

1993 No. 487

SOCIAL SECURITY

**The Social Security (Severe Disablement Allowance)
(Amendment) Regulations (Northern Ireland) 1993***Made 20th December 1993**Coming into operation 13th January 1994*

The Department of Health and Social Services for Northern Ireland, being a designated Department(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in respect of matters relating to the equal treatment of men and women in relation to severe disablement allowance, in exercise of the powers conferred on it by that section 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 (Severe Disablement Allowance) (Amendment) Regulations (Northern Ireland) 1993 and shall come into operation on 13th January 1994.

(2) The Interpretation Act 1978(c) shall apply to these regulations as it applies to an Act of the United Kingdom Parliament.

*Amendment of the Social Security (Severe Disablement Allowance)
Regulations*

2. In regulation 19 of the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(d) (persons formerly entitled to non-contributory invalidity pension) after paragraph (1) there shall be inserted the following paragraph—

“(1A) A woman who—

(a) would have been entitled to a non-contributory invalidity pension immediately before 29th November 1984 but for the requirement that she be incapable of performing normal household duties (whether or not she made a claim for that pension); and

(b) has been continuously incapable of work since that date,

shall be entitled to a severe disablement allowance, whether or not she is disabled for the purposes of section 68 of the Social Security

(a) S.I. 1993/1571

(b) 1972 c. 68

(c) 1978 c. 30

(d) S.R. 1984 No. 317, to which there are amendments not relevant to these regulations

Contributions and Benefits (Northern Ireland) Act 1992(a) and whether or not she has attained the age referred to in subsection (4)(d) of that section, if she satisfies the other requirements for entitlement to that allowance.'''.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 20th December 1993.

(L.S.)

W. G. Purdy

Assistant Secretary

(a) 1992 c. 7

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations implement Council Directive 79/7/EEC (O.J. No. L 6, 10.1.79, p. 24) on the progressive implementation of the principle of equal treatment for men and women on matters of social security, in so far as that Directive is relevant to the transitional arrangements for the introduction of severe disablement allowance.

Under regulation 19 of the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984, persons who were entitled to a non-contributory invalidity pension immediately before both 10th September 1984 and 29th November 1984 automatically became entitled to a severe disablement allowance. These regulations extend that entitlement to certain women who had failed to qualify for a non-contributory invalidity pension because of a condition which applied to married women.

These regulations make in relation to Northern Ireland only provision corresponding 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 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.