

1977 No. 305

## SOCIAL SECURITY

**The Social Security Benefit (Persons Abroad) (Amendment) Regulations  
(Northern Ireland) 1977***Made* . . . . . 18th October 1977*Coming into operation* . . . . . 14th November 1977

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 35(1), 82(5), 114(1) and 126 of the Social Security (Northern Ireland) Act 1975(a) and section 37A of that Act as inserted by Article 24 of the Social Security Pensions (Northern Ireland) Order 1975(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 Benefit (Persons Abroad) (Amendment) Regulations (Northern Ireland) 1977 and shall come into operation on 14th November 1977.

(2) In these regulations, "the Act" means the Social Security (Northern Ireland) Act 1975.

(3) Each provision of these regulations which amends other regulations shall be construed as one with the regulations which it amends.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(c) shall apply in relation to this statutory rule and in relation to the revocations effected by it as if this statutory rule and the regulations revoked by it were Acts of Parliament and as if the revocations were repeals.

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

2.—(1) The Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1975(d), as amended(e), shall be further amended in accordance with the following provisions of this regulation.

(2) Regulation 2 (modifications of the Act in relation to sickness benefit, invalidity benefit, non-contributory invalidity pension, unemployability supplement and maternity allowance) shall be amended by the substitution, for sub-paragraph (a) of paragraph (1), of the following, namely—

"(a) the Department has certified that it is consistent with the proper administration of the Act that, subject to the satisfaction of one of the conditions in sub-paragraphs (b) and (c) below, the disqualification under section 82(5)(a) of the Act should not apply, and either".

(a) 1975 c. 15  
(b) S.I. 1975/1503 (N.I. 15)  
(c) 1889 c. 63

(d) S.R. 1975 No. 103 (I, p. 632)  
(e) S.R. 1975 No. 202 (II, p. 1036)

(3) Regulation 9 (modification of the Act in relation to title to injury benefit and disablement benefit and industrial death benefit) shall be amended by the substitution, for sub-paragraph (a) of paragraph (1), of the following, namely—

“(a) the Department has certified that it is consistent with the proper administration of the Act that, subject to the satisfaction of the condition in sub-paragraph (b) below, the disqualification under section 82(5)(a) of the Act should not apply, and”.

(4) Regulations 2(2) and 9(2) are hereby revoked.

*Amendment of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1975 and the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975*

3. In both the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1975(f), as amended(g), and the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975(h), as amended(g), regulation 2 (entitlement conditions as to residence and presence in Northern Ireland) shall be amended by omitting from paragraph (2) of each regulation the word “only” and by the substitution, in each case, for the words “during such period as is reasonable in all the circumstances of the case”, where those words appear in paragraph (2)(e) and paragraph (3)(e) respectively, of the words “and the Department has certified that it is consistent with the proper administration of the Act that, subject to the satisfaction of the foregoing condition in this sub-paragraph, he should be treated as though he were present in Northern Ireland”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 18th October 1977.

(L.S.)

C. G. Oakes  
Senior Assistant Secretary

(f) S.R. 1975 No. 102 (I, p. 620)

(g) S.R. 1977 No. 73

(h) S.R. 1975 No. 280 (II, p. 1352)

## EXPLANATORY NOTE

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

Regulation 2 of these regulations amends certain of the provisions of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1975, which set out the circumstances in which the disqualification for the receipt of benefit during periods of absence from Northern Ireland may be removed. In the case of certain benefits, the regulation provides for the removal of the disqualification where the Department of Health and Social Services has certified that it is consistent with the proper administration of the Social Security (Northern Ireland) Act 1975 (1975 c. 15) that the disqualification should not apply and where certain conditions set out in the regulations of 1975 are satisfied.

Regulation 3 amends certain of the provisions of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1975 and the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975 which set out conditions relating to residence or presence in Northern Ireland on which entitlement to attendance allowance and mobility allowance depends. The regulation provides that one of the conditions shall be that the Department of Health and Social Services has certified that it is consistent with the proper administration of the Social Security (Northern Ireland) Act 1975 that where another condition set out in the regulations of 1975 is satisfied the person concerned should be treated as if he were present in Northern Ireland.