

2000 No. 106

SOCIAL SECURITY

**The Social Security (Overlapping Benefits) (Amendment)
Regulations (Northern Ireland) 2000**

Made 21st March 2000

Coming into operation in accordance with regulation 1

The Department for Social Development, in exercise of the powers conferred by sections 71(1)(a) and 165(1) and (3) to (5) of the Social Security Administration (Northern Ireland) Act 1992(a), and now vested in it(b), 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) 2000 and, subject to paragraph (2), shall come into operation on 10th April 2000.

(2) Regulation 2 shall come into operation—

- (a) where the weekly rate of widowed mother's allowance is increased, or guardian's allowance (where that allowance is payable on a Tuesday) is payable in respect of a child or children, on 11th April 2000;
- (b) where 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 paragraph 18 of Schedule 7 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992(c) (children of deceased's family), on 12th April 2000;
- (c) where the weekly rate of incapacity 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 13th April 2000;
- (d) where the weekly rate of retirement pension is increased in respect of a child or children and that pension is payable, in accordance with regulation 22(3) of, and paragraph 5 of Schedule 6 to, the Claims and Payments Regulations (long term benefits) on a day other than

(a) 1992 c. 8; section 71(1) was amended by paragraph 32(2) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(b) See Article 8(b) of S.R. 1999 No. 481

(c) 1992 c. 7

Monday or Thursday, on the day in the week commencing 10th April 2000 which corresponds with the day of the week on which retirement pension is payable;

- (e) where guardian's allowance is payable, in accordance with regulation 23(3) and (3A)(a) of the Claims and Payments Regulations, on a day other than Monday or Tuesday, on the day in the week commencing 10th April 2000 which corresponds with the day of the week on which guardian's allowance is payable.

(3) In these Regulations "the Claims and Payments Regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(b).

Amendment of the Social Security (Overlapping Benefits) Regulations

2. In regulation 8 of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(c) (child benefit) for "£3.35" in each place where it occurs there shall be substituted "£3.50".

Revocations

3. The Social Security (Overlapping Benefits) (Amendment) Regulations (Northern Ireland) 1999(d) and the Social Security (Overlapping Benefits) (Amendment No. 2) Regulations (Northern Ireland) 1999(e) are hereby revoked.

Sealed with the Official Seal of the Department for Social Development on 21st March 2000.

(L.S.)

John O'Neill

Senior Officer of the Department for Social Development

(a) Paragraph (3A) was inserted by regulation 2(5)(b) of S.R. 1999 No. 365
(b) S.R. 1987 No. 465
(c) S.R. 1979 No. 242; relevant amending regulations are S.R. 1991 No. 88, S.R. 1996 No. 288 and S.R. 1999 Nos. 137 and 232
(d) S.R. 1999 No. 137
(e) S.R. 1999 No. 232

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979 by altering the amount of the adjustments of benefits payable under the Social Security Contributions and Benefits (Northern Ireland) Act 1992 by reference to the new rates of child benefit payable and provide for the commencement of the adjustment to coincide with the Social Security Benefits Up-rating (Northern Ireland) Order 2000.

The Regulations also make consequential revocations.

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

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