

1980 No. 451

SOCIAL SECURITY

**The Social Security (Overlapping Benefits) (Amendment) Regulations
(Northern Ireland) 1980**

Made 17th December 1980

Coming into operation 5th January 1981

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 85 of the Social Security (Northern Ireland) Act 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(b) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Overlapping Benefits) (Amendment) Regulations (Northern Ireland) 1980 and shall come into operation on 5th January 1981.

(2) In these regulations “the principal regulations” means the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(c).

Amendment of regulation 2 of the principal regulations

2. In paragraph (1) of regulation 2 of the principal regulations (interpretation)—

- (a) in the definition of “personal benefit” there shall be inserted after the word “allowance” the words “(whether under the Act or otherwise)” and after the words “and which” the words “, apart from these regulations,”; and
- (b) for the definition of “Service Pensions Instrument” there shall be substituted the following definition—

“‘Service Pensions Instrument’ means any instrument described in sub-paragraph (a) or (b) below in so far, but only in so far, as the pensions or other benefits provided by that instrument are not calculated or determined by reference to length of service, namely—

- (a) any instrument made in exercise of powers—
- (i) referred to in section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(d) (pensions or other benefits for disablement or death due to service in the armed forces of the Crown); or
- (ii) under section 1 of the Polish Resettlement Act 1947(e) (pensions and other benefits for disablement or death due to service in certain Polish forces); or

(a) 1975 c. 15; s. 85 was amended by Art. 23(1) of and para. 29 of Sch. 4 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)) and by Art. 12(1) of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))

(b) 1980 c. 30

(c) S.R. 1979 No. 242 (II, p. 1132)

(d) 1977 c. 5

(e) 1947 c. 19

- (b) any instrument under which a pension or other benefit may be paid to a person (not being a member of the armed forces of the Crown) out of public funds in respect of death or disablement, wound, injury or disease due to service in any nursing service or other auxiliary service of any of the armed forces of the Crown, or in any other organisation established under the control of the Defence Council or formerly established under the control of the Admiralty, the Army Council or the Air Council;”.

Amendment of regulation 10 of the principal regulations

3. Paragraph (1) of regulation 10 of the principal regulations (adjustment of dependency benefit where certain personal benefit is payable) shall be amended by substituting a semi-colon for the comma in sub-paragraph (f) and inserting after sub-paragraph (f) the following sub-paragraph—

“(g) a temporary allowance under the provisions of section 1 of the Job Release Act 1977(f),”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 17th December 1980.

(L.S.)

T. S. Martin

Assistant Secretary

(f) 1977 c. 8

EXPLANATORY NOTE

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

These regulations amend the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979. Regulation 2 amends the definition of “personal benefit” and “Service Pensions Instrument” in regulation 2 of those regulations.

Regulation 3 amends regulation 10 of those regulations by adding an allowance under the Job Release Act 1977 to the categories of personal benefit payable to the dependant by reference to which a dependency benefit payable for the same period is required to be adjusted.