STATUTORY RULES OF NORTHERN IRELAND

1995 No. 71

SOCIAL SECURITY STATUTORY MATERNITY PAY: STATUTORY SICK PAY HOUSING

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

Made - - - - 7th March 1995

Coming into operation in accordance with Article 1(1)

Whereas the Secretary of State for Social Security has made an Order(**1**) under sections 150 and 189(1), (3) and (4) of the Social Security Administration Act 1992(**2**) and section 2(7) of the Social Security (Incapacity for Work) Act 1994(**3**):

Now, therefore, the Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 132 of the Social Security Administration (Northern Ireland) Act 1992(**4**) and Article 4(6) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994(**5**) 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) 1995 and shall come into operation for the purposes of—

(a) Articles 1 and 2 on 1st April 1995;

(b) Article 10 on 2nd April 1995;

(**1**) S.I. 1995/559

(**2**) 1992 c. 5; section 150 was amended by paragraph 28 of Schedule 8 to the Pension Schemes Act 1993 (c. 48) and by sections 2(3) and 9(4) of the Social Security (Incapacity for Work) Act 1994 (c. 18)

(**3**) 1994 c. 18

(**4**) 1992 c. 8: section 132 was amended by paragraph 41 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 (c. 49)

(**5**) S.I. 1994/1898 (N.I. 12)

(c) Article 9 on 6th April 1995;

(d) Articles 3 to 6, 8 and 11 to 13 on 10th April 1995;

(e) Articles 16, 17 and 22 on 11th April 1995;

(f) Article 7 on 12th April 1995;

(g) Articles 14, 15 and 23 on 13th April 1995 immediately after the coming into operation of, respectively, the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(**6**) and the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995(**7**);

(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 10th April 1995, and for the purposes of this sub-paragraph and sub-paragraph (i) below "benefit week" has the same meaning as in the Income Support Regulations;

(i) Article 21(c)(ii), in so far as the sums specified are relevant for the purposes of paragraph 9(2)(a) of Schedule 3 to the Income Support Regulations, on the first day of the benefit week to commence for the beneficiary on or after 10th April 1995; and

(j) except in a case to which sub-paragraph (i) above applies, Article 21 , in relation to a case where rent is payable at intervals of a week or any multiple thereof, on 3rd April 1995, and in relation to any other case, on 1st April 1995.

(2) 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 on the date specified in relation to that case in Article 6 of this Order.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

"the Contributions and Benefits Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**8**);

"the Pension Schemes Act" means the Pension Schemes (Northern Ireland) Act 1993(**9**);

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

(2) The Interpretation Act 1978(**11**) shall apply to this Order as it applies to an Act of the United Kingdom Parliament.

PART II

SOCIAL SECURITY BENEFITS AND PENSIONS

Increase in rates or amounts of certain benefits under the Contributions and Benefits Act

3.—(1) The sums specified in paragraph (2) below shall be increased from and including the respective dates specified in Article 6 below so as to have effect as set out in Schedule 1 to this Order.

(**6**) S.R. 1994 No. 461
(**7**) S.R. 1995 No. 35
(**8**) 1992 c. 7
(**9**) 1993 c. 49
(**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. 1991 Nos. 46 and 338, S.R. 1992 Nos. 6 and 85, S.R. 1993 Nos. 149 and 373 and S.R. 1994 Nos. 74 and 77
(**11**) 1978 c. 30

(2) The sums mentioned in paragraph (1) above 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.

Increase in rates or amounts of certain pensions or allowances under the Contributions and Benefits Act

4.—(1) The sums specified in paragraphs (2), (3) and (4) below shall be increased from and including the respective dates specified in Article 6 below.

(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 2.2 per cent. of their amount apart from this Order.

(3) In section 44(4) of the Contributions and Benefits Act(**12**) (basic pension of Category A retirement pension)—

(a) for "£55.25" there shall be substituted "£56.45"; and

(b) for "£57.60" there shall be substituted "£58.85".

(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 1994/1995;

(b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(**13**) (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(**14**) or Article 64 of the Social Security (Northern Ireland) Order 1986(**15**),

shall in each case be increased by 2.2 per cent. of their amount apart from this Order.

Increase in rates or amounts of certain benefits under the Pension Schemes Act

5.—(1) The sums specified in paragraph (2) below shall be increased from and including the respective dates specified in Article 6 below.

(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 2.2 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 1987/1988 and earlier tax years(**16**).

(**12**) Section 44(4) is amended from 13th April 1995 by paragraph 11 of Schedule I to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(**13**) Schedule 5 was amended by paragraph 36 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 and from 13th April 1995 by paragraph 40 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(**14**) 1975 c. 15; section 120 was repealed by Schedule 1 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)

(**15**) S.I. 1986/1888 (N.I. 18);Article 64 was repealed by Schedule 1 to the Social Security Consequential Provisions) (Northern Ireland) Act 1992

(**16**) *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 1988/1989 and subsequent tax years shall be the amount that would have been specified under this Order but for subsection (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 2.2%

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) of this Article, which are subject to the provisions of paragraph (10) below, 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) below, the increases in the sums specified in Articles 3, 4 and 11 of this Order for the rates of Category A or Category B retirement pension and graduated retirement benefit together with, where appropriate, increases for dependants, shall take effect on 10th April 1995.

(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 unemployment benefit or short-term incapacity benefit(**17**) falls to be calculated in accordance with section 25(5) or 30B(3)(**18**) of the Contributions and Benefits Act, the increases in the sums mentioned in Articles 3,4 and 11 of this Order 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 1995.

(4) The increases in the sums mentioned in Articles 4(4)(c) and 5(2) of this Order shall take effect on 10th April 1995.

(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 1995.

(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 the Contributions and Benefits Act, shall in all cases take effect on 12th April 1995.

(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 50(2) of the Contributions and Benefits Act(**20**), by reference to the weekly rate of invalidity allowance to which he was previously entitled, the increase in the sum specified in paragraph 3 of Part I of Schedule 4 to that Act for the appropriate rate of invalidity allowance shall take effect on 10th April 1995.

(8) The increases in the sums specified for the rate of unemployment and incapacity benefit and severe disablement allowance together with, where appropriate, increases for dependants, shall in all cases take effect on 13th April 1995.

(**17**) Incapacity benefit is introduced from 13th April 1995 by the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(**18**) Section 30B was inserted by Article 4(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(**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) is amended from 13th April 1995 by paragraph 13 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and section 50(2) was amended by paragraph 34 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993

(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 1995.

(10) In the case of a person who is subject to the provisions of regulations made under section 71(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (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) of this Order 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.

Increase in rate of certain workmen's compensation in respect of employment i before 5th July 1948

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 "£34.50" there shall be substituted "£35.25".

Earnings limits

8. In section 80(4) of the Contributions and Benefits Act (earnings limits in respect of child dependency increases) the sum specified in paragraph (a) is £125.00 and the sums specified in paragraph (b) are £16.00 and £125.00 respectively.

Statutory sick pay

9. In section 153(1) of the Contributions and Benefits Act(**21**) (rate of payment) the sum specified is £52.50.

Statutory maternity pay

10. In regulation 6 of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**22**) (lower rate of statutory maternity pay) the sum specified is £52.50.

Increase in rate of graduated retirement benefit and increments thereof

11.—(1) The sum of 7.48 pence referred to in section 35(1) of the National Insurance Act (Northern Ireland) 1966(**23**) (graduated retirement benefit) shall be increased by 2.2 per cent. and accordingly the reference in that provision to that sum shall have effect as a reference to 7.64 pence.

(2) The sums which are the increases of graduated retirement benefit under Schedule 2 to the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978(**24**) (increases for deferred entitlement to a Category A or Category B retirement pension) shall be increased by 2.2 per cent. of their amount apart from this Order.

Increase in rates of disability living allowance

12. In regulation 4 of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(**25**) (rate of benefit)—

(**21**) Section 153(1) is amended from 6th April 1995 by Article 10(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994
(**22**) S.R. 1987 No. 30; relevant amending regulations are S.R. 1994 No. 191
(**23**) 1966 c. 6 (N.I.); section 35 was repealed by the Social Security Act 1973 Cc. 38) but is continued in force by regulation 2 of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978 (S.R. 1978 No. 105)
(**24**) S.R. 1978 No. 105; relevant amending regulations are S.R. 1989 No. 373
(**25**) S.R. 1992 No. 32; relevant amending provisions are S.R. 1993 No. 340 and S.R. 1991 No. 74