that employer was not liable to make that payment under this Part.

(2) Regulations may make provision, in relation to such a case, for the recovery by the Department from the recipient, in prescribed circumstances, of an amount calculated in accordance with the regulations.

(3) Regulations under this Article may make such incidental and supplemental provision in relation to any payment made, or amount recovered, by the Department under the regulations as the Department considers expedient and may, in particular, provide—

- (a) for any such payment to be treated as discharging, or in prescribed circumstances as partially discharging, any liability of the recipient to repay to the employer the payment wrongly made;
- (b) for any such payment to be treated, in prescribed circumstances, as a payment to the recipient of a prescribed benefit (“benefit” having the meaning given by the regulations).

(4) In this Article “employer” includes a person believing himself to be an employer of the recipient in question.

(5) Any payment made by the Department in accordance with regulations under this Article shall be paid out of the National Insurance Fund and any amount recovered by the Department in accordance with the regulations shall be paid by the Department into that Fund.

Disclosure of information by Inland Revenue

27.—(1) No obligation as to secrecy imposed by statute or otherwise on persons employed in relation to the Inland Revenue shall prevent information obtained in connection with the assessment or collection of income tax under Schedule E from being disclosed to the Department or the Secretary of State, or to an officer of either of them authorised to receive such information, in connection with the operation of this Part or of Part I of the Social Security and Housing Benefits Act 1982.

(2) Paragraph (1) extends only to disclosure by or under the authority of the Inland Revenue; and information which is the subject of disclosure to any person by virtue of that paragraph shall not be further disclosed to any other person, except where the further disclosure is made—

- (a) to a person to whom disclosure could by virtue of this Article have been made by or under the authority of the Inland Revenue; or
- (b) for the purposes of any proceedings (civil or criminal) in connection with the operation of this Part or of Part I of the Social Security and Housing Benefits Act 1982.

Interpretation of Part II and supplementary provisions

28.—(1) In this Part—

“Commissioner” means a Social Security Commissioner (within the meaning of the principal Act) and includes a tribunal of Commissioners constituted under section 116 of the principal Act;

“contract of service” (except in paragraph (a) of the definition below of “employee”) includes any arrangement providing for the terms of appointment of an employee;

“employed earner’s employment” has the same meaning as in the principal Act;

“employee” means a person who is—

- (a) gainfully employed in Northern Ireland either under a contract of service, or in an office (including elective office) with emoluments chargeable to income tax under Schedule E; and
- (b) over the age of 16;

but subject to regulations, which may provide for cases where any such person is not to be treated as an employee for the purposes of this Part and for cases where any person who would not otherwise be an employee for those purposes is to be treated as an employee for those purposes;

“employer”, in relation to an employee and a contract of service of his, means the secondary contributor (within the meaning of section 4 of the principal Act) in relation to any earnings paid, or to be paid, to or for the benefit of that employee under that contract;

“insurance officer” means an officer appointed under section 97 (1) of the principal Act;

“local tribunal” means a tribunal established under section 97 (2) of the principal Act;

“maternity allowance” means an allowance payable under section 22 of the principal Act;

“pensionable age” means, in the case of a man, 65 or, in the case of a woman, 60;

“period of entitlement” has the meaning given by Article 5;

“period of incapacity for work” has the meaning given by Article 4;

“period of interruption of employment” has the same meaning as it has in the principal Act by virtue of section 17 (1) (d);

“prescribed” means prescribed by regulations;

“primary Class 1 contributions” and “secondary Class 1 contributions” have the same meaning as in the principal Act;

“qualifying day” has the meaning given by Article 6;

“week” means any period of seven days.

(2) For the purposes of this Part an employee’s normal weekly earnings shall, subject to paragraph (4), be taken to be his average weekly earnings in the relevant period under his contract of service with the employer in question.

(3) For the purposes of paragraph (2), the expressions “earnings” and “relevant period” shall have the meaning given to them by regulations.

(4) In such cases as may be prescribed an employee’s normal weekly earnings shall be calculated in accordance with regulations.

(5) Without prejudice to any other power to make regulations under this Part, regulations may specify cases in which, for the purposes of this Part or of such provisions of this Part as may be prescribed—

(a) two or more employers are to be treated as one;

(b) two or more contracts of service in respect of which the same person is an employee are to be treated as one.

(6) Regulations may provide for periods of work which begin on one day and finish on the following day to be treated, for purposes of this Part, as falling solely within one or other of those days.

(7) In this Part any reference to Northern Ireland includes a reference to the territorial waters of the United Kingdom adjacent to Northern Ireland.

Crown employment

29.—(1) Subject to paragraph (2), the provisions of this Part apply in relation to persons employed by or under the Crown as they apply in relation to persons employed otherwise than by or under the Crown.

(2) The provisions of this Part do not apply in relation to persons serving as members of Her Majesty’s forces, in their capacity as such.

PART III

MISCELLANEOUS

Sick pay to count as remuneration for principal Act

30.—(1) In section 3 of the principal Act (meaning of “earnings”), after subsection (1) there shall be inserted the following subsections—

“(1A) For the purposes of this section there shall be treated as remuneration derived from an employed earner’s employment any sickness payment made—

(a) to or for the benefit of the employed earner; and

(b) in accordance with arrangements under which the person who is the secondary contributor in relation to the employment concerned has made or remains liable to make payments towards the provision of that sickness payment.

(1B) Where the funds for making sickness payments under arrangements of the kind mentioned in subsection (1A) (b) above are attributable in part to contributions to those funds made by the employed earner, regulations may make provision for disregarding, for the purposes of subsection (1A) above, the prescribed part of any sum paid as a result of the arrangements.

(1C) In this section—

‘sickness payment’ means any payment made in respect of absence from work due to incapacity for work (within the meaning of section 17 of this Act); and

‘secondary contributor’ has the meaning given by section 4 of this Act.”.

(2) At the end of Schedule 1 to the principal Act (supplementary provisions relating to contributions) there shall be added the following paragraph—

“Sickness payments counting as remuneration

8.—(1) Regulations may make provision as to the manner in which, and the person through whom, any sickness payment which, by virtue of section 3 (1A) of this Act, is to be treated as remuneration derived from employed earner’s employment is to be made.

(2) In any case where regulations made under sub-paragraph (1) above have the effect of requiring a registered friendly society (within the meaning of the Friendly Societies Act (Northern Ireland) 1970) to make amendments to its rules, the amendments may, notwithstanding any provision of those rules, be made in accordance with the procedure prescribed by regulations made by the Registrar of Friendly Societies for Northern Ireland for the purposes of this paragraph.

(3) Regulations made under sub-paragraph (2) above shall be subject to negative resolution within the meaning of section 41 (6) of the Interpretation Act (Northern Ireland) 1954 as if they were statutory instruments within the meaning of that Act.”.

Supplementary allowance: conditions

31.—(1) For Article 7 of the Supplementary Benefits (Northern Ireland) Order 1977 (right to supplementary allowance) there shall be substituted the following Article—

“Supplementary allowance: conditions

7.—(1) The right of any person to a supplementary allowance shall be subject—

(a) except in prescribed cases, to the condition that he is available for employment; and

(b) in prescribed cases only, to the further condition that he is registered in the prescribed manner for employment.

(2) Regulations may make provision as to—

(a) what is and is not to be treated as employment for the purposes of this Article; and

(b) the circumstances in which a person is or is not to be treated for those purposes as available for employment.”.

(2) In Article 14 (1) of that Order (modification of right to supplementary allowance in certain cases) for sub-paragraph (a) there shall be substituted—

“(a) in a case in which the condition mentioned in Article 7 (1) (a) applies, a person claims or is in receipt of supplementary allowance and is not receiving unemployment benefit under the Social Security (Northern Ireland) Act 1975; and”.

Industrial injuries

32.—(1) Injury benefit is hereby abolished; and accordingly sections 50 (2) (a) and 56 of the principal Act (which make provision for injury benefit) are hereby repealed.

(2) In section 57 of the principal Act, for subsection (4) (period in respect of which disablement benefit is not payable) there shall be substituted the following subsection—

“(4) Disablement benefit shall not be available to a person until after the expiry of the period of ninety days (disregarding Sundays) beginning with the day of the relevant accident.”.

(3) In section 14 of the principal Act (sickness benefit) the following subsection shall be inserted after subsection (2)—

“(2A) Subsection (1) above is subject to the provision made by section 50A of this Act in relation to entitlement to sickness benefit in cases of industrial injury.”.

(4) After section 50 of the principal Act there shall be inserted the following section—

“Sickness benefit in respect of industrial injury.

50A.—(1) In any case where—

- (a) an employed earner is incapable of work as a result of a personal injury of a kind mentioned in section 50 (1) of this Act; and
- (b) the contribution conditions are not satisfied in respect of him;

those conditions shall be taken to be satisfied for the purposes of paragraph (a) or, as the case may be, (b) of section 14 (2) of this Act as that paragraph applies in relation to sickness benefit.

(2) In the case of a person who—

- (a) is entitled, by virtue of this section, to sickness benefit under subsection (2) (b) of section 14; and
- (b) is not also entitled to sickness benefit under subsection (2) (c) of that section;

the weekly rate at which sickness benefit is payable shall be determined in accordance with regulations.

(3) In subsection (1) above “contribution conditions” means—

- (a) in the case of a person who is under pensionable age, the contribution conditions specified for sickness benefit in Schedule 3, Part I, paragraph 1; and
- (b) in the case of a person who has attained pensionable age but has not retired from regular employment, the contribution conditions for a Category A retirement pension specified in Schedule 3, Part I, paragraph 5.”.

(5) Regulations may make such transitional or saving provision as the Department considers necessary or expedient in connection with the provisions of this Article.

Refusal and cancellation of contracting-out certificates

33. In the Social Security Pensions (Northern Ireland) Order 1975 (a) the following Article shall be inserted after Article 52—

“Refusal and cancellation of contracting-out certificates

52A.—(1) This paragraph applies in any case where—

- (a) a contracting-out certificate (the ‘first certificate’) has been surrendered by an employer or cancelled by the Occupational Pensions Board; and
- (b) at any time before the expiry of the period of twelve months beginning with the date of the surrender or cancellation, that or any connected employer, with a view to the issue of a further contracting-out certificate, makes an election in respect of any employment which was specified by virtue of Article 33 (1) (a) in the first certificate.

(2) This paragraph applies in any case where—

- (a) a contracting-out certificate (the ‘first certificate’) has been surrendered by an employer or cancelled by the Board;
- (b) a further contracting-out certificate has been issued, after the surrender or cancellation of the first certificate but before the expiry of the period of twelve months beginning with the date of the surrender or cancellation, in respect of any employment which was specified by virtue of Article 33 (1) (a) in the first certificate; and
- (c) the Board have formed the opinion that had they been aware of all the circumstances of the case at the time when the further contracting-out certificate was issued they would have been prevented by paragraph (4) from issuing it.

(3) Paragraphs (1) and (2) apply whether or not the occupational pension scheme by reference to which the employment concerned was contracted-out employment by virtue of the first certificate is the same as the scheme by reference to which the employment—

- (a) would be contracted-out employment if the further contracting-out certificate were issued; or
- (b) is contracted-out employment by virtue of the further contracting-out certificate.

(4) In a case to which paragraph (1) applies, the Board shall not give effect to the election referred to in that paragraph by issuing a further contracting-out certificate unless they consider that, in all the circumstances of the case, it would be reasonable to do so.

(5) In a case to which paragraph (2) applies, the Board may, before the expiry of the period of twelve months beginning with the date on which the further contracting-out certificate was issued, cancel the further contracting-out certificate.

(6) Where a contracting-out certificate is cancelled under paragraph (5) the provisions of this Order and of any regulations and orders made under it shall have effect as if the certificate had never been issued.

(7) This Article does not apply in any case where the surrender or cancellation of the first certificate occurred before 22nd July 1981.

(a) S.I. 1975/1503 (N.I. 15).

(8) Where the further contracting-out certificate referred to in sub-paragraph (b) of paragraph (2) was issued before the commencement of this Article, then—

- (a) sub-paragraph (c) of that paragraph shall have effect as if this Article had been in force at the time when the further contracting-out certificate was issued; and
- (b) paragraph (5) shall have effect as if the reference to the date of issue of that certificate were a reference to the commencement of this Article.

(9) Regulations may make such supplemental provision in relation to cases falling within paragraph (1) or (2) as the Department considers necessary or expedient.

(10) Without prejudice to paragraph (9), regulations may make provision, in relation to any case in which the Board have cancelled a contracting-out certificate under paragraph (5), preventing the recovery by the employer concerned (whether by deduction from emoluments or otherwise), of such arrears which he is required to pay to the Department in respect of an earner's liability under section 4 (3) of the principal Act as may be prescribed.

(11) For the purposes of paragraphs (1) and (2) an employment (the 'second employment') in respect of which—

- (a) an election of the kind referred to in paragraph (1) (b) has been made; or
- (b) a further contracting-out certificate of the kind referred to in paragraph (2) (b) has been issued;

and an employment (the 'first employment') which was specified by virtue of Article 33 (1) (a) in the first certificate shall be treated as one employment if, in the opinion of the Board,—

- (i) they are substantially the same, however described; or
- (ii) the first employment falls wholly or partly within the description of the second employment or the second employment falls wholly or partly within the description of the first employment.

(12) Regulations shall prescribe the cases in which employers are to be treated as connected for the purposes of this Article.

(13) Where the Department proposes to make regulations under paragraph (10), section 10 (1) of the Social Security Act 1980 (a) (duty of Department to refer proposed regulations to the Social Security Advisory Committee) shall apply in relation to those proposals.”.

Recovery of sums due to the Department

34.—(1) At the end of section 8 of the Family Income Supplements Act (Northern Ireland) 1971 (prevention of double payments and recovery of overpayments) there shall be added the following subsection—

“(5) Any sum which is, by virtue of regulations under subsection (3) or section 10 (2) (ii), recoverable by the Department in pursuance of a decision made by a supplement officer, the Appeal Tribunal or a Social Security Commissioner shall, if the county court so orders, be enforceable as if it were payable under an order of that court.”.

(a) 1980 c. 30.

(2) At the end of section 119 of the principal Act (effect of adjudication on payment and recovery) there shall be added the following subsection—

“(5) Any sum which is, by virtue of this section or regulations under subsection (3) above, required to be repaid to the Department in pursuance of a decision made by an insurance officer, local tribunal or Commissioner shall, if the county court so orders, be enforceable as if it were payable under an order of that court.”.

(3) At the end of Article 25 of the Supplementary Benefits (Northern Ireland) Order 1977 (recovery in cases of misrepresentation or non-disclosure) there shall be added the following paragraph—

“(6) Any sum which is, by virtue of this Article or regulations under Article 19 (2) (*dd*), recoverable by the Department in pursuance of a decision made by a benefit officer, the Appeal Tribunal or a Social Security Commissioner shall, if the county court so orders, be enforceable as if it were payable under an order of that court.”.

Application of social security legislation in relation to territorial waters

35.—(1) The following statutory provisions are referred to in this Article as the “listed enactments”—

- (a) the Family Income Supplements Act (Northern Ireland) 1971;
- (b) the principal Act;
- (c) the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975 (a);
- (d) the Child Benefit (Northern Ireland) Order 1975 (b);
- (e) the Supplementary Benefits (Northern Ireland) Order 1977;
- (f) the Pensioners’ Payments and Social Security Act 1979 (c).

(2) The listed enactments shall have effect, and be deemed always to have had effect, as if—

- (a) any reference to Northern Ireland included a reference to the territorial waters of the United Kingdom adjacent to Northern Ireland;
- (b) in any reference to the presence or residence of a person in the United Kingdom (however expressed) the reference to the United Kingdom included a reference to the territorial waters of the United Kingdom; and
- (c) in any reference to a person residing or being in Great Britain (however expressed) the reference to Great Britain included a reference to the territorial waters of the United Kingdom adjacent to Great Britain.

(3) Where any of the listed enactments is derived from an earlier statutory provision (whether directly or indirectly) anything done under or by virtue of a provision of, or made under, that earlier statutory provision which contained a reference of a kind mentioned in sub-paragraph (a), (b) or (c) of paragraph (2) shall have effect as if that reference had at the material time been the extended reference provided for by that sub-paragraph.

(4) The Department may by regulations make such provision in respect of any statutory provision (including a listed enactment) as it considers necessary or expedient in connection with the operation of that statutory provision in relation to the territorial waters of the United Kingdom.

(a) 1975 c. 17 (N.I.).

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

(c) 1979 c. 48.

Regulations and orders

36.—(1) Subsections (2), (3) and (5) of section 155 of the principal Act (which among other things make provision about the extent of powers to make orders and regulations) shall apply to any power to make orders or regulations conferred by this Order as they apply to any power to make orders or regulations conferred by that Act.

(2) Any power of the Department to make regulations under this Order shall be subject to negative resolution.

Expenses

37. There shall be paid out of the National Insurance Fund into the Consolidated Fund, at such time and in such manner as the Department of Finance and Personnel may direct, such sums as the Department may estimate (in accordance with any directions given by the Department of Finance and Personnel) to be the amount of the administrative expenses incurred by the Department under Part II, excluding—

- (a) any category of expenses which the Department of Finance and Personnel may direct, or any statutory provision may require, to be excluded from the Department's estimate under this paragraph; and
- (b) any expenses incurred under paragraphs 7 to 10 of Schedule 2.

Minor and consequential amendments and transitional provisions

38. The statutory provisions mentioned in Part I of Schedule 4 shall have effect subject to the minor and consequential amendments specified in that Part; and the transitional provisions in Part II of that Schedule shall have effect.

Repeals

39. The statutory provisions mentioned in Schedule 5 (which include some that are spent) are hereby repealed to the extent specified in the third column of that Schedule.

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

SCHEDULES

Article 5 (3).

SCHEDULE 1

CIRCUMSTANCES IN WHICH PERIODS OF ENTITLEMENT DO NOT ARISE

1. A period of entitlement does not arise in relation to a particular period of incapacity for work in any of the circumstances set out in paragraph 2 or in such other circumstances as may be prescribed.

2. The circumstances are that—

- (a) at the relevant date the employee is over pensionable age;
- (b) the employee's contract of service was entered into for a specified period of not more than three months;
- (c) at the relevant date the employee's normal weekly earnings are less than the lower earnings limit then in force under section 4 (1) (a) of the principal Act;
- (d) the employee had—
 - (i) in the period of 57 days ending immediately before the relevant date, at least one day which formed part of a period of interruption of employment; and
 - (ii) at any time during that period of interruption of employment, an invalidity pension day (whether or not the day referred to in head (i));
- (e) in the period of 57 days ending immediately before the relevant date the employee had at least one day on which—
 - (i) he was entitled to sickness benefit (or on which he would have been so entitled if he had satisfied the contribution conditions for sickness benefit mentioned in section 14 (2) (a) of the principal Act); or
 - (ii) she was entitled to a maternity allowance;
- (f) the employee has done no work for his employer under his contract of service;
- (g) on the relevant date there is, within the meaning of section 19 of the principal Act, a stoppage of work due to a trade dispute at the employee's place of employment;
- (h) before the relevant date the employee has reached his maximum entitlement to statutory sick pay as against the employer concerned, in the tax year in question; and
- (i) the employee is, or has been, pregnant and the relevant date falls within the disqualifying period (within the meaning of Article 5 (9)).

3. In this Schedule "relevant date" means the date on which a period of entitlement would begin in accordance with Article 5 if this Schedule did not prevent it arising.

4.—(1) Paragraph 2 (b) does not apply in any case where—

- (a) at the relevant date the contract of service has become a contract for a period exceeding three months; or
- (b) the contract of service (the "current contract") was preceded by a contract of service entered into by the employee with the same employer (the "previous contract") and—
 - (i) the interval between the date on which the previous contract ceased to have effect and that on which the current contract came into effect was not more than eight weeks; and
 - (ii) the aggregate of the period for which the previous contract had effect and the period specified in the current contract (or, where that period has been extended, the specified period as so extended) exceeds thirteen weeks.

(2) For the purposes of sub-paragraph (1) (b) (ii), in any case where the employee entered into more than one contract of service with the same employer before the current contract, any of those contracts which came into effect not more than eight weeks after the date on which an earlier one of them ceased to have effect shall be treated as one with the earlier contract.

5.—(1) In paragraph 2 (d) “invalidity pension day” means a day—

- (a) for which the employee in question was entitled to an invalidity pension or a non-contributory invalidity pension; or
- (b) for which he was not so entitled but which was the last day of the invalidity pension qualifying period.

(2) In sub-paragraph (1) (b) the “invalidity pension qualifying period” means the period mentioned in section 15 (1) of the principal Act or, as the case may be, Article 17 (2) or 18 (2) of the Social Security Pensions (Northern Ireland) Order 1975 as falling within the period of interruption of employment referred to in that section or Article.

6. For the purposes of paragraph 2 (f), if an employee enters into a contract of service which is to take effect not more than eight weeks after the date on which a previous contract of service entered into by him with the same employer ceased to have effect, the two contracts shall be treated as one.

7. Paragraph 2 (g) does not apply in the case of an employee who proves that at no time on or before the relevant date did he participate in, or have a direct interest in, the trade dispute in question.

8. Paragraph 2 (i) does not apply in relation to an employee who has been pregnant if her pregnancy terminated, before the beginning of the disqualifying period, otherwise than by confinement (within the meaning of Article 5 (9)).

Article 12.

SCHEDULE 2

RELATIONSHIP WITH BENEFITS AND OTHER PAYMENTS, ETC.

The general principle

1. Any day which—

- (a) is a day of incapacity for work in relation to any contract of service; and
- (b) falls within a period of entitlement (whether or not it is also a qualifying day);

shall not be treated, for the purposes of the principal Act or the Social Security Pensions (Northern Ireland) Order 1975, as a day of incapacity for work for the purposes of determining whether a period is a period of interruption of employment.

Contractual remuneration

2.—(1) Subject to sub-paragraphs (2) and (3), any entitlement to statutory sick pay shall not affect any right of an employee in relation to remuneration under any contract of service (“contractual remuneration”).

(2) Subject to sub-paragraph (3)—

- (a) any contractual remuneration paid to an employee by an employer of his in respect of a day of incapacity for work shall go towards discharging any liability of that employer to pay statutory sick pay to that employee in respect of that day; and

- (b) any statutory sick pay paid by an employer to an employee of his in respect of a day of incapacity for work shall go towards discharging any liability of that employer to pay contractual remuneration to that employee in respect of that day.

(3) Regulations may make provision as to payments which are, and those which are not, to be treated as contractual remuneration for the purposes of sub-paragraph (1) or (2).

Sickness and unemployment benefit

3.—(1) This paragraph applies in any case where—

- (a) a period of entitlement as between an employee and an employer of his comes to an end; and
- (b) the first day immediately following the day on which the period of entitlement came to an end—
 - (i) is a day of incapacity for work in relation to that employee; and
 - (ii) is not prevented by paragraph 1 from being treated as a day of incapacity for work for the purposes of determining whether a period is a period of interruption of employment.

(2) In a case to which this paragraph applies, the day of incapacity for work mentioned in sub-paragraph (1)(b) shall, except in prescribed cases, be or, as the case may be, form part of a period of interruption of employment notwithstanding section 17(1)(d)(ii) of the principal Act (which requires a period of interruption of employment to consist of four or more consecutive days of incapacity for work).

(3) Where each of the first two consecutive days, or the first three consecutive days, following the day on which the period of entitlement came to an end is a day falling within sub-heads (i) and (ii) of sub-paragraph (1)(b), sub-paragraph (2) shall have effect in relation to the second day or, as the case may be, the second and third days, as it has effect in relation to the first day.

(4) Any day which is, by virtue of section 17(1)(e) of the principal Act, to be disregarded in computing any period of consecutive days for the purposes of that Act shall be disregarded in determining, for the purposes of this paragraph, whether a day is the first day following the end of a period of entitlement or, as the case may be, the second or third consecutive such day.

4.—(1) This paragraph applies in any case where—

- (a) a period of entitlement as between an employee and an employer of his comes to an end; and
- (b) that employee has a day of incapacity for work which—
 - (i) is, or forms part of, a period of interruption of employment; and
 - (ii) falls within the period of 57 days immediately following the day on which the period of entitlement came to an end.

(2) In a case to which this paragraph applies, section 14(3) of the principal Act (which provides for no entitlement to unemployment or sickness benefit for the first three days of any period of interruption of employment) shall not apply in relation to a day of incapacity for work of a kind mentioned in sub-paragraph (1)(b) or to any later day in the period of interruption of employment concerned.

Invalidity pension

5.—(1) This paragraph applies in any case where—

- (a) a period of entitlement as between an employee and an employer of his (the “first period”) comes to an end;
- (b) the first period, or another period of entitlement as between the employee and an employer of his which came to an end while the first period was running, came to an end by virtue of Article 5(2)(b); and
- (c) the employee has a day of incapacity for work which—
 - (i) is, or forms part of, a period of interruption of employment; and
 - (ii) falls within the period of 57 days immediately following the day on which the first period came to an end.

(2) In a case to which this paragraph applies, section 15(1) of the principal Act (entitlement to invalidity pension) and Articles 17(2) and 18(2) of the Social Security Pensions (Northern Ireland) Order 1975 (entitlement to invalidity pension for,

respectively, widow and widower) shall have effect, in relation to the period of interruption of employment mentioned in sub-paragraph (1)(c)(i), as if for the references to 168 days there were substituted references to 120 days.

Unemployability supplement

6. Paragraph 1 does not apply in relation to section 59 of the principal Act (increases in unemployability supplement) and accordingly the references in that section to a period of interruption of employment shall be construed as if Part II of this Order had not been made.

Supplementary benefit

- 7.—(1) This paragraph applies in any case where—
- (a) for any period an amount has been paid by way of supplementary benefit to or in respect of an employee; and
 - (b) it appears to the Department that the whole, or some part, of that amount might not have been so paid if an employer who was liable to make to that employee one or more payments of statutory sick pay had made that payment or, as the case may be, those payments.
- (2) In this paragraph and in paragraphs 8 and 9 “sickness payment” means—
- (a) any payment by way of statutory sick pay; and
 - (b) any payment, of a prescribed kind, made to an employee in respect of his incapacity for work.
- (3) In any case to which this paragraph applies, the Department may serve on the employer concerned, in a prescribed form and manner, a notice—
- (a) informing him that an amount has been paid by way of supplementary benefit to or in respect of the employee and of the period for which the payment was made;
 - (b) requiring him to inform the Department in writing, within such period as may be specified in the notice—
 - (i) whether or not he is, or has at any time been, liable to make any sickness payment to the employee in respect of any day specified in the notice;
 - (ii) of the amount of any such liability in respect of statutory sick pay;
 - (iii) of the amount of any such liability in respect of any other sickness payment; and
 - (iv) if any such liability has been discharged in whole or in part, of the extent to which it has been, and the date on which it was discharged; and
 - (c) requiring him to comply with sub-paragraph (4) if he has been liable as mentioned in head (b) (i), in respect of statutory sick pay, and at the time when he receives the notice—
 - (i) that liability; or
 - (ii) if he has also been so liable in respect of any other sickness payment, his liability for that other sickness payment;has not been wholly discharged.
- (4) Where an employer is required to comply with this sub-paragraph he shall—
- (a) calculate, in accordance with regulations, the net payment for the purposes of paragraph 8;
 - (b) inform the Department, in writing and before the expiry of the period mentioned in sub-paragraph (3) (b), of the amount of the net payment, as calculated by him; and
 - (c) withhold, until such time as it is determined whether or not the employer is to be required to make a payment to the Department under paragraph 8 (2), so much of the sickness payment, or part, in question as is equal to the net payment.

(5) In any case where an employer who is required by sub-paragraph (4) to calculate the net payment to be made in his case—

(a) fails to inform the Department as required by sub-paragraph (4) (b); or

(b) in the opinion of the Department, has in purporting to calculate that payment failed to do so in accordance with the relevant regulations;

the Department may make the calculation for him; and this and the following paragraph shall have effect as if a calculation made by the Department under this sub-paragraph had been duly made by the employer concerned.

8.—(1) This paragraph applies in any case where—

(a) a notice has been served on an employer under paragraph 7 (3) and the employer has been required to comply with paragraph 7 (4); and

(b) a benefit officer appointed under Article 33 of the Supplementary Benefits (Northern Ireland) Order 1977 determines that the whole, or a specified part, of the amount paid by way of supplementary benefit would not have been paid if the employer had paid to the employee concerned, on or before a date determined in accordance with regulations, an amount equal to the net payment, or the aggregate of the net payments, attributable to the sickness payment or payments in question.

(2) In a case to which this paragraph applies, the employer concerned shall, if the Department so requires, pay to the Department, within the prescribed period, whichever is the lesser of the following—

(a) the amount determined in accordance with sub-paragraph (1) (b);

(b) an amount equal to the net payment, or the aggregate of the net payments, required to be withheld by virtue of paragraph 7 (4) (c).

(3) Any sum paid to the Department under this paragraph shall be paid by the Department into the Consolidated Fund.

(4) For the purposes of regulations made under Article 19 (2) (d) (provision for review of determinations) of the said Order of 1977 a determination by a benefit officer made for the purposes of this paragraph shall be treated as if it had been made under that Order; and for the purposes of Article 20 of that Order (right of appeal) the employee shall be treated as a person to whom the said Article 20 gives a right of appeal against the determination (including a determination to refuse to review a determination).

9.—(1) Regulations shall provide—

(a) for the extent to which, and purposes for which, an employer who has made a payment to the Department under paragraph 8 is to be treated as having discharged his liability to make the sickness payment or payments to which the payment under paragraph 8 is attributable; and

(b) for an amount, calculated in accordance with the regulations, to be treated in a case to which sub-paragraph (2) applies and for prescribed purposes as having been paid to the employee concerned as remuneration derived from an employed earner's employment.

(2) This sub-paragraph applies to any case (other than one of a prescribed class) where an employer is required by virtue of paragraph 7 (4) (c) to withhold the whole or any part of a sickness payment.

(3) Regulations made by virtue of sub-paragraph (1) (b) may make provision for determining the date on which any payment treated as mentioned in that sub-paragraph is to be taken as having been made.

10. Nothing in paragraphs 7 to 9 shall be taken to prejudice the right of the Department, under any other statutory provision, to recover the amount of any supplementary benefit from any person.

Benefit paid when statutory sick pay due

- 11.—(1) This paragraph applies in any case where—
- (a) in respect of any period, an amount has been paid to a person by way of benefit;
 - (b) as a result of any appeal heard, or review conducted, under any statutory provision it has been determined that the recipient of the benefit was not entitled to it; and
 - (c) the recipient was entitled, in respect of that period, to payment by an employer of his of an amount of statutory sick pay.
- (2) In any case to which this paragraph applies, the Department may serve on the employer concerned, in a prescribed form and manner, a notice—
- (a) informing him that an amount has been paid to the recipient by way of benefit and of the period in respect of which the payment was made;
 - (b) requiring him to inform the Department in writing within such period as may be specified in the notice—
 - (i) of the amount of any statutory sick pay which he was liable to pay to the employee in respect of the period mentioned in sub-paragraph (1) (c);
 - (ii) of the amount of any other sickness payment for which he was so liable; and
 - (iii) if any such liability has been discharged in whole or in part, of the extent to which it has been, and the date on which it was, discharged; and
 - (c) requiring him to comply with sub-paragraph (3) if, at the time when he receives the notice, any liability of his falling within head (b) (i) or (ii) has not been wholly discharged.
- (3) Where an employer is required to comply with this sub-paragraph he shall—
- (a) calculate, in accordance with regulations, the net payment for the purposes of sub-paragraph (5);
 - (b) inform the Department, in writing and before the expiry of the period mentioned in sub-paragraph (2) (b), of the amount of the net payment, as calculated by him; and
 - (c) withhold, pending a decision by the Department as to whether to require payment under sub-paragraph (5), so much of the sickness payment, or part, in question as is equal to the net payment.
- (4) In any case where an employer who is required by sub-paragraph (3) to calculate the net payment to be made in his case—
- (a) fails to inform the Department as required by sub-paragraph (3) (b); or
 - (b) in the opinion of the Department, has in purporting to calculate that payment failed to do so in accordance with the relevant regulations;
- the Department may make the calculation for him; and this paragraph shall have effect as if a calculation made by the Department under this sub-paragraph had been duly made by the employer concerned.
- (5) Where the Department has served a notice under sub-paragraph (2), and the employer concerned has been required to comply with sub-paragraph (3), that employer shall, if the Department so requires, pay to the Department, within the prescribed period, whichever is the lesser of the following—
- (a) the amount mentioned in sub-paragraph (2) (a);
 - (b) an amount equal to the net payment, or the aggregate of the net payments, required to be withheld by virtue of sub-paragraph (3) (c).
- (6) In this paragraph “sickness payment” has the same meaning as in paragraph 7.
- (7) Regulations shall provide—
- (a) for the extent to which, and purposes for which, an employer who has made a payment to the Department under this paragraph is to be treated as having discharged his liability to make the sickness payment or payments to which the payment under this paragraph is attributable; and

- (b) for an amount, calculated in accordance with the regulations, to be treated in a case to which sub-paragraph (8) applies and for prescribed purposes as having been paid to the employee concerned as remuneration derived from an employed earner's employment.
- (8) This sub-paragraph applies to any case (other than one of a prescribed class) where an employer is required by virtue of sub-paragraph (3) (c) to withhold the whole or any part of a sickness payment.
- (9) Regulations made by virtue of sub-paragraph (7) (b) may make provision for determining the date on which any payment treated as mentioned in that sub-paragraph is to be taken as having been made.
- (10) Subject to regulations made under sub-paragraph (11), nothing in this paragraph shall be taken to prejudice the right of the Department, under any statutory provision, to recover any amount paid to a person by way of benefit.
- (11) Regulations may provide for the modification of section 119 of the principal Act (effect of adjudication on payment and recovery of benefit) in relation to any case to which this paragraph applies; and any such regulations may, in particular,—
- (a) make provision pending a determination whether or not a case is one to which this paragraph applies; and
- (b) provide for section 119 to have effect as if subsection (2) (no recovery of benefit where no lack of due care and diligence) were omitted.
- (12) Any sum paid to the Department under this paragraph shall be paid by the Department into the National Insurance Fund.

*The Contracts of Employment and Redundancy Payments Act
(Northern Ireland) 1965 (c. 19)*

12. In paragraphs 2 (2) and 3 (3) of Schedule 2 (sick pay, etc., treated as discharging employer's liability towards employee in period of notice terminating contract of employment), in each case, after the words "sick pay" insert "statutory sick pay,".

*The Industrial Relations (Northern Ireland) Order 1976
(S.I. 1976/1043 (N.I. 16))*

13. In Article 42 (employee's rights on insolvency of employer), in paragraph (4), after sub-paragraph (d) insert the following sub-paragraph—

"(e) statutory sick pay, payable under Part II of the Social Security (Northern Ireland) Order 1982;".

Article 17 (5).

SCHEDULE 3

DETERMINATION OF QUESTIONS: PROCEDURE

1. The following are the kinds of provision referred to in Article 17 (5).
2. Provision as to the form which is to be used for any document, the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence.
3. Provision as to the time to be allowed for producing any evidence.
4. Provision for summoning persons to attend to give evidence or produce documents and for authorising the administration of oaths to witnesses.
5. Provision for the award of costs or expenses.
6. Provision for authorising a local tribunal consisting of two or more members to proceed with any case, with the consent of the prescribed person, in the absence of any member.

7. Provision for giving the chairman of a local tribunal consisting of two or more members a second or casting vote where the number of members present is an even number.

8. Provision for empowering the Department, an insurance officer, a local tribunal or a Commissioner to refer to a medical practitioner for examination and report any question arising for decision.

9. Provision that in such cases as may be prescribed, one or more medical practitioners shall sit with a local tribunal or Commissioner either as additional members or as assessors.

10. Provision for the appointment by the Department of medical practitioners to act for the purposes of Part II of this Order either generally or for such cases and for such adjudicators as the Department may determine.

In this paragraph "adjudicators" means insurance officers, local tribunals, Commissioners and the Department.

11. Provision for extending and defining the functions of assessors for the purposes of Part II of this Order.

12. Provision for withholding from a person the particulars of any medical advice or medical evidence given or submitted in connection with the determination of any question if, in the opinion of the prescribed authority (being the person or tribunal, or the chairman of the tribunal, by whom that determination falls to be made), disclosure of those particulars to that person would be undesirable in his interests.

Article 38.

SCHEDULE 4

AMENDMENTS AND TRANSITIONAL PROVISIONS

PART I

MINOR AND CONSEQUENTIAL AMENDMENTS

The Industrial Training Act (Northern Ireland) 1964 (c. 18)

1. In section 11 (accidents in connection with training) after the word "board" in subsection (1) and in each place where it occurs in subsection (3) insert "or the Department".

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

2.—(1) Section 10 (regulation-making powers) shall be amended as follows.

(2) After paragraph (i), in subsection (2), insert the following paragraph—

“(ii) as respects matters arising in connection with the making of interim payments (including provision for the recovery of such payments in whole or in part);”.

(3) After subsection (4) add the following subsections—

“(5) Where any amount is recoverable under regulations made by virtue of subsection (2) (ii), it may, without prejudice to any other method of recovery, be recovered by deduction from any family income supplement or from any benefit under the Social Security (Northern Ireland) Act 1975 or the Child Benefit (Northern Ireland) Order 1975.

(6) In subsection (2) (ii) "interim payments" means payments made—

(a) otherwise than in accordance with this Act, under arrangements made by the Department with the consent of the Department of Finance and Personnel; and

- (b) pending the determination, whether in the first instance or on an appeal or reference and whether originally or on review, of any claim to family income supplement.”.

The National Insurance Measure (Northern Ireland) 1974 (c. 4)

3. In section 5 (1) of the National Insurance Measure (Northern Ireland) 1974 (power to make regulations providing, amongst other things, for the correction of accidental errors in decisions or records of decisions under relevant enactments) add, at the end, “or the Social Security (Northern Ireland) Order 1982”.

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

4. At the end of section 3 (meaning of “earnings”) add the following subsection—

“(4) For the purposes of this section, regulations may make provision for treating as remuneration derived from an employed earner’s employment any payment made by a body corporate to or for the benefit of any of its directors where that payment would, when made, not be earnings for the purposes of this Act.”.

5. In section 14 (unemployment and sickness benefit), in subsection (4), after the words “subsection (2) (a) above” insert “(including a person entitled by virtue of that subsection and section 50A of this Act)”.

6. At the end of section 15 (invalidity pension) add the following subsection—

“(6) Regulations may make provision in relation to entitlement to invalidity pension—

(a) corresponding to that made by or under section 50A of this Act in relation to sickness benefit for persons who have attained pensionable age but have not retired from regular employment;

(b) restricting entitlement to invalidity pension in cases where in respect of one or more of the 168 days mentioned in subsection (1) above the person claiming invalidity pension (whether or not he has attained pensionable age) would not have been entitled to sickness benefit but for the provisions of section 50A (1) of this Act.”.

7. For subsection (2) of section 48 (priority of reductions under earnings rules) substitute the following subsections—

“(2) Sections 45 and 46 above, as they relate to the amount of the increase of a Category A retirement pension, have effect subject to section 30 (1) above (earnings rule).

(3) In any case where a reduction in the amount of a Category A retirement pension falls to be made under section 30 (1), then—

(a) if a reduction in an increase in that pension under section 45 or 46 above falls to be made under section 45 (3) or, as the case may be, under regulations made under section 46 (4), the reduction under section 30 (1) shall be made first;

(b) the reduction under section 30 (1) shall be made, so far as is necessary—

(i) initially against so much of the pension (other than any increase falling within sub-paragraph (ii) or (iii) below) as is subject to section 30 (1);

(ii) then against any increase in the pension under section 45 or, as the case may be, 46; and

(iii) finally against any increase in the pension under section 41 above.”.

8.—(1) Section 50 (description of industrial injuries benefits) shall be amended as follows.

(2) For subsection (4) substitute the following subsection—

“(4) Regulations may make provision as to the day which, in the case of night workers and other special cases, is to be treated for the purposes of industrial injuries benefit as the day of the accident.”.

(3) Insert the following subsection at the end—

“(6) In this Chapter ‘work’, in the contexts ‘incapable of work’ and ‘incapacity for work’, means work which the person in question can reasonably be expected to do.”

9. In section 60 (1) (increase of disablement pension for special hardship) for “injury benefit period” substitute “period of ninety days referred to in section 57 (4) of this Act”.

10.—(1) Section 79 shall be amended as follows.

(2) In subsection (3) (a) (regulations about claims for benefits) for “non-contributory invalidity pension or injury benefit” substitute “or non-contributory invalidity pension”.

(3) In subsection (3) (b) (award of benefit in respect of period after date of claim) for “13 weeks” substitute “26 weeks”.

11. In section 91 (1) (b) (i) (regulations as to adjusting injury benefit in certain circumstances) for “either” substitute “that benefit”.

12. In paragraph 4 of Schedule 8 (period to be taken into account in assessing extent of disablement for purposes of industrial injuries benefit) for “injury benefit period” substitute “period of ninety days referred to in section 57 (4) of this Act”.

The Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15))

13. At the end of Article 34 (contracted-out schemes) add the following paragraph—

“(7) An occupational pension scheme which—

(a) at any time before the coming into operation of the first regulations made under sub-paragraph (a) of paragraph (2) did not satisfy that sub-paragraph; but

(b) would have satisfied it if those regulations had then been in operation;

shall, for the purpose of determining whether the scheme satisfied that sub-paragraph, be treated as if those regulations had been in operation at that time.”

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

14.—(1) Article 19 (administration of supplementary benefit) shall be amended as follows.

(2) After sub-paragraph (d), in paragraph (2), insert the following sub-paragraph—
“(dd) as respects matters arising in connection with the making of interim payments (including provision for the recovery of such payments in whole or in part);”

(3) After paragraph (2) add the following paragraphs—

“(2A) Where any amount is recoverable under regulations made by virtue of paragraph (2) (dd), it may, without prejudice to any other method of recovery, be recovered by deduction from prescribed benefits.

(2B) In paragraph (2) (dd) ‘interim payments’ means payments made—

(a) otherwise than in accordance with this Order, under arrangements made by the Department with the consent of the Department of Finance and Personnel; and

(b) pending the determination, whether in the first instance or on an appeal or reference and whether originally or on review, of any claim for supplementary benefit.”

15. In Article 20A (4) (powers of Commissioners on hearing appeals from Appeal Tribunals) for sub-paragraph (b) substitute—

“(b) to refer the case to an Appeal Tribunal, with directions (which may include directions as to the constitution of the tribunal);”

16. In Article 25 (recovery in cases of misrepresentation or non-disclosure), in paragraph (5), for “paragraph (4)” substitute “paragraphs (4) and (6)”.

The Social Security Act 1980 (c. 30)

17. In section 9 (functions, etc., of the Social Security Advisory Committee) in the definition of “the relevant Northern Ireland enactments” in subsection (7) insert, after “Order 1977”, “and Part II of the Social Security (Northern Ireland) Order 1982”.

18.—(1) Part II of Schedule 3 (regulations not requiring prior submission to the Committee) is amended as follows.

(2) In paragraph 13 (2) after “Part IV” insert “(other than regulations made under Article 52A (10))”.

(3) In paragraph 15A, for the words from “and corresponding” to the end of the paragraph substitute “or under Article 11 of the Social Security (Northern Ireland) Order 1982”.

*The Social Security (No. 2) (Northern Ireland) Order 1980
(S.I. 1980/1087 (N.I. 13))*

19. In Article 5 (abatement of unemployment benefit on account of payments of occupational pension) after paragraph (1) insert the following paragraph—

“(1A) Where a reduction in the rate of unemployment benefit payable to a person falls to be made under this Article the reduction shall be made, so far as is necessary—

- (a) initially against so much of the benefit as falls to be paid by virtue of subsection (4) or (6) of section 14 of the principal Act (basic rates) or of regulations under section 33 of that Act (lower rate where contribution conditions partially satisfied);
- (b) then against so much of the benefit as falls to be paid by way of earnings-related supplement under subsection (7) of section 14 of the principal Act;
- (c) then against any increase in the benefit payable under section 44 of the principal Act (dependent adults); and
- (d) finally against any increase in the benefit payable under section 41 of the principal Act (dependent children).”.

PART II

TRANSITIONALS

20.—(1) Section 10 (1) of the Social Security Act 1980 (duty of Department to refer proposals for regulations to the Social Security Advisory Committee) shall not apply to any regulations which state that they satisfy the requirements of this paragraph.

(2) Regulations satisfy the requirements of this paragraph if they contain only one or more of the following—

- (a) regulations made under or by virtue of any provision of this Order and before the expiry of the period of six months beginning with the commencement of that provision;
- (b) regulations made under any statutory provision in consequence of a provision of this Order, or in consequence of any provision made by virtue of a provision of this Order, and before the expiry of the period of six months beginning with the commencement of the relevant provision of this Order;
- (c) regulations proposals for which are not subject to the requirements of section 10 (1).

21. Regulations may make provision with respect to the date from which a period of entitlement is to be taken to have begun in any case where, on the date on which Article 5 comes into operation, a period of incapacity for work which began before that date has not come to an end.

REPEALS

Chapter or Number	Title	Extent of Repeal
1975 c. 15.	The Social Security (Northern Ireland) Act 1975.	<p>In section 4 (2), the words "Subject to section 6 below,".</p> <p>Section 50 (2) (a).</p> <p>Section 56.</p> <p>In section 64 (1) and (2), paragraph (a).</p> <p>In section 65 (4) the words "injury benefit or", "benefit or" and "paragraph 11 or, as the case may be".</p> <p>In section 66, in subsection (1), the words "of injury benefit, and" and subsection (2) (a).</p> <p>In section 77 (2) (a), the words "injury benefit and".</p> <p>In section 81 (3), the words "injury benefit".</p> <p>In section 87 (3), the words "injury benefit or".</p> <p>In section 89 (1), the words "injury benefit or".</p> <p>In section 90, subsection (1), in subsection (2) the words from "disqualifying", in the first place where it occurs, to "provide for" in the second place where it occurs, and in subsection (4) (a) the words "subsection (1) above, or those of".</p> <p>In section 91 (1), in paragraph (a) the words from "either" to "or pensions, or" and in paragraph (b) (i) the words "injury benefit or".</p> <p>In section 92 (2), the words "injury benefit,".</p> <p>In Schedule 4, in Part V, paragraphs 1, 9 and 11.</p> <p>In Schedule 11, paragraph 2.</p>

Chapter or Number	Title	Extent of Repeal
S.I. 1975/1504 (N.I. 16).	The Child Benefit (Northern Ireland) Order 1975.	In Schedule 4, paragraph 21.
S.I. 1980/870 (N.I. 8).	The Social Security (Northern Ireland) Order 1980.	<p>In Schedule 1, in paragraph 1 (1) (b) the words "benefit or" and "paragraph 11 or, as the case may be," and in paragraph 6 the words "of injury benefit and".</p> <p>In Schedule 2, in Part I, paragraph 6.</p>
S.I. 1980/1087 (N.I. 13).	The Social Security (No. 2) (Northern Ireland) Order 1980.	In Article 3, paragraph 2.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order is made only for purposes corresponding to those of Parts I and III of the Social Security and Housing Benefits Act 1982. It provides for the payment of statutory sick pay by employers and makes a number of miscellaneous amendments in the law relating to social security.

STATUTORY INSTRUMENTS

1982 No. 1084 (N.I. 16)

NORTHERN IRELAND

The Social Security (Northern Ireland) Order 1982

Printed in Northern Ireland by Bell Logan Carswell and published by Her Majesty's Stationery Office

714/Z38 C13 8/82

ISBN 0 11 027084 3