1977 No. 166

SOCIAL SECURITY

The Social Security Benefit (Persons Residing Together) Regulations (Northern Ireland) 1977

Made . . . . . 10*th June* 1977

Coming into operation . . . . 27*th June* 1977

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 18(1) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(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 Residing Together) Regulations (Northern Ireland) 1977 and shall come into operation on 27th June 1977.

(2) In these regulations "the Act" means the Social Security (Northern Ireland) Act 1975(b) and other expressions have the same meanings as in the Act; and in these regulations any reference to a numbered section is to the section of the Act bearing that number.

Circumstances in which a person is to be treated as residing or not residing with another person or in which persons are to be treated as residing or not residing together

2.—(1) As respects any requirement of the Act, or contained in any provision made for the purposes thereof, any question as to whether—

(*a*) a person is or was residing with another person; or

(*b*) persons are residing together,

shall be determined in accordance with the following provisions of this regulation.

(2) In relation to—

(*a*) an increase in respect of an adult dependant under section 44 (increase of unemployment benefit or sickness benefit or of a maternity allowance), 45 (increase of Category A or Category C retirement pension or invalidity pension), 49 (increase of non-contributory invalidity pension or invalid care allowance) or 66 (increase of injury benefit and of a disablement pension where the beneficiary is entitled to unemployability supplement); or

(*b*) an adjustment of benefit under section 85(1)(*b*) (hospital in-patients),

two spouses shall not be treated as having ceased to reside together by reason only of the fact that either of them is, or they both are, undergoing medical or other treatment as an in-patient in a hospital or similar institution, whether such absence is temporary or not.

(a) S.I. 1977/610 (N.I. 11)
(b) 1975 c. 15

(3) In the case of a woman who has been widowed, she shall not be treated as having ceased to reside together with a child or person under the age of 19 by reason of any absence the one from the other which is not likely to be permanent.

(4) Subject to the foregoing provisions of this regulation, two persons shall not be treated as having ceased to reside together by reason of any temporary absence the one from the other.

Revocations

3. The regulations specified in column (1) of the Schedule are hereby revoked to the extent mentioned in column (3) of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 10th June 1977.

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

SCHEDULE Regulation 3

Regulations revoked

Citation (1)	*Statutory rule* (2)	*Extent of revocation* (3)
The Social Security (General Benefit) (Northern Ireland) Regulations 1975	S.R. 1975 No. 26 (I, p. 125)	Regulation 2
The Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975	S.R. 1975 No. 109 (I, p. 694)	Regulation 2(3)(*d*)

EXPLANATORY NOTE

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

These regulations make provision as to the circumstances in which a person is to be treated as residing or not residing with another person and as to the circumstances in which persons are to be treated as residing or not residing together. They also revoke former provisions which were contained in regulations.