1975 No. 295

SOCIAL SECURITY

The Family Allowances (Determination of Claims and Questions) (Amendment No. 2) Regulations (Northern Ireland) 1975

Made . . . . . *15th October* 1975

Coming into operation . . . *20th November* 1975

The Department(a) of Health and Social Services, in exercise of the powers conferred on it by section 12(1)(*f*) and (*g*) of the Family Allowances Act (Northern Ireland) 1966(b), added to that Act by Article 20(2) of the Child Benefit (Northern Ireland) Order 1975(c), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Family Allowances (Determination of Claims and Questions) (Amendment No. 2) Regulations (Northern Ireland) 1975 and shall come into operation on 20th November 1975.

Amendment of the Family Allowances (Determination of Claims and Questions) Regulations (Northern Ireland) 1968

2. In the Family Allowances (Determination of Claims and Questions) Regulations (Northern Ireland) 1968(d), as amended(e), after regulation 6 there shall be inserted the following regulation:

"*Treating an allowance as paid on account of arrears of non-contributory invalidity pension under the Social Security (Northern Ireland) Act 1975 and non-contributory invalidity pension as paid on account of arrears of an allowance*

6A.—(1) Where an allowance or allowances has or have been paid in respect of a child or children in a family and that allowance or those allowances is or are not required to be repaid, that allowance or one of those allowances shall be treated as having been paid on account of a non-contributory invalidity pension under the Social Security (Northern Ireland) Act 1975(f) in cases where in consequence of a subsequent decision under that Act a child who had been treated as included in that family is entitled to a non-contributory invalidity pension for any period for which that allowance or those allowances was or were paid and any arrears of non-contributory invalidity pension payable by virtue of the subsequent decision shall be reduced or withheld accordingly.

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) 1966 c. 8 (N.I.)
(c) S.I. 1975 No. 1504 (N.I. 16)
(d) S.R. & O. (N.I.) 1968 No. 174 (p. 818)
(e) There is no amendment relevant to the subject matter of this regulation.
(f) 1975 c. 15

(2) A non-contributory invalidity pension paid to a child which it is subsequently decided was not payable shall be treated as having been paid on account of an allowance in cases where in consequence of a subsequent decision under the Family Allowances Act that child is treated as included in a family for any period for which the non-contributory invalidity pension was paid and is not required to be repaid, and any arrears of allowance payable by virtue of that subsequent decision shall be reduced or withheld accordingly.".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 15th October 1975.

(L.S.) *C. G. Oakes*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations further amend the Family Allowances (Determination of Claims and Questions) Regulations (Northern Ireland) 1968 ("the principal regulations").

They insert into the principal regulations a new regulation which sets out the circumstances in which—

(*a*) an allowance paid under the Family Allowances Act (Northern Ireland) 1966 may be treated as having been paid on account of arrears of a non-contributory invalidity pension under the Social Security (Northern Ireland) Act 1975 which are payable to a person who had been treated as included in a family for the purposes of the 1966 Act; and

(*b*) a non-contributory invalidity pension paid to a child which it is subsequently decided was not payable may be treated as paid on account of arrears of an allowance under the 1966 Act which subsequently become payable.