

1978 No. 326

SOCIAL SECURITY

**The Social Security (Overlapping Benefits) (Amendment No. 2)
Regulations (Northern Ireland) 1978**

Made 25th October 1978

Coming into operation 16th November 1978

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 85 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, interpretation and commencement

1. These regulations, which may be cited as the Social Security (Overlapping Benefits) (Amendment No. 2) Regulations (Northern Ireland) 1978, shall be read as one with the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1975(b), as amended(c) (hereinafter referred to as "the principal regulations") and shall come into operation on 16th November 1978.

Amendment of the principal regulations

2.—(1) Regulation 12(3) of the principal regulations, (priority between persons entitled to increase of benefit), shall be further amended in accordance with the provisions of paragraphs (2) to (6) and shall accordingly have effect as set out in the Schedule hereto.

(2) In the said regulation 12(3), sub-paragraphs (a), (b) and (c) shall be re-lettered respectively (b), (c) and (d).

(3) Before the re-lettered sub-paragraph (b) there shall be inserted the following sub-paragraph—

“(a) in a case where one of those persons has been awarded child benefit in respect of the child for that period, that one of them shall be entitled to the said increase;”.

(4) The re-lettered sub-paragraph (b) shall be amended by inserting after the words “in a case” the words “where sub-paragraph (a) does not apply but”.

(5) The re-lettered sub-paragraph (c) shall be amended by deleting after the words “in a case” the words “where sub-paragraph (a) above does not apply but”, and substituting the words “where neither sub-paragraph (a) nor sub-paragraph (b) applies but”.

(6) The re-lettered sub-paragraph (d) shall be amended by deleting the words “neither sub-paragraph (a) nor sub-paragraph (b) above applies” and substituting the words “none of the preceding sub-paragraphs applies”.

(a) 1975 c. 15

(b) S.R. 1975 No. 94 (I, p. 561)

(c) The relevant amending regulations are S.R. 1977 No. 73 (I, p. 233) and S.R. 1978 No. 90

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 25th October 1978.

(L.S.)

W. J. Sloane

Senior Assistant Secretary

SCHEDULE

Regulation 2(1)

**Regulation 12(3) of the Social Security (Overlapping Benefits) Regulations
(Northern Ireland) 1975, as amended by these regulations***Priority between persons entitled to increase of benefit*

12.—(3) Subject to paragraphs (5) and (6) where, but for the provisions of this paragraph, more than one person would be entitled to an increase of benefit in respect of the same child for the same period—

- (a) *in a case where one of those persons has been awarded child benefit in respect of the child for that period, that one of them shall be entitled to the said increase;*
- (b) *in a case where sub-paragraph (a) does not apply but where one of those persons is entitled, otherwise than by virtue of regulations made under Schedule 17 to the Act, to child benefit in respect of the child for that period, that one of them shall be entitled to the said increase;*
- (c) *in a case where neither sub-paragraph (a) nor sub-paragraph (b) applies but where the child is living with one and no other of those persons for that period, that one of them with whom the child is living shall be entitled to the said increase;*
- (d) *in a case where none of the preceding sub-paragraphs applies but where one of those persons is a parent of the child, that one of them shall be entitled to the said increase.*

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations further amend regulation 12 of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1975 as substituted by regulation 10(5) of the Social Security (Child Benefit Consequential) Regulations (Northern Ireland) 1977 and amended by the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1978. They provide that where more than one person is entitled to receive an increase of benefit in respect of the same child, priority of entitlement among those persons claiming such an increase shall be given first to a person to whom child benefit has been awarded in respect of the child for the period for which the increase is claimed.

Regulation 12(3) as amended by these regulations is set out in the Schedule and the words added or substituted by these regulations are shown in italics.