

## 1992 No. 146

## SOCIAL SECURITY

**The Social Security (Unemployment, Sickness and Invalidity  
Benefit and Severe Disablement Allowance) (Amendment)  
Regulations (Northern Ireland) 1992**

*Made* . . . . . 20th March 1992

*Coming into operation* . . . . . 6th April 1992

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 17(1)(a)(ii), 20(2)(b) and 36(7)(d)(ii) 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 (Unemployment, Sickness and Invalidity Benefit and Severe Disablement Allowance) (Amendment) Regulations (Northern Ireland) 1992 and shall come into operation on 6th April 1992.

(2) In these regulations—

“the Unemployment, Sickness and Invalidity Benefit Regulations” means the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(b); and

“the Severe Disablement Allowance Regulations” means the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(c).

*Amendment of the Unemployment, Sickness and Invalidity Benefit Regulations*

2.—(1) The Unemployment, Sickness and Invalidity Benefit Regulations shall be amended in accordance with paragraphs (2) to (4) of this regulation.

(2) In regulation 1(2) (interpretation) after the definition of “determining authority” there shall be inserted the following definition—

“ “disability appeal tribunal” means a tribunal constituted under Schedule 10A to the Act(d);”.

(a) 1975 c. 15; section 36(7) was substituted by Article 5(1) of the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8))

(b) S.R. 1984 No. 245; the relevant amending regulations are S.R. 1987 No. 221 and S.R. 1992 No. 112

(c) S.R. 1984 No. 317; the relevant amending regulations are S.R. 1986 No. 337 and S.R. 1989 No. 443

(d) Schedule 10A was inserted by paragraph 16 of Schedule 1 to the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 (S.I. 1991/1712 (N.I. 17))

(3) In regulation 3 (persons deemed to be incapable of work)—  
 (a) in paragraph (3) at the beginning there shall be inserted “Subject to paragraph (4),”; and

(b) after paragraph (3) there shall be added the following paragraphs—  
 “(4) For the purpose of determining entitlement to invalidity benefit, a person who is suffering from some specific disease or bodily or mental disablement but who, by reason only of the fact that he serves as a member of a disability appeal tribunal, is found not to be incapable of work shall, subject to paragraph (5), be deemed to be incapable of work.

(5) Where a person serves as a member of a disability appeal tribunal for more than one day in any week, he shall be deemed to be incapable of work by virtue of paragraph (4) only in respect of the first day on which he so serves in that week.”.

(4) In regulation 17(1)(d)(iii) (disqualification for sickness or invalidity benefit) at the end there shall be added “or (4)”.

#### *Amendment of the Severe Disablement Allowance Regulations*

3.—(1) The Severe Disablement Allowance Regulations shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) In regulation 2 (interpretation) after paragraph (1A) there shall be inserted the following paragraph—

“(1B) In these regulations “disability appeal tribunal” means a tribunal constituted under Schedule 10A to the Act.”.

(3) In regulation 9(d)(iii) (disqualification for severe disablement allowance)—

(a) in head (aa) at the end “or” shall be omitted; and

(b) after head (bb) there shall be inserted the following—

“or

(cc) service as a member of a disability appeal tribunal on a day on which he would be deemed to be incapable of work by virtue of regulation 3(4) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(a),”; and

(c) for “of either description” there shall be substituted “described in head (aa) or (bb)”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 20th March 1992.

(L.S.)

A. N. Burns

Assistant Secretary

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(a) Regulation 3(4) was inserted by regulation 2 of these regulations

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

These regulations further amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984 (“the Unemployment, Sickness and Invalidity Benefit Regulations”) and the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984 (“the Severe Disablement Allowance Regulations”) by making special provision for members of disability appeal tribunals who suffer from a specific disease or bodily or mental disablement.

Regulation 2 amends the Unemployment, Sickness and Invalidity Benefit Regulations so as to provide that a person suffering from a specific disease or bodily or mental disablement who serves as a member of a disability appeal tribunal shall be deemed to be incapable of work on the first day in any week on which he serves on such a tribunal for the purpose of determining his entitlement to invalidity benefit. It also provides that such service shall be excluded from the provisions relating to disqualification for receiving invalidity benefit.

Regulation 3 amends the Severe Disablement Allowance Regulations by adding service as a member of a disability appeal tribunal to the categories of work which do not disqualify a person from receiving a severe disablement allowance.

These regulations make in relation to Northern Ireland only provision corresponding 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.