1985 No. 206

SOCIAL SECURITY

The Supplementary Benefit (Resources) (Amendment No. 2) Regulations (Northern Ireland) 1985

Made . . . . . 5th August 1985

The Department of Health and Social Services, in exercise of the powers conferred on it by paragraph 1(2) of Schedule 1 to the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and of all other powers enabling it in that behalf, and with the consent of the Department of Finance and Personnel(**b**), hereby makes the following regulations:

Citation and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Resources) (Amendment No. 2) Regulations (Northern Ireland) 1985.

(2) In these regulations "the principal regulations" means the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1984(**c**).

Amendment of the principal regulations

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

(2) In regulation 6(1) (capital resources to be disregarded) after sub-paragraph (*k*) there shall be added the following sub-paragraph—

"(*l*) the value of the right to receive any payment under a life interest or under a fixed term annuity, together with the surrender value of any life policy forming part of such a life interest or fixed term annuity as the case may be.".

(3) In regulation 10(3) (earnings to be disregarded) after sub-paragraph (*f*) there shall be added the following sub-paragraphs—

"(*g*) any income which falls to be treated as earnings under the preceding paragraphs and which is derived from any employment, and which is payable, in any country outside the United Kingdom, for such period during which those earnings may not be remitted to the United Kingdom by virtue of any legislative or administrative prohibition;

(*h*) any earnings whereby a person is treated, by virtue of regulation 9(1)(*b*) of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981(**d**), as engaged in remunerative full-time work and which are attributed, by regulation 9(2) of these regulations, to a period extending beyond that for which he is treated as so engaged.".

(**a**) S.I. 1977/2156 (N.I. 27); provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule

(**b**) Formerly the Department of Finance; *see* S.I. 1982/338 (N.I. 6), Article 3. *See also* Article 41(1) of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by the Social Security (Northern Ireland) Order 1980

(**c**) S.R. 1984 No. 54, to which there are amendments not relevant to the subject matter of these regulations

(**d**) S.R. 1981 No. 371; the relevant amending regulations are S.R. 1984 No. 120

Sealed with the Official Seal of the Department of Health and Social Services on 5th August 1985.

(L.S.) *C. Davie*
Assistant Secretary

The Department of Finance and Personnel hereby consents to the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 5th August 1985.

(L.S.) *R. G. Smartt*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1984 ("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.

Regulation 6 of the principal regulations is amended so as to provide for the disregard of the capital value of the right to receive payments under a life interest or a fixed term annuity, together with the surrender value of any life insurance or assurance policy forming part of the life interest or fixed term annuity. However, income from any such source will be taken into account, as previously, in the calculation of a person's income resources under regulation 11 of the principal regulations.

Regulation 10 of the principal regulations is amended so as to provide for the disregard of earnings in 2 circumstances:

— earnings derived from employment in a country outside the United Kingdom where those earnings cannot be remitted to the United Kingdom because of some legislative or administrative prohibition, and

— earnings received on termination of employment by virtue of which a person is treated as engaged in remunerative full-time employment and is excluded from entitlement to supplementary benefit, and which, under regulation 9 of the principal regulations, fall to be attributed to a period beyond that for which that person is so treated.