

1974 No. 89

[NC]

EMERGENCY POWERS**The Emergency (Payment of Benefit) Regulations
(Northern Ireland) 1974**

ORDER, DATED THE 21ST DAY OF MAY 1974, MADE BY THE SECRETARY OF STATE, MAKING REGULATIONS UNDER SECTION 2 OF THE EMERGENCY POWERS ACT (NORTHERN IRELAND) 1926 AS AMENDED BY THE EMERGENCY POWERS (AMENDMENT) ACT (NORTHERN IRELAND) 1964.

WHEREAS a proclamation of emergency was, on the 19th day of May 1974, made under section 1 of the Emergency Powers Act (Northern Ireland) 1926(a), as amended by the Emergency Powers (Amendment) Act (Northern Ireland) 1964(b), and is now in force:

NOW, THEREFORE, I, the Right Honourable Merlyn Rees, MP, one of Her Majesty's Principal Secretaries of State, in exercise of the powers conferred upon me by section 2 of the Emergency Powers Act (Northern Ireland) 1926 as amended by the Emergency Powers (Amendment) Act (Northern Ireland) 1964 and adapted by section 40 of and paragraph 4 of Schedule 5 to the Northern Ireland Constitution Act 1973(c) and of all other powers enabling me in that behalf, by this Order, hereby make the following Regulations:—

Title and commencement

1.—(1) These Regulations may be cited as the Emergency (Payment of Benefit) Regulations (Northern Ireland) 1974.

(2) These Regulations shall come into operation forthwith.

Interpretation

2. In these Regulations—

“the Department” means the Department of Health and Social Services;

“insurance officer” means an officer appointed under section 67 of the National Insurance Act (Northern Ireland) 1966(d);

“supplementary benefit” means benefit within the meaning of the Supplementary Benefits &c. Act (Northern Ireland) 1966(e);

“unemployment benefit” and “sickness benefit” mean respectively unemployment benefit and sickness benefit under the National Insurance Acts (Northern Ireland) 1966 to 1973, including any sum payable by way of increase of or supplement to that benefit under those Acts.

Emergency benefit

3.—(1) If it appears to the Department that the normal administration of the enactments relating to supplementary benefit, unemployment benefit or sickness benefit has become, or is about to become, impracticable in any cases or in cases of any class, the Department may make payments of benefit (to be known as “emergency benefit”) to the persons mentioned in paragraph (2).

(a) 16 & 17 Geo. 5 c. 8 (N.I.).

(b) 1964 c. 34 (N.I.).

(c) 1973 c. 36.

(d) 1966 c. 6 (N.I.).

(e) 1966 c. 28 (N.I.).

(2) Those persons are—

- (a) persons who appear to the Department to be in need of emergency benefit in order to acquire the essentials of life; and
- (b) persons who, by reason of being out of work or not in full time work or incapable of work, have made or, in the opinion of the Department, may make claims to supplementary benefit, unemployment benefit or sickness benefit, the consideration of which ought, in its opinion, to be dispensed with in order to make it practicable to administer the payment of emergency benefit to the persons mentioned in sub-paragraph (a).

(3) Payments of emergency benefit shall be of such amount, and may be made subject to such conditions and in accordance with such arrangements, as the Department may in its absolute discretion determine.

Suspension of requirement to submit claims

4. With a view to making it practicable to administer the payment of emergency benefit to the persons mentioned in Regulation 3(2)(a) the following provisions shall have effect:—

- (a) no claim to unemployment benefit or sickness benefit and no question arising in relation to either such kind of benefit under the National Insurance Act (Northern Ireland) 1966 which, but for this Regulation, would be required to be submitted to an insurance officer under section 67(2) of that Act need be so submitted; and
- (b) no claim to supplementary benefit need be referred to the Supplementary Benefits Commission for Northern Ireland for their determination of any question as to the right to or amount of that benefit.

Given this 21st day of May 1974.

Merlyn Rees,
One of Her Majesty's Principal
Secretaries of State.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general import)

These Regulations empower the Department of Health and Social Services to pay a benefit, to be known as "emergency benefit", if the administration of supplementary benefit, unemployment benefit or sickness benefit appears to it to have become, or to be about to become, impracticable by reason of difficulties of administration.