1985 No. 92

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1985

Made	*18th April 1985*
Coming into operation . . .	*3rd June 1985*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 27(4), 80(1), and 81(1) of the Social Security (Northern Ireland) Act 1975(**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 (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1985 and shall come into operation on 3rd June 1985.

(2) In these regulations "the principal regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977(**b**).

Amendment of the principal regulations

2.—(1) The principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) of regulation 9 for the words following "alternative" there shall be substituted "or as a claim also for the benefit specified opposite thereto in the said column (2)".

(3) For paragraph (5) of regulation 16 there shall be substituted the following paragraph—

"(5) Weekly sums on account of a child's special allowance, guardian's allowance or widow's benefit shall be payable on Tuesdays, so however that—

(*a*) where a woman was entitled to a retirement pension before becoming entitled to a widow's benefit, the widow's benefit to which she has become entitled, shall be payable on the same day as was previously the appropriate day for the payment of retirement pension in her case;

(*b*) a payment made under section 67(**c**) shall be payable on Wednesdays.".

(4) In paragraph 4(2) of Schedule 2 after "pensionable age" there shall be inserted "(where an earlier date has been specified therein it shall be treated as if it were the date on which he would attain pensionable age)".

(5) In Schedule 3 for the main heading there shall be substituted the following heading—

(**a**) 1975 c. 15; section 80(1) was amended by Article 23(1) of, and paragraph 28 of Schedule 4 to, the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)) and by Article 13(2) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11)); section 81(1) was extended by Article 5(3) of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8))

(**b**) S.R. 1977 No. 351; the relevant amending regulations are S.R. 1982 No. 284

(**c**) Section 67 was amended by Article 18(4) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977

"BENEFIT CLAIMED AND OTHER BENEFIT WHICH MAY BE TREATED AS IF CLAIMED IN THE ALTERNATIVE OR AS IF ALSO CLAIMED"; and

in the heading to column (2) after "Alternative benefit" there shall be added "or benefit treated as if also claimed".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 18th April 1985.

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

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977 ("the principal regulations"). They correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

The regulations amend regulation 9 of the principal regulations so as to provide that a claim made for a benefit specified in Schedule 3 to those regulations may be treated as a claim also for another benefit specified therein (regulation 2(2)). They provide in the case of a woman who was in receipt of retirement pension, and who then becomes entitled to widow's pension, that her widow's pension shall be payable on the same day as was the appropriate day for the payment of her retirement pension (regulation 2(3)). They also provide that where a date has been specified by a person in a notice of retirement for the purpose of section 27(4) of the Social Security (Northern Ireland) Act 1975, and that date is a date occurring before he attains pensionable age, then the date specified is to be treated as if it were the date on which he would attain pensionable age (regulation 2(4)). Regulation 2(5) makes a consequential amendment to Schedule 3 to the principal regulations.