

1975 No. 70

SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Claims and Payments) (Amendment)
Regulations (Northern Ireland) 1975

Made 21st March 1975
Coming into operation 24th March 1975

The Department of Health and Social Services, in exercise of powers conferred by paragraph 2(3) of Schedule 2(a) to the Supplementary Benefits &c. Act (Northern Ireland) 1966(b) and, with the consent of the Department of Finance, by section 4 of that Act, as extended by the said paragraph 2(3) as originally enacted and amended(c), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1.—(1) These regulations, which may be cited as the Supplementary Benefit (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1975, shall be read as one with the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1966(d) (hereinafter referred to as “the principal regulations”).

(2) These regulations shall come into operation in the case of—

(a) any award of supplementary pension or allowance made on or after 7th April 1975 in respect of a period beginning in the preceding 14 days and made—

(i) on a fresh claim, that is to say, where not preceded by an award of such pension or allowance for an earlier period continuous with the first-mentioned period, or

(ii) by way of review of an earlier award on account of a change of circumstances occurring within or immediately before those 14 days

on 24th March 1975;

(b) any other award of supplementary pension or allowance on 7th April 1975.

Regulation substituted for regulation 12 of the principal regulations

2. For regulation 12(e) of the principal regulations there shall be substituted the following:

“12.—(1) For the purposes of paragraph 2(3) of Schedule 2 to the Act (aggregation of benefit and other payments as may be prescribed by the Department), the other payments there referred to shall be payments under the Social Security (Northern Ireland) Act 1975(f) of unemployment benefit and the benefits mentioned in paragraph (4) of this regulation

(a) See paragraph 1(b) of Schedule 3 to 1975 c. 11

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

(c) See reg. 2(2) of S.R. & O. (N.I.) 1970 No. 327 (p. 1448)

(d) S.R. & O. (N.I.) 1966 No. 189 (p. 590)

(e) See reg. 4 of S.R. & O. (N.I.) 1970 No. 327 (p. 1448) and reg. 2 of S.R. & O. (N.I.) 1971 No. 300 (p. 1411)

(f) 1975 c. 15

(hereinafter referred to as "the relevant benefits") and the said paragraph 2(3) shall apply in the following circumstances—

- (a) where the Department has arranged for benefit and unemployment benefit to be paid together; or
- (b) where arrangements have been made or will be made as soon as practicable for benefit and the relevant benefits to be paid together.

(2) Paragraph (1)(b) above shall not apply in any case where benefit and any one or more of the relevant benefits were being paid separately immediately before the date from which it would otherwise apply, unless or until the determination with respect to the amount of benefit is reviewed.

(3) Where benefit and any one or more of the relevant benefits cease to be paid together to any person to whom paragraph (1)(b) applies (whether by reason of an election by that person or otherwise) that paragraph shall continue to apply in his case unless or until the determination with respect to the amount of benefit is reviewed.

(4) For the purposes of this regulation "the relevant benefits" means the following benefits under the Social Security (Northern Ireland) Act 1975:

- (a) retirement pension;
- (b) age addition;
- (c) attendance allowance."

Regulations revoked

3. The Supplementary Benefit (Claims and Payments) Amendment Regulations (Northern Ireland) 1971(g) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 21st March 1975.

(L.S.)

C. G. Oakes

Assistant Secretary

The Department of Finance hereby consents to regulation 3 of the foregoing regulations.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 21st March 1975.

(L.S.)

David Clement

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations substitute a new regulation for the existing regulation 12 of the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1966 as a consequence of amendments made to paragraph 2 of Schedule 2 to the Supplementary Benefits &c. Act (Northern Ireland) 1966 by paragraph 1 of Schedule 3 to the Social Security Benefits Act 1975. The said paragraph 1 omits paragraph 2(2) of Schedule 2 to the first-mentioned Act (rounding of benefit to multiple of 5p) and substitutes a new paragraph 2(3) in the same Schedule. This new paragraph provides that paragraph 2(1) of the said Schedule 2 (negligible amounts of benefit not to be payable) shall not apply where the person claiming or in receipt of benefit is also entitled to prescribed benefits in circumstances which are also to be prescribed. The new regulation specifies those benefits and circumstances.

The regulations also revoke the Supplementary Benefit (Claims and Payments) Amendment Regulations (Northern Ireland) 1971.