1981 No. 28

SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Conditions of Entitlement) (Amendment) Regulations (Northern Ireland) 1981

Made . . . . . *2nd February 1981*

Coming into operation . . . *2nd February 1981*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 7(*b*) and 9(2) of the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**b**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Conditions of Entitlement) (Amendment) Regulations (Northern Ireland) 1981 and shall come into operation on 2nd February 1981.

(2) In these regulations "the principal regulations" means the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1980(**c**).

Amendment of regulation 2 of the principal regulations

2. In regulation 2 of the principal regulations (interpretation) the definition of "relevant education" shall be omitted.

Amendment of regulation 7 of the principal regulations

3. In regulation 7 of the principal regulations (circumstances in which persons are to be treated as available for employment), for paragraph (2) there shall be substituted the following paragraph—

"(2) A claimant who is attending for not more than 21 hours a week a course of education at an establishment recognised by the Department as being, or as comparable to, a college or school or a course of training or instruction analogous to a course for which a training allowance would be payable shall be treated as available for work if—

(*a*) he is prepared to terminate the course immediately a suitable vacancy becomes available to him;

(*b*) he has not terminated an employment or a course of education which was for more than 21 hours a week for the purpose of attending the course; and

(*c*) either he is aged less than 21 or, in the period immediately preceding the commencement of the course, he was in receipt of an allowance and had been registered and available for work for not less than 12 months pursuant to Article 7 of the Order.".

(**a**) S.I. 1977/2156 (N.I. 27): provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule

(**b**) 1980 c.30

(**c**) S.R. 1980 No. 416

Amendment of regulation 12 of the principal regulations

4. In regulation 12 of the principal regulations (circumstances in which persons receiving relevant education are to be entitled to supplementary benefit), there shall be added after paragraph (*d*) the following paragraph—

"(*e*) he is attending a course of education to which, and in circumstances in which, paragraph (2) of regulation 7 (part-time courses) applies and he satisfies the conditions in that paragraph.".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 2nd February 1981.

(L.S.) *T. S. Martin*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the provisions of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1980 ("the principal regulations") relating to part-time courses of education. Under Article 7 of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by the Social Security (Northern Ireland) Order 1980, the right of any person to supplementary allowance is subject to the condition that he is registered and available for employment. Under Article 9(2) of the Supplementary Benefits (Northern Ireland) Order 1977, a person aged 16 but under 19 who is receiving relevant education is not entitled to benefit except in prescribed circumstances.

Regulation 3 amends regulation 7 of the principal regulations so that persons who are attending certain courses of education or training which are for not more than 21 hours a week but who are prepared to terminate the course to take up employment are treated as available for employment.

Regulation 4 amends regulation 12 of the principal regulations so that a person aged 16 but under 19 who is attending such a course in such circumstances is eligible for benefit notwithstanding that the course may be relevant education.

Regulation 2 of these regulations provides for the omission from the principal regulations of a definition which is in consequence no longer necessary.