

## SCHEDULES

### SCHEDULE 4

Article 16(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The principal Act*

1. In section 17 (determination of days for which benefit is payable), after subsection (2) insert the following subsection—

“(2A) Where it has been determined that a person is to be deemed in accordance with regulations to be available for employment in employed earner’s employment in respect of any day, the question of his actual availability for such employment in respect of that day may be subsequently determined on a review of the determination as to his deemed availability.”.

2. In section 22 (maternity allowance)—

(a) at the end of subsection (4) add “unless the woman is disqualified for receiving a maternity allowance in respect of that day by virtue of regulations under subsection (3)(a) above”; and

(b) after that subsection insert the following subsection—

“(4A) A woman who has become entitled to a maternity allowance shall cease to be entitled to it if she dies before the beginning of the maternity allowance period; and if she dies after the beginning, but before the end, of that period, the allowance shall not be payable for any week subsequent to that in which she dies.”.

3. In section 44 (short-term benefit increase for adult dependants)—

(a) in subsection (1)(b), for “is not engaged in any one or more employments from which her weekly earnings” substitute “does not have weekly earnings which”; and

(b) in subsection (3)(a), for “is not engaged in any one or more employments from which his weekly earnings exceed the amount so specified” substitute “does not have weekly earnings which exceed the amount so specified”.

4. In section 45 (pension increase (wife))—

(a) in subsection (2)(b), for “is not engaged in any one or more employments from which her weekly earnings” substitute “does not have weekly earnings which”; and

(b) in subsection (2A), the words “is engaged in any one or more employments from which she” shall cease to have effect.

5. In section 45A (pension increase (husband))—

(a) in subsection (2)(b), for “is not engaged in any one or more employments from which his weekly earnings” substitute “does not have weekly earnings which”; and

(b) in subsection (3), the words “is engaged in any one or more employments from which he” shall cease to have effect.

6. In subsection (4) of section 46 (pension increase (female with care of children)) the words “from employment by the pensioner” shall cease to have effect.

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7. In subsection (1)(a) of section 47 (invalidity pension (dependent relative)) for “is not engaged in any one or more employments from which he has earnings” substitute “does not have earnings”.

8. After subsection (1) of section 50 (descriptions of industrial injuries benefits) insert the following subsection—

“(1A) The benefits are—

- (a) disablement benefit (including disablement pensions) payable in accordance with sections 57 to 63 below;
- (b) reduced earnings allowance payable in accordance with section 59A below and Article 4 of the Social Security (Northern Ireland) Order 1988;
- (c) retirement allowance payable in accordance with section 59B below;
- (d) industrial death benefit, payable in accordance with sections 67 to 75 below.”.

9. In section 59A (reduced earnings allowance)—

- (a) in subsection (8), after “disablement pension”, in the second place where it occurs, insert “(not including increases in disablement pension under any provision of this Act)”; and
- (b) after subsection (10) insert the following subsection—

“(10A) In this section and section 59B below “maximum rate of a disablement pension” means the rate specified in the first entry in column (2) of Schedule 4, Part V, paragraph 3 and does not include increases in disablement pension under any provision of this Act.”.

10. In section 66 (adult dependants) there shall cease to have effect—

- (a) in subsection (3), the words “from any one or more employments”; and
- (b) in subsection (4) the words “is engaged in any one or more employments from which he or she”.

11. At the end of subsection (1)(c) of section 104 (review of decisions) add “or (d) the decision falls to be reviewed under section 17(2A) above,”.

*The 1986 Order—statutory maternity pay*

12.—(1) In Article 47(8)(e), for “paragraph (2)(a) or (b) or both” substitute “any of the provisions specified in paragraph (9)”.

(2) At the end of that Article, add the following paragraph—

“(9) The provisions mentioned in paragraph (8)(e) are—

- (a) paragraph (2)(a) and (b); and
- (b) Article 49(2), (4) and (5).”.

13. At the end of Article 49(2) add “or the weekly rate prescribed under paragraph (3), whichever is the higher”.

14. In Article 51(1), in the definition of “employer”, the words “and a contract of service of hers” and the words “under the contract” shall cease to have effect.

15.—(1) In paragraph 11 of Schedule 4, for “Any” substitute “Except as may be prescribed, a”.

(2) After that paragraph insert the following paragraph—

“11A.—(1) Regulations may provide that in prescribed circumstances a day which falls within the maternity pay period shall be treated as a day of incapacity for work for the purpose of determining entitlement to an invalidity pension.

(2) Regulations may provide that an amount equal to a woman's statutory maternity pay for a period shall be deducted from invalidity benefit in respect of the same period and a woman shall be entitled to invalidity benefit only if there is a balance after the deduction and, if there is such a balance, at a weekly rate equal to it."

*Other amendments of the 1986 Order*

**16.**—(1) In paragraph (1) of Article 22 (amount etc. of income-related benefit) for "Where" substitute "Subject to paragraph (1A), where".

(2) After that paragraph, insert the following paragraphs—

"(1A) Where a person is entitled to income support for a period to which this paragraph applies, the amount payable for that period shall be calculated in such manner as may be prescribed.

(1B) Paragraph (1A) applies—

- (a) to a period of less than a week which is the whole period for which income support is payable; and
- (b) to any other period of less than a week for which it is payable."

**17.**—(1) In Article 24 (trade disputes), after paragraph (5) insert the following paragraph—

"(5A) In respect of any period less than a week paragraph (5) shall have effect subject to such modifications as may be prescribed."

(2) In paragraph(6) of that Article, for "paragraph (5)" substitute "this Article".

**18.** After Article 24, insert the following Article—

**"Effect of return to work**

**24A.** If a person returns to work with the same employer after a period during which Article 24 applies to him, and whether or not his return is before the end of any stoppage of work in relation to which he is or would be disqualified for receiving unemployment benefit—

- (a) that Article shall cease to apply to him at the commencement of the day on which he returns to work; and
- (b) until the end of the period of 15 days beginning with that day Article 21(3) shall have effect in relation to him as if the following sub-paragraph were substituted for sub-paragraph (c)—
  - "(c) in the case of a member of a married or unmarried couple, the other member is not engaged in remunerative work; and"; and
- (c) any sum paid by way of income support for that period of 15 days to him or, where he is a member of a married or unmarried couple, to the other member of that couple shall be recoverable in the prescribed manner from the person to whom it was paid or from any prescribed person or, where the person to whom it was paid is a member of a married or unmarried couple, from the other member of the couple."

**19.** At the end of Article 30, add the following paragraph—

"(8) Without prejudice to any other method of recovery, amounts recoverable under any statutory provision having effect in Great Britain and corresponding to this Article shall be recoverable by deduction from benefits prescribed under paragraph (7)."

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**20.** After Article 34(8), insert the following paragraph—

“(8A) Without prejudice to any other method of recovery, awards recoverable under Part III of the Social Security Act 1986 shall be recoverable by deduction from benefits prescribed under paragraph (6), and paragraphs (7) and (8) shall have effect in relation to such awards as they have effect in relation to awards under this Part.”.

**21.** After Article 54(7), insert the following paragraph—

“(7A) Without prejudice to any other method of recovery, amounts recoverable under any statutory provision having effect in Great Britain and corresponding to a statutory provision mentioned in paragraph (7) shall be recoverable by deduction from benefits prescribed under paragraph (7).”.

**22.** Paragraphs 19 to 21 shall be deemed to have come into operation on 6th April 1987.

**23.—**(1) In sub-paragraph (c) of paragraph (10) of Article 54, before “income” insert “subject to paragraph (10A),”.

(2) After that paragraph insert the following paragraph—

“(10A) This Article only applies to income support recoverable under Article 21(4E) to the extent specified in Article 21(4F) and (4G).”.