
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 263

SOCIAL SECURITY

**The Social Security (Guardian's Allowances)
(Amendment) Regulations (Northern Ireland) 1998**

Made - - - - *24th August 1998*
Coming into operation *31st August 1998*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 77(8)(a) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽¹⁾ 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 (Guardian's Allowances) (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 31st August 1998.

(2) The Interpretation Act (Northern Ireland) 1954⁽²⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Social Security (Guardian's Allowances) Regulations

2. In regulation 4(1) of the Social Security (Guardian's Allowances) Regulations (Northern Ireland) 1975⁽³⁾ (children of divorced persons, etc.) for the words from "there was no order" to "of the Act" there shall be substituted—

"there was neither—

- (a) an order of a court granting custody of the child to that other parent or imposing any liability on him for the child's maintenance; nor
- (b) a maintenance assessment as defined in Article 2(2) of the Child Support (Northern Ireland) Order 1991⁽⁴⁾ in force in respect of that other parent and the child,

then section 77(2) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992".

(1) 1992 c. 7

(2) 1954 c. 33 (N.I.)

(3) S.R. 1975 No. 98; to which there are amendments not relevant to these Regulations

(4) S.I. 1991/2628 (N.I. 23)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland
on

L.S.

24th August 1998.

John O'Neill
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security (Guardian's Allowances) Regulations (Northern Ireland) 1975 (S.R. 1975 No. 98) with respect to a child whose parents are divorced so that at the death of one parent, where there was no maintenance assessment under the Child Support (Northern Ireland) Order 1991 (S.I.1991/2628 (N.I. 23)) in force in respect of the other parent and the child, entitlement to guardian's allowance may arise.

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.