
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations make amendments and transitional provisions consequential on the replacement from 13th April 1995 of sickness benefit and invalidity benefit by incapacity benefit, which is introduced by the Social Security (Incapacity for Work) (Northern Ireland) Order 1994.

Part I relates to citation, commencement and interpretation.

Part II amends various social security regulations by replacing references to sickness and invalidity benefit with references to incapacity benefit. In addition—

Regulation 5 amends the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975 so that a beneficiary will be regarded as having a dependent for the purposes of those regulations if he either satisfies a condition for an increase in benefit in respect of an adult dependent or would have satisfied such a condition had the conditions for increases for dependents in respect of sickness or invalidity benefit continued to apply after 12th April 1995.

Regulation 6 provides for the meaning of a “day of incapacity for work” in relation to credits.

Regulation 7 inserts a new regulation 11B into, and substitutes Schedule 1 to, the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976. These provide for certain provisions of the Social Security (General Benefit) Regulations (Northern Ireland) 1984 relating to disqualification and suspension of benefit to apply to invalid care allowance as they apply to incapacity benefit.

Regulation 8 applies the provisions of the Social Security Benefit (Persons Residing Together) Regulations (Northern Ireland) 1977 which deal with the circumstances in which a person is to be treated as residing with their spouse when in hospital or temporarily absent, to incapacity benefit.

Regulation 9 removes references to sickness and invalidity benefit from Schedule 1 to the Social Security (Graduated Retirement Benefit) (No.2) Regulations (Northern Ireland) 1978 so that these provisions, which deal with the rate of benefit payable to those over pensionable age, apply to unemployment benefit and certain transitional payments of incapacity benefit only.

Regulation 10 makes provision for the determination of Category A retirement pension for certain widows and widowers entitled to incapacity benefit.

Regulation 14 amends the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979 to provide that where widow’s pension at a reduced rate and long-term incapacity benefit are both payable these benefits may not be adjusted by reference to each other, and amends the provisions for adjustment where part-week payments of more than one benefit are adjusted and makes various other minor consequential amendments and savings.

Regulation 17 amends the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984 by omitting references to sickness benefit and invalidity benefit.

Regulation 22 provides that where a woman receives increases of benefit for a dependent spouse under the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995 such benefit will be treated in the same manner as increases of incapacity benefit made under the Social Security Contributions and Benefits (Northern Ireland) Act 1992 for the purposes of claiming adult dependency increases of retirement pension.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Part III and the Schedule contain transitional provisions and savings relating to sickness and invalidity benefit in respect of the review of decisions, the recoupment of benefit and entitlement to credits and consequential revocations.

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.