

1979 No. 131

SOCIAL SECURITY

**The Social Security Benefit (Persons Abroad) (Amendment) Regulations
(Northern Ireland) 1979**

Made 11th April 1979

Coming into operation 17th April 1979

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 126 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, commencement and interpretation

1. These regulations, which may be cited as the Social Security Benefit (Persons Abroad) (Amendment) Regulations (Northern Ireland) 1979, shall come into operation on 17th April 1979; and in these regulations "the principal regulations" means the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(b).

Amendment of the principal regulations

2. After regulation 12 of the principal regulations there shall be inserted the following regulation—

"Modification of Parts II and III of the Act in relation to accidents happening or prescribed diseases contracted outside Northern Ireland

12A.—(1) In this regulation—

'prescribed area' means an area over which Norway or any Member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such Member State;

'prescribed disease' means a disease or injury prescribed for the purposes of Chapter V of Part II of the Act; and

'prescribed employment' means employment in a prescribed area in connection with the exploration of the seabed and subsoil and the exploitation of the natural resources of that area, or prescribed employment as defined in regulation 11 of the Social Security Benefit (Persons Abroad) Regulations 1975(c) (modification of the Social Security Act 1975(d) in relation to the United Kingdom continental shelf).

(2) Where on or after 30th November 1964 a person sustains or has sustained an accident or contracts or has contracted a prescribed disease while he is outside Northern Ireland, for the purposes of Chapter IV or V of Part II of the Act (benefit for industrial injuries and diseases) section 50(5) of the Act or regulation 12 of the Social Security (Industrial

(a) 1975 c. 15

(b) S.R. 1978 No. 114 (I, p. 344)

(c) S.I. 1975/563 (1975 I, p. 2052)

(d) 1975 c. 14

Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1977(e), shall not operate to make benefit not payable in respect of that accident or prescribed disease if that person—

- (a) in connection with prescribed employment has sustained the accident or contracted the prescribed disease in a prescribed area, or while travelling between one prescribed area and another, or while travelling between a designated area (as defined in regulation 11 of the Social Security Benefit (Persons Abroad) Regulations 1975) and a prescribed area, or while travelling between Norway or a Member State (including the United Kingdom) and a prescribed area; or
- (b) sustained the accident or contracted the prescribed disease while in the territory of a Member State (other than the United Kingdom).
- (3) Where, before the date on which this regulation comes into operation, a decision has been given disallowing a claim for industrial injuries benefit in respect of an accident sustained or a prescribed disease contracted on or after 30th November 1964, then notwithstanding the provisions of section 107(6)(b) of the Act (decision that an accident was not an industrial accident not reviewable) that decision may be reviewed by an insurance officer under section 104(1)(b) of the Act (review on ground of relevant change of circumstances) if he is satisfied that had paragraphs (1) and (2) of this regulation been in force when that decision was given those paragraphs would have applied, but a decision on review under this paragraph shall not make industrial injuries benefit payable for any period before the date on which this regulation comes into operation.

(4) Paragraph (3) of this regulation shall apply to a decision refusing a declaration that an accident was an industrial accident as it applies to a decision disallowing a claim for industrial injuries benefit.”

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 11th April 1979.

(L.S.)

W. J. Sloane
Senior Assistant Secretary

EXPLANATORY NOTE

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

These regulations amend the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978.

The regulations relax the restrictions relating to entitlement to industrial injuries benefit under the Social Security (Northern Ireland) Act 1975 in the case of employed earners under that Act who—

- (a) in connection with employment related to the exploitation of the natural resources of the continental shelf areas of the State of Norway or of a Member State of the European Economic Community, have suffered accidents or contracted prescribed diseases in such areas, or while travelling between such areas, or between such areas and one of those States; or
- (b) have suffered accidents or contracted prescribed diseases in the territory of a Member State of that Community.

The restrictions are relaxed in relation to accidents happening or prescribed diseases contracted on or after 30th November 1964 (the date on which the National Insurance (Industrial Injuries) (Continental Shelf) Regulations 1964 (No. 1856) came into operation) but not so as to make industrial injuries benefit payable for any period before 17th April 1979 (the date on which these regulations come into operation).