STATUTORY RULES OF NORTHERN IRELAND

2001 No. 41

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

The Social Security Benefits Up-rating Order (Northern Ireland) 2001

Made - - - - 6th February 2001
Approved by resolution of the Assembly on - - - - 21st May 2001

Coming into operation in accordance with Article 1(1)

Whereas the Secretary of State has made an Order(**1**) under sections 150 and 189(1), (3), (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) 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 and commencement

1.—(1) This Order may be cited as the Social Security Benefits Up-rating Order (Northern Ireland) 2001 and, subject to paragraphs (2) to (7), shall come into operation for the purposes of—

(a) Articles 1, 2 and 6 on 1st April 2001;

(**1**) S.I. 2001/207
(**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

(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 2001 and, for the purpose of this sub-paragraph, "benefit week" has the same meaning as in the Computation of Earnings Regulations;

(c) Article 9 on 6th April 2001;

(d) Articles 3 to 5 and 11 to 13 on 9th April 2001;

(e) Article 10 on 1st April 2001, except for the purpose of determining the rate of maternity allowance in accordance with section 35A(2) of the Contributions and Benefits Act(**5**), for which purpose it shall come into operation on 9th April 2001;

(f) Article 7 on 11th April 2001;

(g) Articles 14, 15 and 23 on 12th April 2001;

(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 9th April 2001 and, for the purpose of this sub-paragraph, "benefit week" has the same meaning as in the Income Support Regulations;

(i) Article 19, in relation to a case where rent is or rates are payable at intervals of a week or any multiple thereof, on 2nd April 2001 and, in relation to any other case, on 1st April 2001; and

(j) Articles 20 to 22, 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 9th April 2001 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 20(*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.

(3) In so far as Article 19(8) amends paragraph 15(1A) of Part IV of Schedule 2 to the Housing Benefit Regulations(**6**), it shall come into operation on 9th April 2001, immediately after the coming into operation of regulation 4(2)(*c*) of the Social Security (Bereavement Benefits Amendment) Regulations (Northern Ireland) 2000(**7**).

(4) Subject to paragraph (5), in so far as Articles 16(5), 19(8) and 21(5) and (6) amend the provisions specified in paragraph (6), they shall come into operation immediately after the coming into operation of—

(a) regulations 2(2)(*c*) and 3(2)(*c*) of the Social Security (Bereavement Benefits Amendment) Regulations (Northern Ireland) 2000; and

(b) regulations 2, 3 and 4, as the case may be, of the Social Security (Enhanced Disability Premium Amendment) Regulations (Northern Ireland) 2000(**8**).

(5) Where, in relation to a particular beneficiary—

(a) both paragraph (4) and either of sub-paragraphs (*h*) and (*j*) of paragraph (1) apply; and

(b) the coming into operation dates specified in relation to those provisions would not coincide,

(**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))
(**6**) Sub-paragraph (1A) was inserted by regulation 4(2)(*c*) of S.R. 2000 No. 260
(**7**) S.R. 2000 No. 260
(**8**) S.R. 2000 No. 367

then, in such a case, the coming into operation date for the purposes of paragraph (4) shall instead be the first day of the first benefit week to commence for that beneficiary after 9th April 2001.

(6) The provisions specified for the purposes of paragraph (4) are—

(a) paragraph 15(1A) and (8) of Part IV of Schedule 2 to the Income Support Regulations(**9**);

(b) paragraph 15(9) of Part IV of Schedule 2 to the Housing benefit Regulations(**10**);

(c) paragraph 20(1A) and (9) of Part IV of Schedule 1 to the Jobseeker's Allowance Regulations(**11**); and

(d) paragraph 20M(6) of Part IVB of Schedule 1 to the Jobseeker's Allowance(**12**).

(7) In so far as Article 3(1) relates to bereavement payment or widowed parent's allowance, it shall come into operation immediately after the coming into operation of Article 51(2) of, and paragraph 13 of Schedule 8 to, the Welfare Reform and Pensions (Northern Ireland) Order 1999(**13**).

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(**14**);

"the Pension Schemes Act" means the Pension Schemes (Northern Ireland) Act 1993(**15**);

"the Computation of Earnings Regulations" means the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996(**16**);

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**17**);

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

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

(2) The Interpretation Act (Northern Ireland) 1954(**20**) shall apply to this Order as it applies to an Act of the Assembly.

(**9**) Sub-paragraph (1A) was inserted by regulation 2(3)(*c*) of S.R. 2000 No. 260 and sub-paragraph (8) was added by regulation 2(*c*)(iii) of S.R. 2000 No. 367
(**10**) Sub-paragraph (9) was added by regulation 3(b)(iii) of S.R. 2000 No. 367
(**11**) Sub-paragraph (1A) was inserted by regulation 3(2)(*c*) of S.R. 2000 No. 260 and sub-paragraph (9) was added by regulation 4(*c*)(iii) of S.R. 2000 No. 367
(**12**) Paragraph 20M was inserted by paragraph 53(4) of Schedule 2 to S.R. 2000 No. 350 and sub-paragraph (6) was added by regulation 4(*c*)(vi) of S.R. 2000 No. 367
(**13**) S.I. 1999/3147 (N.I. 11)
(**14**) 1992 c. 7
(**15**) 1993 c. 49
(**16**) S.R. 1996 No. 520
(**17**) S.R. 1987 No. 461; relevant amending rules are S.R. 1988 No. 314, S.R. 1989 No. 125, S.R. 1990 No. 136, S.R. 1992 Nos. 85 and 549, S.R. 1993 No. 381, S.R. 1996 No. 448, S.R. 1997 Nos. 3, 4, 22 and 113, S.R. 1998 Nos. 73 and 112 and S.R. 2000 Nos. 38, 245, 260, 365 and 367
(**18**) S.R. 1987 No. 459; relevant amending rules are S.R. 1988 Nos. 146, 274, 318 and 431, S.R. 1989 Nos. 139 and 249, S.R. 1990 Nos. 131, 213 and 346, S.R. 1993 Nos. 149 and 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 Nos. 3 and 165, S.R. 1998 Nos. 81 and 112, S.R. 1999 Nos. 371(C. 28), 382 and 472 (C. 36) and S.R. 2000 Nos. 4, 38, 71, 196, 260 and 367
(**19**) S.R. 1996 No. 198; relevant amending rules are S.R. 1996 Nos. 288, 356, 358 and 476, S.R. 1997 Nos. 3 and 130, S.R. 1998 No. 112, S.R. 1999 No. 428 (C. 32) and S.R. 2000 Nos. 38, 71, 260, 350 and 367
(**20**) 1954 c. 33 (N.I.)

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 as to have 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 (contributory periodical benefits, non-contributory periodical benefits, increases for dependants and rate of industrial injuries benefit, respectively), except in Part III the sum specified for age addition to a pension of any category, and otherwise under section 79 of that Act.

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 retirement allowance) shall be increased by 3·3 per cent. of their amount apart from this Order.

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

(a) for "£64·75" there shall be substituted "£66·90"; and

(b) for "£67·50" there shall be substituted "£72·50".

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

(a) the additional pensions in the rates of long-term benefits calculated by reference to any final relevant year earlier than the tax year 2000-01;

(b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(**22**) (increase of pension where entitlement is deferred); 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(**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 3·3 per cent. of their amount apart from this Order.

(5) The sums which are shared additional pensions(**25**), and the sums which are increases in the rates of shared additional pensions under section 55C of the Contributions and Benefits Act(**26**), shall be increased by 3·3 per cent. of their amounts apart from this Order.

(**21**) Section 44(4) was substituted by Article 64 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
(**22**) 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)) and paragraph 18(12) to (18) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))
(**23**) 1975 c. 15; section 120 was 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**) *See* section 55A of the Social Security Contributions and Benefits Act as inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions (Northern Ireland) Order 1999
(**26**) Section 55C was inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

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) and (3) of that Act) shall be increased by 3·3 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(**27**).

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), the increases in the sums specified in Articles 3, 4 and 11 for Category A and Category B retirement pension and graduated retirement benefit together with, where appropriate, increases for dependants, shall take effect on 9th April 2001.

(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 accordance with section 30B(3) of the Contributions and Benefits Act(**28**), the increases in the sums mentioned in Articles 3, 4 and 11 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 2001.

(4) The increases in the sums mentioned in Articles 4(4)(*c*) and 5(2) shall take effect on 9th April 2001.

(5) The increases in the sums specified for the rate of maternity allowance, widowed mother's allowance, widow's pension, Category C and Category D retirement pension, child's special allowance(**29**), attendance allowance, invalid care 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, and guardian's allowance shall in all cases take effect on 9th April 2001.

(6) The increases in the sums specified for the rate of invalid care 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 11th April 2001.

(**27**) *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) 2000 (S.R. 2000 No. 36)

(**28**) 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

(**29**) 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