1986 No. 303

SOCIAL SECURITY

The Social Security Benefit (Persons Abroad) (Amendment No. 2) Regulations (Northern Ireland) 1986

Made	*19th September 1986*
Coming into operation . . .	*1st October 1986*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 51(1) and 126 of the Social Security (Northern Ireland) Act 1975(**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 Abroad) (Amendment No. 2) Regulations (Northern Ireland) 1986 and shall come into operation on 1st October 1986.

(2) In these regulations "the principal regulations" means the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(**b**).

Amendment of regulation 2(1)(b) of the principal regulations

2. In regulation 2(1)(*b*) of the principal regulations (modification of the Act in relation to various benefits) for "only of sickness benefit" there shall be substituted "of sickness benefit and invalidity benefit".

Amendment of regulation 12A of the principal regulations

3. At the end of regulation 12A of the principal regulations (modification of Parts II and III of the Act in relation to accidents happening or prescribed diseases contracted outside Northern Ireland) there shall be added the following paragraphs—

"(5) Where on or after 1st October 1986 a person to whom this paragraph applies sustains an accident arising out of, and in the course of, his employment, or contracts a prescribed disease due to the nature of his employment, such employment shall for the purposes of Chapters IV and V of Part II of the Act (benefit for industrial injuries and diseases) be treated as employed earner's employment notwithstanding that he is employed outside Northern Ireland, and any benefit which would be payable under those chapters but for the provisions of section 50(5) of the Act and regulation 12 of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986(**c**) shall be payable from the date of his return to Northern Ireland notwithstanding that the accident happened or the disease was contracted while he was outside it.

(6) Paragraph (5) applies to any person in respect of whom Class 1 contributions are payable by virtue of regulation 112 of the Social Security (Contributions) Regulations (Northern Ireland) 1979(**d**) or who is paying Class 2

(**a**) 1975 c. 15
(**b**) S.R. 1978 No. 114; the relevant amending regulations are S.R. 1979 No. 131, S.R. 1982 No. 82, S.R. 1983 No. 36 and S.R. 1984 No. 317
(**c**) S.R. 1986 No. 179, to which there are amendments not relevant to these regulations
(**d**) S.R. 1979 No. 186, to which there are amendments not relevant to these regulations

contributions under Case E (volunteer development workers) of those regulations(**a**).''.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 19th September 1986.

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

(**a**) *See* S.R. 1986 No. 71

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978 (''the principal 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.

Regulation 2 amends regulation 2(1)(*b*) of the principal regulations to add invalidity benefit to the category of benefit a person is not disqualified from receiving where his incapacity for work is the result of an industrial injury and his absence from Northern Ireland is for the specific purpose of receiving treatment for the injury.

Regulation 3 amends regulation 12A of the principal regulations in the case of a person who sustains an industrial accident or contracts a prescribed disease outside Northern Ireland, and is a person in respect of whom Class 1 contributions are payable by virtue of regulation 112 of the Social Security (Contributions) Regulations (Northern Ireland) 1979 or who is paying Class 2 contributions as a volunteer development worker under Case E of those regulations. The amendment confers the same right to benefit, from the date of his return to Northern Ireland, as in the case of an employed earner who has sustained an accident or disease in this country.