STATUTORY RULES OF NORTHERN IRELAND

2009 No. 89

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

The Social Security Benefits Up-rating Order (Northern Ireland) 2009

Made - - - - 10th March 2009

Coming into operation in accordance with Article 1

Approved by resolution of the Assembly on 8th June 2009

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

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

Accordingly, the Department for Social Development makes the following Order:

PART I

INTRODUCTION

Citation, commencement and effect

1.—(1) This Order may be cited as the Social Security Benefits Up-rating Order (Northern Ireland) 2009 and, subject to paragraph (2), shall come into operation for the purposes of—

(a) this Article and Articles 2 and 6 on 1st April 2009;

(b) Article 3—

(i) in so far as it relates to any increase to which Article 6(10)(b) applies, on 1st April 2009, and

(**1**) 1992 c. 8; section 132 was amended by paragraph 41 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 (c. 49), section 132A was inserted by section 5(1) of the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.)) 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)

(**2**) *See* Article 8(b) of S.R. 1999 No. 481

(**3**) S.I. 2009/497

(**4**) 1992 c. 5

(ii) for all other purposes, on 6th April 2009;

(c) 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 2009 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;

(d) Article 10 on 5th April 2009, except for the purpose of determining the rate of maternity allowance in accordance with section 35A(1) of the Contributions and Benefits Act(**5**) for which purpose it shall come into operation on 6th April 2009;

(e) Article 11 on 5th April 2009;

(f) Articles 4, 5, 7, 9, 12 and 13 on 6th April 2009;

(g) Articles 14, 15 and 26 on 9th April 2009;

(h) Articles 16 to 18, 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 2009 and, for the purpose of this sub-paragraph, "benefit week" has the same meaning as in the Income Support Regulations;

(i) Articles 19 and 20, in relation to a case where rent is payable at intervals of a week or any multiple thereof, on 6th April 2009, and in relation to any other case, on 1st April 2009;

(j) Articles 21 to 23, in so far as they relate to a particular beneficiary—

(i) for the purposes of Article 21(c), in so far as it relates to an increase to which Article 6(10)(b) applies, on 1st April 2009, and

(ii) for all other purposes, on the first day of the first benefit week to commence for that beneficiary, on or after 6th April 2009, and for the purposes of this head "benefit week" has the same meaning as in the Jobseeker's Allowance Regulations;

(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 6th April 2009 and, for the purpose of this sub-paragraph, "benefit week" has the same meaning as in the State Pension Credit Regulations; and

(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 6th April 2009 and, for the purpose of this sub-paragraph, "benefit week" has the same meaning as in the Employment and Support Allowance Regulations.

(2) The changes made—

(a) in the sums specified for rates or amounts of benefit under the Contributions and Benefits Act or the Pension Schemes Act; and

(b) by Article 21(c), in so far as it is relevant for the purposes referred to in Article 6(10),

shall take effect for each case on the date specified in relation to that case in Article 6.

Interpretation

2.—(1) In this Order—

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

(**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.))

"the Contributions and Benefits Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**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" means the Employment and Support Allowance Regulations (Northern Ireland) 2008(**9**);

"the Housing Benefit Regulations" means the Housing Benefit Regulations (Northern Ireland) 2006(**10**);

"the Housing Benefit (SPC) Regulations" means the Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations (Northern Ireland) 2006(**11**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**12**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**13**);

"the State Pension Credit Regulations" means the State Pension Credit Regulations (Northern Ireland) 2003(**14**).

(2) Subject to paragraph (3), the Interpretation Act (Northern Ireland) 1954(**15**) 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 II

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 6—

(a) the sums specified in paragraph (2) shall be increased; and

(b) the sums specified in paragraph 3 (age related addition) of Part III of Schedule 4 to the Contributions and Benefits Act (rates of benefit, etc.) shall be reduced,

(**6**) 1992 c. 7
(**7**) 1993 c. 49
(**8**) S.R. 1996 No. 520
(**9**) S.R. 2008 No. 280; relevant amending Regulations are S.R. 2008 Nos. 413 and 503
(**10**) S.R. 2006 No. 405; relevant amending Rules are S.R. 2008 Nos. 92 and 378
(**11**) S.R. 2006 No. 406; relevant amending Rules are S.R. 2008 Nos. 92 and 498
(**12**) S.R. 1987 No. 459; relevant amending Rules are S.R. 1988 Nos. 146 and 318, S.R. 1989 Nos. 139 and 249, S.R. 1990 Nos. 213 and 346, S.R. 1994 No. 77, S.R. 1995 Nos. 86, 301 and 434, S.R. 1996 Nos. 199, 288 and 476, S.R. 1997 Nos. 3 and 165, S.R. 1998 No.112, S.R. 1999 Nos. 371 (C. 28), 382 and 472 (C. 36), S.R. 2000 Nos. 4, 71, 260 and 367, S.R. 2001 No. 406, S.R. 2002 No. 323, S.R. 2003 Nos. 191 and 261, S.R. 2004 Nos. 394 and 461, S.R. 2006 Nos. 97 and 128 and S.R 2007 No. 154 and S.R. 2008 Nos. 92 and 503
(**13**) 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, 260, 350 and 367, S.R. 2001 Nos. 120 and 406, S.R. 2002 Nos. 132 and 323, S.R. 2003 Nos. 261 and 267, S.R. 2004 Nos. 394 and 461, S.R. 2005 No. 536, S.R. 2006 No. 128 and S.R 2007 No. 154 and S.R. 2008 Nos. 92, 112, 286 and 503
(**14**) S.R. 2003 No. 28; relevant amending Rules are S.R. 2004 Nos. 394 and 461, S.R. 2006 Nos. 97 and 359 and S.R. 2008 Nos. 92 and 503
(**15**) 1954 c. 33 (N.I.)

so that that Schedule, except paragraph 5 of Part III (guardian's allowance), 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 sums specified for—

(i) age related addition, and

(ii) 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(**16**), the sums specified for the increase in disablement pension for dependent children, widow's pension (initial rate) and death benefit allowance in respect of children and qualifying young persons.

Rates or amounts of certain pensions or 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 6.

(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 5·0 per cent.

(3) In section 44(4) of the Contributions and Benefits Act(**17**) (basic pension of Category A retirement pension)—

(a) for "£81·10" substitute "£86·20"; and

(b) for "£90·70" substitute "£95·25".

(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 2008-09;

(b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(**18**) (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; and

(d) payable to a pensioner as part of his Category A or Category B retirement pension by virtue of an order made under section 120 of the Social Security (Northern Ireland) Act 1975(**19**), Article 64 of the Social Security (Northern Ireland) Order 1986(**20**) or section 132 of the Administration Act,

(**16**) Part V was amended by paragraph 41 of Schedule 1 to the Child Benefit Act 2005 (c. 6)

(**17**) 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. 2008 No. 92

(**18**) Schedule 5 was amended by paragraph 36 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993, paragraph 40 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)), paragraph 18(15) and (18) 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 paragraphs 19 and 20 of Schedule 1 and Part 3 of Schedule 6 to the Pensions Act (Northern Ireland) 2008

(**19**) 1975 c. 15; section 120 was repealed by Schedule 1 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)

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

shall in each case be increased by 5·0 per cent.

(5) The sums which are shared additional pensions under section 55A of the Contributions and Benefits Act(**21**), and the sums which are increases in the rates of such pensions under paragraph 2 of Schedule 5A to that Act(**22**), shall in each case be increased by 5·0 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 6.

(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 is 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) shall be increased by—

(a) 5·0 per cent. where the increase under section 11(1) is attributable to earnings factors for the tax year 1987-88 and earlier tax years(**23**); and

(b) 2·0 per cent. where the increase under section 11(1) is attributable to earnings factors for the tax years 1988-89 to 1996-97 inclusive.

Dates on which sums specified for rates or amounts of benefit under the Contributions and Benefits Act or the Pension Schemes Act are changed by this Order

6.—(1) Paragraphs (2) to (9), which are subject to the provisions of paragraph (10), specify the date on which the changes made by this Order in the sums specified for rates or amounts of benefit under the Contributions and Benefits Act or the Pension Schemes Act shall take effect for each case.

(2) Subject to paragraph (3), any increases in the sums mentioned in Articles 3, 4 and 12 for Category A and Category B retirement pension and graduated retirement benefit together with, where appropriate, any increases for dependants, shall take effect on 6th April 2009.

(3) In the case of a person over pensionable age—

(a) whose entitlement to a Category A retirement pension is deferred; and

(b) for whom the rate of short-term incapacity benefit falls to be calculated in accordance with section 30B(3) of the Contributions and Benefits Act(**24**),

any increases in the sums mentioned in Articles 3, 4 and 12 for Category A and Category B retirement pension and graduated retirement benefit together with, where appropriate, any increases for dependants, shall take effect on 9th April 2009.

(4) The increases in the sums mentioned in Articles 4(4)(d) and 5(2) shall take effect on 6th April 2009.

(5) Any increases in the sums specified for—

(a) the rate of—

(i) Category C and Category D retirement pension,

(ii) attendance allowance, and

(**21**) 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

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

(**23**) *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. 2009 No. 80

(**24**) Section 30B was inserted by Article 4(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and amended by paragraph 18(3) of Schedule 2 to the Pensions (Northern Ireland) Order 1995, paragraph 21 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and paragraph 69 of Schedule 24 to the Civil Partnership Act 2004 (c. 33)