
STATUTORY INSTRUMENTS

1984 No. 1158 (N.I. 8)

NORTHERN IRELAND

**The Health and Social Security
(Northern Ireland) Order 1984**

Made 31st July 1984

Laid before Parliament 16th August 1984

Coming into operation in accordance with Article 1

ARRANGEMENT OF ORDER

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At the Court at Buckingham Palace, the 31st day of July 1984

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes to which section 25 of the Health and Social Security Act 1984 applies:

1984 c. 48

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (as modified by the said section 25) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1974 c. 28

PART I

INTRODUCTORY

Title, commencement and citation

1.—(1) This Order may be cited as the Health and Social Security (Northern Ireland) Order 1984.

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(2) Except as provided by paragraphs (3) and (4) this Order shall come into operation on such day or days as the Head of the Department may by order appoint.

(3) This Part and Articles 4(2), 9, 12(1) and (2), 15 so far as it relates to paragraph 6 or 8 of Schedule 5, 16 and 18 shall come into operation on the fourteenth day after the day on which this Order is made.

(4) Articles 10, 13, 15 so far as it relates to paragraphs 3, 5, 7 and 9 of Schedule 5, and 17 so far as it relates to Schedule 10 to the principal Act and Article 40. of the Pensions Order shall come into operation on 26th September 1984.

(5) Part III and Article 17, so far as that Article relates to Part II of Schedule 6 (repeals), may be cited together with the Social Security (Northern Ireland) Acts 1975 to 1982 as the Social Security (Northern Ireland) Acts 1975 to 1984.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly. 1954 c. 33 (N.I.)

(2) In this Order—

“the Department” means the Department of Health and Social Services;

“the 1972 Order” means the Health and Personal Social Services (Northern Ireland) Order 1972; 1972 NI 14

“the Pensions Order” means the Social Security Pensions (Northern Ireland) Order 1975; 1975 NI 15

“the principal Act” means the Social Security (Northern Ireland) Act 1975. 1975 c. 15

PART II

HEALTH

Abolition of duty to make arrangements for supply of optical appliances under general ophthalmic services

3.—(1) In Article 62 of the 1972 Order (arrangements for general ophthalmic services)—

(a) in paragraph (1) (duty of Health and Social Services Boards to make arrangements for general ophthalmic services including the supply by ophthalmic opticians and dispensing opticians of optical appliances), for the words from “ophthalmic”, where it first occurs, to “appliances” there shall be substituted the words “and ophthalmic opticians for securing the testing of sight by them”;

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(b) in paragraph (2)(d) (regulations conferring right to choose in relation to general ophthalmic services medical practitioner, ophthalmic optician or dispensing optician), the words “and the ophthalmic or dispensing optician who is to supply the appliances” shall cease to have effect.

(2) Schedule 1, which makes amendments to the 1972 Order consequential on paragraph (1), shall have effect.

Professional remuneration

4.—(1) In the 1972 Order, after Article 64 and the cross-heading “*Supplementary provisions*” there shall be inserted the following Article—

“Regulations as to remuneration for services

64A.—(1) Regulations shall make provision as to the remuneration to be paid to persons who provide general medical services, general dental services, general ophthalmic services or pharmaceutical services.

(2) Subject to Article 57 (remuneration of general medical practitioners), remuneration under the regulations may consist of payments by way of—

- (a) salary;
- (b) fees;
- (c) allowances;
- (d) reimbursement (in full or in part) of expenses incurred or expected to be incurred in connection with the provision of the services,

and the regulations may provide that the remuneration shall be determined by such authority as may be specified.

(3) The authority referred to in paragraph (2) may be the Department or some other person or persons and is referred to in this Article as a “determining authority”.

(4) The determination referred to in paragraph (2) includes a determination in more than one stage and by more than one determining authority.

(5) Regulations under this Article shall provide—

- (a) that a determination may be made with respect either to any of the descriptions of services mentioned in paragraph (1) generally or to any category of services falling within such a description;
- (b) that, before making such a determination, the determining authority shall consult—
 - (i) a prescribed body established to provide advice in connection with the matters to be determined; or

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- (ii) an organisation appearing to the Department to be representative of persons to whose remuneration the determination would relate,
or both such a body and such an organisation.
- (6) Regulations under this Article may provide—
- (a) that a determination such as is mentioned in paragraph (5) shall have effect in relation to remuneration in respect of a period beginning on or after a date specified in the determination, which may be the date of the determination or an earlier or later date, but may be an earlier date only if, taking the determination as a whole, it is not detrimental to the persons to whose remuneration it relates; and
 - (b) that any such determination which does not specify such a date shall have effect in relation to remuneration in respect of a period beginning—
 - (i) if it is required to be published, on the date of publication;
 - (ii) if it is not so required, on the date on which it is made.
- (7) Regulations under this Article may provide—
- (a) for determinations of the remuneration of particular persons or descriptions of persons for particular items of service or in particular circumstances;
 - (b) that a determining authority shall have a discretion, when making a determination by virtue of this paragraph,—
 - (i) as to the amount of remuneration to be paid; and
 - (ii) as to the persons to whom and conditions on which it is to be paid; and
 - (c) that a determination made by virtue of this paragraph may be revised—
 - (i) to correct an error; or
 - (ii) where it appears to the determining authority that it was made in ignorance of or under a mistake as to a relevant fact.
- (8) Regulations under this Article may provide—
- (a) that determinations may be made by reference to any of the following—
 - (i) rates or conditions of remuneration of any persons or any descriptions of persons which are fixed or determined, or to be fixed or determined, otherwise than by way of a determination under the regulations;
 - (ii) scales, indices or other data of any description specified in the regulations; and
 - (b) that any determination which in accordance with regulations made by virtue of sub-paragraph (a)(ii) falls to be

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made by reference to a scale or an index or to any other data may be made not only by reference to that index or scale or those data in the form current at the time of the determination but also by reference to the scale, index or data in any subsequent form attributable to amendment or revision taking effect after that time or to any other cause.

(9) Any determination under regulations under this Article shall be made after taking into account all the matters which are considered to be relevant by the determining authority and, without prejudice to the generality of this paragraph, such matters may include—

- (a) the amount or estimated amount of expenses (taking into account any discounts) incurred in the past or likely to be incurred in the future (whether or not by persons to whose remuneration the determination will relate) in connection with the provision of services of a kind to which the determination will relate;
- (b) the amount or estimated amount of any remuneration paid or likely to be paid to persons providing such services;
- (c) the amount or estimated amount of any other payments or repayments or other benefits received or likely to be received by any such persons;
- (d) the extent to which it is desirable to encourage the provision of particular descriptions of services either generally or in particular localities;
- (e) the desirability of promoting services which are—
 - (i) economic and efficient; and
 - (ii) of an appropriate standard.”.

(2) Any determination in relation to remuneration in respect of general medical services, general dental services, general ophthalmic services or pharmaceutical services which was made at any time before the commencement of paragraph (1) shall be deemed to be validly made if regulations authorising such a determination could have been made had paragraph (1) been in operation at that time.

PART III

SOCIAL SECURITY

Severe disablement allowance

5.—(1) For section 36 of the principal Act there shall be substituted the following section—

“Severe disablement allowance. **36.**—(1) Subject to the provisions of this section, a person shall be entitled to a severe disablement allowance for any day (“the relevant day”) if he satisfies—

- (a) the conditions specified in subsection (2) below; or
- (b) the conditions specified in subsection (3) below.

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(2) The conditions mentioned in subsection (1)(a) above are that—

- (a) on the relevant day he is incapable of work; and
- (b) he has been incapable of work for a period of not less than 196 consecutive days—
 - (i) beginning not later than the day on which he attained the age of 20; and
 - (ii) ending immediately before the relevant day.

(3) The conditions mentioned in subsection (1)(b) above are that—

- (a) on the relevant day he is both incapable of work and disabled; and
- (b) he has been both incapable of work and disabled for a period of not less than 196 consecutive days ending immediately before the relevant day.

(4) A person shall not be entitled to a severe disablement allowance if—

- (a) he is under the age of 16; or
- (b) he is receiving full-time education; or
- (c) he does not satisfy the prescribed conditions—
 - (i) as to residence in Northern Ireland; or
 - (ii) as to presence there; or
- (d) he has attained pensionable age and was not entitled to a severe disablement allowance immediately before he attained it and is not treated by regulations as having been so entitled immediately before he attained it.

(5) A person is disabled for the purposes of this section if he suffers from loss of physical or mental faculty such that the assessed extent of the resulting disablement amounts to not less than 80 per cent.

(6) A severe disablement allowance shall be paid at the weekly rate specified in relation thereto in Schedule 4, Part III, paragraph 2.

(7) Regulations—

- (a) may direct that persons who—
 - (i) have attained retiring age; and
 - (ii) were entitled to a severe disablement allowance immediately before they attained it,shall continue to be so entitled notwithstanding that they do not satisfy the conditions specified in subsection (2) or (3) above;

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- (b) may direct—
 - (i) that persons who have previously been entitled to a severe disablement allowance shall be entitled to such an allowance notwithstanding that they do not satisfy the conditions specified in subsection (2)(b) or (3)(b) above;
 - (ii) that those paragraphs shall have effect in relation to such persons subject to such modifications as may be specified in the regulations;
- (c) may prescribe the circumstances in which a person is or is not to be treated—
 - (i) as incapable of work; or
 - (ii) as receiving full-time education; and
- (d) may provide for disqualifying a person from receiving a severe disablement allowance for such period not exceeding 6 weeks as may be determined in accordance with sections 97 to 104 below if—
 - (i) he has become incapable of work through his own misconduct; or
 - (ii) he fails without good cause to attend for, or to submit himself to, such medical or other examination or treatment as may be required in accordance with the regulations, or to observe any prescribed rules of behaviour.

(8) In this section—

“assessed” means assessed in accordance with Schedule 8 to this Act; and

“retiring age” means, in the case of a man, 70 and, in the case of a woman, 65.”.

(2) Schedule 2, which makes amendments to other statutory provisions consequential on paragraph (1), shall have effect.

Pension increase in respect of husbands

6. After section 45 of the principal Act there shall be inserted the following section—

“Pension increase (husband). **45A.**—(1) Where a Category A retirement pension is payable to a woman for any period—

- (a) which began immediately upon the termination of a period for which the pensioner was entitled to an increase in unemployment benefit, sickness benefit or invalidity pension by virtue of section 44(3)(a) or 47(1)(a) of this Act (increases in respect of adult dependants); and
- (b) during which the conditions specified in subsection (2) below are satisfied (without interruption),

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then the weekly rate of the pensioner's Category A retirement pension shall be increased by the amount specified in relation thereto in Schedule 4, Part IV, column (3) ("the specified amount").

(2) The conditions referred to in subsection (1)(b) above are—

- (a) that the pensioner is residing with her husband or is contributing to his maintenance at a weekly rate not less than the specified amount; and
- (b) that the pensioner's husband is not engaged in any one or more employments from which his weekly earnings exceed the specified amount."

Dependent children

7. Schedule 3, which makes amendments to the principal Act in relation to increases in benefit payable in respect of dependent children, shall have effect.

Earnings to include occupational pensions for purposes of benefits in respect of dependants

8. In the principal Act—

(a) after section 47A there shall be inserted the following section—

"Earnings to include occupational pensions for purposes of benefits.

47B.—(1) Except as may be prescribed—

- (a) in section 41 and sections 44 to 47 above any reference to earnings includes a reference to payments by way of occupational pension; and
- (b) in sections 44, 45, 45A and 47 above any reference to a period during which a person is not engaged in any employment includes a reference to a period in respect of which a person is not entitled to any payment by way of occupational pension.

(2) For the purposes of the provisions mentioned in subsection (1) above, the Department may by regulations provide, in relation to cases where payments by way of occupational pension are made otherwise than weekly, that any necessary apportionment of the payments shall be made in such manner and on such basis as may be prescribed."; and

(b) after section 66 there shall be inserted the following section—

"Earnings to include occupational pensions for purposes of disablement pension.

66A.—(1) Except as may be prescribed, any reference to earnings in section 64 or 66 above includes a reference to payments by way of occupational pension.

(2) For the purposes of those sections, the Department may by regulations provide, in relation to cases where payments by way of occupational pension are made

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otherwise than weekly, that any necessary apportionment of the payments shall be made in such manner and on such basis as may be prescribed.”.

Attendance allowance: daily entitlement

9.—(1) In this Article—

S.R. 1975
No. 104 “the 1975 claims and payments Regulations” means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1975;

S.R. 1977
No. 250 “the 1977 amendment Regulations” means the Social Security (Attendance Allowance) (Amendment) Regulations (Northern Ireland) 1977;

S.R. 1977
No. 351 “the 1977 claims and payments Regulations” means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977;

S.R. 1980
No. 267 “the 1980 amendment Regulations” means the Social Security (Attendance Allowance) (Amendment) Regulations (Northern Ireland) 1980;

“regulation 16A” means regulation 16A of the 1975 claims and payments Regulations, which was added by regulation 9 of the 1977 amendment Regulations;

“regulation 18” means regulation 18 of the 1977 claims and payments Regulations, both as originally made and as substituted by regulation 5(2) of the 1980 amendment Regulations;

“appropriate pay day” means a day for payment under regulation 15(7) of the 1975 claims and payments Regulations or regulation 16(7) of the 1977 claims and payments Regulations of weekly sums on account of an attendance allowance; and

“13 week period” means the period mentioned in regulation 16A or regulation 18.

(2) Regulation 16A and regulation 18 shall be deemed always to have had effect as if—

(a) the words “Notwithstanding anything in the foregoing provisions of these regulations” were inserted at the beginning;

(b) any reference to attendance allowance being payable for a period were a reference to attendance allowance which would have been payable for that period but for—

(i) regulation 15(9) or (10) of the 1975 claims and payments Regulations; or

(ii) regulation 16(10) or (11) of the 1977 claims and payments Regulations; and

(c) in relation to any case where a 13 week period does not end on an appropriate pay day, any reference to a 13 week period in paragraph (1) of either regulation 16A or regulation 18 were a reference to that period together with any days after its end but before the next appropriate pay day.

Constitution of panels for social security appeal tribunals

10. In the principal Act—

- (a) for subsections (2A) and (2B) of section 97 there shall be substituted the following subsection—

“(2A) Members of a social security appeal tribunal other than the chairman shall be drawn from the appropriate panel constituted under Schedule 10 to this Act.”; and

- (b) for sub-paragraphs (2) to (5) of paragraph 1 of Schedule 10 there shall be substituted the following sub-paragraphs—

“(2) The panel for an area shall be composed of persons appearing to the President to have knowledge or experience of conditions in the area and to be representative of persons living or working in the area.

(2A) Before appointing members of a panel, the President shall take into consideration any recommendations from such organisations or persons as he considers appropriate.”.

Late paid Class 2 contributions

11.—(1) In subsection (1) of section 7 (Class 2 contributions) of the principal Act after the word “section” there shall be inserted the words “and section 7A below”.

- (2) The following section shall be inserted after that section—

“Late paid
Class 2
contributions.

7A.—(1) This section applies to any Class 2 contribution paid in respect of a week falling within a tax year (“the contribution year”) earlier than the tax year in which it is paid (“the payment year”).

(2) Subject to subsections (3) to (5) below, the amount of a contribution to which this section applies shall be the amount which the earner would have had to pay if he had paid the contribution in the contribution year.

(3) Subject to subsections (4), (5) and (6) below in any case where—

- (a) the earner pays an ordinary contribution to which this section applies after the end of the tax year immediately following the contribution year; and
(b) the weekly rate of ordinary contributions for the contribution year differs from the weekly rate for the payment year,

the amount of the contribution shall be computed by reference to the weekly rate of ordinary Class 2 contributions for the payment year.

(4) The Department may by regulations direct that subsection (3) above shall have effect in relation to a higher-rate contribution to which this section applies subject to such modifications as may be prescribed.

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(5) Subject to subsection (6) below, for the purposes of proceedings in any court relating to an earner's failure to pay Class 2 contributions, the amount of each contribution which he is to be treated as having failed to pay is the amount which he would have paid in accordance with subsections (1) to (3) above or regulations under subsection (6) below if he had paid that contribution on the date on which the proceedings commenced.

(6) The Department may by regulations provide that the amount of any contribution which, apart from the regulations, would fall to be computed in accordance with subsection (3) or (5) above shall instead be computed by reference to a tax year not earlier than the contribution year but earlier—

(a) in a case falling within subsection (3) above, than the payment year; and

(b) in a case falling within subsection (5) above, than the tax year in which the proceedings commenced.

(7) For the purposes of this section—

(a) proceedings in the High Court or a county court commence when an action commences; and

(b) proceedings under section 137 below commence when a complaint is made.

(8) In this section—

“ordinary contribution” means a contribution under subsection (1) of section 7 above; and

“higher-rate contribution” means a contribution under regulations made under subsection (4) of that section.”.

Class 3 contributions

12.—(1) In section 8 of the principal Act (Class 3 contributions)—

(a) in subsection (1), after the word “and”, in the second place where it occurs, there shall be inserted the words “, subject to the following provisions of this section,”;

(b) the following subsection shall be inserted after subsection (2)—

“(2A) The amount of a Class 3 contribution in respect of a tax year earlier than the tax year in which it is paid shall be the same as if it had been paid in the earlier year and in respect of that year.”.

(2) Paragraph (1) shall be deemed to have come into force on 6th April 1975.

(3) At the end of the subsection inserted by paragraph (1)(b) there shall be added—

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“, unless it falls to be calculated in accordance with subsection (2C) below or regulations under subsection (2D) below.

(2B) In this section—

“the payment year” means the tax year in which a contribution is paid; and

“the contribution year” means the earlier year mentioned in subsection (2A) above.

(2C) Subject to the following provisions of this section, in any case where—

(a) a Class 3 contribution is paid after the end of the next tax year but one following the contribution year; and

(b) the amount of a Class 3 contribution in respect of the contribution year differs from the amount in respect of the payment year,

the amount of the contribution shall be computed by reference to the amount of a Class 3 contribution for the payment year.

(2D) The Department may by regulations provide that the amount of a contribution which apart from the regulations would fall to be computed in accordance with subsection (2C) above shall instead be computed by reference to the amount of a Class 3 contribution for a tax year earlier than the payment year but not earlier than the contribution year.”.

Transfer of accrued rights and entitlement to benefits under occupational pension schemes

13.—(1) In Article 40 of the Pensions Order (transfer of accrued rights), for paragraphs (1) and (2) there shall be substituted the following paragraphs—

“(1) Regulations may prescribe circumstances in which and conditions subject to which—

(a) an earner’s accrued rights to the requisite benefits under a contracted-out scheme; or

(b) the liability for the payment of such benefits to or in respect of any person who has become entitled to them,

may be transferred to another occupational pension scheme.

(1A) Any such regulations may be made so as to apply to earners who are not in employment at the time of the transfer.

(1B) Regulations under paragraph (1) may provide that any provision of this Part shall have effect, where there has been a transfer to which they apply, subject to such modifications as may be specified in the regulations.

(1C) Regulations under paragraph (1) shall have effect in relation to transfers whenever made unless they provide that they are only to have effect in relation to transfers which take place after they come into force.

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(1D) The power conferred by paragraph (1) is without prejudice to the generality of section 155(2) of the principal Act or section 17(5) of the Interpretation Act (Northern Ireland) 1954.”.

(2) In Article 46 of the Pensions Order (premium on termination of contracted-out scheme)—

(a) after paragraph (1) there shall be inserted the following paragraphs—

“(1A) Regulations may provide that any provision of this Part shall have effect, where the Occupational Pensions Board have approved arrangements under paragraph (1), subject to such modifications as may be specified in the regulations.

(1B) Any such regulations shall have effect in relation to arrangements whenever approved, unless they provide that they are only to have effect in relation to arrangements approved after they come into force.”; and

(b) after paragraph (9) there shall be added the following paragraph—

“(10) Any reference to earners in this Article includes, in relation to any particular time, not only a reference to earners who are in employment at that time but also a reference to earners who are not in employment at that time but who have been in employment before it or will be in employment after it.”.

Protection of pensions

14. The Pensions Order shall be amended in accordance with Schedule 4 for the purpose of protecting pensions under occupational pension schemes which are or have been contracted-out.

Miscellaneous social security amendments

15. The statutory provisions specified in Schedule 5 shall have effect subject to the amendments there specified.

Regulations

1980 c. 30

16.—(1) Section 10(1) of the Social Security Act 1980 (reference of regulations etc. to Social Security Advisory Committee) shall not apply to regulations—

(a) made under section 36 of the principal Act before the expiry of the period of six months beginning with the commencement of Article 5;

(b) made under any statutory provision before the expiry of the period of six months beginning with the commencement of Article 5 and contained in a statutory rule which states that it contains only provisions consequential on that Article or such provisions and regulations made under section 36 of the principal Act;

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- (c) made under any statutory provision before the expiry of the period of six months beginning with the commencement of Schedule 2 and contained in a statutory rule which states that it contains only provisions consequential on that Schedule;
 - (d) made under section 47B or 66A of the principal Act before the expiry of the period of six months beginning with the commencement of Article 8;
 - (e) made under any statutory provision before the expiry of the period of six months beginning with the commencement of Article 8 and contained in a statutory rule which states that it contains only provisions consequential on that Article or such provisions and regulations made under section 47B or 66A of the principal Act;
 - (f) made under section 7A of the principal Act before the expiry of the period of six months beginning with the commencement of Article 11;
 - (g) made under section 124(1) of the principal Act before the expiry of that period and contained in a statutory rule which states that it contains only provisions modifying section 7A of the principal Act;
 - (h) made under section 8(2D) of the principal Act before the expiry of the period of six months beginning with the commencement of Article 12(3);
 - (i) made under Article 18 or under that Article as extended by paragraph 15 of Schedule 2;
 - (j) made under any statutory provision before the expiry of the period of six months beginning with the commencement of Schedule 3 and contained in a statutory rule which states that it contains only provisions consequential on that Schedule;
 - (k) made under Article 6(1) of the Pensions Order before the expiry of the period of six months beginning with the commencement of paragraph 4 of Schedule 5;
 - (l) made under any statutory provision before the expiry of that period and contained in a statutory rule which states that it contains only provisions consequential on such regulations as are mentioned in sub-paragraph (k) above;
 - (m) made under any statutory provision before the expiry of that period and contained in a statutory rule which states that it contains only provisions consequential on paragraph 4(b) of Schedule 5;
 - (n) made under Article 6 of the Social Security (Northern Ireland) Order 1982 by virtue of the power contained in the words inserted in that Article by paragraph 7 of Schedule 5 and before the expiry of the period of six months beginning with the commencement of that paragraph.
- (2) If an order under Article 1 appoints different days for different purposes of the same provision of this Order, references to com-

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mencement in paragraph (1) are to be construed, in relation to that provision, as references to the day on which it first comes into operation for any purpose.

**PART IV
SUPPLEMENTARY**

Repeals

17. The statutory provisions specified in Schedule 6 are hereby repealed to the extent specified in the third column of that Schedule.

Transitional

18.—(1) The Department may by regulations make such transitional provision or saving as the Department considers necessary or expedient in connection with the commencement of any provision of this Order or the operation of any statutory provision which is repealed or amended by a provision of this Order during any period when the repeal or amendment is not wholly in force.

(2) Without prejudice to the generality of paragraph (1), regulations under this Article may provide that references to dispensing opticians in the 1972 Order shall be treated as including suppliers of optical appliances who are not dispensing opticians as defined in that Order.

(3) Regulations under this Article containing any such provision as is mentioned in paragraph (2) may also make such incidental or supplemental provision as the Department considers appropriate.

(4) Regulations under this Article shall be subject to negative resolution.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULES

SCHEDULE 1

Article 3.

OPTICAL APPLIANCES

The 1972 Order

1. In Article 62 (arrangements for general ophthalmic services)—
 - (a) in paragraph (2) (regulations)—
 - (i) in sub-paragraph (a), for “, ophthalmic opticians and dispensing” substitute “and ophthalmic”;
 - (ii) in sub-paragraph (b), for “, ophthalmic optician or dispensing” substitute “or ophthalmic”;
 - (iii) sub-paragraph (e) shall cease to have effect;
 - (b) in paragraph (3) (consultation), for “, ophthalmic opticians and dispensing” substitute “and ophthalmic”.
2. In Schedule 11 (disqualification of persons providing certain services) in paragraph 14 (panel of persons to provide practitioner member for tribunal)—
 - (a) for “six”, in both places where it occurs, substitute “five”;
 - (b) the words “a dispensing optician” shall cease to have effect.
3. In Schedule 15 (charges in respect of certain services, and other related matters) after paragraph 2 insert the following paragraphs—

“2A.—(1) The Department shall by regulations provide for payments to be made by the Department or by a Health and Social Services Board or the Agency to meet, or to contribute towards, the cost incurred (whether by way of charge under this Order or otherwise) for the supply of optical appliances for which a prescription has been given in consequence of a testing of sight under this Order—

 - (a) for a child;
 - (b) for a person whose resources fall to be treated under the regulations as being less than his requirements; or
 - (c) for a person of such other description as may be prescribed.

(2) In sub-paragraph (1), “child” means—

 - (a) a person who is under the age of 16 years; or
 - (b) a person who is under the age of 19 years and receiving qualifying full-time education.

(3) In sub-paragraph (2), “qualifying full-time education” means full-time instruction—

 - (a) at an educational establishment recognised by the Department as being, or as comparable to, a school, college or university; or
 - (b) by other means accepted as comparable by the Department;

and for the purposes of this paragraph regulations may prescribe the circumstances in which a person is or is not to be treated as receiving full-time instruction.

(4) Regulations under this paragraph may direct how a person’s resources and requirements are to be calculated and, without prejudice to the generality of this sub-paragraph, may direct that they shall be calculated—

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- (a) by reference—
 - (i) to any statutory provision; or
 - (ii) to the person's being or having been entitled to payments under any statutory provision, either as it has effect at the time when the regulations are made or as amended subsequently; or
- (b) by reference to a scale or an index or to any other data either in the form current when the regulations are made or in any subsequent form attributable to amendment or revision taking effect after that time or to any other cause."

Article 5.

SCHEDULE 2

SEVERE DISABLEMENT ALLOWANCE

PART I

CONSEQUENTIAL AMENDMENTS

*The Law Reform (Miscellaneous Provisions) Act
(Northern Ireland) 1948 (c. 23)*

1. In section 3(1) after "non-contributory invalidity pension" insert "severe disablement allowance".

The principal Act

2. In the following provisions—

section 34(1)(b);

section 49(a);

section 79(3)(a) and (d);

section 129(2)(b); and

paragraph 2 of Part III of Schedule 4 and paragraph 9 of Part IV of that Schedule,

for "non-contributory invalidity pension" substitute "severe disablement allowance".

3. At the end of each of the following provisions—

section 98(2)(b);

section 100(3)(b);

section 102(2);

section 103(1)(b); and

section 104(1)(c)(ii),

add "or severe disablement allowance".

4. In section 108(1)—

(a) after "industrial injuries benefit" insert "and severe disablement allowance";

(b) at the beginning of paragraph (a) insert "in relation to industrial injuries benefit,"; and

(c) at the beginning of paragraph (b) insert "in relation to both benefits,".

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5. At the end of section 108(2) add “or, in such cases relating to severe disablement allowance as may be prescribed, by an adjudication officer.”.

6. In section 109(1) after “disablement benefit” insert “or severe disablement allowance”.

7. In section 110—

(a) in subsection (6), after “and in particular may” insert “in any case relating to disablement benefit”; and

(b) in subsection (7), after “disablement benefit” insert “or severe disablement allowance, as the case may be,”.

8. In Schedule 8—

(a) in paragraph 1—

(i) for “section 57” substitute “section 36 or 57”; and

(ii) in sub-paragraph (b) at the beginning insert “except in the case of an assessment for the purposes of section 36,”;

(b) after paragraph 4 insert the following paragraph—

“4A. Paragraph 4 above shall not apply in the case of an assessment of any person’s disablement for the purposes of section 36 but the period to be taken into account for any such assessment shall be the period during which that person has suffered and may be expected to continue to suffer from the relevant loss of faculty beginning not later than—

(a) the first claim day if his entitlement to benefit falls to be determined in accordance with section 36(3)(b) as modified by regulations under section 36(7)(b);

(b) where his disablement has previously been assessed for the purposes of section 36 at a percentage which is not less than 80 per cent.—

(i) if the period taken into account for that assessment was or included the period of 196 days ending immediately before the first claim day, the first claim day, or

(ii) if the period so taken into account included any day falling within that period of 196 days, the day immediately following that day or, if there is more than one such day, the last such day;

(c) in any other case, 196 days before the first claim day;

and, in any case, ending not later than the day on which that person, if a woman, attains the age of 65 or, if a man, attains the age of 70.

In this paragraph “the first claim day” means the first day in respect of which the person concerned has made the claim in question for a severe disablement allowance”; and

(c) after paragraph 5 insert the following paragraph—

“5A. Paragraph 5 above shall not apply in relation to an assessment of any person’s disablement for the purposes of section 36 but—

(a) any such assessment shall state the degree of disablement in the form of a percentage and shall specify the period taken into account by the assessment; and

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- (b) for the purposes of any such assessment—
 - (i) a percentage which is not a whole number shall be rounded to the nearest whole number or if it falls equally near two whole numbers shall be rounded up to the higher; and
 - (ii) a percentage between 5 and 100 which is not a multiple of 10 shall be treated, if it is a multiple of 5, as being the next higher percentage which is a multiple of 10 and, in any other case, as being the nearest percentage which is a multiple of 10; and
- (c) if on the assessment the person's disablement is found to be less than 5 per cent. that degree of disablement shall for the purposes of section 36 be disregarded and, accordingly, the assessment shall state that he is not disabled.”.

9. In Schedule 17 (glossary of expressions)—

- (a) after the entry relating to “Long-term benefit” insert the following entry—

“Loss of physical faculty” Includes disfigurement whether or not accompanied by any actual loss of faculty.”;

and

- (b) at the end of the entry relating to “relevant loss of faculty” add “or, in a case within section 36, the loss of faculty which results in disablement”.

The Child Benefit (Northern Ireland) Order 1975 (NI 16)

10. In Article 19(5) and (6), after “non-contributory invalidity pension” insert “or severe disablement allowance”.

11. In paragraph 5 of Schedule 1, for “non-contributory invalidity pension” substitute “severe disablement allowance”.

The Pensioners' Payments and Social Security Act 1979 (c. 48)

12. In section 2(1)(a) of the Pensioners' Payments and Social Security Act 1979, for sub-paragraph (iv) substitute—

“(iv) a severe disablement allowance;”.

The Social Security (Northern Ireland) Order 1982 (NI 16)

13.—(1) In Article 20(1), for paragraph (e) substitute the following paragraph—

“(e) a severe disablement allowance”.

(2) In paragraph 5(1)(a) of Schedule 1, after “invalidity pension” insert “or a severe disablement allowance”.

PART II

TRANSITIONAL

14. If different days are appointed under Article 1(2) for the purposes—

- (a) of Article 5; and
- (b) of this Schedule,

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in relation to persons of different ages, no person shall be entitled to non-contributory invalidity pension in respect of any day on or after the first such day.

15. Without prejudice to the generality of Article 18, regulations under that Article may include provision for any person who, immediately before the day appointed under Article 1(2) for the purposes of Article 5 or, if more than one such day is appointed, the first such day, is entitled to non-contributory invalidity pension to be entitled for that day and subsequent days to a severe disablement allowance, whether or not—

- (a) he is disabled within the meaning of section 36(5) of the principal Act (as substituted by Article 5); or
- (b) where more than one such day is appointed, the first day so appointed was appointed in relation to persons of his age.

SCHEDULE 3

Article 7.

DEPENDENT CHILDREN

The principal Act

1. In section 12(1) (description of contributory benefits)—
 - (a) in paragraphs (a) and (b), after “and” insert “, where the beneficiary is over pensionable age,”; and
 - (b) in paragraph (d), “and child” shall cease to have effect.
2. In section 41 (increases in benefits payable in respect of dependent children)—
 - (a) in subsection (2)(a) and (b), after “benefit” add “where the beneficiary is over pensionable age”;
 - (b) subsections (2)(d) and (3) shall cease to have effect; and
 - (c) after subsection (2) insert the following subsections—
 - “(2A) Where—
 - (a) a beneficiary is one of two persons who are—
 - (i) spouses residing together; or
 - (ii) an unmarried couple; and
 - (b) the other person had earnings in any week, the beneficiary’s right to payment of increases for the following week under subsection (1) above shall be determined in accordance with subsection (2B) below.
 - (2B) No such increase shall be payable—
 - (a) in respect of the first child where the earnings were £80 or more; and
 - (b) in respect of a further child for each complete £10 by which the earnings exceeded £80.
 - (2C) The Department may by order substitute larger amounts for the amounts for the time being specified in subsection (2B) above.
 - (2D) In this section—
 - “unmarried couple” means a man and a woman who are not married to each other but are living together as husband and wife; and

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“week” means such period of 7 days as may be prescribed by regulations made for the purposes of this section.”.

3. In section 64 (increases in disablement pension payable in respect of dependent children) after subsection (1) insert the following subsections—

“(1A) Where—

(a) a beneficiary is one of two persons who are—

(i) spouses residing together; or

(ii) an unmarried couple; and

(b) the other person had earnings in any week,

the beneficiary’s right to payment of increases for the following week under this section shall be determined in accordance with subsection (1B) below.

(1B) No such increase shall be payable—

(a) in respect of the first child where the earnings were £80 or more; and

(b) in respect of a further child for each complete £10 by which the earnings exceeded £80.

(1C) The Department may by order substitute larger amounts for the amounts for the time being specified in subsection (1B) above.

(1D) In this section “week” means such period of 7 days as may be prescribed by regulations made for the purposes of this section.”.

4. For section 70 (children of deceased’s family) substitute the following section—

“Children of deceased’s family. 70.—(1) Subject to Schedule 9 (limits on benefit payable on death), where at his death the deceased was entitled to child benefit in respect of a child or children, then, for any period for which—

(a) the widow of the deceased is entitled—

(i) to death benefit (other than a gratuity) under sections 67 and 68 of this Act; and

(ii) to child benefit in respect of that child or one or more of those children; or

(b) such other person as may be prescribed is entitled to child benefit in respect of that child or one or more of those children;

the widow or, as the case may be, the person so prescribed shall be entitled in respect of that child, or in respect of each respectively of those children, to death benefit by way of an allowance at the weekly rate specified in Schedule 4, Part V, paragraph 15.

(2) Section 65(1) and (2) of this Act apply in relation to an allowance under this section as they apply in relation to an increase of benefit under section 64.”.

5. For paragraph 15 of Part V of Schedule 4 substitute the following paragraph—

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“15. Weekly In respect of each qualifying child . . . £7.60”
rate of
allowance
under
section 70
in respect
of children.

6. In Schedule 17 (glossary of expressions)—
- (a) in the definition of “week”, for “and 45(3)” substitute “41, 45(3) and 64”; and
 - (b) after the definition of “unemployability supplement” insert the following definition—
““Unmarried couple” See section 41.”.

SCHEDULE 4

Article 14.

PROTECTION OF PENSIONS

After Article 43 of the Social Security Pensions (Northern Ireland) Order 1975 insert the following Articles—

1975 NI 15

“Protection of pensions

Earners’ pensions

43A.—(1) If—

- (a) there is an interval between—
 - (i) the date on which an earner ceases to be in employment which is contracted-out by reference to an occupational pension scheme (“the termination of employment date”); and
 - (ii) the date on which his guaranteed minimum pension under that scheme commences (“the commencement of payment date”);
- (b) the relevant sum exceeds his guaranteed minimum on the day after the termination of employment date; and
- (c) on the commencement of payment date or at any time thereafter his guaranteed minimum pension under the scheme exceeds the amount of his guaranteed minimum under it on the day after the termination of employment date,

the weekly rate on the commencement of payment date and at any time thereafter of the pension payable to him under the scheme shall be an amount not less than the aggregate of the following—

- (i) the relevant sum;
 - (ii) the excess mentioned in sub-paragraph (c); and
 - (iii) any amount which is an appropriate addition at that time.
- (2) In paragraph (1) “appropriate addition” means—
- (a) where a scheme provides that part of an earner’s pension shall accrue after the termination of employment date by reason of employment after that date, an amount equal to the part which has so accrued; and
 - (b) where a scheme provides that an earner’s pension which has accrued before that date shall be enhanced after it if payment of the pension is postponed, the amount by which the excess of the

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pension on the day after the termination of employment date over the earner's guaranteed minimum on the day after the termination of employment date has been enhanced by reason of the postponement.

(3) Subject to paragraphs (6) to (8), in this Article "the relevant sum" means—

- (a) if the earner reaches normal pension age on or before the termination of employment date, an amount equal to the weekly rate of his pension on the day after the termination of employment date; and
- (b) if he reaches normal pension age after the termination of employment date an amount equal to the weekly rate of—
 - (i) any short service benefit which has accrued to him on the termination of employment date; or
 - (ii) where no short service benefit has then accrued to him, any other benefit to which this sub-paragraph applies and which has then accrued to him.

(4) The benefit other than short service benefit to which paragraph (3)(b) applies is benefit—

- (a) which would have been provided as either the whole or part of the earner's short service benefit; or
- (b) of which the earner's short service benefit would have formed part,

if paragraph 6(1) of Schedule 3 had effect with the substitution—

- (i) in head (a), of a reference to the earner's age on the termination of employment date (as defined in paragraph (1)(a)(i)) for the reference to the age of 26; and
- (ii) in head (b), of a reference to the service which the earner had on that date for the reference to 5 years' qualifying service.

(5) Any such benefit is only to be included in the relevant sum to the extent that it does not exceed the amount which the scheme would have had to provide as short service benefit if paragraph 6(1) of Schedule 3 had effect as mentioned in paragraph (4).

(6) To the extent that amounts attributable to transfer credits have accrued by reason of any transfer before the commencement of this Article they are to be disregarded for the purposes of paragraph (1)(c) and (ii).

(7) If any part of the earner's pension is postponed beyond the termination of employment date, the relevant sum is an amount equal to what would have been the weekly rate of his pension on the day after the termination of employment date if there had been no such postponement.

(8) If—

- (a) an earner's employment ceases to be contracted-out by reference to an occupational pension scheme but the scheme continues to apply to it; or
- (b) an earner transfers from employment which is contracted-out by reference to an occupational pension scheme to employment to which the scheme applies but which is not contracted-out by reference to it,

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the amount of any short service or other benefit which has accrued to the earner shall be computed for the purposes of paragraph (3)(b) as it would be computed if he had ceased on the termination of employment date to be in employment to which the scheme applies.

(9) An earner shall be treated for the purposes of this Article as if benefit under a scheme had accrued to him—

(a) if—

- (i) one of the events mentioned in paragraph (8) occurs before he has attained the age at which, if he had attained it, that benefit would have accrued to him; and
- (ii) he continues to be in employment to which the scheme applies until he attains that age; or

(b) if—

- (i) one of those events occurs before he has a particular period of service; and
- (ii) that benefit would have accrued to him if he had that period; and
- (iii) he continues to be in employment to which the scheme applies until he has it.

(10) Nothing in this Article shall be construed as entitling an earner who has not reached normal pension age to any portion of a pension under a scheme to which he would not otherwise be entitled.

(11) In this Article “short service benefit” is to be construed in accordance with Schedule 3.

Widows' pensions

43B.—(1) If—

- (a) there is an interval between the earner's termination of employment date and whichever of the following is the earlier—
 - (i) the date of his death;
 - (ii) his commencement of payment date, and
- (b) the relevant sum exceeds one half of the earner's guaranteed minimum on the day after the termination of employment date; and
- (c) at any time when a pension under the occupational pension scheme is required to be paid to his widow her guaranteed minimum pension under the scheme exceeds one half of his guaranteed minimum on the day after the termination of employment date,

the weekly rate of the pension to be paid to her at that time shall be an amount not less than the aggregate of the following—

- (i) the relevant sum;
- (ii) the excess mentioned in sub-paragraph (c); and
- (iii) any amount which is an appropriate addition at that time.

(2) In paragraph (1) “appropriate addition” means—

- (a) where a scheme provides that part of a widow's pension shall accrue after the termination of employment date by reason of the earner's employment after that date, an amount equal to the part which has so accrued; and

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(b) where a scheme provides that a widow's pension which has accrued before that date shall be enhanced after it if payment of the earner's pension is postponed, the amount by which the excess of the widow's pension on the day after the termination of employment date over one half of the earner's guaranteed minimum on the day after the termination of employment date has been enhanced by reason of the postponement.

(3) Subject to paragraph (5), in this Article "the relevant sum" means an amount equal to the weekly rate at which, on the assumption specified in paragraph (4), a pension would have commenced to be paid to the widow if she had satisfied the conditions for entitlement to a pension which are specified in the scheme.

(4) The assumption mentioned in paragraph (3) is that the earner died on the day after the termination of employment date, and no other assumption which is contrary to the facts is to be made for the purpose of calculating the relevant sum in a particular case.

(5) To the extent that amounts attributable to transfer credits have accrued by reason of any transfer before the commencement of this Article they are to be disregarded for the purposes of paragraph (1)(c) and (ii).

Provisions supplementary to Articles 43A and 43B

43C.—(1) Subject to paragraph (2), Articles 43A and 43B override any provision of a scheme to the extent that it conflicts with them.

(2) Articles 43A and 43B do not override a protected provision of a scheme.

(3) In paragraph (2) "protected provision" means—

(a) any provision contained in a scheme by virtue of—

(i) paragraph 9(2), 15(2), (3) or (4), 16(2), (3) or (4), 17(2) or 18 of Schedule 3; or

(ii) Article 38(7), (8) or (9) or 41; and

(b) any provision of a scheme to the extent that it deals with priorities on a winding-up; and

(c) any provision of a scheme which is included in it for the purpose of effecting a transfer of rights or liabilities authorised by regulations under Article 40(1).

(4) In making any calculation for the purposes of Article 43A or 43B—

(a) any commutation, forfeiture or surrender of the whole or part of a pension;

(b) any charge or lien on the whole or part of a pension; and

(c) any set-off against the whole or part of a pension,

shall be disregarded.

(5) Any reference in Article 43A or 43B to the weekly rate of a pension is to be construed, in relation to a pension payable otherwise than weekly, as a reference to the weekly sum which would be payable in respect of a pension of that amount payable weekly.

(6) Articles 43A and 43B do not apply to a pension to which an earner or his widow is entitled in respect of employment if before the commencement of this Article—

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- (a) he left the employment, or left it for the last time; or
- (b) the employment ceased, or ceased for the last time, to be contracted-out in relation to him.

(7) The Department may by regulations direct that Articles 43A and 43B and this Article shall have effect, in specified cases, subject to specified modifications.

(8) In paragraph (7) “modification” includes, without prejudice to the generality of that paragraph, addition, omission and amendment.

Advice of Occupational Pensions Board on questions whether Article 43A or 43B overrides provisions of schemes

43D. The Occupational Pensions Board may at any time, and shall if requested by the trustees or managers of an occupational pension scheme, advise on any question whether or not any provision of Article 43A or 43B (including, without prejudice to section 11(1) of the Interpretation Act (Northern Ireland) 1954, any such provision as modified by regulations under Article 43C(7)) does or does not override any provision of the scheme.

Determination of questions whether schemes conform with Articles 43A to 43C

43E.—(1) On an application made to them in respect of an occupational pension scheme (other than a public service pension scheme) by persons competent to make such an application in respect of it, the Occupational Pensions Board shall issue a determination on any such question as is mentioned in Article 43D.

(2) The persons competent to make an application under this Article in respect of a scheme are—

- (a) the trustees or managers of the scheme;
- (b) any person other than the trustees or managers who has power to alter any of the rules of the scheme;
- (c) any person who is an employer of persons in service in an employment to which the scheme applies;
- (d) any member or prospective member of the scheme;
- (e) such other persons as regulations may specify, in relation to any category of schemes into which the scheme falls, as being proper persons to make an application for the purposes of this Article in respect of a scheme of that category.”

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Article 15.

SCHEDULE 5

MISCELLANEOUS SOCIAL SECURITY AMENDMENTS

The principal Act

1. In section 48(2) (pension increases: supplementary provisions) after “45” insert “45A”.

2. In Schedule 17 (glossary of expressions) after the definition of “The Old Cases Act” insert the following definition—

“Payments by way of occupational pension” Has the same meaning as in Article 5 of the Social Security (No. 2) (Northern Ireland) Order 1980.”

The Pensions Order

3. In Article 2(2) (interpretation)—

(a) in the definition of “linked qualifying service”, for “40(4)” substitute “45(2A)”; and

(b) for the definition of “transfer credits” substitute the following definition—

““transfer credits” means rights allowed to an earner under the rules of an occupational pension scheme by reference to a transfer to that scheme of his accrued rights from another scheme.”

4. In Article 6(1) (exemption from liability to pay primary Class 1 contributions on earnings in respect of periods after pensionable age)—

(a) at the beginning insert “Except as may be prescribed”, and

(b) the words “in respect of any period” shall cease to have effect.

5. In Article 45 (premium on termination of contracted-out employment: additional provisions), after paragraph (2) insert the following paragraph—

“(2A) For the purposes of this Order any period of an earner’s service in an employment is linked qualifying service in relation to a later period of service (whether in the same or another employment) if—

(a) under the rules of a scheme applying to him in the earlier period of service there was made a transfer of his accrued rights under that scheme to another scheme applying to him in the later period of service; and

(b) in consequence of that transfer, there are (or were) allowed to him transfer credits under the rules of that other scheme,

except that, for any service to be taken into account as linked qualifying service, it must be actual service and no regard shall be had to any scheme rule which provides for service to be treated for any purposes of benefit or otherwise as longer or shorter than it actually was.”

The Social Security Act 1980 (c. 30)

6. In section 9(7) (enactments regulations under which are to be referred to the Social Security Advisory Committee) for the words “the Social Security (Northern Ireland) Acts 1975 to 1979”, in both places where they occur, substitute “the Social Security (Northern Ireland) Acts 1975 to 1984”.

The Social Security (Northern Ireland) Order 1982 (NI 16)

7. In Article 6(2) (qualifying days) for “as may be agreed” substitute “as may, subject to regulations, be agreed”.

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8. After Article 25 (statutory sick pay to count as remuneration for principal Act) insert the following Article—

“Deductions from statutory sick pay

25A.—(1) It is hereby declared for the avoidance of doubt that an agreement between an employer and an employee authorising any deductions from any statutory sick pay which the employer is liable to pay the employee in respect of any period shall not be void by reason only of Article 3(2)(a) if the employer—

- (a) is authorised by that or another agreement to make the same deductions from any contractual remuneration which he is liable to pay in respect of the same period; or
- (b) would be so authorised if he were liable to pay contractual remuneration in respect of that period.

(2) The Truck Act 1896 shall apply in relation to an agreement between an employer and a workman (within the meaning of that Act) for the deduction of any amount from statutory sick pay as it applies to a contract for any deduction from the sum contracted to be paid by an employer to a workman; and, accordingly, any reference in that Act to such a contract shall include a reference to such an agreement and any reference to the sum contracted to be paid shall include a reference to a payment of statutory sick pay.”.

The Social Security Adjudications (Northern Ireland)
Order 1983 (NI 17)

9. In Article 5 (transitional provisions and savings)—

- (a) at the end of paragraph (1) add “and Article 10 of the Health and Social Security (Northern Ireland) Order 1984”;
- (b) in paragraph (3), for the words from “and before” to the end of the paragraph substitute “and Article 10 of the Health and Social Security (Northern Ireland) Order 1984 and before the expiry of the period of six months beginning with their commencement”.

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Article 17.

SCHEDULE 6

REPEALS

PART I

HEALTH

Number	Title	Extent of repeal
1972 NI 14.	The Health and Personal Social Services (Northern Ireland) Order 1972.	<p>In Article 2(2), the definition of “dispensing optician”.</p> <p>In Article 5(5)(c), the words “and dispensing”.</p> <p>In Article 55(1)(d), the words “and dispensing”.</p> <p>In Article 61(2), sub-paragraph (e).</p> <p>In Article 62(2), in sub-paragraph (d), the words “, and the ophthalmic or dispensing optician who is to supply the appliances”, and sub-paragraphs (e) and (f).</p> <p>In Article 63(2), sub-paragraph (c).</p> <p>In Schedule 11, in Part I, in paragraph 1(1), head (e), and in Part II, in paragraph 14, the words “a dispensing optician”.</p> <p>In Schedule 15, in paragraph 1(a), the words “or 62(2)(e)” in both places where they occur.</p>
1978 NI 26.	The Health and Personal Social Services (Northern Ireland) Order 1978.	Article 13.

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PART II
SOCIAL SECURITY

Chapter or Number	Title	Extent of repeal
1975 c. 15.	The Social Security (Northern Ireland) Act 1975.	In section 12(1)(d), the words "and child". In section 41, subsection (2)(d) and subsection (3). In section 57, subsection (2). In Schedule 4, in Part IV, in sub-paragraphs (a) and (c) of paragraph 1 and in paragraph 3 the entries relating to increases for qualifying children. In Schedule 10, in paragraph 1(1), the words "and (2B)".
1975 NI 15.	The Social Security Pensions (Northern Ireland) Order 1975.	In Article 6(1), the words "in respect of any period". In Article 40, in paragraph (3), the definition of "transfer credits", and paragraph (4).
1975 NI 16.	The Child Benefit (Northern Ireland) Order 1975.	In Schedule 4, paragraph 26.
1977 NI 11.	The Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977.	In Article 18(2), the words "36(2)(b)".
1980 NI 8.	The Social Security (Northern Ireland) Order 1980.	In Article 4, paragraph (4).

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EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order is made only for purposes to which section 25 of the Health and Social Security Act 1984 applies. Those purposes correspond to the purposes of sections 1(3), (4) and (6) and 7(1), (3) and (4) and Parts II and III of that Act.

Part II of this Order amends the Health and Personal Social Services (Northern Ireland) Order 1972. *Article 3* abolishes the existing duty of Health and Social Services Boards to make arrangements for the supply of optical appliances under the general ophthalmic services. *Schedule 1* requires the Department by regulations to provide for payments to meet or contribute towards the cost of optical appliances for children, those with a defined financial need, and other specified persons. *Article 4* makes further provision for regulations regarding remuneration for general medical services, general dental services, general ophthalmic services and pharmaceutical services.

Part III of this Order amends the Social Security (Northern Ireland) Act 1975 and the Social Security Pensions (Northern Ireland) Order 1975. *Article 5* makes provision for the replacement of non-contributory invalidity pension payable under the Social Security (Northern Ireland) Act 1975 by a new benefit under that Act, severe disablement allowance. Other amendments include the abolition of child dependency increases payable with certain short-term benefits and of the lower rate industrial death benefit payable in respect of children of the deceased (*Schedule 3*) and provisions regarding late payment of Class 2 and Class 3 contributions under the Social Security (Northern Ireland) Act 1975 (*Articles 11 and 12*). *Articles 13 and 14* contain amendments relating to occupational pension schemes.