

2003 No. 44

SOCIAL SECURITY

**The Social Security (Overlapping Benefits) (Amendment)
Regulations (Northern Ireland) 2003**

Made - - - - - *30th January 2003*

Coming into operation *7th April 2003*

The Department for Social Development, in exercise of the powers conferred by sections 71(1)(a) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(a), and now vested in it(b), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Overlapping Benefits) (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 7th April 2003.

Amendment of the Social Security (Overlapping Benefits) Regulations

2. In regulation 8 of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(c) (child benefit) –

(a) in paragraph (2) –

(i) after “is or would be payable to a beneficiary,” there shall be inserted “except where that benefit is guardian’s allowance payable to any person under section 77 of that Act,”,

(ii) sub-paragraph (a) shall be omitted, and

(iii) in sub-paragraph (b) the words “in any other case,” shall be omitted; and

(b) in paragraph (3) after “is or would be payable to a beneficiary,” there shall be inserted “except where that benefit is guardian’s allowance payable to any person under section 77 of that Act,”.

Sealed with the Official Seal of the Department for Social Development on 30th January 2003.

(L.S.)

John O’Neill

Senior Officer of the Department for Social Development

(a) 1992. c. 8; section 71(1) was amended by paragraph 32(2) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705) (N.I. 15)) and section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(b) See Article 8(b) of S.R. 1999 No. 481

(c) S.R. 1979 No. 242; relevant amending regulations are S.R. 1991 No. 88, S.R. 1996 No. 288 and S.R. 2000 No. 106

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend regulation 8 of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979 to remove the provision to adjust the amount of guardian's allowance payable under section 77 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 by reference to the rates of child benefit payable.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on business.

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