

## SCHEDULES

### SCHEDULE 6

Article 22(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Restriction on dependency increases*

1.—(1) In section 33 of the principal Act, in subsection (3) (which requires benefit payable by virtue of that section where the contribution conditions are only partially satisfied to be paid at a reduced rate), after “conditions are satisfied” insert “(and may be nil)”.

(2) In section 47A of that Act (rate of adult dependency increases to be determined in accordance with regulations in certain cases where the associated retirement pension is attributable to reduced contributions), after “pension is determined” insert “(a)” and at the end of that section add “; and

(b) the regulations shall not provide for any such increase in a case where the retirement pension by reference to which the rate of the said benefit or invalidity pension is determined—

(i) would have been payable only by virtue of section 33 above; and

(ii) would, in consequence of a failure to satisfy a contribution condition, have contained no basic pension”.

(3) In Article 7 of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(1), in paragraph (1) (which precludes any increase on account of a child in the amount of certain pensions payable by virtue of section 33(2) of the principal Act where a contribution condition is not satisfied), after “on account of a child” insert “or an adult, or under section 28(7) of the principal Act (invalidity)”.

(4) In paragraph (2) of that Article (which contains a similar restriction in relation to unemployment or sickness benefit where entitlement to a retirement pension would have arisen only by virtue of section 33), after “on account of a child” add “or an adult, or under section 28(7) of the principal Act (invalidity)”.

##### *Regulations relating to industrial injuries and diseases*

2.—(1) In section 76 of the principal Act, after subsection (4) (power to make regulations for determining, among other things, the time at which a person is to be treated as having developed a prescribed injury or disease) insert the following subsection—

“(4A) Notwithstanding any other provision of this Act, the power conferred by subsection (4)(a) above includes power to provide that the time at which a person shall be treated as having developed a prescribed disease or injury shall be the date on which he first makes a claim which results in the payment of benefit by virtue of this Chapter in respect of that disease or injury.”.

(2) In section 77 of that Act, at the end of subsection (2) (power to modify provisions relating to disablement benefit and its administration) add—

“and for the purposes of this subsection the provisions of this Act which relate to the administration of disablement benefit or reduced earnings allowance shall be taken to include section 154A and any provision which relates to the administration of both the benefit in question and other benefits.”

(3) Regulations 6(2)(c), 23 and 34 of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986(2) (onset of occupational deafness and time for claiming in respect of occupational deafness or occupational asthma), and any former regulations which they directly or indirectly re-enact with or without amendment, shall be taken to be, and always to have been, validly made.

*Certain officers in Great Britain to be eligible for  
appointment as adjudication officers for Northern Ireland*

3.—(1) In section 97 of the principal Act, in subsection (1) (appointment of adjudication officers), after “Adjudication officers” insert “(a)” and at the end add “; and

(b) may include officers of the Department of Social Security appointed with the concurrence of the Secretary of State”.

(2) In Article 57 of the 1986 Order (legal proceedings), after paragraph (3) add the following paragraph—

“(3A) Any proceedings in respect of any act or omission of an adjudication officer which, apart from this paragraph, would fall to be brought against a person appointed by virtue of section 97(1)(b) of the principal Act who is resident in Great Britain, other than proceedings for an offence, may instead be brought against the Chief Adjudication Officer; and, for the purposes of any proceedings so brought, the acts or omissions of the adjudication officer shall be treated as the acts or omissions of the Chief Adjudication Officer.”

*Adjudication*

4.—(1) In section 100 of the principal Act (appeal to social security appeal tribunal) add at the end the following subsections—

“(7) In any case where—

(a) an adjudication officer has decided any claim or question under Chapter IV or V of Part II of this Act, and

(b) the right to benefit under those Chapters of any person other than the claimant is or may be, under Schedule 9 to this Act, affected by that decision,

that other person shall have the like right of appeal to a social security appeal tribunal as the claimant.

(8) Subsection (2) above shall apply to a person with a right of appeal under subsection (6) or (7) above as it applies to a claimant.”

(2) In section 101 of that Act, in subsection (2) (persons at whose instance an appeal lies from a social security appeal tribunal to a Commissioner on a point of law), after paragraph (b) insert the following paragraph—

“(bb) in a case relating to industrial injuries benefit, a person whose right to benefit is or may be, under Schedule 9 to this Act, affected by the decision appealed against;”.

(3) In subsection (3) of that section, in paragraph (c) (appeal at the instance of a trade union where the claimant was a member of the union), after “the claimant” insert “or, in relation to industrial death benefit, the deceased”.

(4) The amendments made by this paragraph shall be deemed to have come into operation on 11th April 1988 (the day on which paragraph 2 of Schedule 1 to the Social Security (Northern Ireland) Order 1988(3) came into operation).

*Restrictions on entitlement to benefit in certain cases of error*

5.—(1) In section 104 of the principal Act (reviews), after the subsection (6) inserted by Article 8(3) insert the following subsections—

“(7) Subsection (8) below applies in any case where—

- (a) on the determination, whenever made, of a Commissioner or the court (the “relevant determination”), a decision made by an adjudicating authority is or was found to have been erroneous in point of law, and
- (b) in consequence of that determination, any other decision—
  - (i) which was made before the date of that determination, and
  - (ii) which is referable to a claim made or treated as made by any person for any benefit,

falls (or would, apart from subsection (8) below, fall) to be revised on a review carried out under subsection (1A) above after the coming into force of this subsection.

(8) Where this subsection applies, any question arising on the review referred to in subsection (7)(b) above, or on any subsequent review of a decision which is referable to the same claim, as to any person’s entitlement to, or right to payment of, any benefit—

- (a) in respect of any period before the date of the relevant determination, or
  - (b) in the case of widow’s payment, in respect of a death occurring before that date,
- shall be determined as if the decision referred to in subsection (7)(a) above had been found by the Commissioner or court in question not to have been erroneous in point of law.

(9) In determining whether a person is entitled to benefit in a case where his entitlement depends on his having been entitled to the same or some other benefit before attaining a particular age, subsection (8) above shall be disregarded for the purpose only of determining the question whether he was so entitled before attaining that age.

(10) For the purposes of subsections (7) to (9) above—

- (a) “adjudicating authority” and “the court” have the same meaning as they have in section 154D below;
- (b) any reference to—
  - (i) a person’s entitlement to benefit, or
  - (ii) a decision which is referable to a claim,shall be construed in accordance with subsection (5) of that section; and
- (c) the date of the relevant determination shall, in prescribed cases, be determined in accordance with any regulations made under subsection (6) of that section.”.

(2) After the section 154C of that Act inserted by Article 8(2) insert the following section—

**“Restrictions on entitlement to benefit in certain cases of error.**

**154D.—(1)** This section applies where—

- (a) on the determination, whenever made, of a Commissioner or the court (the “relevant determination”), a decision made by an adjudicating authority is or was found to have been erroneous in point of law; and
- (b) after both the coming into force of this section and the date of the relevant determination, a claim which falls, or which would apart from this section fall, to be decided in accordance with the relevant determination is made or treated under Article 52(1)(i) of the Social Security (Northern Ireland) Order 1986 as made by any person for any benefit.

(2) Where this section applies, any question which arises on, or on the review of a decision which is referable to, the claim mentioned in subsection (1)(b) above and which relates to the entitlement of the claimant or any other person to any benefit—

- (a) in respect of a period before the relevant date, or
- (b) in the case of a widow’s payment, in respect of a death occurring before that date,

shall be determined as if the decision referred to in subsection (1)(a) above had been found by the Commissioner or court in question not to have been erroneous in point of law.

(3) In determining whether a person is entitled to benefit in a case where—

- (a) his entitlement depends on his having been entitled to the same or some other benefit before attaining a particular age, and
- (b) he attained that age—
  - (i) before both the date of the relevant determination and the date of the claim referred to in subsection (1)(b) above, but
  - (ii) not before the earliest day in respect of which benefit could, apart from this section, have been awarded on that claim,

subsection (2) above shall be disregarded for the purpose only of determining the question whether he was entitled as mentioned in paragraph (a) above.

(4) In this section—

“adjudicating authority” means—

- (a) an adjudication officer, the Attendance Allowance Board, a social security appeal tribunal or a medical appeal tribunal;
- (b) any of the following former bodies or officers, that is to say, the National Assistance Board for Northern Ireland, the Supplementary Benefits Commission for Northern Ireland, a benefit officer, an insurance officer or a supplement officer; or
- (c) any of the officers who, or tribunals or other bodies which, in Great Britain correspond to those mentioned in paragraph (a) or (b) above;

“the court” means the High Court, the Court of Appeal, the Court of Sessions, the High Court or Court of Appeal in England, the House of Lords or the Court of Justice of the European Community;

“the relevant date” means whichever is the latest of—

- (a) the date on which the relevant determination was made;
- (b) the date which falls twelve months before the date on which the claim referred to in subsection (1)(b) above is made or treated under Article 52(1)(i) of the Social Security (Northern Ireland) Order 1986 as made; and
- (c) the earliest date in respect of which the claimant would, apart from this section, be entitled on that claim to the benefit in question.

(5) For the purposes of this section—

- (a) any reference in this section to entitlement to benefit includes a reference to entitlement—
  - (i) to any increase in the rate of a benefit, or
  - (ii) to a benefit, or increase of benefit, at a particular rate; and
- (b) any reference to a decision which is “referable to” a claim is a reference to—
  - (i) a decision on the claim,
  - (ii) a decision on a review of the decision on the claim, or
  - (iii) a decision on a subsequent review of the decision on the review,and so on.

(6) The date of the relevant determination shall, in prescribed cases, be determined for the purposes of this section in accordance with any regulations made for that purpose.”

(3) In paragraph 32 of Schedule 9 to the 1986 Order (which applies sections 87 and 154A(1) of the principal Act to income-related benefits), at the end of sub-paragraph (b) add “; and

(c) section 154D (restrictions on entitlement in certain cases of error)”.

#### *Control of regulations and orders*

**6.—**(1) In section 156 of the principal Act (regulations and orders: control by Northern Ireland Assembly), for subsection (3) substitute the following subsection—

“(3) Subsection (1) above does not apply to—

- (a) regulations under section 124 of this Act, where the statutory rule containing the regulations states that the regulations are made for the purpose of making provisions consequential on the making of an order under section 120;
- (b) regulations under powers conferred by any provision mentioned in paragraph (a) of subsection (2) above which are to be made for the purpose of consolidating regulations thereby revoked;
- (c) regulations which, in so far as they are made under powers so conferred, only replace provisions of previous regulations with new provisions to the same effect.”

(2) In Article 71 of the Pensions Order, for paragraphs (1) and (2) substitute the following paragraphs—

“(1) Section 156 of the principal Act shall have effect as if in subsection (2) (regulations and orders subject to confirmatory procedure) there were included in paragraph (a) references to—

- (a) regulations made by virtue of Article 5;
- (b) regulations prescribing actuarial tables for the purposes of Articles 46(7), 46ZA(14), 46A(3) and 47(4).

(2) Subsection (4) of that section (regulations and orders subject to negative resolution) shall have effect as if after the words “other than” there were inserted the words “an order which, under any provision of the Pensions Order, is required to be laid before the Assembly after being made or”.”

(3) In Article 24(2) of the Child Benefit (Northern Ireland) Order 1975(4), after “19(1)” insert “, and any regulations contained in a statutory rule which includes any such regulations,”.

(4) In Article 19(3) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977, at the beginning insert “Subject to section 156(1) of the principal Act.”.

(5) In Article 7(4) of the Social Security (No. 2) (Northern Ireland) Order 1980<sup>(5)</sup>, after “Article 6(3)” insert “and any regulations contained in a statutory rule which includes any such regulations.”.

(6) In Article 36 of the 1982 Order, for paragraph (2) substitute the following paragraph—

“(2) Regulations and orders made by the Department under this Order, other than those to which section 156(1) of the principal Act applies and orders under Article 1(2), shall be subject to negative resolution.”.

(7) Article 23(3) and (4) of the Social Security (Northern Ireland) Order 1985<sup>(6)</sup> (which require confirmatory procedure for certain regulations and which are spent) shall cease to have effect.

(8) In Article 81 of the 1986 Order, for paragraph (4) substitute the following paragraph—

“(4) Regulations and orders made by the Department under this Order, other than those to which section 156(1) of the principal Act applies and orders under Article 1, shall be subject to negative resolution.”.

(9) After Article 15 of the Social Security (Northern Ireland) Order 1988 insert the following Article—

**“Regulations and orders, etc.**

**15A.**—(1) Section 155(1) to (3A) of the principal Act (regulations and orders: general provisions) shall apply in relation to any power conferred by any provision of this Order to make orders or regulations under this Order as they apply in relation to any power conferred by that Act to make orders or regulations, but as if for references to that Act there were substituted references to this Order.

(2) Regulations and orders made under this Order, other than those to which section 156(1) of the principal Act applies and orders under Article 1(3), shall be subject to negative resolution.

(3) In this Order—

“prescribe” means prescribe by regulations; and

“regulations” means regulations made under this Order by the Department.”.

(10) In consequence of sub-paragraph (9), the following provisions of that Order shall cease to have effect—

(a) in Article 13, paragraph (6) and in paragraph (7) the words from “and regulations” to the end;

(b) in Article 17, in paragraph (1) the words “subject to negative resolution” and paragraph (3).

(11) In Article 30 of the 1989 Order, for paragraph (3) substitute the following paragraph—

“(3) Regulations and orders made under this Order, other than those to which section 156(1) of the principal Act applies and orders under Article 1(2), shall be subject to negative resolution.”;

and, in consequence of this paragraph, paragraph (4) of that Article shall cease to have effect.

(12) This sub-paragraph applies to any regulations or order made under the benefit Acts which—

(a) would but for sub-paragraph (13) be subject to negative resolution, and

<sup>(5)</sup> 1980 NI 13

<sup>(6)</sup> 1985 NI 16

- (b) are contained in a statutory rule which includes any regulations or order subject to confirmatory procedure (that is to say, the procedure described in section 156(1) of the principal Act).
- (13) Any regulations or order to which sub-paragraph (12) applies shall not be subject to negative resolution but shall be subject to the confirmatory procedure.
- (14) This sub-paragraph applies to any regulations or order under the benefit Acts which—
  - (a) would but for sub-paragraph (15) be subject to annulment in pursuance of a resolution of either House of Parliament, and
  - (b) are contained in an instrument which is subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament.
- (15) Any regulations or order to which sub-paragraph (14) applies shall not be subject as described in head (a) but shall be subject to the requirement described in head (b) of that sub-paragraph.
- (16) In section 156(5A) of the principal Act (regulations made by the Lord Chancellor), after “Lord Chancellor” insert “which are not contained in an instrument which is subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament”.
- (17) In sub-paragraphs (12) and (14) “the benefit Acts” has the meaning given by Article 2(2) of the 1986 Order except that it includes section 5 of the National Insurance Measure (Northern Ireland) 1974(7), section 14 of the Social Security Act 1980(8) so far as subsection (8)(b) applies to that section, and Article 6 of the Forfeiture (Northern Ireland) Order 1982(9).

*Return of Class 2 contributions paid by low-earners*

7. In Schedule 1 to the principal Act (contributions: supplementary provisions), in paragraph 6(1) (matters for which regulations may provide), after the paragraph (gg) inserted by Article 4 of the 1989 Order insert the following paragraphs—

- “(gh) for the repayment, on the making of an application in the prescribed manner and within the prescribed time, of Class 2 contributions paid by a person in respect of a period which consists of, or falls within, a tax year for which his earnings from employment as a self-employed earner were, or were such as to be treated by regulations under subsection (5) of section 7 of this Act as being, at a lower rate than the one specified in that subsection for that year;
- (gj) for excepting a person from liability for contributions repaid by virtue of paragraph (gh) above, to the extent that he would not have been so excepted by virtue of section 7(5) of this Act;”.

*Maternity allowance: contribution conditions for women paid otherwise than weekly*

8.—(1) In Schedule 3 to the principal Act, at the beginning of paragraph 3 (contribution conditions for maternity allowance) insert—

- “(1) Subject to sub-paragraph (2) below,”.
- (2) At the end of that paragraph add the following sub-paragraphs—
  - “(2) In the case of a claimant who is or has been paid otherwise than weekly, any week—
    - (a) in respect of which she did not pay contributions of a relevant Class, but

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(7) 1974 c. 4 (N.I.)  
(8) 1980 c. 30  
(9) 1982 NI 14

- (b) for which her earnings were such that, had she been paid weekly, she would have been required to pay primary Class 1 contributions in respect of that week, and
  - (c) for which no such election as is mentioned in Article 5(2)(a) of the Pensions Order (contributions at a reduced rate) was in force in her case,
- shall be treated for the purposes of sub-paragraph (1) above as a week in respect of which she actually paid such contributions otherwise than at a reduced rate.
- (3) For the purposes of sub-paragraph (2) above, the amount of the claimant's earnings for any week shall be determined in accordance with regulations."

*Tax years*

**9.** In Schedule 17 to the principal Act (glossary of expressions), in the entry relating to "tax year", at the end of the second column add the following paragraph—

"The expression "1978—79" means the tax year beginning with 6th April 1978, and any correspondingly framed reference to a pair of successive years shall be construed as a reference to the tax year beginning with 6th April in the earlier of them."

*Re-establishment courses*

**10.** Articles 36 and 37 of the Supplementary Benefits (Northern Ireland) Order 1977(**10**) (power to provide re-establishment courses and to make contributions to voluntary organisations providing similar courses) shall cease to have effect.

*Statutory sick pay*

**11.**—(1) In paragraph (1A) of Article 9 of the 1982 Order (rates of statutory sick pay: power by regulations to substitute alternative provisions for paragraph (1)(a) to (c) and to make consequential amendments)—

- (a) for "regulations" substitute "order"; and
- (b) in sub-paragraph (a), for "paragraph (1)(a) to (c)" substitute "the sub-paragraphs of paragraph (1)".

(2) In paragraph (1B) of that Article (regulations under paragraph (1A) to be subject to confirmatory procedure), for "regulations" in the second and fourth place where it occurs substitute "an order", and for "regulations" in the third place where it occurs substitute "order".

*Income support and trade disputes, etc.: "the relevant sum"*

**12.**—(1) Article 24 of the 1986 Order (income support and trade disputes, etc.) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) For paragraph (6) (meaning of "the relevant sum") substitute the following paragraph—

"(6) Subject to paragraph (7), "the relevant sum" for the purposes of paragraph (5) shall be £19.50."

(3) For sub-paragraph (a) of paragraph (7) (annual increase of the relevant sum by reference to the percentage increase in applicable amounts under the up-rating order) substitute the following sub-paragraph—

- “(a) increasing that sum by the percentage by which the personal allowance under paragraph 1(1) of Part I of Schedule 2 to the Income Support (General) Regulations (Northern Ireland) 1987 for a single person aged not less than 25 has been increased by the order; and”.

*Income support: implementation of increases due to attainment of particular ages*

13. After Article 65A of the 1986 Order (effect of alteration in component rates of income support) insert the following Article—

**“Implementation of increases in income support due to attainment of particular ages**

**65B.**—(1) This Article applies where—

- (a) an award of income support is in force in favour of a person (“the recipient”); and
- (b) there is a component which becomes applicable, or applicable at a particular rate, in his case if he or some other person attains a particular age.

(2) If, in a case where this Article applies, the recipient or other person attains the particular age referred to in sub-paragraph (b) of paragraph (1) and, in consequence,—

- (a) the component in question becomes applicable, or applicable at a particular rate, in the recipient’s case (whether or not some other component ceases, for the same reason, to be applicable, or applicable at a particular rate, in his case), and
- (b) after taking account of any such cessation, the recipient becomes entitled to an increased amount of income support,

then, except as provided by paragraph (3), as from the day on which he becomes so entitled, the amount of income support payable to or for him under the award shall be that increased amount, without any further decision of an adjudication officer, and the award shall have effect accordingly.

(3) Paragraph (2) does not apply in any case where, in consequence of the recipient or other person attaining the age in question, some question arises in relation to the recipient’s entitlement to any benefit under the benefit Acts, other than—

- (a) the question whether the component concerned, or any other component, becomes or ceases to be applicable, or applicable at a particular rate, in his case; and
- (b) the question whether, in consequence, the amount of his income support falls to be varied.

(4) In this Article “component”, in relation to a person and his income support, means any of the sums specified in regulations under Article 23(1).”.

*Statutory maternity pay for servicewomen*

14. Article 79(5) of the 1986 Order (which precludes the payment of statutory maternity pay to women members of HM forces) shall cease to have effect.

*Christmas bonus for pensioners*

15.—(1) In Schedule 6 to the 1986 Order, in paragraph 3 (Christmas bonus for pensioners: circumstances in which a person is to be treated as entitled to a qualifying benefit in a relevant week) the following provisions shall cease to have effect—

- (a) sub-paragraph (2)(a)(iii) (persons otherwise not entitled to a qualifying benefit in consequence of the former limit on pensioners' earnings or the requirement to claim the qualifying benefit); and
  - (b) sub-paragraph (3)(d) (couples: members otherwise not entitled to an increase in respect of the other member in consequence of the requirement to claim the benefit).
- (2) This paragraph shall be deemed to have come into operation on 1st October 1989.

*Benefits for women widowed before 11th April 1988*

**16.**—(1) The Social Security (Widow's Benefit and Retirement Pensions) (Amendment) Regulations (Northern Ireland) 1987<sup>(11)</sup> shall have effect, and be taken always to have had effect, with the substitution for regulations 3 and 4 (transitional provisions about widowed mother's allowance where the husband died before 11th April 1988, which were retrospectively amended by Article 8(2) of the 1989 Order, and savings) of the following regulation—

“**3.** Regulation 16(1) of the principal regulations shall apply to a widow whose late husband died before 11th April 1988 as if regulation 2(6) above had not been made.”.

(2) In any case where—

- (a) a claim for a widow's pension or a widowed mother's allowance is made, or treated as made, before the commencement of this paragraph, and
- (b) the Department has made a payment to or for the claimant on the ground that if the claim had been received immediately after the commencement of this paragraph she would have been entitled to that pension or allowance, or entitled to it at a higher rate, for the period in respect of which the payment is made,

the payment so made shall be treated as a payment of that pension or allowance; and, if and to the extent that an award of the pension or allowance, or an award at a higher rate, is made for the period in respect of which the payment was made, the payment shall be treated as made in accordance with that award.

(3) Where, in consequence of regulation 2(6) of the Social Security (Widow's Benefit and Retirement Pensions) (Amendment) Regulations (Northern Ireland) 1987 (deemed entitlement to a child allowance for purposes of widowed mother's allowance, etc.), an adjudicating authority has decided before the commencement of this paragraph that a widow whose husband died before 11th April 1988 either—

- (a) is not entitled to a benefit under section 25 or 26 of the principal Act, or
- (b) is entitled to such a benefit at a particular rate,

an adjudication officer may review that decision, notwithstanding anything in section 104 of the principal Act.

(4) In any case where—

- (a) it is determined on such a review that the widow in question was entitled to a benefit under section 25 or 26 of the principal Act, or was entitled to such a benefit at a higher rate, and
- (b) the application for the review was made before the end of the period of twelve months beginning with the commencement of this paragraph,

the decision on the review may take effect on 11th April 1988 or any later date, notwithstanding any statutory provision restricting the payment of any benefit or increase of benefit to which a person would otherwise be entitled by reason of a review in respect of any period before the review.

<sup>(11)</sup> S.R. 1987 No. 404

(5) Subsection (4) of section 104 of the principal Act (appeals from reviews) shall apply in relation to a review under this paragraph as it applies in relation to a review under that section.

(6) In this paragraph “adjudicating authority” means—

- (a) an adjudication officer;
- (b) a social security appeal tribunal;
- (c) a Commissioner, as defined in Schedule 17 to the principal Act.

(7) The amendment by sub-paragraph (1) of provisions contained in regulations shall not be taken to have prejudiced any power to make further regulations revoking or amending those provisions.

(8) Nothing in this paragraph shall be taken to prejudice section 29 of the Interpretation Act (Northern Ireland) 1954<sup>(12)</sup> (effect of substitutions, etc.).

*Unauthorised disclosure of information relating to particular persons*

**17.**—(1) In Article 21 of the 1989 Order, in paragraph (7) (construction of references to government departments), after “include” insert “(a)” and at the end add “; and

(b) the Scottish Courts Administration”.

(2) In paragraph (9)(d) of that Article (lawful authority: court proceedings), after “Schedule 2” insert “or in any corresponding enactment having effect in Great Britain”.

(3) In paragraph (10)(d) of that Article—

- (a) in head (i), for “or any similar appointee in Great Britain” substitute “or sub-paragraph (a) of rule 41(1) of the Court of Protection Rules 1984”;
- (b) in head (ii), for the words from “that rule” onwards substitute “the said rule 38(1) or a receiver ad interim appointed under sub-paragraph (b) of the said rule 41(1)”.

(4) In Part I of Schedule 2 to that Order, after the entry “An insurance officer” add the following entry—

“A supplement officer.”.

*Employment related schemes for pensions or other benefits: equal treatment for men and women*

**18.** In Schedule 5 to that Order, in paragraph 5 (unfair maternity provisions), in sub-paragraph (2) (a), after “women” insert “members”.

*Incapacity for work: councillor’s allowances and expenses*

**19.**—(1) In Schedule 8 to that Order, paragraph 2 (which makes provision with respect to councillors and incapacity for work) shall be amended in accordance with sub-paragraphs (2) to (4).

(2) In sub-paragraph (2) (certain benefits to be reduced by the excess of the councillor’s allowance over the earnings limit specified in regulation 3(3) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984<sup>(13)</sup>, which was £35 at the making of this Order), for “the amount of councillor’s allowance” substitute “the net amount of councillor’s allowance”.

(3) In sub-paragraph (6), after the definition of “incapacity benefit” insert the following definition

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<sup>(12)</sup> 1954 c. 33 (N.I.)

<sup>(13)</sup> S.R. 1984 No. 245

““net amount”, in relation to any councillor’s allowance to which a person is entitled, means the aggregate amount of the councillor’s allowance or allowances to which he is entitled for the week in question, reduced by the amount of any expenses incurred by him in that week in connection with his membership of the council or councils in question;”.

(4) In section 36(7) of the principal Act (regulations relating to severe disablement allowance), in paragraph (cc) (which was inserted by paragraph 2(5) of Schedule 8 to the 1989 Order and authorises the reduction of benefit by the excess of the amount of councillor’s allowance over a prescribed sum), for “the amount of councillor’s allowance” substitute “the net amount of councillor’s allowance”.

*Joint citations*

**20.** In the following statutory provisions, for “the Social Security (Northern Ireland) Acts 1975 to 1989” in each place where they occur substitute “the Social Security (Northern Ireland) Acts 1975 to 1990”—

- (a) section 5(1) of the National Insurance Measure (Northern Ireland) 1974(**14**);
- (b) section 9(7) of the Social Security Act 1980(**15**);
- (c) Article 6(5) of the Forfeiture (Northern Ireland) Order 1982(**16**);
- (d) Article 7(1)(a) of the Social Security (Northern Ireland) Order 1985(**17**);
- (e) paragraph (b) of the definition of “the benefit Acts” in Article 2(2) of the 1986 Order.

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(14) 1974 c. 4 (N.I.)

(15) 1980 c. 30

(16) 1982 NI 14

(17) 1985 NI 16