

1976 No. 427 (N.I. 9)

NORTHERN IRELAND

**The Social Security and Family Allowances (Northern Ireland)
Order 1976**

Made - - - 17th March 1976

Laid before Parliament 23rd March 1976

Coming into operation in accordance with Article 1(2), (3) and (4)

At the Court at Buckingham Palace, the 17th day of March 1976

Present,

The Queen's Most Excellent Majesty in Council

Whereas it has been made to appear to Her Majesty that by reason of urgency this Order requires to be made without a draft having been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Social Security and Family Allowances (Northern Ireland) Order 1976.

(2) Subject to paragraphs (3) and (4), this Order shall come into operation on the seventh day after the day on which it is made.

(3) Article 3(1) and the repeal made by Article 6(2) and the Schedule of the definition of "School-leaving age" in the Social Security (Northern Ireland) Act 1975(b) shall come into operation on 6th April 1976.

(4) Article 4 and the repeals made by Article 6(2) and the Schedule in section 19(1) of the Social Security (Northern Ireland) Act 1975 and section 10(2) of the Supplementary Benefits &c. Act (Northern Ireland) 1966(c) shall come into operation on such day or days as the Secretary of State may by order appoint.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(d) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(a) 1974 c. 28.

(b) 1975 c. 15.

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

(d) 1954 c. 33 (N.I.).

Social security: contributions and injury benefit

3.—(1) In sections 4(2)(a), 7(1) and 8(1) of the Social Security (Northern Ireland) Act 1975 (contributions) for the words “over school-leaving age” there shall be substituted the words “over the age of 16”.

(2) For the purposes of section 56(7) of that Act (injury benefit) a person shall be treated as not having attained school-leaving age if he would be treated as being under the upper limit of compulsory school age for the purposes of the Family Allowances Act (Northern Ireland) 1966(a).

Social security and supplementary benefit: effect of trade dispute

4.—(1) In section 19(1) of the Social Security (Northern Ireland) Act 1975 (disqualification for unemployment benefit where stoppage of work due to trade dispute)—

(a) in paragraph (a) the words “or financing” and the word “and”, and
(b) paragraph (b),
shall cease to have effect.

(2) In section 10(2) of the Supplementary Benefits &c. Act (Northern Ireland) 1966 (persons affected by trade disputes)—

(a) in paragraph (a) the words “or financing” and the word “and”, and
(b) paragraph (b),
shall cease to have effect.

Family allowances

5. The power to make regulations under section 12 of the Family Allowances Act (Northern Ireland) 1966 shall include power to provide that a person who has attained the upper limit of compulsory school age for the purposes of that Act shall be treated for those purposes as being under that limit until such date as may be specified in the regulations.

Repeals and savings

6.—(1) Article 23(2) of the Child Benefit (Northern Ireland) Order 1975(b) (repeals consequential on the introduction of child benefit) shall have effect as if Articles 3(2) and 5 of this Order were included among the enactments mentioned in Part I of Schedule 5 to that Order.

(2) The enactments mentioned in the Schedule are hereby repealed to the extent specified in the third column of the Schedule.

(3) Article 4 and the repeals effected by paragraph (2) in the provisions mentioned in that Article—

- (a) shall not confer or affect any right to unemployment benefit in respect of any day before the commencement of paragraph (1) of that Article; and
- (b) shall not affect the manner in which any person's requirements or resources are to be ascertained in relation to any period beginning before the commencement of paragraph (2) of that Article.

N.E. Leigh

(a) 1966 c. 8 (N.I.).

(b) S.I. 1975/1504 (N.I. 16).

SCHEDULE

Article 6(2).

REPEALS

| Chapter or Number | Short Title | Extent of Repeal |
|---------------------------|---|--|
| 1966 c. 8. | The Family Allowances Act (Northern Ireland) 1966. | Section 2(2)(b). |
| 1966 c. 28. | The Supplementary Benefits &c. Act (Northern Ireland) 1966. | In section 10(2), in paragraph (a) the words "or financing" and "and", and paragraph (b). |
| 1968 c. 1. | The Family Allowances and National Insurance Act (Northern Ireland) 1968. | Section 2(1). |
| S.I. 1972/1263 (N.I. 12). | The Education and Libraries (Northern Ireland) Order 1972. | In Article 36, in paragraph (5) the words from "except" onwards, and paragraph (5B). |
| 1973 c. 38. | The Social Security Act 1973. | In Schedule 27, paragraph 175. |
| 1975 c. 15. | The Social Security (Northern Ireland) Act 1975. | In section 19(1), in paragraph (a) the words "or financing" and "and", and paragraph (b). |
| S.I. 1975/1504 (N.I.16). | The Child Benefit (Northern Ireland) Order 1975. | In Schedule 17, the definition of "School-leaving age". |
| S.I. 1975/1504 (N.I.16). | The Child Benefit (Northern Ireland) Order 1975. | In Schedule 4, in paragraph 37, the words "and 'School-leaving age'" (in the opening passage) and the definitions of "School-leaving age" and "The upper limit of compulsory school age". |
| S.I. 1975/1504 (N.I.16). | The Child Benefit (Northern Ireland) Order 1975. | In Schedule 5, the repeal of section 2(1) of the Family Allowances and National Insurance Act (Northern Ireland) 1968, the repeal of words in Article 36(5) of the Education and Libraries (Northern Ireland) Order 1972 and the repeal of the definition of "School-leaving age" in Schedule 17 to the Social Security (Northern Ireland) Act 1975. |
| S.I. 1976/58 (N.I. 2). | The Education (Northern Ireland) Order 1976. | Article 4(2). |

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Social Security (Northern Ireland) Act 1975 with respect to the age at which social security contributions or industrial injury benefit become payable in respect of a young person, and repeals in part provisions of that Act and of the Supplementary Benefits &c. Act (Northern Ireland) 1966 about the effect of a trade dispute on entitlement to, respectively, unemployment benefit and supplementary benefit.

The Order also enables provision to be made about the time at which a person is to be treated as attaining the upper limit of the compulsory school age for purposes of the Family Allowances Act (Northern Ireland) 1966.