STATUTORY RULES OF NORTHERN IRELAND

1998 No. 59

SOCIAL SECURITY STATUTORY MATERNITY PAY; STATUTORY SICK PAY; HOUSING

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

Made - - - - 2nd March 1998

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 of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 132 and 165(1) of the Social Security Administration (Northern Ireland) Act 1992(**3**) 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) 1998 and, subject to paragraphs (2) and (3), shall come into operation for the purposes of—

(a) Articles 1, 2 and 6 on 1st April 1998;

(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 1998 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 5th April 1998;

(**1**) S.I. 1998/470
(**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)

(d) Articles 3 to 5, 9 and 11 to 13 on 6th April 1998;

(e) Articles 16, 17 and 25 on 7th April 1998;

(f) Article 7 on 8th April 1998;

(g) Articles 14, 15 and 26 on 9th April 1998;

(h) Articles 18 to 20, 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 1998 and, for the purpose of this sub-paragraph, "benefit week" has the same meaning as in the Income Support Regulations;

(i) Article 21, in relation to a case where rent is payable at intervals of a week or any multiple thereof, on 6th April 1998 and, in relation to any other case, on 1st April 1998; and

(j) Articles 22 to 24, 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 1998 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 22(*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) Any provision of this Order which is due to come into operation on the same day as any provision of the Regulations listed in paragraph (4) shall come into operation immediately after that provision of those Regulations.

(4) The Regulations referred to in paragraph (3) are—

(a) the Social Security (Non-Dependant Deductions) Regulations (Northern Ireland) 1997(**4**); and

(b) the Social Security (Lone Parents) (Amendment) Regulations (Northern Ireland) 1997(**5**).

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

(**4**) S.R. 1997 No. 3
(**5**) S.R. 1997 No. 354
(**6**) 1992 c. 7
(**7**) 1993 c. 49
(**8**) S.R. 1996 No. 520
(**9**) 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 and S.R. 1997 Nos. 3, 113, 354 and 476

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

"the Personal Allowances for Children and Young Persons Regulations" means the Income-Related Benefits and Jobseeker's Allowance (Personal Allowances for Children and Young Persons) (Amendment) Regulations (Northern Ireland) 1996(**11**).

(2) The Interpretation Act (Northern Ireland) 1954(**12**) shall apply to this Order as it applies to a Measure 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 3·6 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 "£59·90" there shall be substituted "£62·05"; and

(b) for "£62·45" there shall be substituted "£64·70".

(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 1997-98;

(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

(**10**) S.R. 1996 No. 198; relevant amending regulations are S.R. 1996 Nos. 288, 356, 358 and 476 and S.R. 1997 Nos. 3, 113, 130 and 354

(**11**) S.R. 1996 No. 476, amended by S.R. 1997 No. 152

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

(**13**) Section 44(4) was amended by paragraph 11 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and Article 4(3) of S.R. 1997 No. 113

(**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))

(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 3·6 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—

(a) 3·6 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; and

(b) 0·6 per cent. of their amount apart from this Order where the increase under section 11(1) is attributable to earnings factors for the tax years 1988-89 to 1996-97 inclusive(**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 the rates of Category A and Category B retirement pension and graduated retirement benefit together with, where appropriate, increases for dependants, shall take effect on 6th April 1998.

(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(**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 9th April 1998.

(4) The increases in the sums mentioned in Articles 4(4)(*c*) and 5(2) shall take effect on 6th April 1998.

(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

(**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. *See also* the Guaranteed Minimum Pensions Increase Order (Northern Ireland) 1998 (S.R. 1998 No. 52)

(**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

appropriate, increases for dependants, and guardian's allowance shall in all cases take effect on 6th April 1998.

(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 8th April 1998.

(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 6th April 1998.

(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 9th April 1998.

(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 8th April 1998.

(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 22(*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 6th April 1998;

(b) in a case were regulation 7(*b*) of the Computation of Earnings Regulations (date on which earnings are treated as paid) applies, on the first day of the first benefit week to commence for the beneficiary on or after 1st April 1998,

and for the purposes of this paragraph "benefit week" has the same meaning as in the Computation of Earning Regulations.

Workmen's compensation

7. In paragraph 2(6)(*c*) of Schedule 8 to the Contributions and Benefits Act (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation) for "£37·35" there shall be substituted "£38·70".

(**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))