1985 No. 176

SOCIAL SECURITY

The Supplementary Benefit (Trade Disputes and Claims and Payments) (Amendment) Regulations (Northern Ireland) 1985

Made	*11th July 1985*
Coming into operation . . .	*26th July 1985*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 6(1) and 19(1) and (2)(*a*) of the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1.—(1) These regulations may be cited as the Supplementary Benefit (Trade Disputes and Claims and Payments) (Amendment) Regulations (Northern Ireland) 1985 and shall come into operation on 26th July 1985.

Amendment of the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980

2. After regulation 6 of the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980(**b**) there shall be inserted the following regulation—

"*Funeral expenses*

6A.—(1) Where—

(*a*) a member of the assessment unit is affected by a trade dispute; and

(*b*) he or any other member of the assessment unit takes responsibility for the cost of a funeral or cremation and the conditions specified in sub-paragraphs (*a*) to (*c*) of regulation 8(1) of the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981(**c**) (funeral expenses) are satisfied,

there shall, subject to regulation 3(3), be applicable to the claimant under paragraph 2 of Schedule 1 as an item of additional requirements an amount sufficient to meet any essential expenses of the funeral or cremation determined in accordance with paragraph (2).

(2) The amount mentioned in paragraph (1) shall be the aggregate of the cost of any items specified in paragraph (2) of regulation 8 of the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981 which fall to be met by the member of the assessment unit responsible for the cost of the funeral or cremation less the aggregate of any deductions specified in paragraph (3) of that regulation.".

(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) S.R. 1980 No. 417; regulation 3(3) was amended by S.R. 1982 No. 240 and S.R. 1983 No. 191 and there are other amendments not relevant to the subject matter of these regulations

(c) S.R. 1981 No. 369; the relevant amending regulations are S.R. 1982 No. 240, S.R. 1983 No. 191 and S.R. 1984 No. 266

Amendment of the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981

3. In regulation 5(2) of the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981(**a**) (time for claiming pension or allowance) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) where—

(i) the claimant has, in respect of that period, made a claim for benefit under the Act(**b**), family income supplement under the Family Income Supplements Act (Northern Ireland) 1971(**c**) or a war disablement pension as defined in the Resources Regulations(**d**), or notice of a day of incapacity for work for the purposes of statutory sick pay has, in respect of that period, been given by or on behalf of the claimant to his employer, and

(ii) his claim for a pension or allowance is made as soon as reasonably practicable after his receipt of the decision in respect of his claim for that benefit, supplement or pension or, in a case where notice of a day of incapacity for work was given for the purposes of statutory sick pay, as soon as reasonably practicable after he receives his first payment of statutory sick pay or information to the effect that he is not entitled to statutory sick pay,

on the day on which the claim for that benefit, supplement or pension was made or, as the case may be, on which that notice of a day of incapacity for work for the purposes of statutory sick pay was given;".

Sealed with the Official Seal of the Department of Health and Social Services on 11th July 1985.

(L.S.) *A. N. Burns*

Assistant Secretary

(a) S.R. 1981 No. 368; the relevant amending regulations are S.R. 1982 No. 240, S.R. 1983 Nos. 290 and 322 and S.R. 1984 No. 266

(b) *See* also Article 2(3) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) as amended by paragraph 14 of Schedule 3 to the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))

(c) 1971 c. 8 (N.I.)

(d) S.R. 1984 No. 54; to which there are amendments not relevant to the subject matter of these regulations

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980 (''the Trade Disputes Regulations'') and the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981 (''the Claims and Payments Regulations''). They correspond to provision contained in regulations made by the Secretary of State for Social Services 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.

A new regulation 6A is inserted into the Trade Disputes Regulations to provide that an amount in respect of funeral expenses may, in prescribed circumstances, be applicable in the calculation of supplementary benefit payable to a claimant whose assessment unit contains a person affected by a trade dispute.

Regulation 5(2) of the Claims and Payments Regulations is amended to provide that, where a person makes a claim for a supplementary pension or allowance under the Supplementary Benefits (Northern Ireland) Order 1977 (as extensively amended by the Social Security (Northern Ireland) Order 1980) in respect of a period prior to the date of that claim as soon as reasonably practicable after he receives statutory sick pay or information to the effect that he is not so entitled, his claim for that pension or allowance shall be treated as if it had been made on the day he notified his employer of the relevant day of incapacity for work for the purposes of statutory sick pay.

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This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading PUBLIC HEALTH.

1985 Nos. 178, 179, 180, 181

These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.