

## 1989 No. 381

## SOCIAL SECURITY

**The Social Security Benefit (Dependency and Computation of Earnings) (Amendment) Regulations (Northern Ireland) 1989**

*Made* . . . . . 21st September 1989

*Coming into operation* . . . . . 9th October 1989

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Article 31(3) of the Social Security (Northern Ireland) Order 1989(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 Benefit (Dependency and Computation of Earnings) (Amendment) Regulations (Northern Ireland) 1989 and shall come into operation on 9th October 1989.

(2) In these regulations—

“the Dependency Regulations” means the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(b);

“the Computation of Earnings Regulations” means the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978(c).

(3) The Interpretation Act 1978(d) shall apply to these regulations as it applies to an Act of the United Kingdom Parliament.

*Amendment of the Dependency Regulations*

2. In paragraph 9(1) of Schedule 2 to the Dependency Regulations (prescribed circumstances for increase of an invalid care allowance) for “occupational pension” there shall be substituted “occupational or personal pension”.

*Amendment of the Computation of Earnings Regulations*

3. In regulation 1(2) of the Computation of Earnings Regulations (interpretation) in the definition of “earnings” for “occupational pension” there shall be substituted “occupational or personal pension”.

---

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

(b) S.R. 1977 No. 74; relevant amending provisions are S.R. 1984 No. 382, S.R. 1987 No. 129, S.R. 1988 No. 138 and Article 38(2) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)). See also regulation 6 of S.R. 1989 No. 91

(c) S.R. 1978 No. 371; relevant amending regulations are S.R. 1979 No. 97, S.R. 1984 Nos. 174, 317 and 378 and S.R. 1987 No. 201

(d) 1978 c. 30

*Saving*

4.—(1) Where an increase of benefit in respect of a child or adult dependant is payable to a person for any one of the 7 days commencing on 2nd October 1989, then paragraphs (2) to (4), in so far as the provisions to which they refer were relevant to the award of the said increase of benefit, shall apply in his case until the relevant date.

(2) Sections 47B and 66A of the Social Security (Northern Ireland) Act 1975(a) (earnings to include occupational pensions for purposes of benefits) shall apply as though Article 11(3) of the Social Security (Northern Ireland) Order 1989 had not been made.

(3) Schedule 2 to the Dependency Regulations shall apply as though regulation 2 of these regulations had not been made.

(4) The Computation of Earnings Regulations shall apply as though regulation 3 of these regulations had not been made.

(5) In paragraph (1), “the relevant date” means in relation to that person, the first day after 8th October 1989 in respect of which the increase of benefit in respect of a child or adult dependant referred to in that paragraph is not payable to him.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 21st September 1989.

(L.S.)

*A. N. Burns*

Assistant Secretary

---

(a) 1975 c. 15; sections 47B and 66A were inserted by Article 8 of the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)) and amended by Article 11(3) of the Social Security (Northern Ireland) Order 1989

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations are consequential on Article 11(3) of the Social Security (Northern Ireland) Order 1989 which extends the meaning of "earnings" in sections 47B and 66A of the Social Security (Northern Ireland) Act 1975 to include payments by way of personal as well as occupational pension. They correspond to provision contained in regulations made by the Secretary of State for Social Security 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.

Regulation 2 amends paragraph 9 of Schedule 2 to the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977 to provide that any reference to earnings in that Schedule shall include a reference to payments by way of personal pension.

Regulation 3 amends regulation 1(2) of the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978 by extending the definition of "earnings" to include payments by way of personal pension.

Regulation 4 contains a saving provision for those beneficiaries to whom an increase of benefit in respect of a child or an adult dependant was payable for any one of the 7 days commencing on 2nd October 1989.