Status: *This version of this Rule contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Social Security Benefits Up-rating Order (Northern Ireland) 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2020 No. 40

SOCIAL SECURITY
STATUTORY MATERNITY PAY; STATUTORY SICK PAY; EMPLOYMENT; HOUSING; RATES

The Social Security Benefits Up-rating Order (Northern Ireland) 2020

Made - - - - 20th March 2020

Coming into operation in accordance with Article 1

Approved by resolution of the Assembly on 16th June 2020

This Order is made in exercise of the powers conferred by sections 132, 132A, 132B and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and now vested in the Department for Communities(**2**).

The Secretary of State has made an Order(**3**) under sections 150, 150A, 151, 151A and 189(1), (4) and (5) of the Social Security Administration Act 1992(**4**).

Accordingly, the Department for Communities makes the following Order:

PART 1

INTRODUCTION

Citation, commencement and effect

1.—(1) This Order may be cited as the Social Security Benefits Up-rating Order (Northern Ireland) 2020, and subject to paragraphs (2) and (3), shall come into operation for the purposes of—

(a) this Article and Articles 2 and 7 on 1st April 2020;

(b) Article 3—

(**1**) 1992 c. 8; section 132 was amended by paragraph 41 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 (c. 49), paragraph 9 of Schedule 4 to the Tax Credits Act 2002 (c. 21), section 3 of the Pensions Act (Northern Ireland) 2012 (c. 3 (N.I.)), regulation 2(2) of S.R. 2012 No. 120 and paragraph 55 of Schedule 13 to the Pensions Act (Northern Ireland) 2015 (c. 5 (N.I.)), section 132A was inserted by section 5(1) of the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.)), section 132B was inserted by paragraph 17 of Schedule 12 to the Pensions Act (Northern Ireland) 2015 and section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and section 18(5) of the National Insurance Contributions Act 2014 (c. 7)

(**2**) *See* Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(**3**) S.I. 2020/234

(**4**) 1992 c. 5

(i) in so far as it relates to any increase to which Article 7(9)(b) applies, on 1st April 2020, and

(ii) for all other purposes on 6th April 2020;

(c) Articles 4, 5, 6, 9, 12, 13, 14, 15, 16, 19 and 20, on 6th April 2020;

(d) Article 8, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 1st April 2020, and for the purpose of this sub-paragraph "benefit week" has the same meaning as in regulation 2(1) of the Computation of Earnings Regulations;

(e) Article 10, on 5th April 2020, except for the purpose of determining the rate of maternity allowance in accordance with section 35A(1) of the Contributions and Benefits Act(**5**) (appropriate weekly rate of maternity allowance under section 35), for which purpose it shall come into operation on 6th April 2020;

(f) Article 11, on 5th April 2020;

(g) Articles 17 and 18, on 9th April 2020;

(h) Articles 21, 22 and 23, in so far as they relate to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 6th April 2020, and for the purpose of this sub-paragraph "benefit week" has the same meaning as in the Income Support Regulations;

(i) Articles 24 and 25, in relation to a case where rent is payable at intervals of a week or any multiple thereof, on 6th April 2020, and in relation to any other case, on 1st April 2020;

(j) Articles 26, 27 and 28, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 6th April 2020, and for the purpose of this sub-paragraph "benefit week" has the same meaning as in the Jobseeker's Allowance Regulations 1996;

(k) Article 29, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 6th April 2020, and for the purpose of this sub-paragraph "benefit week" has the same meaning as in the Jobseeker's Allowance Regulations 2016;

(l) Article 30, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 6th April 2020, and for the purpose of this sub-paragraph "benefit week" has the same meaning as in the State Pension Credit Regulations;

(m) Article 31, in so far as it relates to a particular beneficiary, on the first day of the first week to commence for that beneficiary on or after 6th April 2020, and for the purpose of this sub-paragraph "benefit week" has the same meaning as in the Employment and Support Allowance Regulations 2008;

(n) Article 32, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 6th April 2020, and for the purposes of this sub-paragraph "benefit week" has the same meaning as in the Employment and Support Allowance Regulations 2016;

(o) Article 33, in so far as it relates to a particular beneficiary, on the first day of the first assessment period to commence for that beneficiary on or after 6th April 2020, and for the purpose of this sub-paragraph "assessment period" has the same meaning as in Article 12(2) of the Welfare Reform (Northern Ireland) Order 2015(**6**); and

(**5**) Section 35A was inserted by Article 50(3) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and amended by regulation 2(4) of S.R. 2014 No. 102 and subsection (1) was substituted by section 4(1)(a) of the Social Security Act (Northern Ireland) 2002 (c. 10 (N.I.))

(**6**) S.I. 2015/2006 (N.I. 1)

(p) Article 34, on 5th May 2020.

(2) In so far as Articles 3, 4, 5, 6, 10, 12, 13, 14, 17, 18, 19, 29 and 32 relate to a beneficiary in favour of whom an award of universal credit is in force, those Articles shall come into operation for the purposes of determining the beneficiary's unearned income in relation to that award on the same day as Article 33 comes into operation for that beneficiary.

(3) The changes made in the sums specified for rates or amounts of benefits in—

(a) Articles 3, 4, 5, 6, 12, 13 and 14; and

(b) Article 26(b), in so far as that sum is relevant for the purposes of establishing whether the rate of any benefit is not to be increased in respect of an adult dependant because the earnings of the dependant exceed a specified amount,

shall take effect for each case on the date specified in relation to that case in Article 7.

Commencement Information

I1 Art. 1 in operation at 1.4.2020, see art.1(1)(a)

Interpretation

2.—(1) In this Order—

"the Administration Act" means the Social Security Administration (Northern Ireland) Act 1992;

"the Contributions and Benefits Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**7**);

"the Pensions Act" means the Pensions Act (Northern Ireland) 2015(**8**);

"the Pension Schemes Act" means the Pension Schemes (Northern Ireland) Act 1993(**9**);

"the Computation of Earnings Regulations" means the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996(**10**);

"the Employment and Support Allowance Regulations 2008" means the Employment and Support Allowance Regulations (Northern Ireland) 2008(**11**);

"the Employment and Support Allowance Regulations 2016" means the Employment and Support Allowance Regulations (Northern Ireland) 2016(**12**);

"the Employment and Support Allowance Regulations 2017" means the Employment and Support Allowance (Consequential Amendments and Transitional and Savings Provisions) Regulations (Northern Ireland) 2017(**13**);

"the Great Britain Up-rating Order" means the Social Security Benefits Up-rating Order 2020(**14**);

"the Housing Benefit Regulations" means the Housing Benefit Regulations (Northern Ireland) 2006(**15**);

(**7**) 1992 c. 7
(**8**) 2015 c. 5 (N.I.)
(**9**) 1993 c. 49
(**10**) S.R. 1996 No. 520
(**11**) S.R. 2008 No. 280; relevant amending Rules are S.R. 2008 Nos. 413 and 503, S.R. 2010 No. 312, S.R. 2017 Nos. 51 and 148 and S.R. 2019 No. 188
(**12**) S.R. 2016 No. 219; relevant amending Rules are S.R. 2017 No. 51 and S.R. 2019 No. 188
(**13**) S.R. 2017 No. 51; relevant amending Regulations are S.R. 2017 No. 148
(**14**) S.I. 2020/234
(**15**) S.R. 2006 No. 405; relevant amending Rules are S.R. 2008 No. 378, S.R. 2009 No. 382, S.R. 2011 Nos. 136 and 357, S.R. 2012 No. 116, S.R. 2016 Nos. 236 and 310, S.R. 2017 No. 51 and S.R. 2019 No. 188

"the Housing Benefit (Abolition of the Family Premium and date of claim) Regulations" means the Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations (Northern Ireland) 2016(**16**);

"the Housing Benefit (SPC) Regulations" means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**17**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**18**);

"the Jobseeker's Allowance Regulations 1996" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**19**);

"the Jobseeker's Allowance Regulations 2016" means the Jobseeker's Allowance Regulations (Northern Ireland) 2016(**20**)

"the Loans for Mortgage Interest Regulations" means the Loans for Mortgage Interest Regulations (Northern Ireland) 2017(**21**);

"the State Pension Credit Regulations" means the State Pension Credit Regulations (Northern Ireland) 2003(**22**); and

"the Universal Credit Regulations" means the Universal Credit Regulations (Northern Ireland) 2016(**23**).

(2) Subject to paragraph (3), the Interpretation Act (Northern Ireland) 1954(**24**) shall apply to this Order as it applies to an Act of the Assembly.

(3) For the purposes of this Order and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

Commencement Information

I2 Art. 2 in operation at 1.4.2020, see **art. 1(1)(a)**

(**16**) S.R. 2016 No. 310
(**17**) S.R. 2006 No. 406; relevant amending Rules are S.R. 2008 No. 498, S.R. 2016 Nos. 236 and 310, S.R. 2017 No. 242 and S.R. 2019 No. 188
(**18**) S.R. 1987 No. 459; relevant amending Rules are S.R. 1988 Nos. 146 and 318, S.R. 1990 No. 346, S.R. 1993 No. 373, S.R. 1994 No. 77, S.R. 1995 Nos. 301 and 434, S.R. 1996 Nos. 199, 288 and 449, S.R. 1997 No. 3, S.R. 1998 No. 112, S.R. 1999 No. 472 (C. 36), S.R. 2000 No. 367, S.R. 2002 Nos. 132 and 323, S.R. 2003 Nos. 191 and 195, S.R. 2004 No. 394, S.R. 2007 No. 154, S.R. 2008 No. 503, S.R. 2011 No. 135, S.I. 2013/3021, S.R. 2016 No. 228, S.R. 2018 No. 37 and S.R. 2019 No. 188. *See* also regulation 4 of S.R. 2017 No. 79
(**19**) S.R. 1996 No. 198; relevant amending Rules are S.R. 1996 No. 288, S.R. 1997 No. 3, S.R. 1998 No. 112, S.R. 1999 No. 428 (C. 32), S.R. 2000 Nos. 350 and 367, S.R. 2001 No. 120, S.R. 2002 No. 323, S.R. 2003 Nos. 195 and 267, S.R. 2004 No. 394, S.R 2007 No. 154, S.R. 2008 No. 503, S.R. 2010 No. 103, S.R. 2011 No. 135, S.I. 2013/3021, S.R. 2015 No. 124, S.R. 2016 No. 228, S.R. 2017 No. 116, S.R. 2018 No. 187 and S.R. 2019 No. 188. *See* also regulation 5 of S.R. 2017 No. 79
(**20**) S.R. 2016 No. 218;
(**21**) S.R. 2017 No. 176; relevant amending Regulations are S.R. 2018 No. 37
(**22**) S.R. 2003 No. 28; relevant amending Rules are S.R. 2004 No. 394, S.R. 2006 No. 359, S.R. 2008 No. 503, S.R. 2016 No. 236, S.R. 2018 No. 135 and S.R. 2019 No. 188
(**23**) S.R. 2016 No. 216; relevant amending Rules are S.I. 2016/999 (N.I. 1), S.R. 2016 No. 226, S.R. 2017 Nos. 79, 146 and 147, S.R. 2018 No. 92 and S.R. 2019 No. 188
(**24**) 1954 c. 33 (N.I.)

PART 2

SOCIAL SECURITY BENEFITS AND PENSIONS

Rates or amounts of certain benefits under the Contributions and Benefits Act

3.—(1) From and including the respective dates specified in Article 7, the sums specified in paragraph (2) shall be increased so that Schedule 4 to the Contributions and Benefits Act (rates of benefits, etc.), except paragraph 5 of Part III (guardian's allowance) of that Schedule, has effect as set out in Schedule 1 to this Order.

(2) The sums mentioned in paragraph (1) are the sums specified in Parts I, III, IV and V of Schedule 4 to the Contributions and Benefits Act except, in—

(a) Part III, the sum specified for age addition to a pension of any category, and otherwise under section 79 of that Act;

(b) Part IV, the sums specified in column (2) (increase for qualifying child); and

(c) Part V(**25**), the sums specified for the increase in disablement pension for dependent children and death benefit allowance in respect of children and qualifying young persons.

Commencement Information

I3 Art. 3 in operation at 1.4.2020 in so far as not already in force, see art.1(1)(b) art. 1(2)(3)(a))

Rates or amounts of certain pensions and allowances under the Contributions and Benefits Act

4.—(1) The sums specified in paragraphs (2) to (5) shall be increased from and including the respective dates specified in Article 7.

(2) The sums falling to be calculated under paragraph 13(4) of Schedule 7 to the Contributions and Benefits Act (calculation of weekly rate of a beneficiary's retirement allowance) shall be increased by 1.7 per cent.

(3) In section 44(4) of the Contributions and Benefits Act(**26**) (basic pension of Category A retirement pension)—

(a) for "£107·65" substitute "£109·50"; and

(b) for "£129·20" substitute "£134·25".

(4) It is directed that the sums which are—

(a) the additional pensions in long-term benefits calculated by reference to any final relevant year earlier than the tax year 2019-20;

(b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(**27**) (pension increase or lump sum where entitlement to retirement pension is deferred);

(**25**) Part V was amended by paragraph 41 of Schedule 1 to the Child Benefit Act 2005 (c. 6) and Article 71 of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1))

(**26**) Section 44(4) was substituted by Article 64 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and amended by S.R. 2019 No. 188

(**27**) Schedule 5 was amended by paragraph 36 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993, paragraphs 6(2) to (4) and 18(12) to (17) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)), section 35(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)), paragraphs 2 to 13 of Schedule 9 to the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), paragraph 6 of the Schedule to S.R. 2005 No. 434 and paragraph 19 of Schedule 1 to the Pensions Act (Northern Ireland) 2008