

1990 No. 123

SOCIAL SECURITY

**The Social Security Benefit (Persons Abroad)
(Amendment No. 2) Regulations (Northern Ireland) 1990**

Made 21st March 1990

Coming into operation 6th April 1990

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 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 No. 2) Regulations (Northern Ireland) 1990 and shall come into operation on 6th April 1990.

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

Amendment of the principal regulations

2.—(1) The principal regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 5(2) (application of disqualification in respect of up-rating of benefit) after “In this regulation” there shall be added “and in regulation 5A”.

(3) After regulation 5 there shall be inserted the following regulation—
“Rate of guaranteed minimum pension for the purposes of Article 31 of the Pensions Order

5A.—(1) Where a person is absent from Northern Ireland and disqualified for receiving additional Category A or Category B retirement pension, additional widowed mother’s allowance or additional widow’s pension then—

(a) the rate of guaranteed minimum pension shall for the purposes only of Article 31(1) of the Pensions Order(c) be determined in his case as if any order under Article 39A of the Pensions Order(d)

(a) 1975 c. 15

(b) S.R. 1978 No. 114, to which there are amendments not relevant to these regulations

(c) S.I. 1975/1503 (N.I. 15); Article 31(1) was amended by Article 19(1) of, and paragraph 5(a) of Schedule 9 to, the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

(d) Article 39A was inserted by Article 11(7) of the Social Security (Northern Ireland) Order 1986. See Article 2 of S.R. 1990 No. 52

which came into operation while he was disqualified had instead come into operation on the first day on which he ceased to be disqualified; and

- (b) so long as the person is disqualified, Article 39A(2) shall apply to him as if the reference to Article 31(1) were omitted.

(2) In this regulation "guaranteed minimum pension" has the meaning given to it in Article 28(2) of the Pensions Order(a) as construed in accordance with Article 11(4) of the Social Security (Northern Ireland) Order 1986(b).".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 21st March 1990.

(L.S.)

A. N. Burns

Assistant Secretary

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- (a) Article 28(2) was amended by paragraph 3(b) of Schedule 9 to the Social Security (Northern Ireland) Order 1986
(b) S.I. 1986/1888 (N.I. 18); Article 11(4) was amended by paragraph 14 of Schedule 6 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13))

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations which come into operation on 6th April 1990 further amend the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978. They correspond 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.

Under Article 31(1) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) ("the Pensions Order") where a person is entitled both to certain long-term social security benefits and to a guaranteed minimum pension, then the social security benefit may, in some circumstances, be reduced by the current rate of guaranteed minimum pension. These regulations provide that while a person who is absent from Northern Ireland is disqualified for receiving up-rating increases in the social security benefit then, for the purpose of the deduction under Article 31(1) of the Pensions Order, the rate of guaranteed minimum pension is to be determined as if it had not been up-rated during the period of the disqualification.