

1985 No. 227

SOCIAL SECURITY

**The Social Security (Guardian's Allowances)
(Amendment) Regulations (Northern Ireland) 1985**

Made 28th August 1985

Coming into operation 23rd September 1985

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 38(4)(a) and 155 of the Social Security (Northern Ireland) Act 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Guardian's Allowances) (Amendment) Regulations (Northern Ireland) 1985 and shall come into operation on 23rd September 1985.

(2) In these regulations "the principal regulations" means the Social Security (Guardian's Allowances) Regulations (Northern Ireland) 1975(b).

Substitution of regulation 2 of the principal regulations

2. For regulation 2 of the principal regulations there shall be substituted the following regulation—

"Adopted children

2.—(1) Subject to paragraph (3) below, this regulation applies in cases where a child has been adopted in pursuance of an order made in the United Kingdom, the Channel Islands or the Isle of Man or by a foreign adoption within the meaning of section 4(3) of the Adoption (Hague Convention) Act (Northern Ireland) 1969(c).

(2) In a case to which this regulation applies section 38(2) of the Act (circumstances in which guardian's allowance may be payable) shall be modified so that—

- (a) in the case of a child adopted by two spouses jointly, references to the child's parents are read as references to those spouses; and
- (b) in the case of a child adopted by one person only, for the circumstances mentioned in that subsection there is substituted the circumstance that that person is dead.

(3) Where a person adopts a child and, immediately before the adoption, he is entitled to guardian's allowance in respect of that child then, for the purpose of determining his entitlement to that allowance for any continuous period immediately following the adoption, this regulation shall not apply and,

(a) 1975 c. 15

(b) S.R. 1975 No. 98; to which there are amendments not relevant to the subject matter of these regulations

(c) 1969 c. 22 (N.I.)

notwithstanding any provision of section 16 of the Adoption Act (Northern Ireland) 1967(a) (rights and duties of parents), any reference in section 38(2) of the Act to a child's parents shall be construed as a reference to the person or persons by reference to whose death, unknown whereabouts or imprisonment entitlement to the allowance was established.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 28th August 1985.

(L.S.)

A. N. Burns

Assistant Secretary

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- (a) 1967 c. 35 (N.I.); subsections (3) and (4) of section 16 were repealed by Schedule 3 to the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 (S.I. 1984/1984 (N.I. 14))

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations substitute a new regulation for regulation 2 of the Social Security (Guardian's Allowances) Regulations (Northern Ireland) 1975. They correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c.30) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

The new regulation provides, as before, that in the case of an adopted child section 38(2) of the Social Security (Northern Ireland) Act 1975 (circumstances in which guardian's allowance is payable) shall be modified so that, where the adoption was by two spouses jointly, reference to the child's parents shall be read as references to those spouses, and where the adoption was by one person only for the circumstances mentioned in that subsection there is substituted the circumstance that that person is dead.

The new regulation also provides that where, immediately before the adoption, the adopter or one of the adopters was entitled to guardian's allowance in respect of the adopted child the regulation shall not apply for determining his entitlement for any continuous period after the adoption and references in section 38(2) to the child's parents shall be construed as references to the person or persons by reference to whose death, unknown whereabouts or imprisonment his entitlement was established.

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Road Races (Carrowdore 100) Order (Northern Ireland) 1985

This Order, being of a temporary character, is not printed at length in this volume.