1983 No. 370

SOCIAL SECURITY

The Social Security (Non-Contributory Invalidity Pension) (Amendment) Regulations (Northern Ireland) 1983

Made . . . . . *18th November 1983*

Coming into operation . . . . *9th December 1983*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 36(3) and (7) 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 (Non-Contributory Invalidity Pension) (Amendment) Regulations (Northern Ireland) 1983 and shall come into operation on 9th December 1983.

(2) In these regulations "the principal regulations" means the Social Security (Non-Contributory Invalidity Pension) Regulations (Northern Ireland) 1975(**c**).

Amendment of regulation 4 of the principal regulations

2. In regulation 4 of the principal regulations (days for which persons are to be regarded as incapable of work) after paragraph (2) there shall be inserted the following paragraph—

"(3) Paragraph (2)(*a*) of this regulation shall not apply in the case of a person who was absent from Northern Ireland on any day by reason only of the fact that on that day—

(*a*) he was abroad in his capacity as—

(i) a serving member of the forces within the meaning of the definition of 'serving member of the forces' in regulation 1(2) of the Social Security (Contributions) Regulations 1979(**d**), or

(ii) an airman or mariner within the meaning of regulation 80 and regulation 84 respectively of the Social Security (Contributions) Regulations (Northern Ireland) 1979(**e**); or

(*b*) he is in prescribed employment in connection with continental shelf operations within the meaning of regulation 85 of the Social Security (Contributions) Regulations 1979(**f**); or

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(**a**) 1975 c. 15
(**b**) 1980 c. 30
(**c**) S.R. 1975 No. 202; the relevant amending regulations are S.R. 1977 No. 73 and S.R. 1978 No. 385
(**d**) S.I. 1979/591
(**e**) S.R. 1979 No. 186; to which there are amendments not relevant to the subject matter of these regulations
(**f**) S.I. 1979/591; the relevant amending instrument is S.I. 1982/1738

(*c*) he was living with a person mentioned in sub-paragraph (*a*)(i) and was the spouse, son, daughter, father, father-in-law, mother or mother-in-law of that person.''.

Amendment of regulation 3 of the principal regulations

3. In regulation 3(2) of the principal regulations (conditions relating to residence and presence) for sub-paragraphs (*a*) and (*b*) there shall be substituted the following sub-paragraphs—

''(*a*) he is abroad in his capacity as—

(i) a serving member of the forces within the meaning of the definition of 'serving member of the forces' in regulation 1(2) of the Social Security (Contributions) Regulations 1979, or

(ii) an airman or mariner within the meaning of regulation 80 and regulation 84 respectively of the Social Security (Contributions) Regulations (Northern Ireland) 1979; or

(*b*) he is in prescribed employment in connection with continental shelf operations within the meaning of regulation 85 of the Social Security (Contributions) Regulations 1979; or''.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 18th November 1983.

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

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend regulation 4 of the Social Security (Non-Contributory Invalidity Pension) Regulations (Northern Ireland) 1975 (''the principal regulations''), which relates to days for which persons are regarded as incapable of work for the purposes of non-contributory invalidity pension.

They provide that the requirement that in determining whether a person has been incapable of work for 196 consecutive days a day is not to be treated as one on which he is incapable of work if he was absent from Northern Ireland, does not apply to a serving member of the forces, a person employed in operations on the continental shelf, an airman or mariner, or a member of the family of a serving member of the forces.

The regulations also correct and update the legislative references in regulation 3 of the principal regulations.