

1991 No. 88

SOCIAL SECURITY

**The Social Security (Overlapping Benefits)
(Amendment) Regulations (Northern Ireland) 1991**

Made 13th March 1991

*Coming into operation in accordance
with regulation 1(1)*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 85 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 (Overlapping Benefits) (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation as follows:

- (a) regulation 1 on 8th April 1991;
- (b) regulation 2—

- (i) where the weekly rate of widowed mother's allowance is increased or guardian's allowance is payable (other than where the Department has arranged for the allowance to be payable on a Monday) in respect of one or more children on 9th April 1991,
- (ii) where an increase in the weekly rate of disablement benefit or invalid care allowance (where that benefit is payable on a Wednesday) is increased in respect of a child or children, or where an allowance is paid in respect of a child or children under section 70(b) of the Social Security (Northern Ireland) Act 1975 (children of deceased's family), on 10th April 1991,
- (iii) where the weekly rate of sickness benefit, unemployment benefit, invalidity benefit, severe disablement allowance or retirement pension of any category (where that pension is payable on a Thursday), is increased in respect of a child or children on 11th April 1991,
- (iv) where the weekly rate of retirement pension is increased in respect of a child or children and that pension is payable in accordance

(a) 1975 c. 15; section 85 was amended by paragraph 29 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)) and by Article 12(1) of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))

(b) Section 70 ceased to have effect except in relation to deaths occurring before 11th April 1988 by virtue of paragraph 2 of Schedule 1 to the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2))

with regulation 22(3) of, and paragraph 5 of Schedule 6 to, the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(a) on a day other than Monday or Thursday, on the day in the week commencing 8th April 1991 which corresponds with the day of the week on which retirement pension is payable,

(v) for all other purposes on 8th April 1991.

(2) In these regulations “the principal regulations” means the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(b).

Substitution of regulation 8 of the principal regulations

2. For regulation 8 of the principal regulations (child benefit) there shall be substituted the following regulation—

“8.—(1) Subject to paragraphs (2) to (4), where any benefit or increase of benefit under the Act is payable to a beneficiary, the weekly rate of that benefit or increase thereof shall not be adjusted by reference to child benefit.

(2) Where an increase of child benefit is payable to a beneficiary under regulation 2(2) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976(c) (increase for single parent) and for the same period, in respect of the same child, any benefit or increase of benefit under the Act is or would be payable to a beneficiary, the weekly rate of that benefit or increase thereof shall be reduced by the amount of the said increase of child benefit.

(3) Subject to paragraph (4), where a child is the only child, or if not the only child, the elder or eldest child, and child benefit is payable in respect of that child and for the same period any benefit or increase of benefit under the Act is payable in respect of that child, the weekly rate of that benefit or increase thereof shall be reduced by the amount by which the child benefit payable exceeds the amount of child benefit which would have been payable had that child not been the only, the elder or eldest child.

(4) No adjustment of benefit under paragraph (3) shall be made in respect of an increase of child benefit payable to a person under regulation 2(2) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976.”

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 13th March 1991.

(L.S.)

A. N. Burns

Assistant Secretary

(a) S.R. 1987 No. 465, to which there are amendments not relevant to these regulations

(b) S.R. 1979 No. 242, to which there are amendments not relevant to these regulations

(c) S.R. 1976 No. 223; relevant amending provisions are S.R. 1980 No. 37 and S.R. 1991 No. 77

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979. They correspond to provisions 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.

The regulations provide for further adjustments of benefit payable under the Social Security (Northern Ireland) Act 1975 by reference to the new rate of child benefit introduced by the Child Benefit and Social Security (Fixing and Adjustment of Rates) (Amendment) Regulations (Northern Ireland) 1991 (S.R. 1991 No. 82) in respect of the only, elder or eldest child payable for the same period.

The regulations also provide for the commencement of the adjustment to coincide with the Social Security Benefits Up-rating Order (Northern Ireland) 1991 (S.R. 1991 No. 77).