Order made by the Department for Communities and laid before the Assembly under section 166(1) of the Social Security Administration (Northern Ireland) Act 1992 for approval of the Assembly before the expiration of six months from the date of its coming into operation

STATUTORY RULES OF NORTHERN IRELAND

2018 No. 167

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

The Social Security Benefits Up-rating (No. 2) Order (Northern Ireland) 2018

Made - - - -	*26th September 2018*
Coming into operation	*29th September 2018*

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:

(**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. 2018/281

(**4**) 1992 c. 5

PART 1

INTRODUCTION

Citation and commencement

1. This Order may be cited as the Social Security Benefits Up-rating (No. 2) Order (Northern Ireland) 2018 and shall come into operation on 29th September 2018.

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(**5**);

"the Pensions Act" means the Pensions Act (Northern Ireland) 2015(**6**);

"the Pension Schemes Act" means the Pension Schemes (Northern Ireland) Act 1993(**7**);

"the Computation of Earnings Regulations" means the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996(**8**);

"the Employment and Support Allowance Regulations 2008" means the Employment and Support Allowance Regulations (Northern Ireland) 2008(**9**);

"the Employment and Support Allowance Regulations 2016" means the Employment and Support Allowance Regulations (Northern Ireland) 2016(**10**);

"the Great Britain Up-rating Order" means the Social Security Benefits Up-rating Order 2018;

"the Housing Benefit Regulations" means the Housing Benefit Regulations (Northern Ireland) 2006(**11**);

"the Housing Benefit (SPC) Regulations" means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**12**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**13**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**14**);

(**5**) 1992 c. 7
(**6**) 2015 c. 5 (N.I.)
(**7**) 1993 c. 49
(**8**) S.R. 1996 No. 520
(**9**) S.R. 2008 No. 280; relevant amending Rules are S.R. 2008 Nos. 413 and 503, S.R. 2016 No. 110, S.R. 2017 No. 51 and S.R. 2018 Nos. 56 and 58
(**10**) S.R. 2016 No. 219; relevant amending Rules are S.R. 2017 No. 51 and S.R. 2018 Nos. 56 and 58
(**11**) 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. 110, 236, 310 and 375, S.R. 2017 No. 79 and S.R. 2018 Nos. 56 and 58
(**12**) S.R. 2006 No. 406; relevant amending Rules are S.R. 2008 No. 498, S.R. 2012 No. 116, S.R. 2016 Nos. 110, 236 and 310 and S.R. 2018 Nos. 56 and 58
(**13**) 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, 449 and 476, S.R. 1997 No. 3, S.R. 1998 No. 112, S.R. 1999 Nos. 382 and 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. 2006 No. 128, S.R. 2007 No. 154, S.R. 2011 No. 135, S.R. 2016 Nos. 110 and 228, S.R. 2017 No. 51 and S.R. 2018 Nos. 56 and 58. *See* also regulation 4 of S.R. 2017 No. 79
(**14**) S.R. 1996 No. 198; relevant amending Rules are S.R. 1996 Nos. 288 and 476, S.R. 1997 No. 3, S.R. 1998 No. 112, S.R. 1999 Nos. 382 and 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. 2006 No. 128, S.R 2007 No. 154, S.R. 2008 No. 503, S.R. 2010 No. 103, S.R. 2011 No. 135, S.I. 2013/3021 and S.R. 2018 Nos. 56 and 58. *See* also regulation 5 of S.R. 2017 No. 79

"the State Pension Credit Regulations" means the State Pension Credit Regulations (Northern Ireland) 2003(**15**); and

"the Universal Credit Regulations" means the Universal Credit Regulations (Northern Ireland) 2016(**16**).

(2) Subject to paragraph (3), the Interpretation Act (Northern Ireland) 1954(**17**) 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.

PART 2

SOCIAL SECURITY BENEFITS AND PENSIONS

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

3.—(1) 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(**18**), the sums specified for the increase in disablement pension for dependent children and death benefit allowance in respect of children and qualifying young persons.

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

4.—(1) 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 3·0 per cent.

(2) In section 44(4) of the Contributions and Benefits Act(**19**) (basic pension of Category A retirement pension)—

(a) for "£102·10" substitute "£105·15"; and

(b) for "£122·30" substitute "£125·95".

(3) 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 2017-18;

(**15**) 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. 110 and S.R. 2018 Nos. 56, 58 and 135

(**16**) 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 and 146 and S.R. 2018 Nos. 56 and 58

(**17**) 1954 c. 33 (N.I.)

(**18**) 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))

(**19**) 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. 2018 Nos. 56 and 58

(b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(**20**) (pension increase or lump sum where entitlement to retirement pension is deferred);

(c) lump sums to which surviving spouses or civil partners will become entitled under paragraph 7A of that Schedule on becoming entitled to a Category A or Category B retirement pension (entitlement to lump sum where pensioner's deceased spouse or civil partner has deferred entitlement); and

(d) payable to a pensioner as part of their Category A or Category B retirement pension by virtue of an order made under section 120 of the Social Security (Northern Ireland) Act 1975(**21**), Article 64 of the Social Security (Northern Ireland) Order 1986(**22**) or section 132 of the Administration Act,

shall in each case be increased by 3·0 per cent.

(4) The sums which are shared additional pensions under section 55A and 55AA of the Contributions and Benefits Act(**23**), and the sums which are increases in the rates of such pensions under paragraph 2 of Schedule 5A to that Act(**24**), shall in each case be increased by 3·0 per cent.

Rates or amounts of certain benefits under the Pension Schemes Act

5. It is directed that sums which are payable by virtue of section 11(1) of the Pension Schemes Act (increase of guaranteed minimum where commencement of guaranteed minimum pension postponed) to a person who is also entitled to a Category A or Category B retirement pension (including sums payable by virtue of section 13(2) and (3) of that Act(**25**)) shall be increased by 3·0 per cent. where the increase under section 11(1) is attributable to earnings factors for the tax year 1987-88 and earlier tax years(**26**).

Rates or amounts of certain pensions under Part 1 of the Pensions Act

6.—(1) In regulation 1A of the State Pension Regulations (Northern Ireland) 2015(**27**) (full rate of state pension) for "£159·55" substitute "£164·35".

(2) It is directed that the sums which are increases under section 17 of the Pensions Act in the rates of state pensions under Part 1 of that Act shall be increased by 3·0 per cent.

(3) The amounts which, under—

(a) section 9 of the Pensions Act, are survivor's pensions based on inheritance of deferred old state pension;

(**20**) 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

(**21**) 1975 c. 15; section 120 was amended by paragraph 9 of Schedule 3 to the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)) and repealed by Schedule 1 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)

(**22**) S.I. 1986/1888 (N.I. 18); Article 64 was repealed by Schedule 1 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992

(**23**) Section 55A was inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and amended by section 37(3) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and paragraph 4 of Schedule 11 to the Pensions Act (Northern Ireland) 2015, and section 55AA was inserted by paragraph 5 of Schedule 11 to that Act

(**24**) Schedule 5A was inserted by paragraph 14 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(**25**) Section 13(2) was amended by paragraph 5(b) of Schedule 1 to S.R. 2005 No. 433

(**26**) *See* section 132(4) of the Social Security Administration (Northern Ireland) Act 1992 as amended by paragraph 41(c) of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993; *see* also S.R. 2018 No. 42

(**27**) S.R. 2015 No. 315; regulation 1A was inserted by regulation 2 of S.R. 2016 No. 88 and amended by S.R. 2018 Nos. 56 and 58

(b) paragraph 4(3) of Schedule 2 to the Pensions Act, are the amounts of state pensions under Part 1 of the Pensions Act at the transitional rate which exceed the full rate;

(c) paragraphs 5(3) and 6 of Schedule 4 to the Pensions Act, are the amounts of survivor's pensions which either alone or in combination with one or more other pensions under Part 1 of that Act exceed the full rate; and

(d) paragraphs 5(3) and 6 of Schedule 9 to the Pensions Act, are the amounts of shared state pensions under Part 1 of the Pensions Act which either alone or in combination with one or more other pensions under Part 1 of that Act exceed the full rate,

shall in each case be increased by 3·0 per cent.

(4) For the purpose of this Article, "old state pension" has the same meaning as in section 22 of the Pensions Act.

Earnings limits

7. In section 80(4) of the Contributions and Benefits Act(**28**) (earnings limits in respect of child dependency increases)—

(a) for "£230·00", in both places where it occurs, substitute "£235·00"; and

(b) for "£30·00" substitute "£31·00".

Statutory sick pay

8. In section 153(1) of the Contributions and Benefits Act(**29**) (rate of payment) for "£89·35" substitute "£92·05".

Statutory maternity pay

9. In regulation 6 of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**30**) (prescribed rate of statutory maternity pay) for "£140·98" substitute "£145·18".

Statutory paternity pay, statutory adoption pay and statutory shared parental pay

10.—(1) In the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations (Northern Ireland) 2002(**31**)—

(a) in regulation 2(a) (weekly rate of payment of statutory paternity pay) for "£140·98" substitute "£145·18"; and

(b) in regulation 3(a) (weekly rate of payment of statutory adoption pay) for "£140·98" substitute "£145·18".

(2) In regulation 40(1)(a) of the Statutory Shared Parental Pay (General) Regulations (Northern Ireland) 2015(**32**) (weekly rate of payment of statutory shared parental pay) for "£140·98" substitute "£145·18".

(**28**) Section 80 was repealed by Schedule 6 to the Tax Credits Act 2002; *see* also Article 2 of S.R. 2003 No. 212 which saves the repealed provision in certain circumstances. Section 80(4) was amended by Article 7 of S.R. 2018 No. 56 and by Article 8 of S.R. 2018 No. 58

(**29**) Section 153(1) was amended by Article 10(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994, Article 8 of S.R. 2018 No. 56 and Article 9 of S.R. 2018 No. 58

(**30**) S.R. 1987 No. 30; relevant amending Rules are S.R. 2002 No. 354 and S.R. 2018 Nos. 56 and 58

(**31**) S.R. 2002 No. 380; relevant amending Rules are S.R. 2004 No. 111 and S.R. 2018 Nos. 56 and 58

(**32**) S.R. 2015 No. 94; relevant amending Rules are S.R. 2018 Nos. 56 and 58