

1975 No. 202

SOCIAL SECURITY**The Social Security (Non-Contributory Invalidity Pension) Regulations (Northern Ireland) 1975***Made* 17th July 1975*Coming into operation* 20th July 1975

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 36(3) to (7) and (9), 40(2), 49, 79(3), 80, 81, 82, 83(1), 84, 85, 119(3), 124(1) and 126 of the Social Security (Northern Ireland) Act 1975(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I**GENERAL***Citation and commencement*

1. These regulations may be cited as the Social Security (Non-Contributory Invalidity Pension) Regulations (Northern Ireland) 1975 and shall come into operation on 20th July 1975.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, “the Act” means the Social Security (Northern Ireland) Act 1975 and other expressions have the same meanings as in the Act.

(2) Reference in these regulations—

(a) to a person’s father, mother, son or daughter shall include reference to his step-father, step-mother, step-son or step-daughter, as the case may be, and a person shall be treated as such a relative if he would be such a relative if some person born illegitimate had been born legitimate;

(b) to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it, with or without modification.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(b) shall apply for the purposes of the interpretation of this statutory rule, as they apply for the purposes of the interpretation of an Act of Parliament.

(a) 1975 c. 15

(b) 1889 c. 63

PART II

MISCELLANEOUS PROVISIONS RELATING TO NON-CONTRIBUTORY INVALIDITY PENSION

Conditions relating to residence and presence

3.—(1) Subject to the following provisions of this regulation, the prescribed conditions for the purposes of section 36(3) of the Act as to residence and presence in Northern Ireland in relation to any person in respect of any day shall be—

- (a) that he is present in Northern Ireland;
- (b) that he has been present in Northern Ireland for a period of, or periods amounting in the aggregate to, not less than 26 weeks in the 12 months immediately preceding that day; and
- (c) that he has been resident in Northern Ireland for a period of or periods amounting in the aggregate to—
 - (i) 10 years in the 20 years immediately preceding that day; or
 - (ii) 10 years since his birth if he is under 20 years of age on that day.

(2) For the purposes of paragraph (1)(a) or (b) of this regulation, a person who is absent from Northern Ireland on any day shall be treated as being present in Northern Ireland if on that day he is—

- (a) a merchant seaman within the meaning of the Family Allowances (Qualifications) Regulations (Northern Ireland) 1970(c); or
- (b) a member of the forces within the meaning of those regulations; or
- (c) living with such a member of the forces and is that member's spouse, son, daughter, father, father-in-law, mother or mother-in-law.

(3) Where a person has been entitled to non-contributory invalidity pension for any day, the conditions set out in paragraph (1) of this regulation shall not apply to that person in respect of any subsequent day of incapacity for work falling within the same period of interruption of employment; and in determining whether any such subsequent day falls within the same period of interruption of employment the provisions of section 17(1) of the Act (days for which unemployment, sickness or invalidity benefit is payable) and of any regulations made under section 17(1) or (2) shall have effect for the purposes of non-contributory invalidity pension as they have effect for the purposes of invalidity benefit.

Days for which persons are to be regarded as incapable of work for the purposes of non-contributory invalidity pension

4.—(1) For all the purposes of non-contributory invalidity pension a person shall not be treated as incapable of work for any day unless that day would be a day of incapacity for work under the provisions of section 17(1)(a) of the Act or regulation 3, 5 or 7(1)(f) or (g) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1975(d) (provisions for determining whether a day is one of incapacity for work for the purposes of sickness or invalidity benefit); and in the case of a person who has not attained retiring age, Sunday or the day which would be substituted for Sunday under the provisions of regulation 4 of the said regulations of 1975 shall (except for the purposes of the requirements of section 36(1) of the Act as to the period for which a person must have been incapable of work as those apply in the case of a person who has not previously been entitled to non-

contributory invalidity pension) not be treated as a day on which that person is incapable of work.

(2) In determining for the purposes of section 36(1) of the Act whether a person has been incapable of work for 196 consecutive days, a day shall not be treated as a day on which that person was incapable of work if on that day he was absent from Northern Ireland or undergoing imprisonment or detention in legal custody.

Circumstances in which persons are to be regarded as receiving full-time education

5.—(1) A person shall not be treated as receiving full-time education for the purposes of non-contributory invalidity pension—

- (a) if he is not less than 16 or more than 19 years of age, for any period unless it is one in respect of which the Department certifies that he is receiving full-time education by attendance at an establishment recognised by the Department as being, or as comparable to, a university, college or school; or
- (b) if he is over the age of 19, for any period.

(2) In determining the duration of a period of full-time education under paragraph (1)(a) of this regulation any temporary interruption of that education may be disregarded.

Modification of section 36(1) of the Act in the case of a person who has previously been entitled to non-contributory invalidity pension

6. In the case of a person who has previously been entitled to non-contributory invalidity pension, the requirements of section 36(1) of the Act as to the period for which a person must have been incapable of work shall be deemed to be satisfied on any day in a period of interruption of employment if they have been satisfied on any earlier day in that period of interruption of employment; and in determining whether that day and the earlier day fall within the same period of interruption of employment the provisions of section 17(1) of the Act (days for which unemployment, sickness or invalidity benefit is payable) and of any regulations made under section 17(1) or (2) of the Act shall have effect for the purposes of non-contributory invalidity pension as they have effect for the purposes of invalidity benefit.

Circumstances in which a person over pensionable age is to be treated as having been entitled to non-contributory invalidity pension immediately before attaining that age

7. A person who has attained pensionable age shall for the purposes of section 36(4) of the Act be treated as having been entitled to non-contributory invalidity pension immediately before attaining that age if immediately before attaining it he would have satisfied the conditions for entitlement to that pension but for the provisions of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1975(e).

Non-contributory invalidity pension for persons over retiring age

8. Where a person is entitled to non-contributory invalidity pension immediately before he attains retiring age he shall not be disentitled to that pension after he attains that age by reason only of the fact that he is not incapable of work or no longer satisfies the requirements of section 36(1) of the Act as to the period for which a person must have been incapable of work.

Increase of non-contributory invalidity pension for dependants

9. The provisions of Chapter III of Part II of the Act (increases for dependants) shall apply in relation to increases of non-contributory invalidity pension for child or adult dependants under section 49 of the Act as they apply to increases of invalidity pension for child or adult dependants.

Application of the Social Security (General Benefit) (Northern Ireland) Regulations 1975 to non-contributory invalidity pension

10.—(1) Subject to paragraph (2) of this regulation, the provisions of the Social Security (General Benefit) (Northern Ireland) Regulations 1975(f) specified in column (1) of Schedule 1 to these regulations shall apply to non-contributory invalidity pension as they apply to invalidity pension.

(2) Any reference in those regulations to—

- (a) the standard rate of increase shall have effect as a reference to the rate of increase of non-contributory invalidity pension; and
- (b) the amount of increase of benefit shall have effect as a reference to the amount of increase of non-contributory invalidity pension.

Application of the Social Security Benefit (Computation of Earnings) (Northern Ireland) Regulations 1975 to non-contributory invalidity pension

11. The provisions of regulations 2 to 7 of the Social Security Benefit (Computation of Earnings) (Northern Ireland) Regulations 1975(g) (calculation or estimation of the earnings of a person) shall apply to non-contributory invalidity pension as they apply to invalidity pension.

Disqualification for non-contributory invalidity pension

12. A person shall be disqualified for receiving non-contributory invalidity pension for such period not exceeding 6 weeks as may be determined in accordance with sections 97 to 104 of the Act if—

- (a) he has become incapable of work through his own misconduct, except that this disqualification shall not apply where the incapacity is due to venereal disease or, in the case of a woman who is not a wife, or being a wife, is separated from her husband, to pregnancy; or
- (b) he fails without good cause to comply with a notice in writing given by or on behalf of the Department requiring him to attend for and to submit himself to medical or other examination on a date not earlier than the third day after the day on which the notice was sent and at a time and place specified in that notice; or
- (c) he fails without good cause to attend for, or to submit himself to, medical or other treatment; provided that this disqualification shall not apply to any failure to attend for or to submit to vaccination or inoculation of any kind or to a surgical operation, unless the failure is a failure to attend for or to submit to a surgical operation of a minor character, and is unreasonable; or
- (d) he fails without good cause to observe any of the following rules of behaviour, namely—

- (i) to refrain from behaviour calculated to retard his recovery, and to answer any reasonable enquiries (not being enquiries relating to medical examination, treatment or advice) by the Department or its officers directed to ascertaining whether he is doing

so;

- (ii) not to be absent from his place of residence without leaving word where he may be found;
- (iii) to do no work for which remuneration is, or would ordinarily be, payable unless it is—
 - (aa) 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
 - (bb) work which is not so undertaken and which he has good cause for doing,
 and from which, in the case of work of either description his earnings, if any, are ordinarily not more than £7·00 a week.

Transitional provision relating to claims for non-contributory invalidity pension in respect of certain hospital in-patients

13. A person who on 20th November 1975 is an in-patient in a hospital or similar institution and unable to act and who but for this provision would be disqualified for the receipt of non-contributory invalidity pension on any day in the period 20th November 1975 to 18th February 1976 (both dates included) on which he is such an in-patient on account of failure to make a claim within the prescribed time, shall not be so disqualified if a claim for that pension is made on a day not later than 19th February 1976.

PART III

CONSEQUENTIAL AMENDMENTS OF REGULATIONS

Amendment of the Social Security (Widow's Benefit and Retirement Pensions) (Northern Ireland) Regulations 1975

14.—(1) The Social Security (Widow's Benefit and Retirement Pensions) (Northern Ireland) Regulations 1975(h) shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) In regulation 4(1)(b)(i) (days to be treated as days of increment) after the words "an invalidity pension," there shall be inserted the words "non-contributory invalidity pension,".

(3) In regulation 15(1) (age addition for persons not in receipt of a retirement pension) after sub-paragraph (d) there shall be added the following sub-paragraph—

"(e) section 36 of the Social Security (Northern Ireland) Act 1975 (non-contributory invalidity pension)."

Amendment of the Social Security (Airmen's Benefits) Regulations (Northern Ireland) 1975

15. In regulation 2 of the Social Security (Airmen's Benefits) Regulations (Northern Ireland) 1975(i) (removal of disqualification in the case of airmen for receiving benefit while absent from Northern Ireland) for the words "or invalidity benefit" where they occur in paragraphs (1) and (2) there shall be substituted the words "invalidity benefit or non-contributory invalidity pension".

Amendment of the Social Security (Mariners' Benefits) Regulations (Northern Ireland) 1975

16.—(1) The Social Security (Mariners' Benefits) Regulations (Northern Ireland) 1975(j) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 4 (removal of disqualification for receiving benefit by reason of absence from Northern Ireland)—

(a) in paragraph (a) for the words "sickness or invalidity benefit" there shall be substituted the words "sickness benefit, invalidity benefit or non-contributory invalidity pension";

(b) in paragraph (b) for the words "unemployment, sickness benefit or invalidity benefit" there shall be substituted the words "unemployment benefit, sickness benefit, invalidity benefit or non-contributory invalidity pension".

(3) In regulation 5 (evidence of unemployment or incapacity) for the words "unemployment, sickness or invalidity benefit" there shall be substituted the words "unemployment benefit, sickness benefit, invalidity benefit or non-contributory invalidity pension".

(4) In regulation 6(2) (special provisions relating to days of incapacity for work) for the words "sickness or invalidity benefit" there shall be substituted the words "sickness benefit, invalidity benefit or non-contributory invalidity pension".

Amendment of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1975

17.—(1) The Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1975(k) shall be amended in accordance with paragraphs (2) to (8) of this regulation.

(2) In regulation 3 (adjustment of personal benefit under Chapters I and II of Part II of the Act where other personal benefit under those Chapters is payable) in paragraph (1) after the words "Subject to paragraphs (2) and (3)" there shall be inserted the words "and regulation 9A"; in paragraph (2)(d) after the words "regulation 4" there shall be inserted the words "and in the case of non-contributory invalidity pension"; and in paragraph (5) for the words "a Category D retirement pension, the latter" there shall be substituted the words "a Category D retirement pension or non-contributory invalidity pension, the Category D retirement pension or, as the case may be, the non-contributory invalidity pension".

(3) In regulation 5 (adjustments of personal benefit under Chapters I and II of Part II of the Act by reference to industrial injuries benefits and benefits not under the Act, and adjustments of industrial injuries benefits) in paragraph (1) for the words "Where a personal benefit" there shall be substituted the words "Subject to regulation 9A, where a personal benefit".

(4) In regulation 6 (adjustment of dependency benefit in respect of a child where other dependency benefit is payable for that child) in paragraph (1) for the words "Where dependency benefit" there shall be substituted the words "Subject to regulation 9A, where dependency benefit".

(5) In regulation 7 (adjustment of dependency benefit in respect of an adult dependant where other dependency benefit is payable) in paragraph (1) after the words "Subject to paragraph (3)" there shall be inserted the words "and regulation 9A".

(6) After regulation 9 there shall be inserted the following regulation—

“Special provision relating to the adjustment of non-contributory invalidity pension

9A. In any case where personal benefit or dependency benefit by way of non-contributory invalidity pension would, in accordance with the provisions of regulation 3, 5, 6 or 7, fall to be adjusted by reference to any other personal benefit or dependency benefit, it shall be reduced by the amount which is, or but for these regulations would be, payable by way of that other benefit both as personal benefit and as dependency benefit, so however that the amount payable by way of non-contributory invalidity pension and that other benefit shall in no case be less than the sum of the amounts which, but for any adjustment, would have been payable by way of non-contributory invalidity pension as personal benefit and dependency benefit.”

(7) In regulation 11 (provisions for adjusting benefit for part of a week) in paragraph (2) for the words “or invalidity benefit” substitute the words “, invalidity benefit or non-contributory invalidity pension”.

(8) In the Schedule (personal benefits which are required to be adjusted by reference to benefits not under Chapters I and II of Part II of the Act) there shall be inserted—

- (a) in column 1 (personal benefits under the Act) immediately under paragraph 1 the words “1A. Non-contributory invalidity pension”; and
- (b) in column 2 (other personal benefit by reference to which the benefit in column 1 is to be adjusted) immediately under paragraph 1, the words “1A. Unemployability supplement, injury benefit, industrial death benefit or war pension death benefit payable in either case to a woman as widow of the deceased and training allowance”.

Amendment of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975

18.—(1) The Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(l) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 7 (adjustment of personal benefit after 104 weeks in hospital)—

- (a) in paragraph (3)(a)(i) after the words “invalidity pension” there shall be inserted the words “, non-contributory invalidity pension”;
- (b) in paragraph (3)(b)(i) after the words “invalidity benefit” there shall be inserted the words “, non-contributory invalidity pension”.

(3) In Schedule 2 (personal benefits) after the words “Age addition” and before the words “Retirement pension of any category” there shall be inserted the words “Non-contributory invalidity pension”.

Amendment of Part V of the Social Security (Determination of Claims and Questions) Regulations (Northern Ireland) 1975

19. In regulation 25(1)(b) of the Social Security (Determination of Claims and Questions) Regulations (Northern Ireland) 1975(m) (review of decisions involving payment or increase of benefit other than industrial injuries benefit) for the words “or invalidity benefit” there shall be substituted the words “, invalidity benefit or non-contributory invalidity pension”.

*Amendment of the Social Security (Claims and Payments) Regulations
(Northern Ireland) 1975*

20.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1975⁽ⁿ⁾ shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 10 (special provision where it is certified that a woman is expected to be confined or where she has been confined) there shall be inserted the words “or non-contributory invalidity pension” after the words “invalidity benefit” wherever those words occur.

(3) In regulation 11 (forward allowances and disallowances of sickness, invalidity and injury benefit)—

(a) for the shoulder note and paragraph (1)(a) there shall be substituted the following shoulder note and paragraph:—

“Forward allowances and disallowances of sickness, invalidity and injury benefit and non-contributory invalidity pension

11.—(1) Subject to the provisions of paragraph (3), where a medical certificate has been issued in respect of the person named therein (“the claimant”)—

(a) a claim for sickness, invalidity or injury benefit or non-contributory invalidity pension based on the medical certificate shall, unless in any case the Department otherwise directs, be treated as if made by the claimant for the period specified in that certificate;”;

(b) after paragraph (4) there shall be inserted the following paragraph:

“(4A) Where a claim for non-contributory invalidity pension is disallowed on the grounds that the claimant has not—

(a) been incapable of work for 196 consecutive days; or

(b) satisfied the requirement of regulation 3 of the Social Security (Non-Contributory Invalidity Pension) Regulations (Northern Ireland) 1975 (residence and presence conditions),

the decision disallowing that claim shall, subject to the provisions of section 104 of the Act (review of decisions), be treated as a decision disallowing any further claim (being a continuation claim within the meaning of paragraph 2(c) of column (1) of Schedule 1 to these regulations) by that person for that pension until the grounds for the original disallowance have ceased to exist.”.

(4) In regulation 14 (time and manner of payment of certain benefits and of an increase of disablement pension) the following sub-paragraph shall be added at the end of paragraph (1):

“(h) non-contributory invalidity pension.”.

(5) In Schedule 1 (prescribed times for claiming benefit)—

(a) in paragraph 2 of column (1) for “Sickness, invalidity or injury benefit” there shall be substituted “Sickness benefit, invalidity benefit, injury benefit or non-contributory invalidity pension”;

(b) in paragraph 2(a) of column (1) after the words “injury benefit” in the two places where they occur there shall be inserted the words “or non-contributory invalidity pension”;

(c) in paragraph 3 of column (1) for “unemployment or sickness benefit, invalidity pension or injury benefit” there shall be substituted “unemployment benefit, sickness benefit, invalidity pension, injury benefit or non-contributory invalidity pension”.

(6) For sub-paragraph (1) of paragraph 2 of Schedule 2 (miscellaneous provisions) there shall be substituted the following sub-paragraph—

**“SICKNESS, INVALIDITY AND INJURY BENEFIT AND
NON-CONTRIBUTORY INVALIDITY PENSION**

Hospital in-patients

2.—(1) When it is being determined whether the provisions of regulation 13(2) or 13(3)(b) have been satisfied by a person who is, or has been, an in-patient in a hospital and who makes a claim for sickness, invalidity or injury benefit or non-contributory invalidity pension, any such provision shall, in relation only to that claim, be deemed to have been satisfied by him in respect of that one of the following periods which is appropriate in so far as it is relevant for the purpose of any such provision:

- (a) where the person concerned has been discharged from the hospital, the period commencing on the date of his admission thereto as an in-patient and ending 13 weeks thereafter or 3 weeks after the date of his discharge, whichever period is the shorter; or
- (b) where the person concerned has not been so discharged, the period of 13 weeks from the date of his admission to the hospital as an in-patient.”.

(7) For Schedule 3 (benefit claimed and benefit for which the claim may be treated as a claim in the alternative) there shall be substituted the provisions set out in Schedule 2 to these regulations.

Amendment of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1975

21. In regulation 2(1) of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1975(o) (modifications of the Act in relation to various benefits) for the shoulder note and the words in that regulation down to and including “invalidity benefit” there shall be substituted the following shoulder note and words:

“Modifications of the Act in relation to sickness benefit, invalidity benefit, non-contributory invalidity pension, unemployability supplement and maternity allowance

2.—(1) A person shall not be disqualified for receiving sickness benefit, invalidity benefit, non-contributory invalidity pension.”.

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1975

22. In regulation 13 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1975(p) (increase of benefit for dependent relative and further conditions applicable) in paragraph (1) for the words “or invalidity pension” there shall be substituted the words “or invalidity or non-contributory invalidity pension”; and in paragraph (2)(d) for the words “or invalidity benefit” there shall be substituted the words “or invalidity benefit or non-contributory invalidity pension”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 17th July 1975.

(L.S.)

W. Bell

Assistant Secretary

SCHEDULE 1

Regulation 10(1)

**Provisions of the Social Security (General Benefit) (Northern Ireland) Regulations 1975
Applied to Non-Contributory Invalidity Pension**

<i>Regulation applied</i>	<i>Subject matter</i>
(1)	(2)
2	Increase of benefit for wife
4	Increase of pension for female person having care of child
5	Provisions as to maintenance
6	Contribution to maintenance of adult dependant
7	Children treated as included in a family for increase of certain benefits
8	Contribution towards cost of providing for child
9	Deeming benefit under the Act abated under section 17(1A) of the Supplementary Benefits &c. Act (Northern Ireland) 1966 to be a contribution for the maintenance of children or adult dependants
10	Allocation of contributions for wife or children
11	Exceptions from disqualification for imprisonment, etc.
12	Suspension of payment of benefit during imprisonment, etc.
13	Interim payments, arrears and repayments
14	Set-off of benefit against earlier payment of dependency benefit
16	Rounding of sums payable by way of benefit under Part I of the Act

SCHEDULE 2

Regulation 20(7)

**Schedule substituted for Schedule 3 to the Social Security (Claims and Payments)
Regulations (Northern Ireland) 1975**

SCHEDULE 3

Regulation 9(1)

**Benefit claimed and benefit for which the claim may be treated as a claim
in the alternative**

<i>Benefit claimed</i> (1)	<i>Alternative benefit</i> (2)
Sickness benefit	Invalidity benefit, injury benefit or non-contributory invalidity pension
Invalidity benefit	Sickness benefit, injury benefit or non-contributory invalidity pension
Unemployment benefit	Sickness benefit, invalidity benefit, injury benefit, unemployability supplement or non-contributory invalidity pension
Non-contributory invalidity pension	Sickness benefit, invalidity benefit or injury benefit
An increase of unemployment benefit	An increase of sickness benefit, invalidity pension or of non-contributory invalidity pension
Sickness benefit for a woman	Maternity allowance
Invalidity benefit for a woman	Maternity allowance
Non-contributory invalidity pension for a woman	Maternity allowance
Maternity allowance	Sickness benefit, invalidity benefit or non-contributory invalidity pension
Category B or Category C retirement pension	Widow's benefit
A retirement pension of any category	A retirement pension of any other category
An increase of sickness benefit or of invalidity pension	An increase of injury benefit or of non-contributory invalidity pension
Widow's benefit	Industrial death benefit for a widow in respect of her late husband
Guardian's allowance	Industrial death benefit in respect of a child of the deceased's family

<i>Benefit claimed</i> (1)	<i>Alternative benefit</i> (2)
Attendance allowance	An increase of disablement pension where constant attendance is needed
An increase of injury benefit	An increase of sickness benefit, invalidity pension or of non-contributory invalidity pension
Industrial death benefit for a widow in respect of her late husband	Widow's benefit
Industrial death benefit in respect of a child of the deceased's family	Guardian's allowance
An increase of disablement pension where constant attendance is needed	Attendance allowance
Injury benefit	Sickness benefit, invalidity benefit or non-contributory invalidity pension
An increase of non-contributory invalidity pension	An increase of sickness benefit, invalidity pension or injury benefit

In this Schedule—

- (a) references to an increase of any benefit (other than an increase of disablement pension where constant attendance is needed) are to an increase of that benefit in respect of a child or adult dependant.
- (b) "widow's benefit" means widow's benefit under Chapter I of Part II of the Act and benefit by virtue of section 39(4) corresponding to a widow's pension or a widowed mother's allowance.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations are made in consequence of the provisions of the Social Security Benefits Act 1975 (re-enacted in the Social Security (Northern Ireland) Act 1975, a consolidating measure) relating to non-contributory invalidity pension ("the pension").

Part I of the regulations relates to their citation, commencement and interpretation.

Part II of the regulations contains miscellaneous provisions relating to residence and presence in Northern Ireland conditions (regulation 3); days for which persons are to be regarded as incapable of work for the purposes of the pension (regulation 4); circumstances in which persons are to be regarded as receiving full-time education (regulation 5); modification of the requirements in section 36(1) of the Social Security (Northern Ireland) Act 1975 in the case of a person who has previously been entitled to the pension (regulation 6); circumstances in which a person over pensionable age (60 in the case of a woman, 65 in the case of a man) is to be treated as having been entitled to the pension before attaining that age (regulation 7); relaxed conditions for entitlement to the pension for certain persons over retiring age (65 in the case of a woman, 70 in the case of a man) (regulation 8); increase of the pension for dependants (regulation 9); the application of the Social Security (General Benefit) (Northern Ireland) Regulations 1975 and the Social Security Benefit (Computation of Earnings) (Northern Ireland) Regulations 1975 to the pension (regulations 10 and 11 and Schedule 1); and disqualification for the pension for misconduct or failure to undergo medical examination (regulation 12). This Part of the regulations also contains a transitional provision relating to claims for the pension in the case of certain hospital in-patients (regulation 13).

Part III of, and Schedule 2 to, the regulations contain minor consequential amendments to other sets of Social Security regulations.