1987 No. 21 (C. 3)

SOCIAL SECURITY

The Social Security (1986 Order) (Commencement No. 3) Order (Northern Ireland) 1987

Made . . . . . 26th January 1987

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 1(3) of the Social Security (Northern Ireland) Order 1986(**a**), paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(**b**) and of all other powers enabling it in that behalf, hereby makes the following order:

Citation and interpretation

1.—(1) This order may be cited as the Social Security (1986 Order) (Commencement No. 3) Order (Northern Ireland) 1987.

(2) In this order "the Order" means the Social Security (Northern Ireland) Order 1986.

Appointed days

2. Subject to the exceptional provisions in Articles 3 and 4, the day appointed for the coming into operation—

(*a*) of the provisions of the Order specified in Schedule 1 is 15th March 1987;

(*b*) of the provisions of the Order specified in Schedule 2 is 6th April 1987;

(*c*) of the provisions of the Order specified in Schedule 3 is 7th April 1987.

Saving for appeals from decisions of social security appeal tribunals recorded in writing before the appointed day

3. The bringing into operation of the repeal of Article 11 of the Social Security (Northern Ireland) Order 1980(**c**) (leave required for appeal from social security appeal tribunal to Commissioner) and the amendment made to it by paragraph 17 of Schedule 1 to the Social Security Adjudications (Northern Ireland) Order 1983(**d**) shall not have effect in relation to any decisions of social security appeal tribunals which are recorded in writing before the appointed day.

(**a**) S.I. 1986/1888 (N.I. 18); Article 81(1) provides for section 155(1) to (3A) of the Social Security (Northern Ireland) Act 1975 (c. 15) (extent of powers) to apply to the powers conferred by Article 1(3); section 155(3A) was inserted by Article 63(1) of the Social Security (Northern Ireland) Order 1986

(**b**) 1974 c. 28

(**c**) S.I. 1980/870 (N.I. 8); references in Article 11 to social security appeal tribunals were substituted for references to local tribunals by Article 3 of the Social Security Adjudications (Northern Ireland) Order 1983 (S.I. 1983/1524 (N.I. 17))

(**d**) S.I. 1983/1524 (N.I. 17)

Saving for the review of, or appeal from, determinations before the appointed day in relation to overpayments

4.—(1) The bringing into operation of paragraphs (1), (2), (4) and (5) of Article 54 of the Order (overpayments) and of the repeal, in whole or in part of the statutory provisions specified in paragraph (2) below (overpayments and set-off) and the provisions by which those statutory provisions have been amended shall not have effect in relation to any review of, or appeal from, any determination, first made before 6th April 1987, of any question of repayment or recoverability under those statutory provisions.

(2) The statutory provisions specified for the purposes of paragraph (1) are—

Section 8 of the Family Income Supplements Act (Northern Ireland) 1971(**a**).

Sections 86 and 119 of the Social Security (Northern Ireland) Act 1975(**b**).

Articles 25 and 26 of the Supplementary Benefits (Northern Ireland) Order 1977(**c**).

Sealed with the Official Seal of the Department of Health and Social Services on 26th January 1987.

(L.S.) *A. N. Burns*
Assistant Secretary

(**a**) 1971 c. 8 (N.I.)
(**b**) 1975 c. 15
(**c**) S.I. 1977/2156 (N.I. 27)

SCHEDULE 1 Article 2(*a*)

Provisions of the Order for which 15th March 1987 is appointed as the day of coming into operation

Provision of the Order	*Subject Matter*
Article 47(4) and (5) Paragraph 6(*a*) of Schedule 4 and Article 50 so far as it relates to it	Statutory maternity pay

SCHEDULE 2 Article 2(*b*)

Provisions of the Order for which 6th April 1987 is appointed as the day of coming into operation

Provision of the Order	*Subject Matter*
Article 28, for the sole purpose of enabling its provisions to have effect under Schedule 7, paragraph 2, in relation to supplementary benefit	Prevention of duplication of payments
Article 33(1), (2)(*a*) and (3) to (7)	Social Fund payments for maternity and funeral expenses
Article 39, to the extent that it is not already in operation	Abolition of maternity grant
Article 41	Abolition of child's special allowance except for existing beneficiaries
Article 42	Abolition of death grant
Article 47, to the extent that it is not brought into operation by Schedule 1 to this order, and Articles 48 to 51	Statutory maternity pay
Article 52, to the extent that it is not already in operation, except for the purpose of applying paragraph (1)(*a*) to (*r*) to benefits under the Social Security (Northern Ireland) Act 1975 and child benefit	Claims and payments
Article 54	Overpayments
Articles 55 to 60	Common provisions on offences, proceedings, inspection and disclosure of information
Article 61	Notification of deaths
Article 68, to the extent that it is not already in operation, and Article 69	Statutory sick pay
Article 70	Repeal of section 92 of the Social Security (Northern Ireland) Act 1975 (Estains)
Article 79(4) to (6)	Crown employment
Article 80, except in its application to Part II of the Order	Modifications for special cases
Schedule 4, to the extent that it is not brought into operation by Schedule 1 to this order, and Article 50 so far as it relates to it	Statutory maternity pay
Schedule 7, except the application of paragraph 3 to Article 52(1)(*a*) to (*r*) of the Order, and Article 74 so far as it relates to it	Application of new common provisions to supplementary benefit etc.
Schedule 8 and Article 76 so far as it relates to it	Earnings factors

Provision of the Order	*Subject Matter*
Schedule 9 in the respects specified below and Article 83(1) so far as it relates to them—	Minor and consequential amendments
paragraphs 46 to 51	(statutory maternity pay etc.)
paragraphs 52, 63, 68, 72 and 77	(references to the Social Security (Northern Ireland) Acts 1975 to 1986)
paragraph 56	(entitlement conditional on claim within time)
paragraph 76(*a*)	(forfeiture)
The following repeals in Schedule 10 and Article 83(2) so far as it relates to them—	Repeals
The Supplementary Benefits &c Act (Northern Ireland) 1966(**a**), section 26	(overpayment recovery)
The Children and Young Persons Act (Northern Ireland) 1968(**b**), in section 119(3), the words from "less any amount" to "section 32 of the Social Security (Northern Ireland) Act 1975"	(death grant)
The Welfare Services Act (Northern Ireland) 1971(**c**), in section 25(4), the words from "less any amount" to "section 32 of the Social Security (Northern Ireland) Act 1975"	(death grant)
The Family Income Supplements Act (Northern Ireland) 1971(**d**), sections 8(5) and 12	(family income supplements, overpayments, offences and proceedings)
The Health and Personal Social Services (Northern Ireland) Order 1972(**e**), in Article 39(2), the words from "less any amount" to "section 32 of the Social Security (Northern Ireland) Act 1975"	(death grant)
The provisions of the Social Security (Northern Ireland) Act 1975(**f**) specified below—	
(i) in section 13(1) the entry relating to death grant	(death grant)
(ii) sections 21 and 32	(maternity grant and death grant)
(iii) section 92	(Estains)
(iv) section 95, in section 100, in subsection (1), the words "adversely to the claimant" and subsection (5), in section	(determination of questions)

(**a**) 1966 c. 28 (N.I.)
(**b**) 1968 c. 34 (N.I.)
(**c**) 1971 c. 2 (N.I.)
(**d**) 1971 c. 8 (N.I.)
(**e**) S.I. 1972/1265 (N.I. 14)
(**f**) 1975 c. 15

Provision of the Order	*Subject Matter*
104(1A), the words "in prescribed circumstances", section 106(3), in section 107, in subsection (4), the words ", whether or not the claimant is the person at whose instance the declaration was made" and in subsection (6), the words "by fresh evidence", paragraph (*b*) and the word "but" immediately preceding that paragraph, in section 110(1), the words "by fresh evidence", section 114(3) and (4), in section 117, subsection (4) and in subsection (5), paragraph (*a*)	
(v) in section 119, subsections (1) to (2A) and subsection (5)	(overpayments)
(vi) in section 129, subsection (2)(*g*)	(maternity grant)
(vii) section 130	(Estains)
(viii) sections 135 and 136	(inspection)
(ix) in section 137, subsections (3)(*c*) and (5) and section 138	(offences and proceedings)
(x) section 154	(disclosure of information)
(xi) in Schedule 3, in Part I, paragraph 7 and, in Part II, in paragraph 8(3) the words "or a maternity allowance," and paragraph 12	(death grant and maternity allowance)
(xii) Schedule 4, Part II	(maternity grant and death grant)
(xiii) in Schedule 8, paragraph (*b*) of the proviso to paragraph 5 and the word "and" immediately preceding it	(assessment of disablement)
The Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(**a**), sections 5(3) and 6	(overpayments and offences)
The Social Security (Consequential Provisions) Act 1975(**b**), in Schedule 2, paragraphs 78, 103, 105 and 111	(death grant)
The Social Security Pensions (Northern Ireland) Order 1975(**c**), in Article 21(2), the words "and (3)(*b*)" and in Schedule 5, paragraphs 34 and 35	(earnings factors and inspection)
The Child Benefit (Northern Ireland) Order 1975(**d**), Articles 12 and 13 and in Schedule 4, paragraphs 12 and 32	(disclosure of information, offences, death grant and adjudication)

(**a**) 1975 c. 17
(**b**) 1975 c. 18
(**c**) S.I. 1975/1503 (N.I. 15)
(**d**) S.I. 1975/1504 (N.I. 16)

Provision of the Order	*Subject Matter*
The Industrial Relations (No. 2) (Northern Ireland) Order 1976(**a**), Articles 16 to 19 and 21 to 27	(maternity pay)
The Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(**b**), Article 15	(inspection)
The Supplementary Benefits (Northern Ireland) Order 1977(**c**), Article 25(1), (2), (5) and (6), Article 26 and Article 35	(overpayments, offences and inspection)
The Social Security (Northern Ireland) Order 1979(**d**), Article 9	(overpayments)
The Social Security (Northern Ireland) Order 1980(**e**), in Article 6, in paragraph (1) the words from "and in subsection (2)" in sub-paragraph (i) to the end of the paragraph and paragraphs (2) to (4), Article 11, in Article 12(2), sub-paragraphs (*d*) to (*f*), Article 15(3), in Schedule 1, in paragraph 9, the words "or section 95(1)(*a*) or (*c*)" and paragraph 10 and in Schedule 2, paragraph 19(*a*) and (*d*)	(maternity grant, appeals to Commissioners and miscellaneous amendments)
The Social Security (Northern Ireland) Order 1981(**f**), in the Schedule, paragraphs 2, 3(*b*) and 4	(penalties)
The Magistrates' Courts (Northern Ireland) Order 1981(**g**), in Schedule 6, paragraph 119	(proceedings)
The Social Security (Northern Ireland) Order 1982(**h**), Articles 10, 11(8) to (10), 13 to 18, 21 to 23, 27 and 34, Schedule 3 and in Schedule 4, paragraphs 16 and 20	(statutory sick pay and miscellaneous amendments)
The Social Security Adjudications (Northern Ireland) Order 1983(**i**), Article 5(3), and in Schedule 1, paragraph 13 and paragraphs 17 to 19	(adjudication and overpayments)
Health and Social Security (Northern Ireland) Order 1984(**j**), in Schedule 5, paragraph 9(*b*)	(miscellaneous amendment)
The Social Security (Northern Ireland) Order 1985(**k**), Article 17, in Schedule 4, paragraph 1 and in Schedule 5, paragraphs 2, 29 and 30	(necessity of claim for benefit and miscellaneous amendments)

(**a**) S.I. 1976/2147 (N.I. 28)
(**b**) S.I. 1977/610 (N.I. 11)
(**c**) S.I. 1977/2156 (N.I. 27)
(**d**) S.I. 1979/396 (N.I. 5)
(**e**) S.I. 1980/870 (N.I. 8)
(**f**) S.I. 1981/1118 (N.I. 25)
(**g**) S.I. 1981/1675 (N.I. 26)
(**h**) S.I. 1982/1084 (N.I. 16)
(**i**) S.I. 1983/1524 (N.I. 17)
(**j**) S.I. 1984/1158 (N.I. 8)
(**k**) S.I. 1985/1209 (N.I. 16)

Provision of the Order	*Subject Matter*
The Companies (Northern Ireland) Order 1986(**a**), in Schedule 18, paragraph 11(*d*)	(insolvency)

(a) S.I. 1986/1032 (N.I. 6)

SCHEDULE 3 Article 2(*c*)

Provisions of the Order for which 7th April 1987 is appointed as the day of coming into operation

Provision of the Order	*Subject Matter*
The repeals in Schedule 10 and Article 83(2) so far as it relates to them—	Repeals of statutory provisions which confer or concern regulation-making powers in connection with overpayments
The Family Income Supplements Act (Northern Ireland) 1971, section 8(3) and (4)	
The Social Security (Northern Ireland) Act 1975, section 86, in section 119, in subsection (3)(*b*), the words "or out of a requirement to repay any amount by virtue of subsection (2A)" and subsection (4)(*b*) to (*d*)	
The Social Security Pensions (Northern Ireland) Order 1975, in Schedule 5, paragraph 13	
The Child Benefit (Northern Ireland) Order 1975, Article 9, Article 10, except in relation to section 82(3) of the Social Security (Northern Ireland) Act 1975 (suspension of benefit), Article 19(5) and (6) and in Schedule 4, paragraphs 7, 30 and 34	
The Supplementary Benefits (Northern Ireland) Order 1977, Articles 16 and 25(4)	
The Social Security (Northern Ireland) Order 1979, Article 8 and in Schedule 3, paragraph 8	
The Social Security (Northern Ireland) Order 1980, in Schedule 1, paragraph 12 and in Schedule 2, paragraphs 12 and 19(*c*)	
The Social Security Adjudications (Northern Ireland) Order 1983, in Schedule 1, paragraph 15	
Health and Social Security (Northern Ireland) Order 1984, in Schedule 2, paragraph 10	

EXPLANATORY NOTE

(This note is not part of the Order.)

Article 2 of this order appoints 15th March 1987, 6th April 1987 and 7th April 1987 as the days for bringing into operation the provisions of the Social Security (Northern Ireland) Order 1986 (''the Order'') which are specified in Schedules 1, 2 and 3, respectively, to this order.

Schedule 1 concerns the preliminary steps leading to the payment of statutory maternity pay.

Schedule 2 includes all the other provisions on maternity benefits generally and brings into operation social fund payments for maternity and funeral expenses at the same time as the abolition of maternity pay, maternity grant, death grant and child's special allowance except for existing beneficiaries. Schedule 2 contains, as well, all those parts of Articles 52 to 61 of the Order (claims and payments, overpayments and other common provisions), which have not been brought into operation by earlier orders except that certain savings are made for social security determinations made before the appointed day (Articles 3 and 4) and that the new claims and payments powers in Article 52 are applied to statutory sick pay, statutory maternity pay and social fund payments for maternity and funeral expenses, but not to existing benefits generally. As regards income support, family credit and housing benefit, the common provisions in Articles 52 to 61 of the Order are given effect from 6th April 1987 but will have no practical application until the benefits themselves have been brought into operation by means of a further commencement order. Other items in Schedule 2 include special provisions relating to statutory sick pay and earnings factors and miscellaneous consequential amendments and repeals.

Schedule 3 brings into operation the repeal of existing regulation making-powers concerning overpayments.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order.)

The following provisions of the Social Security (Northern Ireland) Order 1986 have been brought into operation by commencement orders made before this order.

Provision	*Date of Commencement*	*S.R. Number*
Art. 10	1.12.86	S.R. 1986 No. 339 (C. 6)
Art. 13	6. 4.87	
Art. 40, Sch. 3 (partially)	19.11.86	
Art. 43 (with saving)	23.11.86	
Art. 44 and 45	23.11.86	
Art. 52 (partially)	19.11.86	
Art. 53, Sch. 5 (with saving)	6. 4.87	S.R. 1987 No. 20 (C. 2)
Art. 63	19.11.86	S.R. 1986 No. 339 (C. 6)
Art. 68 (partially)	19.11.86	
Art. 72 (partially)	19.11.86	
Art. 83(1), Sch. 9 (partially)	19.11.86	
Art. 83(1), Sch. 9 (partially)	1.12.86	
Art. 83(1), Sch. 9 (partially)	6. 4.87	
Art. 83(2), Sch. 10 (partially)	19.11.86	
Art. 83(2), Sch. 10 (partially)	23.11.86	
Art. 83(2), Sch. 10 (partially)	1.12.86	