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

2017 No. 56

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

The Social Security Benefits Up-rating Order (Northern Ireland) 2017

Made - - - - 15th March 2017

Coming into operation in accordance with Article 1

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. 2017/260

(**4**) 1992 c. 5

PART 1

INTRODUCTION

Citation, commencement and effect

1.—(1) This Order may be cited as the Social Security Benefits Up-rating Order (Northern Ireland) 2017 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 2017;

(b) Article 3—

(i) in so far as it relates to any increase to which Article 7(9)(b) applies, on 1st April 2017, and

(ii) for all other purposes, on 10th April 2017;

(c) Articles 4, 5, 6, 12, 13, 14, 15, 16 and 19, on 10th April 2017;

(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 2017 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 9, on 6th April 2017;

(f) Article 10, on 2nd April 2017, 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 10th April 2017;

(g) Article 11, on 2nd April 2017;

(h) Articles 17 and 18, on 6th April 2017;

(i) Articles 20 and 21, 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 10th April 2017 and, for the purpose of this sub-paragraph, "benefit week" has the same meaning as in the Income Support Regulations;

(j) Articles 22 and 23, in relation to a case where rent is payable at intervals of a week or any multiple thereof, on 3rd April 2017, and in relation to any other case, on 1st April 2017;

(k) Article 24, 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 10th April 2017 and, for the purpose of this sub-paragraph, "benefit week" has the same meaning as in the Jobseeker's Allowance Regulations;

(l) Article 25, 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 10th April 2017 and, for the purpose of this sub-paragraph, "benefit week" has the same meaning as in the State Pension Credit Regulations;

(m) Article 26, 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 10th April 2017 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 27, 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 10th April 2017 and, for the

(**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 subsection (1) was substituted by section 4(1)(a) of the Social Security Act (Northern Ireland) 2002 (c. 10 (N.I.))

purpose of this sub-paragraph, "benefit week" has the same meaning as in the Employment and Support Allowance Regulations 2016;

(o) Article 28, 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 10th April 2017 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

(p) Article 29, on 9th May 2017.

(2) In so far as Articles 3, 4, 10, 12, 19 and 27 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 28 comes into operation for that beneficiary.

(3) The changes made in the sums specified for rates or amounts of benefit in Articles 3, 4, 5, 6, 12, 13 and 14 shall take effect for each case on the date specified in relation to that case in Article 7.

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 Housing Benefit Regulations" means the Housing Benefit Regulations (Northern Ireland) 2006(**13**);

"the Housing Benefit (SPC) Regulations" means the Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations (Northern Ireland) 2006(**14**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**15**);

(**6**) S.I. 2015/2006 (N.I. 1)
(**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. 340, S.R. 2015 No. 124 and S.R. 2016 Nos. 44 and 110
(**12**) S.R. 2016 No. 219
(**13**) 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. 2015 No. 124 and S.R. 2016 Nos. 110, 310 and 326
(**14**) S.R. 2006 No. 406; relevant amending Rules are S.R. 2008 No. 498, S.R. 2012 No. 116, S.R. 2015 No. 124 and S.R. 2016 Nos. 110 and 310
(**15**) S.R. 1987 No. 459; relevant amending Rules are S.R. 1988 Nos. 146 and 318, S.R. 1990 Nos. 131 and 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. 371 (C. 28), 382 and 472 (C. 36), S.R. 2000 Nos. 4, 71 and 367, S.R. 2001 No. 406, S.R. 2002 Nos. 132 and

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**16**);

"the State Pension Credit Regulations" means the State Pension Credit Regulations (Northern Ireland) 2003(**17**); and

"the Universal Credit Regulations" means the Universal Credit Regulations (Northern Ireland) 2016(**18**).

(2) Subject to paragraph (3), the Interpretation Act (Northern Ireland) 1954(**19**) 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) 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 benefit, 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(**20**), the sums specified for 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 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 1·0 per cent.

323, S.R. 2003 Nos. 191 and 195, S.R. 2004 Nos. 394 and 461, S.R. 2006 No. 128, S.R. 2007 Nos. 154 and 396, S.R. 2008 No. 503, S.R. 2010 Nos. 58 and 340, S.R. 2011 No. 135, S.R. 2015 No. 124 and S.R. 2016 Nos. 44, 110 and 228

(**16**) S.R. 1996 No. 198; relevant amending Rules are S.R. 1996 Nos. 288, 356, 358 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. 71, 350 and 367, S.R. 2001 Nos. 120 and 406, S.R. 2002 No. 323, S.R. 2003 Nos. 195 and 267, S.R. 2004 Nos. 394 and 461, S.R. 2006 No. 128, S.R 2007 No. 154, S.R. 2008 No. 503, S.R. 2010 Nos. 69, 103 and 340, S.R. 2011 No. 135, S.I. 2013/3021, S.R. 2015 No. 124 and S.R. 2016 Nos. 44 and 110

(**17**) S.R. 2003 No. 28; relevant amending Rules are S.R. 2004 Nos. 394 and 461, S.R. 2005 No. 580, S.R. 2006 Nos. 97 and 359, S.R. 2007 No. 396, S.R. 2008 No. 503, S.R. 2010 No. 340, S.R. 2015 No. 124 and S.R. 2016 Nos. 92 and 110

(**18**) S.R. 2016 No. 216

(**19**) 1954 c. 33 (N.I.)

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

(3) In section 44(4) of the Contributions and Benefits Act(**21**) (basic pension of Category A retirement pension)—

(a) for "£101·10" substitute "£102·10"; and

(b) for "£119·30" substitute "£122·30".

(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 2016-17;

(b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(**22**) (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(**23**), Article 64 of the Social Security (Northern Ireland) Order 1986(**24**) or section 132 of the Administration Act,

shall in each case be increased by 1·0 per cent.

(5) The sums which are shared additional pensions under section 55A and 55AA of the Contributions and Benefits Act(**25**), and the sums which are increases in the rates of such pensions under paragraph 2 of Schedule 5A to that Act(**26**), shall in each case be increased by 1·0 per cent.

Rates or amounts of certain benefits under the Pension Schemes Act

5.—(1) It is directed that the sums specified in paragraph (2) shall be increased from and including the respective dates specified in Article 7.

(2) 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(**27**)) shall be increased by 1·0 per cent. where the increase under section 11(1) is attributable to earnings factors for the tax year 1987-88 and earlier tax years(**28**).

(**21**) 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 Article 4(3) of S.R. 2015 No. 124 and Article 4 of S.R. 2016 No. 92

(**22**) 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

(**23**) 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)

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

(**25**) 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

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

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

(**28**) *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. 2017 No. 47