

1988 No. 77

**SOCIAL SECURITY****The Social Security Benefit (Persons Abroad)  
(Amendment) Regulations (Northern Ireland) 1988***Made* . . . . . 11th March 1988*Coming into operation* . . . . . 11th April 1988

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 82(5) and 126 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 Benefit (Persons Abroad) (Amendment) Regulations (Northern Ireland) 1988 and shall come into operation on 11th April 1988.

(2) In these regulations “the principal regulations” means the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(b).

*Modification of the Social Security (Northern Ireland) Act 1975 in relation to widow's payment*

2. After paragraph (2) of regulation 4 of the principal regulations there shall be inserted the following paragraph—

“(2A) In the case of a widow's payment, paragraph (1) above shall apply only where—

- (a) the woman or her late husband was in Northern Ireland at the time of his death; or
- (b) sub-paragraph (a) above does not apply but the woman returned to Northern Ireland within 4 weeks of her husband's death; or
- (c) the contribution conditions for widowed mother's allowance and widow's pension set out in paragraph 5 of Schedule 3 to the Act(c) or in regulation 6 of the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(d) are satisfied in relation to the woman.”.

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(a) 1975 c. 15

(b) S.R. 1978 No. 114; the relevant amending regulations are S.R. 1979 No. 392

(c) Paragraph 5 of Schedule 3 was amended by Article 21 of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)), paragraph 3 of Schedule 1 to the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)) and paragraph 2(5) and (6) of Schedule 8 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

(d) S.R. 1979 No. 243

*Amendment of regulation 5 of the principal regulations*

3. In regulation 5(1) of the principal regulations, for “section 120 of the Act (up-rating of benefits or increments in guaranteed minimum pensions)” there shall be substituted “Article 64 of the Social Security (Northern Ireland) Order 1986(a) (up-rating of benefits and increments in guaranteed minimum pensions)”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 11th March 1988.

(L.S.)

A. N. Burns

Assistant Secretary

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(a) S.I. 1986/1888 (N.I. 18)

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EXPLANATORY NOTE

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

These regulations amend the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978 (“the principal regulations”). They correspond to provision contained in regulations made by the Secretary of State for Social Services 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.

Regulation 2 amends regulation 4 of the principal regulations and is consequential upon the coming into operation of Article 37 of the Social Security (Northern Ireland) Order 1986, which provides for the replacement of widow’s allowance (a weekly benefit) with a widow’s payment (a lump sum payment). It provides for a person not to be disqualified for the receipt of widow’s payment by reason of absence abroad where either—

the widow or her late husband was in Northern Ireland at the date of his death or, where both were abroad, the widow returned to Northern Ireland within 4 weeks of that date; or

the contribution conditions for the receipt of widowed mother’s allowance and widow’s pension are satisfied.

Regulation 3 makes a minor amendment to regulation 5 of the principal regulations in relation to the up-rating of benefits and increments in guaranteed minimum pensions.