

1989 No. 353 (C. 14)**SOCIAL SECURITY****The Social Security (1989 Order) (Commencement No. 1)
Order (Northern Ireland) 1989**

Made *25th August 1989*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 1(2) of the Social Security (Northern Ireland) Order 1989(a) and paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(b) and of all other powers enabling it in that behalf, hereby makes the following order:

Citation and interpretation

1.—(1) This order may be cited as the Social Security (1989 Order) (Commencement No. 1) Order (Northern Ireland) 1989.

(2) In this order “the Order” means the Social Security (Northern Ireland) Order 1989, and any reference to a numbered Article or Schedule is to the Article of or, as the case may be, the Schedule to, the Order bearing that number.

Appointed days

2. The day appointed for the coming into operation of—

- (a) paragraph 18 of Schedule 8 (joint citations) and Article 31(1) (minor and consequential amendments) so far as it relates to it, is 28th August 1989;
- (b) the provisions of the Order specified in Part I of the Schedule, for the purpose only of authorising the making under the Social Security (Northern Ireland) Act 1975(c), the Social Security (No. 2) (Northern Ireland) Order 1980(d) or the Social Security (Northern Ireland) Order 1986(e) of regulations which are expressed to come into operation on or after 9th October 1989, is 28th August 1989;
- (c) the provisions of the Order specified in Part II of the Schedule, is 1st October 1989;
- (d) Article 3 (amendments relating to primary Class 1 contributions) in relation to contributions in respect of earnings paid in any tax week beginning on or after 5th October 1989, is 5th October 1989;

(a) S.I. 1989/1342 (N.I. 13)

(b) 1974 c. 28

(c) 1975 c. 15

(d) S.I. 1980/1087 (N.I. 13)

(e) S.I. 1986/1888 (N.I. 18)

- (e) the provisions of the Order specified in Part I of the Schedule is 9th October 1989 to the extent that they do not come into operation before that date;
- (f) Article 7 (liability of parents to maintain children under the age of nineteen in respect of whom income support is paid), Article 10 (mobility allowance: increase of age limit to 80 years) and paragraphs 2, 3, 7 and 15 of Schedule 8 and Article 31(1) (minor and consequential amendments) so far as it relates to those paragraphs, is 9th October 1989;
- (g) the provisions of the Order specified in Part III of the Schedule is 9th October 1989.

Sealed with the Official Seal of the Department of Health and Social Services on 25th August 1989.

(L.S.)

A. N. Burns

Assistant Secretary

PART I

PROVISIONS COMING INTO OPERATION FOR LIMITED PURPOSES ON 28TH
AUGUST 1989 AND FOR REMAINING PURPOSES ON 9TH OCTOBER 1989

<i>Provisions of the Order</i>	<i>Subject Matter</i>
Article 11	Extension to personal pensions of occupational pension provisions relating to the abatement of unemployment benefit and the meaning of "earnings"
Article 12	Unemployment benefit: requirement to seek employment actively
Article 13	Requalification for unemployment benefit
Article 14	Disqualification for unemployment benefit
Article 15	Income support and unemployment

PART II

PROVISIONS COMING INTO OPERATION ON 1ST OCTOBER 1989

<i>Provisions of the Order</i>	<i>Subject Matter</i>
Article 9(1) to (5) and paragraphs 1 to 7, 8(1) to (6), 9, 10 and 11 of Schedule 1 and Article 9(6) so far as it relates to them	Abolition of earnings rule etc.
Paragraph 11(4) of Schedule 3 and Article 23 so far as it relates to it	Miscellaneous amendments relating to adjudication: review of decisions
Paragraphs 1, 5 to 8, and 10 to 13 of Schedule 6 and Article 26 so far as it relates to them	Miscellaneous amendments relating to occupational and personal pensions
Paragraphs 8, 9, 11, 13, 14 and 16 to 24 of Schedule 7 and Article 27(1) so far as it relates to them	Pre-consolidation amendments
Paragraphs 13 and 14 of Schedule 8 and Article 31(1) so far as it relates to them	Minor and consequential amendments
The following repeals in Schedule 9, and Article 31(2) so far as it relates to them—	Repeals
(a) the provisions of the Social Security (Northern Ireland) Act 1975 specified below—	
(i) in section 14(6), the words following paragraph (c)	(unemployment and sickness benefit)

<i>Provisions of the Order</i>	<i>Subject Matter</i>
(ii) in section 15(6)(a)(a) the words "but have not retired from regular employment"	(invalidity pension)
(iii) section 27(3), (4) and (5)	(retirement from regular employment)
(iv) in section 28(1)(a), the words "and has retired from regular employment"	(Category A retirement pension)
(v) section 29(5)(a)	(Category B retirement pension)
(vi) in section 30, subsection (1), in subsection (3), in paragraph (a), the words "retired from regular employment or has otherwise" and the words "retired or" and subsection (6)(a)(b)	(Category A and B pensions and earnings rule)
(vii) in section 39(1)(b), the words "and has retired from regular employment"	(Category C retirement pension)
(viii) in section 41(1), the words "section 30(1) of this Act and to"	(increase of benefit in respect of dependent children)
(ix) section 48(2) and (3)(c)	(pension increases and earnings rule)
(x) in Schedule 17 (glossary), in the definition of "week", the words "midnight between Saturday and" and "30(1)"	(meaning of "week")
(b) the provisions of the Social Security Pensions (Northern Ireland) Order 1975(d) specified below—	
(i) in Article 10(1), the words "who has retired from regular employment"	(Category B retirement pension for widower)
(ii) Article 13	(application of earnings rule)
(iii) in Article 47(3), the words from "unless the person" to "shall not apply,"	(state scheme premiums)
(iv) Article 54	(occupational pensions)

- (a) Section 15(6) was added by paragraph 6 of Schedule 4 to the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16))
- (b) Section 30(6) was added by Article 5(1) of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))
- (c) Subsections (2) and (3) were substituted by paragraph 7 of Schedule 4 to the Social Security (Northern Ireland) Order 1982; subsection (2) was amended by paragraph 1 of Schedule 5 to the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8))
- (d) S.I. 1975/1503 (N.I. 15)

<i>Provisions of the Order</i>	<i>Subject Matter</i>
(v) in Schedule 5, paragraphs 21(a) and 22(a)	(unemployment and sickness benefit)
(c) in Article 17(1) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(a), the words “unless the prescribed person otherwise elects in the prescribed manner,”	(occupational pensions)
(d) the provisions of the Social Security (Northern Ireland) Order 1979(b) specified below—	
(i) in Schedule 1, paragraph 17	(invalidity pension for widows)
(ii) in Schedule 3, paragraph 17	(application of earnings rule)
(e) in the Social Security (Northern Ireland) Order 1980(c), Article 4(2)	(application of earnings rule)
(f) the provisions of the Social Security (Northern Ireland) Order 1982(d) specified below—	
(i) Article 35(3) and (4)	(territorial waters)
(ii) in Schedule 1, in paragraph 7, the words “participate in, or”	(statutory sick pay)
(iii) in Schedule 4, paragraph 7	(pension increases and earnings rule)
(g) the provisions of the Social Security (Northern Ireland) Order 1986 specified below—	
(i) in Article 51(1), in the definition of “week”, the words “midnight between Saturday and”	(statutory maternity pay)
(ii) in Schedule 6, in paragraph 3, sub-paragraph (2)(a)(ii), in sub-paragraph (3)(b), the words “30(1),”, sub-paragraph (3)(c), sub-paragraph (4)(b) and the word “or” immediately preceding it	(Christmas bonus for pensioners)
(iii) in Schedule 9, paragraph 61	(child benefit)
(h) Article 4(8) of the Social Security (Northern Ireland) Order 1988(e)	(industrial injuries benefit and retirement from regular employment)

(a) S.I. 1977/610 (N.I. 11); Article 17(1) was amended by Article 4(3) of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8))

(b) S.I. 1979/396 (N.I. 5)

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

(d) S.I. 1982/1084 (N.I. 16)

(e) S.I. 1988/594 (N.I. 2)

PART III

PROVISIONS COMING INTO OPERATION ON 9TH OCTOBER 1989

<i>Provisions of the Order</i>	<i>Subject Matter</i>
<p>The following repeals and words in Schedule 9 and Article 31(2) so far as it relates to them—</p> <p>(a) the provisions of the Social Security (Northern Ireland) Act 1975 specified below—</p> <p>(i) in section 20(1A)(a) the words “longer or”</p> <p>(ii) in section 36(7)(b) the word “and” at the end of paragraph (c)</p> <p>(b) in the Social Security (Northern Ireland) Order 1986, in Article 27(3), the word “and” at the end of sub-paragraph (b)</p> <p>(c) at the end of Schedule 9, the words “The repeal in section 20(1A) of the principal Act does not affect the continuing operation of the Unemployment Benefit (Disqualification Period) Order (Northern Ireland) 1988(c)”.</p>	<p>Repeals</p> <p>(disqualification for unemployment benefit)</p> <p>(severe disablement allowance)</p> <p>(failure to maintain)</p> <p>Disqualification period for unemployment benefit</p>

- (a) Section 20(1A) was inserted by Article 44(3)(a) of the Social Security (Northern Ireland) Order 1986
- (b) Section 36 was substituted by Article 5(1) of the Health and Social Security (Northern Ireland) Order 1984
- (c) S.R. 1988 No. 83

EXPLANATORY NOTE

(This note is not part of the Order.)

This order provides for the coming into operation of provisions of the Social Security (Northern Ireland) Order 1989 on the following dates—

28th August 1989 for the provisions in—

paragraph 18 of Schedule 8 (minor and consequential amendments), which relates to joint citations,

Articles 11 to 15, relating to unemployment benefit and to income support and unemployment, for the purpose only of authorising the making of regulations;

1st October 1989 for the provisions in—

Article 9 and Schedule 1 (except paragraph 8(7) and (8)), together with the associated repeals in Schedule 9, which relate to abolition of the earnings rule etc.,

paragraph 11(4) of Schedule 3 (adjudication), which relates to review of decisions,

paragraphs 1, 5, 6 to 8 and 10 to 13 of Schedule 6, which contain amendments relating to occupational and personal pensions,

paragraphs 8, 9, 11, 13, 14 and 16 to 24 of Schedule 7 (pre-consolidation amendments),

paragraphs 13 and 14 of Schedule 8 (minor and consequential amendments); and for provisions in Schedule 9 (repeals) relating to pension increases and the earnings rule;

5th October 1989 for the provisions in Article 3, which relates to primary Class 1 contributions, in respect of contributions on earnings paid in any tax week beginning on or after 5th October 1989;

9th October 1989 for the provisions in—

Article 7 relating to liability of parents to maintain children under 19 in respect of whom income support is paid,

Article 10 relating to increase of age limit to 80 in respect of mobility allowance,

Articles 11 to 15, relating to unemployment benefit and to income support and unemployment, to the extent that they do not come into operation before that date,

paragraphs 2, 3, 7 and 15 of Schedule 8 (minor and consequential amendments),

various provisions in Schedule 9 (repeals).