STATUTORY RULES OF NORTHERN IRELAND

1993 No. 150

SOCIAL SECURITY STATUTORY MATERNITY PAY; STATUTORY SICK PAY; HOUSING

The Social Security Benefits Up-rating Order (Northern Ireland) 1993

Made - - - - 29th March 1993

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**):

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(**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) 1993 and shall come into operation for the purposes of—

(a) Articles 1, 2 and 21 on 1st April 1993;

(b) Article 10 on 4th April 1993;

(c) Article 9 on 6th April 1993;

(d) Articles 3 to 8 and 11 to 13 on 12th April 1993;

(e) Articles 14, 15 and 20 on 13th April 1993;

(**1**) S.I. 1993/349
(**2**) 1992 c. 5
(**3**) 1992 c. 8

(f) Articles 16, 17 and 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 12th April 1993, and for the purposes of this sub-paragraph and sub-paragraph (g) "benefit week" has the same meaning as in the Income Support Regulations;

(g) Article 19(e), 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 12th April 1993;

(h) except in a case to which sub-paragraph (g) applies, Article 19 in relation to a case where rent is payable at intervals of a week or any multiple thereof, on 5th April 1993, and in relation to any other case, on 1st April 1993.

(2) The increases made by this order in the sums specified for rates or amounts of benefit under the 1992 Act or the Pensions Order shall take effect for each case on the date specified in relation to that case in Article 6 of this order.

Interpretation

2. In this order, unless the context otherwise requires—

"the 1992 Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**4**);

"the Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(**5**);

"the Disability Working Allowance Regulations" means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(**6**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**7**);

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**8**).

PART II

SOCIAL SECURITY BENEFITS

Increase in rates or amounts of certain benefits under the 1992 Act

3.—(1) In this Article "Schedule 4" means Schedule 4 to the 1992 Act.

(2) The sums specified in paragraph (3) below shall be increased from and including the respective dates specified in Article 6 below; and Schedule 4 shall accordingly have effect as set out in Schedule 1 to this order.

(3) The sums mentioned in paragraph (2) above are the sums specified in Parts I, III, IV and V of Schedule 4 (contributory periodical benefits, non-contributory periodical benefits, increases for

(**4**) 1992 c. 7
(**5**) S.R. 1987 No. 463, amended by S.R. 1988 Nos. 131, 192, 205, 303 and 423, S.R. 1989 Nos. 249 and 366, S.R. 1990 Nos. 33, 137, 138, 297, 305, 347 and 387, S.R. 1991 Nos. 204, 326 and 520 and S.R. 1992 Nos. 6, 18, 148, 201, 327, 403 and 435
(**6**) S.R. 1992 No. 78, amended by S.R. 1992 Nos. 201, 327, 403 and 435
(**7**) S.R. 1987 No. 459, amended by S.R. 1988 Nos. 146, 193, 205, 274, 318 and 431, S.R. 1989 Nos. 139, 249, 326, 365, 366 and 395, S.R. 1990 Nos. 33, 131, 137, 213, 297, 305, 346 and 387, S.R. 1991 Nos. 46, 170, 204, 338, 345, 474 and 520, S.R. 1992 Nos. 6, 18, 85, 147, 201, 236, 284, 327, 403, 435 and 471 and S.R. 1993 No. 149
(**8**) S.R. 1987 No. 461, amended by S.R. 1988 Nos. 117, 186, 314 and 424, S.R. 1989 Nos. 125, 260, 366 and 408, S.R. 1990 Nos. 33, 136, 137, 297, 305, 345 and 442, S.R. 1991 Nos. 47, 176, 204, 337 and 520, S.R. 1992 Nos. 6, 18, 35, 85, 141, 201, 284, 298, 327, 404, 435, 444 and 549 and S.R. 1993 No. 149

dependants and rate of industrial injuries benefit, respectively), except the sum specified in the said Part III for age addition.

Increase in rates or amounts of certain pensions or allowances under the 1992 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 1992 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 1992 Act (basic pension of Category A retirement pension)—

(a) for the sum of £51·95 there shall be substituted the sum of £53·80; and

(b) for the sum of £54·15 there shall be substituted the sum of £56·10.

(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 1992/1993;

(b) the increases in the rates of retirement pensions under Schedule 5 to the 1992 Act (increase of pension where pensioner's entitlement 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 1975 Act(**9**) or Article 64 of the 1986 Order(**10**), corresponding to an order made by the Secretary of State under section 126A of the Social Security Act 1975(**11**) or section 63 of the Social Security Act 1986(**12**) respectively,

shall in each case be increased by 3·6 per cent. of their amount apart from this order.

Increase in rates or amounts of certain benefits under the Pensions Order

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 Article 37(6) of the Pensions Order(**13**) (which provides for increases in a person's guaranteed minimum pension if payment of his occupational pension is postponed after he attains pensionable age) to a person who is also entitled to a Category A or Category B retirement pension (including sums payable by virtue of Article 38(3) of that Order)(**14**), shall be increased by—

(a) 3·6 per cent. of their amount apart from this order where the increase under Article 37(6) is attributable to earnings factors for the tax year 1987/1988 and earlier tax years; and

(b) 0·6 per cent, of their amount apart from this order where the increase under Article 37(6) is attributable to earnings factors for the tax year 1988/1989 and subsequent tax years(**15**).

(**9**) 1975 c. 15; section 120 was amended by the Schedule to the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11)), paragraph 9 of Schedule 3 to the Social Security (Northern Ireland) Order 1979, Article 9(5) of the Social Security (Northern Ireland) Order 1985, Schedule 10 to the Social Security (Northern Ireland) Order 1986 and Schedule 2 to the Redundancy Fund (Abolition) (Northern Ireland) Order 1991 (S.I. 1991/196 (N.I. 2))

(**10**) S.I. 1986/1888 (N.I. 18)

(**11**) 1975 c. 14: section 126A was inserted by section 12 of the Social Security Act 1979 (c. 18) and repealed by Schedule 11 to the Social Security Act 1986.

(**12**) 1986 c. 50

(**13**) Article 37(6) was amended by Article 4(2) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977

(**14**) Article 38(3) was substituted by Article 11(3)(b) of the Social Security (Northern Ireland) Order 1986

(**15**) *See* section 132(2) (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992 and the Guaranteed Minimum Pensions Increase Order (Northern Ireland) 1993 (S.R. 1993 No. 62)

Dates on which sums specified for rates or amounts of benefit under the I992 Act or the Pensions Order are increased by this order

6.—(1) Paragraphs (2) to (8) of this Article, which are subject to the provisions of paragraph (9) below, specify the date on which the increases made by this order in the sums specified for rates or amounts of benefit under the 1992 Act or the Pensions Order shall take effect for each case.

(2) In relation to 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, sickness benefit or invalidity pension falls to be calculated in accordance with sections 25(5), 31(6) or 33(4) of the 1992 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 15th April 1993 and in relation to all other cases the increases in such sums shall take effect on 12th April 1993.

(3) The increases in the sums mentioned in Articles 4(4)(c) and 5(2) of this order shall take effect on 12th April 1993.

(4) 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(**16**) 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, where appropriate, increases for dependants, and guardian's allowance shall take effect in all cases on 12th April 1993.

(5) 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 1992 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 1992 Act, shall take effect in all cases on 14th April 1993.

(6) 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 1992 Act, by reference to the weekly rate of invalidity allowance to which he was previously entitled, the increase in the sum specified for the appropriate rate of invalidity allowance shall take effect on 12th April 1993; and where it does not fall to be so increased the sum so specified shall take effect on 15th April 1993.

(7) The increases in the sums specified for the rate of unemployment and sickness benefit, invalidity pension and severe disablement allowance together with, where appropriate, increases for dependants, shall take effect in all cases on 15th April 1993.

(8) The increase in the sums falling to be calculated in accordance with paragraph 13(4) of Schedule 7 to the 1992 Act shall take effect on 14th April 1993.

(9) 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 a person 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.

(**16**) Child's special allowance is 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

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

7. With effect from and including 14th April 1993 in paragraph 2(6)(c) of Schedule 8 to the 1992 Act (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation) for the sum of £32·55 there shall be substituted the sum of £33·70.

Earnings limits

8. The sums specified in section 80(4) of the 1992 Act(**17**) (earnings limits in respect of child dependency increases) shall be increased from £115, £15 and £115 to £120, £16 and £120 respectively.

Statutory sick pay

9. In section 153(1) of the 1992 Act (relationship between rates of statutory sick pay and employee's normal weekly earnings) the sums specified in paragraph (a) are £52·50 and £190·00 respectively and the sum specified in paragraph (b) is £45·30.

Statutory maternity pay

10. In regulation 6 of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**18**) (lower rate of statutory maternity pay) for the sum of £46·30 there shall be substituted the sum of £47·95.

Increase in rate of graduated retirement benefit and increments thereof

11.—(1) The sum of 7·09 pence referred to in section 35(1) of the National Insurance Act (Northern Ireland) 1966(**19**) (graduated retirement benefit) shall be increased by 3·6 per cent.; and accordingly, from and including 12th April 1993 the reference in that provision to that sum shall have effect as a reference to 7·35 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(**20**) (increases for deferred entitlement to a Category A or Category B retirement pension) shall be increased by 3·6 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(**21**) (rate of benefit)—

(a) in paragraph (1)(a), for the sum of £43·35 there shall be substituted the sum of £44·90;

(b) in paragraph (1)(b), for the sum of £28·95 there shall be substituted the sum of £30·00;

(c) in paragraph (1)(c), for the sum of £11·55 there shall be substituted the sum of £11·95;

(d) in paragraph (2)(a), for the sum of £30·30 there shall be substituted the sum of £31·40;

(e) in paragraph (2)(b), for the sum of £11·55 there shall be substituted the sum of £11·95.

(**17**) Section 80(4) consolidates section 41(2B) of the Social Security (Northern Ireland) Act 1975 — *see also*S.R. 1984 No. 381
(**18**) S.R. 1987 No. 30; relevant amending rule is S.R. 1992 No. 18
(**19**) 1966 c. 6 (N.I.); section 35 was repealed by the Social Security Act 1973 (c. 38) but is continued in force by regulation 2 of S.R. 1978 No. 105 in the modified form set out in Schedule 1 to those regulations; *see also* Article 7 of S.R. 1992 No. 18
(**20**) S.R. 1978 No. 105; relevant amending regulations are S.R. 1989 No. 373
(**21**) S.R. 1992 No. 32, to which there are amendments not relevant to this order