STATUTORY RULES OF NORTHERN IRELAND

2000 No. 38

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

The Social Security Benefits Up-rating Order (Northern Ireland) 2000

Made - - - - 29th February 2000

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) and (4) 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) 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) 2000 and, subject to paragraphs (2) to (5), shall come into operation for the purposes of—

(a) Articles 1, 2 and 6 on 1st April 2000;

(**1**) S.I. 2000/440
(**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 2000 and, for the purpose of this sub-paragraph, "benefit week" has the same meaning as in the Computation of Earnings Regulations;

(c) Article 10 on 2nd April 2000;

(d) Article 9 on 6th April 2000;

(e) Articles 3 to 5 and 11 to 13 on 10th April 2000;

(f) Article 7 on 12th April 2000;

(g) Articles 14, 15 and 23 on 13th April 2000;

(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 10th April 2000 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 3rd April 2000 and, in relation to any other case, on 1st April 2000; 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 10th April 2000 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) Subject to paragraph (4), in so far as Articles 16(3), 19(6) and 21(3) amend the provisions specified in paragraph (5), they shall come into operation immediately after the coming into operation of regulation 2(1)(*b*) of the Social Security (Personal Allowances for Children and Young Persons Amendment) Regulations (Northern Ireland) 1999(**5**).

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

(a) both paragraph (3) and either or both 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,

then, in such a case, the coming into operation date for the purposes of paragraph (3) shall instead be the first day of the first benefit week to commence for that beneficiary after 10th April 2000.

(5) The provisions specified for the purposes of paragraph (3) are—

(a) paragraph 2(1) of Schedule 2 to the Income Support Regulations;

(b) paragraph 2(1) of Schedule 2 to the Housing Benefit Regulations; and

(c) paragraph 2(1) of Schedule 1 to the Jobseeker's Allowance Regulations.

Interpretation

2.—(1) In this Order—

(**5**) S.R. 1999 No. 382

"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(**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 Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**9**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**10**);

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**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 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 (4) 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 1·1 per cent. of their amount apart from this Order.

(**6**) 1992 c. 7
(**7**) 1993 c. 49
(**8**) S.R. 1996 No. 520
(**9**) S.R. 1987 No. 461; relevant amending provisions 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. 1999 No. 50
(**10**) S.R. 1987 No. 459; relevant amending provisions 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 No. 3, S.R. 1998 Nos. 81 and 112, S.R. 1999 Nos. 50, 239, 371 (C. 28), 382 and 472 (C. 36)
(**11**) S.R. 1996 No. 198, relevant amending provisions are S.R. 1996 Nos. 288, 356, 358 and 476, S.R. 1997 Nos. 3 and 130, S.R. 1998 No. 112 and S.R. 1999 Nos. 50 and 428 (C. 32)
(**12**) 1954 c. 33 (N.I.)

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

(a) for "£64·05" there shall be substituted "£64·75"; and

(b) for "£66·75" there shall be substituted "£67·50".

(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 1999-2000;

(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); 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 in each case be increased by 1·1 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) and (3) of that Act) shall be increased by 1·1 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(**17**).

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 10th April 2000.

(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

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

(**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 and paragraph 18(12) to (18) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

(**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**) *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; the percentage increase for the tax year 1988-89 and subsequent tax years shall be the amount that would have been specified under this order but for sub-section (4), less the increase in the retail price index or 3%, whichever is less, the increase in the retail price index for the period under review is 1·1%

accordance with section 30B(3) of the Contributions and Benefits Act(**18**), 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 13th April 2000.

(4) The increases in the sums mentioned in Articles 4(4)(*c*) and 5(2) shall take effect on 10th April 2000.

(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(**19**), 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 10th April 2000.

(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 12th April 2000.

(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(**20**), by reference to the weekly rate of invalidity allowance or age addition to long-term incapacity benefit to which he was previously entitled, the increase in such sum shall take effect on 10th April 2000.

(8) The increases in the sums specified for the rate of incapacity benefit and severe disablement allowance together with, where appropriate, increases for dependants, shall in all cases take effect on 13th April 2000.

(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 12th April 2000.

(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(**21**) (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) The increases in the sums specified in Articles 3 and 20(*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—

(a) except in a case where sub-paragraph (*b*) applies, on the first day of the first benefit week to commence for the beneficiary on or after 10th April 2000;

(**18**) 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

(**19**) 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

(**20**) 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

(**21**) 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))