STATUTORY RULES OF NORTHERN IRELAND

1995 No. 72

SOCIAL SECURITY

The Social Security Benefits Up-rating Regulations (Northern Ireland) 1995

Made - - - - 7th March 1995
Coming into operation in accordance with regulation 1(1)

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 30E(1), 57(1)(a)(ii), 90(b) and 113(1)(a) of, and paragraph 2(3) of Schedule 7 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and section 135(3) 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) 1995 and shall come into operation as follows—

(a) regulations 1 to 6 and 8 on 10th April 1995; and

(b) regulation 7 on 13th April 1995.

(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) 1995(**3**).

(**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of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I.1994/1898 (N. I. 12)) and section 57 is repealed from 13th April 1995 by Schedule 2 to that Order
(**2**) 1992 c. 8
(**3**) S.R. 1995 No. 71
(**3**) S.R. 1995 No. 71

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 up-rating order; or

(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 "£120" there shall be substituted "£125"; and

(b) in sub-paragraph (b) for "£120" there shall be substituted "£125".

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 "£2,236" there shall be substituted "£2,288.00".

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations

6. In regulation 3(3) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(**7**) (persons deemed to be incapable of work) for "£43.00" there shall be substituted "£44.00".

Amendment of the Social Security (Incapacity Benefit) Regulations

7. In regulation 7 of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(**8**) (limit of earnings from councillor's allowance) for "£43.00" there shall be substituted "£44.00".

Revocation

8. The Social Security Benefits Up-rating Regulations (Northern Ireland) 1994(**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 and S.R. 1993 No. 159
(**6**) S.R. 1984 No. 92, relevant amending regulations are S.R. 1994 No. 75
(**7**) S.R. 1984 No. 245; relevant amending regulations are S.R. 1994 No. 152
(**8**) S.R. 1994 No. 461
(**9**) S. R. 1994 No. 75