

## 1992 No. 114

## SOCIAL SECURITY

**The Social Security (Severe Disablement Allowance)  
(Amendment) Regulations (Northern Ireland) 1992**

*Made* . . . . . 12th March 1992

*Coming into operation* . . . . . 6th April 1992

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 36(4)(c) 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.—(1) These regulations may be cited as the Social Security (Severe Disablement Allowance) (Amendment) Regulations (Northern Ireland) 1992 and shall come into operation on 6th April 1992.

(2) In these regulations “the principal regulations” means the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(b).

*Amendment of regulation 3 of the principal regulations*

2. In regulation 3 of the principal regulations (conditions relating to residence and presence) for paragraph (1) there shall be substituted the following paragraph—

“(1) Subject to paragraphs (2) and (3), the prescribed conditions for the purposes of section 36(4)(c) of the Act as to residence and presence in Northern Ireland in relation to any person on any day shall be that—

(a) on that day—

(i) he is ordinarily resident in Northern Ireland,

(ii) he is present in Northern Ireland, and

(iii) he has been present in Northern Ireland for a period of, or for periods amounting in the aggregate to, not less than 26 weeks in the 52 weeks immediately preceding that day; and

(b) where that day falls within a period in which that person—

(i) receives tax free emoluments, or

(ii) is the spouse of a person who receives tax free emoluments,

(a) 1975 c. 15; section 36(4) was substituted by Article 5(1) of the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8))

(b) S.R. 1984 No. 317; the relevant amending regulations are S.R. 1991 No. 333

that period is immediately preceded by a period of 4 years during which the person first mentioned in this sub-paragraph was present in Northern Ireland for a period of, or for periods amounting in the aggregate to, not less than 156 weeks;

and for the purpose of sub-paragraph (b) "tax free emoluments" means emoluments which are exempt from tax under any of the provisions listed in regulation 11(1) of the Child Benefit (General) Regulations (Northern Ireland) 1979(a)."

*Saving*

3. Notwithstanding the substitution in regulation 2 of these regulations, in respect of a person who—

- (a) was entitled to a severe disablement allowance on any day on or between 30th March 1992 and 5th April 1992; and
- (b) does not satisfy the provisions substituted by regulation 2 of these regulations,

the provisions of regulation 3(1) of the principal regulations shall continue to have effect as though these regulations had not been made.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 12th March 1992.

(L.S.)

A. N. Burns

Assistant Secretary

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(a) S.R. 1979 No. 5; to which there are amendments not relevant to these regulations

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations which come into operation on 6th April 1992 further amend the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984 (“the principal regulations”).

Regulation 2 amends regulation 3 of the principal regulations by changing the conditions for residence and presence in Northern Ireland that a person must satisfy to be entitled to a severe disablement allowance. A person must be ordinarily resident and present in Northern Ireland and have been present for at least 26 weeks in the preceding year. Additional presence conditions apply to persons in receipt of tax free emoluments.

Regulation 3 provides that persons entitled to a severe disablement allowance on or between 30th March 1992 and 5th April 1992 but who do not satisfy the conditions in regulation 2 can continue to be entitled under the provisions superseded by regulation 2.

These regulations make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

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**1992 No. 115**

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.