



# Social Security Contributions and Benefits (Northern Ireland) Act 1992

## 1992 CHAPTER 7

### PART II

#### CONTRIBUTORY BENEFITS

*Provisions relating to unemployment benefit, sickness benefit and invalidity benefit*

**58 Incapacity for work: work as councillor to be disregarded.**

- (1) In determining for the purposes of any of the provisions of this Part of this Act which relate to sickness benefit or invalidity benefit whether any day is to be treated as a day of incapacity for work in relation to a person, there shall be disregarded any work which that person has undertaken, or is capable of undertaking, as a councillor.
- (2) Where the net amount of councillor's allowance to which a person is entitled in respect of any week exceeds the permitted earnings limit, an amount equal to the excess shall be deducted from the amount of any sickness benefit or invalidity benefit to which he is entitled in respect of that week, and only the balance remaining (if any) shall be payable.
- (3) In determining whether a person satisfies the conditions of entitlement for any such benefit, he shall be treated as having been incapable of work on any day which falls in the pre-commencement period and which—
  - (a) would have been treated as a day on which he was so incapable, were there disregarded any work which he undertook (or was capable of undertaking) as a councillor; but
  - (b) would not have been so treated apart from this subsection.
- (4) In this section—

“councillor” means a member of a district council;

*Status: Point in time view as at 01/07/1992. This version of this provision has been superseded.*

*Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 58 is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“councillor’s allowance” means such payments for or in connection with the work which a person undertakes as a councillor as the Department may prescribe for the purposes of this section; and where any such payments are made otherwise than weekly, an amount calculated or estimated in accordance with regulations shall be regarded as the weekly amount of the payments;

“net amount”, in relation to any councillor’s allowance to which a person is entitled, means the aggregate amount of the councillor’s allowance or allowances to which he is entitled for the week in question, reduced by the amount of any expenses incurred by him in that week in connection with his membership of the council or councils in question;

“permitted earnings limit” means the amount specified in regulation 3(3) of the <sup>M1</sup>Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984;

“pre-commencement period” means the <sup>M2</sup>period beginning with 11th May 1987 and ending immediately before 9th October 1989 (the coming into operation of paragraph 2 of Schedule 8 to the Social Security (Northern Ireland) Order 1989 which made provision corresponding to the provision made by this section).

- (5) Any reference in this section to the work which a person undertakes, or is capable of undertaking, as a councillor shall be taken to include a reference to any work which he undertakes, or is capable of undertaking, as a member of any body established under any statutory provision of which he is a member by virtue of his being a councillor.

#### **Marginal Citations**

**M1** S.R. (N.I.) 1984 No. 245.

**M2** S.I. 1989/1342 (N.I. 13).

**Status:**

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**Changes to legislation:**

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