STATUTORY RULES OF NORTHERN IRELAND

# 1998 No. 63

# SOCIAL SECURITY

## The Social Security Benefits Up-rating Regulations (Northern Ireland) 1998

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| *Made - - - -* | *3rd March 1998* |
| *Coming into operation* | *6th April 1998* |

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 30E(1), 90, 113(1)(*a*) and 171(1) to (3) of, and paragraph 2(3) of Schedule 7 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and sections 135(3) and 165(1), (3) and (4) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and of all other powers enabling it in that behalf, hereby makes the following Regulations, which contain only provisions in consequence of an order(**3**) under section 132 of the Social Security Administration (Northern Ireland) Act 1992:

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Social Security Benefits Up-rating Regulations (Northern Ireland) 1998 and shall come into operation on 6th April 1998.

(2) In these Regulations, unless the context otherwise requires—

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

"the Up-rating Order" means the Social Security Benefits Up-rating Order (Northern Ireland) 1998(**3**).

**Exceptions relating to payment of additional benefit under awards made before the commencing date**

**2.** Section 135(3) of the Administration Act (effect of alteration of rates of benefit under Parts II to V of the Contributions and Benefits Act) shall not apply if a question arises as to either—

(a) the weekly rate at which the benefit is payable by virtue of the Up-rating Order; or

(**1**) 1992 c. 7; section 30E was inserted by Article 5(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I.1994/1898 (N.I. 12))
(**2**) 1992 c. 8
(**3**) S.R. 1998 No. 59
(**3**) S.R. 1998 No. 59

(b) whether the conditions for the receipt of the benefit at the altered rate are satisfied,

until that question has been determined in accordance with the provisions of the Administration Act.

**Persons not ordinarily resident in Northern Ireland**

**3.** Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(**4**) (application of disqualification in respect of up-rating of benefit) shall apply to any additional benefit payable by virtue of the Up-rating Order.

**Amendment of the Social Security Benefit (Dependency) Regulations**

**4.** In paragraph 2B of Schedule 2 to the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(**5**) (prescribed circumstances for increase of an invalid care allowance)—

(a) in sub-paragraph (*a*) for "£135" there shall be substituted "£140"; and

(b) in sub-paragraph (*b*) for "£17" and "£135" there shall be substituted "£18" and "£140" respectively.

**Amendment of the Social Security (General Benefit) Regulations**

**5.** In regulation 14 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(**6**) (earnings level for the purpose of unemployability supplement) for "£2,418·00" there shall be substituted "£2,496·00".

**Amendment of the Social Security (Incapacity Benefit) Regulations**

**6.** In regulation 7 of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(**7**) (limit of earnings from councillor's allowance) for "£46·50" there shall be substituted "£48·00".

**Revocations**

**7.** The Social Security Benefits Up-rating Regulations (Northern Ireland) 1996(**8**) and the Social Security Benefits Up-rating Regulations (Northern Ireland) 1997(**9**) are hereby revoked.

(**4**) S.R. 1978 No. 114; relevant amending regulations are S.R. 1979 No. 392, S.R. 1988 No. 77, S.R. 1989 No. 373, S.R. 1990 No. 123, S.R. 1992 No. 330 and S.R. 1994 No. 269
(**5**) S.R. 1977 No. 74; relevant amending regulations are S.R. 1984 No. 382, S.R. 1996 No. 74 and S.R. 1997 No. 122
(**6**) S.R. 1984 No. 92; relevant amending regulations are S.R. 1997 No. 122
(**7**) S.R. 1994 No. 461; relevant amending regulations are S.R. 1997 No. 122
(**8**) S.R. 1996 No. 74
(**9**) S.R. 1997 No. 122