

1994 No. 152

SOCIAL SECURITY

The Social Security (Sickness and Invalidity Benefit and Severe Disablement Allowance) (Miscellaneous Amendments) Regulations (Northern Ireland) 1994

Made 18th April 1994

Coming into operation 16th May 1994

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 57(1)(a)(ii) and 68(11)(e)(ii) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Social Security (Sickness and Invalidity Benefit and Severe Disablement Allowance) (Miscellaneous Amendments) Regulations (Northern Ireland) 1994 and shall come into operation on 16th May 1994.

Amendment of regulation 3 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations

2. In regulation 3 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(b) (persons deemed to be incapable of work) for paragraph (3) there shall be substituted the following paragraph—

“(3) Subject to paragraph (4), a person who is suffering from some specific disease or bodily or mental disablement but who, by reason only of the fact that he has done some work while so suffering, is found not to be incapable of work, may be deemed to be so incapable if that work is—

(a) either—

- (i) work which is undertaken under medical supervision as part of his treatment while he is a patient in or of a hospital or similar institution, or
- (ii) work which is not so undertaken and which he has good cause for doing,

and from which, in either case, his earnings do not exceed £43·00 in the week in which that work is performed; or

(a) 1992 c. 7

(b) S.R. 1984 No. 245; relevant amending regulations are S.R. 1987 No. 221, S.R. 1992 No. 146, S.R. 1993 No. 316 and S.R. 1994 No. 75

- (b) work undertaken as a volunteer for less than 16 hours in the week in which it is performed.”.

Amendment of the Social Security (Severe Disablement Allowance) Regulations

3.—(1) The Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(a) shall be amended in accordance with paragraphs (2) and (3) of this regulation.

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

“(1C) In these regulations—

“voluntary body” means a body the activities of which are carried out otherwise than for the purpose of profit;

“volunteer” means a person who is engaged in voluntary work with a charity or voluntary body, or who is engaged in voluntary work otherwise than for a member of his family, where the only payment received by him or due to be paid to him by virtue of being so engaged is a payment in respect of any expenses reasonably incurred by him in the course of being so engaged.”.

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

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

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

“or

(dd) work undertaken as a volunteer for less than 16 hours in the week in which it is performed.”.

Revocations

4. The Social Security (Unemployment, Sickness and Invalidity Benefit) (Amendment No. 2) Regulations (Northern Ireland) 1987(b), regulation 2(3)(a) of the Social Security (Unemployment, Sickness and Invalidity Benefit and Severe Disablement Allowance) (Amendment) Regulations (Northern Ireland) 1992(c) and regulation 5 of the Social Security Benefits Up-rating Regulations (Northern Ireland) 1994(d) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 18th April 1994.

(L.S.)

W. G. Purdy

Assistant Secretary

(a) S.R. 1984 No. 317; relevant amending regulations are S.R. 1986 No. 337, S.R. 1989 No. 443 and S.R. 1992 No. 146
 (b) S.R. 1987 No. 221
 (c) S.R. 1992 No. 146
 (d) S.R. 1994 No. 75

(This note is not part of the Regulations.)

These regulations further amend the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984 and the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984 by providing for persons who undertake voluntary work for less than 16 hours a week.

Regulation 2 (relating to sickness and invalidity benefit) provides for such persons to be deemed incapable of work.

Regulation 3 provides that work undertaken as a volunteer for less than 16 hours a week shall be excluded from behaviour which disqualifies a person from receiving severe disablement allowance.

Regulation 4 contains consequential revocations.

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 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.