

1992 No. 557

SOCIAL SECURITY

The Social Security (Overlapping Benefits) (Amendment No. 2) Regulations (Northern Ireland) 1992

Made 22nd December 1992

Coming into operation 13th January 1993

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 71 of the Social Security Administration (Northern Ireland) Act 1992(a) 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 No. 2) Regulations (Northern Ireland) 1992 and shall come into operation on 13th January 1993.

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

Amendment of regulation 2 of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation) after the definition of “the Child Benefit Order” there shall be inserted the following definition—

“ “the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(c);”.

Amendment of regulation 4 of the principal regulations

3. In regulation 4 of the principal regulations (adjustment of personal benefit under Chapters I and II of Part II of the Act where other personal benefit under those Chapters is payable) for the heading and paragraph (1) there shall be substituted the following—

“Adjustment of personal benefit under Parts II and III of the Contributions and Benefits Act where other personal benefit under those Parts or graduated retirement benefit is payable

4.—(1) Subject to paragraphs (2), (3) and (4) and regulation 12, an adjustment shall be made in accordance with paragraph (5) where either—

(a) 1992 c. 8

(b) S.R. 1979 No. 242; relevant amending regulations are S.R. 1980 No. 451 and S.R. 1982 No. 272

(c) 1992 c. 7

- (a) two or more personal benefits (whether of the same or a different description) are, or but for this regulation would be, payable under Parts II and III of the Contributions and Benefits Act (which relate to benefits other than industrial injuries benefits) for any period; or
- (b) graduated retirement benefit is payable under sections 35 and 36 of the National Insurance Act (Northern Ireland) 1966(a) (graduated retirement benefit) together with one or more personal benefits (whether of the same or a different description) which are, or but for this regulation would be, payable under Parts II and III of the Contributions and Benefits Act for any period.”.

Amendment of regulation 10 of the principal regulations

4. In regulation 10(1) of the principal regulations after sub-paragraph (h) there shall be added the following sub-paragraph—

“(i) graduated retirement benefit,”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 22nd December 1992.

(L.S.)

A. N. Burns

Assistant Secretary

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- (a) 1966 c. 6 (N.I.); sections 35 and 36 were repealed by the Social Security Act 1973 (c. 38) but are continued in force by regulation 2 of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978 (S.R. 1978 No. 105)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979 by—

- (a) substituting paragraph (1) of regulation 4 to include a reference to graduated retirement benefit, and
- (b) inserting a reference to graduated retirement benefit in regulation 10(1).

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.