STATUTORY RULES OF NORTHERN IRELAND

2004 No. 82

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

The Social Security Benefits Up-rating Order (Northern Ireland) 2004

Made - - - - 4th March 2004

Coming into operation in accordance with Article 1

Whereas the Secretary of State has made an Order(**1**) under sections 150, 151 and 189(1), (4) and (5) of the Social Security Administration Act 1992(**2**):

Now, therefore, the Department for Social Development, in exercise of the powers conferred by sections 132 and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**3**), and now vested in it(**4**), and of all other powers enabling it in that behalf, hereby 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) 2004 and, subject to paragraph (2), shall come into operation for the purposes of –

(a) Articles 1, 2 and 6 on 1st April 2004;

(b) 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 2004 and, for the purpose

(**1**) S.I. 2004/552
(**2**) 1992 c. 5
(**3**) 1992 c. 8; section 132 was amended by paragraph 41 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 (c. 49) 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)
(**4**) *See* Article 8(b) of S.R. 1999 No. 481

of this sub-paragraph, "benefit week" has the same meaning as in the Computation of Earnings Regulations;

(c) Articles 10 and 11 on 4th April 2004;

(d) Article 9 on 6th April 2004;

(e) Articles 3 to 5, 7, 12 and 13 and 24 on 12th April 2004;

(f) Articles 14, 15 and 25 on 15th April 2004;

(g) 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 12th April 2004 and, for the purpose of this sub-paragraph, "benefit week" has the same meaning as in the Income Support Regulations;

(h) Articles 19 and 20, in relation to a case where rent is payable at intervals of a week or any multiple thereof, on 5th April 2004, and in relation to any other case, on 1st April 2004; and

(i) Articles 21 to 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 12th April 2004 and, for the purpose of this sub-paragraph, "benefit week" has the same meaning as in the Jobseeker's Allowance Regulations.

(2) The increases 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(11),

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;

"the Contributions and Benefits Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**5**);

"the Pension Schemes Act" means the Pension Schemes (Northern Ireland) Act 1993(**6**);

"the Computation of Earnings Regulations" means the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996(**7**);

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**8**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**9**);

(**5**) 1992 c. 7
(**6**) 1993 c. 49
(**7**) S.R. 1996 No. 520
(**8**) S.R. 1987 No. 461; relevant amending rules are S.R. 1988 No. 314, S.R. 1992 No. 549, S.R. 1994 No. 88, S.R. 1996 Nos. 93 and 448, S.R. 1997 Nos. 3, 4, 22 and 515, S.R. 1998 Nos. 73 and 112, S.R. 1999 No. 298 and 382, S.R. 2000 Nos. 260 and 367, S.R. 2001 No. 259, S.R. 2002 No. 323 and S.R. 2003 Nos. 1, 155, 196, 197, 261, 338, and 418
(**9**) S.R. 1987 No. 459; relevant amending rules are S.R. 1988 Nos. 146, 318 and 431, S.R. 1989 Nos. 139 and 249, S.R. 1990 Nos. 131, 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 Nos. 81 and 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 Nos. 132 and 323 and S.R. 2003 Nos. 155, 191 and 261 and S.R. 2004 No. 72

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**10**);

"the State Pension Credit Regulations" means the State Pension Credit Regulations (Northern Ireland) 2003(**11**).

(2) The Interpretation Act (Northern Ireland) 1954(**12**) shall apply to this Order as it applies to an Act of the Assembly.

PART II

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 from and including the respective dates specified in Article 6 so that Schedule 4 to the Contributions and Benefits Act (rates of benefit, etc.), except paragraph 5 of Part III of that Schedule (guardian's allowance), has effect as set out in Schedule 1.

(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 I, the sum specified for child's special allowance;

(b) Part III, the sum specified for –

(i) guardian's allowance, and

(ii) age addition to a pension of any category, and otherwise under section 79 of that Act;

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

(d) Part V, 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.

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 2.8 per cent. of their amount apart from this Order.

(3) In section 44(4) of the Contributions and Benefits Act(**13**) (basic pension of Category A retirement pension) –

(a) for "£69·20" there shall be substituted "£71·15"; and

(b) for "£77·45" there shall be substituted "£79·60".

(4) It is hereby directed that the sums which are –

(**10**) 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, 267 and 323 and S.R. 2003 Nos. 155, 261 and 267

(**11**) S.R. 2003 No. 28; relevant amending regulations are S.R. 2003 Nos. 261 and 421

(**12**) 1954 c. 33 (N.I.)

(**13**) Section 44(4) was substituted by Article 64 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

(a) the additional pensions in long-term benefits calculated by reference to any final relevant year earlier than the tax year 2003-04 shall be increased by 2·8 per cent. of their amount apart from this Order;

(b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(**14**) (increase of pension where entitlement is deferred) shall be increased by 2·8 per cent. of their amount apart from this Order; and

(c) 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(**15**), Article 64 of the Social Security (Northern Ireland) Order 1986(**16**) or section 132 of the Administration Act shall be increased by 2·8 per cent. of their amount apart from this Order.

(5) The sums which are shared additional pensions under section 55A of the Contributions and Benefits Act(**17**), and the sums which are increases in the rates of such pensions under section 55C of that Act, shall in each case be increased by 2·8 per cent. of their amount apart from this Order.

Rates or amounts of certain benefits under the Pension Schemes Act

5.—(1) It is hereby 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) of that Act) shall be increased by 2.8 per cent. of their amount apart from this Order where the increase under section 11(1) is attributable to earnings factors for the tax year 1987-88 and earlier tax years(**18**).

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

6.—(1) Paragraphs (2) to (9), which are subject to the provisions of paragraphs (10) and (11), specify the date on which the increases 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 specified in Articles 3, 4 and 12 for Category A and Category B retirement pension and graduated retirement benefit together with, where appropriate, increases for dependants, shall take effect on 12th April 2004.

(3) In the case of a person over pensionable age whose entitlement to a Category A retirement pension is deferred and for whom the rate of short-term incapacity benefit falls to be calculated in

(**14**) 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(12) to (18) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)) and section 35(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)

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

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

(**17**) Sections 55A and 55C were inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions (Northern Ireland) Order 1999; section 55A was amended by section 37(3) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(**18**) *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* the Guaranteed Minimum Pensions Increase Order (Northern Ireland) 2004 (S.R. 2004 No. 79)

accordance with section 30B(3) of the Contributions and Benefits Act(**19**), 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 15th April 2004.

(4) The increases in the sums mentioned in Articles 4(4)(c) and 5(2) shall take effect on 12th April 2004.

(5) Any increases in the sums specified for the rate of maternity allowance, widowed mother's allowance and widowed parent's allowance, Category C and Category D retirement pension, child's special allowance(**20**), attendance allowance and carer's allowance (except in a case where the Department has made arrangements for it to be paid on a Wednesday) together with, in each case where appropriate, increases for dependants, shall in all cases take effect on 12th April 2004.

(6) Any increases in the sums specified for the rate of carer's allowance in a case where the Department has made arrangements for it to be paid on a Wednesday, together with, where appropriate, increases for dependants, disablement benefit together with increases of disablement pension, maximum disablement gratuity under paragraph 9(2) of Schedule 7 to the Contributions and Benefits Act, industrial death benefit by way of widow's and widower's pension and allowance in respect of children together with, where appropriate, increases for dependants, and the maximum of the aggregate of weekly benefit payable for successive accidents under section 107(1) of that Act, shall in all cases take effect on 14th April 2004.

(7) In any case where a person's weekly rate of Category A or Category B retirement pension falls to be increased under the provisions of section 47(1) or 48C(2) of the Contributions and Benefits Act(**21**), by reference to the weekly rate of invalidity allowance or age addition to long-term incapacity benefit to which he was previously entitled, any increase in such sum shall take effect on 12th April 2004.

(8) The increases in the sums specified for the rate of incapacity benefit and severe disablement allowance together with, where appropriate, any increases for dependants, shall take effect in all cases on 15th April 2004.

(9) The increases in the sums falling to be calculated in accordance with paragraph 13(4) of Schedule 7 to the Contributions and Benefits Act (retirement allowance) shall take effect on 14th April 2004.

(10) In the case of a person who is subject to the provisions of regulations made under section 71(1)(b) of the Administration Act(**22**) (adjustment of benefit for persons undergoing medical or other treatment as an in-patient in a hospital) the increase in the sum mentioned in Article 4(3)(b) shall take effect in that case on the day on which the increase in the benefit payable to him apart from those regulations takes effect.

(11) Any increases in the sums specified in Articles 3 and 21(c), in so far as those sums are 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 –

(**19**) 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 and paragraph 21 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

(**20**) Child's special allowance was abolished except for existing beneficiaries as from 6th April 1987; *see* section 56(6) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992

(**21**) Section 47(1) was amended by paragraph 13 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994; *see also* regulation 23 of S.R. 1995 No. 35; section 48C was inserted by paragraph 3(1) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 and amended by paragraph 6 of Schedule 8 and paragraph 11 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and sections 33(12) and 35(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(**22**) Section 71(1) was amended by paragraph 32(2) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))