

1983 No. 216

SOCIAL SECURITY

The Family Income Supplements (Miscellaneous Amendments) Regulations (Northern Ireland) 1983

Made 4th August 1983

Coming into operation 21st November 1983

The Department of Health and Social Services, in exercise of the powers conferred on it by sections 1(1) and 10(2) of the Family Income Supplements Act (Northern Ireland) 1971(a) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(b) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation and commencement

1. These regulations may be cited as the Family Income Supplements (Miscellaneous Amendments) Regulations (Northern Ireland) 1983 and shall come into operation on 21st November 1983.

Amendment of the Family Income Supplements (General) Regulations (Northern Ireland) 1980

2. After regulation 1 of the Family Income Supplements (General) Regulations (Northern Ireland) 1980(c) there shall be inserted the following regulation—

“Payments receipt of which may render persons not a family for the purposes of the Act

1A.—(1) Subject to paragraph (3), the payments specified in paragraph (2) are hereby specified as payments for the purposes of section 1(1) of the Act (under which persons including a married or unmarried couple shall not be a family for the purposes of the Act if one of that couple is engaged and normally engaged in remunerative full-time work and the other receives specified payments).

(2) The payments referred to in paragraph (1) are payments of any of the following—

- (a) sickness benefit under section 14 of the Social Security (Northern Ireland) Act 1975;
- (b) unemployment benefit under section 14 of that Act;
- (c) invalidity pension under section 15 of that Act;
- (d) statutory sick pay under Part II of the Social Security (Northern Ireland) Order 1982(d);

(a) 1971 c. 8 (N.I.); section 1(1) was amended by Article 8 of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8))

(b) 1980 c. 30

(c) S.R. 1980 No. 375; to which there are amendments not relevant to the subject matter of these regulations

(d) S.I. 1982/1084 (N.I. 16)

(e) supplementary allowance under the Supplementary Benefits (Northern Ireland) Order 1977(a);

(f) allowance from the Department of Economic Development paid under the provisions of section 3(3) of the Employment and Training Act (Northern Ireland) 1950(b) to a person attending a training course under the Vocational Training Scheme established under section 3(1) of that Act or a course, at an Employment Rehabilitation Centre, established under that section.

(3) The payments specified in paragraph (2) shall not be specified payments for the purposes of section 1(1) of the Act where the person receiving them—

(a) is not engaged in remunerative work; and

(b) has not been so engaged for a continuous period of three months or more ending with the date when the claim is made.

(4) In paragraph (3), "remunerative work" does not include work done by a person which—

(a) is such that he has nevertheless been deemed to be incapable of work for the purposes of the Social Security (Northern Ireland) Act 1975 by virtue of regulation 2(3) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1979(c); or

(b) is done on a day which has been treated for the purposes of that Act as a day of unemployment but which would not have been so treated but for heads (i) to (iii) of regulation 6(1)(h)(d) of those regulations."

Amendment of the Family Income Supplements (Claims and Payments) Regulations (Northern Ireland) 1980

3. In regulation 7(1)(b) of the Family Income Supplements (Claims and Payments) Regulations (Northern Ireland) 1980(e) (effect of death on claims) the words "where" and "single" shall be omitted.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 4th August 1983.

(L.S.)

A. N. Burns

Assistant Secretary

(a) S.I. 1977/2156 (N.I. 27), (other than Articles 1, 42 and Schedules 4 to 7) with certain amendments is set out in Part II of Schedule 2 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)); the Order is further amended by Article 6(5) of the Social Security (No. 2) (Northern Ireland) Order 1980 (S.I. 1980/1087 (N.I. 13)), Articles 4 and 5 of, and paragraphs 5 to 9 of the Schedule to, the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25)) and Articles 31 and 38 of, and paragraphs 14 to 16 in Part I of Schedule 4 to, the Social Security (Northern Ireland) Order 1982

(b) 1950 c. 29 (N.I.).

(c) S.R. 1979 No. 211; regulation 2(3) was added by S.R. 1979 No. 377 and amended by S.R. 1980 No. 357, 1981 No. 345 and 1982 No. 345

(d) See S.R. 1982 No. 42.

(e) S.R. 1980 No. 376

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Family Income Supplements (General) Regulations (Northern Ireland) 1980 ("the General Regulations") and the Family Income Supplements (Claims and Payments) Regulations (Northern Ireland) 1980 ("the Claims and Payments Regulations"). They arise from the coming into operation, on 21st November 1983 of amendments made by the Social Security (Northern Ireland) Order 1980 to section 1(1) of the Family Income Supplements Act (Northern Ireland) 1971 ("the 1971 Act") which provide that men and women shall be treated in a similar manner for the purposes of entitlement to family income supplement.

Regulation 2 amends the General Regulations so as to prescribe payments for the purposes of section 1(1) of the 1971 Act. Accordingly persons who include a married or an unmarried couple will not be a family for the purposes of that Act (and so will not be entitled to family income supplement), although one of that couple is engaged and normally engaged in remunerative full-time work, if the other of that couple is receiving any payments specified in the amendment made by these regulations. There is an exception where the person receiving the payments is not engaged in remunerative work and has not been so engaged for at least three months.

Regulation 3 makes a minor amendment to the Claims and Payments Regulations consequential on the amendments to section 1(1) of the 1971 Act referred to above, and corrects a minor drafting error in those regulations.