STATUTORY RULES OF NORTHERN IRELAND

1992 No. 18

SOCIAL SECURITY STATUTORY MATERNITY PAY; STATUTORY SICK PAY; HOUSING

The Social Security Benefits Up-rating Order (Northern Ireland) 1992

Made - - - - 15th January 1992

Coming into operation in accordance with Article 1(1)

Whereas the Secretary of State for Social Security has made an order(**1**) under section 63 of the Social Security Act 1986(**2**):

Now, therefore, the Department of Health and Social Services, in exercise of the powers conferred on it by Article 64 of the Social Security (Northern Ireland) Order 1986(**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) 1992 and shall come into operation for the purposes of—

(a) Articles 1, 2 and 17(1)(b) and (2) on 1st April 1992;

(b) Article 10 on 5th April 1992;

(c) Articles 3 to 9, 11 and 17(1)(a) on 6th April 1992;

(d) Article 12 on 7th April 1992;

(e) Articles 13, 14 and 15, 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 1992, and

(**1**) S. I. 1991/2910
(**2**) 1986 c. 50
(**3**) S. I. 1986/1888 (N. I. 18)

for the purposes of this sub-paragraph and sub-paragraph (f) "benefit week" has the same meaning as in the Income Support Regulations;

(f) Article 16(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 6th April 1992;

(g) except in a case to which sub-paragraph (f) applies, Article 16 on 1st April 1992.

(2) The increases made by this order in the sums specified for rates or amounts of benefit under the principal Act or the Pensions Order shall take effect for each case on the date specified in relation to that case in Article 5.

Interpretation

2.—(1) In this order—

"the Order" means the Social Security (Northern Ireland) Order 1986;

"the Family Credit Regulations" means the Family Credit (General) Regulations (Northern Ireland) 1987(**4**);

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**5**);

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**6**).

(2) Any reference in this order to a numbered section is a reference to the section of the principal Act bearing that number.

Part II

Social Security Benefits

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

3.—(1) In this Article "Schedule 4" means Schedule 4 to the principal Act(**7**).

(2) The sums specified in paragraph (3) shall be increased from and including the respective dates specified in Article 5; and Schedule 4 shall accordingly have effect as set out in Schedule 1.

(3) The sums mentioned in paragraph (2) are the sums specified in Parts I, III, IV and V of Schedule 4 (contributory periodical benefits, non-contributory periodical benefits, increases for dependants and rate or amount of industrial injuries benefit, respectively), except the sums specified in the said Part III for age addition and mobility allowance.

(**4**) S. R. 1987 No. 463; relevant amending rules are S. R. 1988 Nos. 131, 205, 303 and 423 and S. R. 1990 Nos. 33, 137, 138, 297, 347 and 387 and S. R. 1991 Nos. 77, 204 and 326

(**5**) 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 and S. R. 1991 Nos. 46, 77, 170, 204, 338, 345, 474 and 520

(**6**) 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, 72, 136, 137, 297, 305, 345 and 442 and S. R. 1991 Nos. 47, 77, 79, 176, 204, 337 and 520

(**7**) Schedule 4 was amended by Article 24(2) of, and paragraph 42 of Schedule 5 to, and Schedule 6 to, the Social Security Pensions (Northern Ireland) Order 1975 (S. I. 1975/1503 (N. I. 15)); paragraphs 35 and 36 of Schedule 4 to, and Schedule 5 to, the Child Benefit (Northern Ireland) Order 1975 (S. I. 1975/1504 (N. I. 16)); paragraph 13 of Schedule 1 to the Social Security (Northern Ireland) Order 1979 (S. I. 1979/396 (N. I. 5)); Part II of Schedule 4 to the Social Security (Northern Ireland) Order 1980 (S. I. 1980/870 (N. I. 8)); Schedule 5 to the Social Security (Northern Ireland) Order 1982 (S. I. 1982/1084 (N. I. 16)); paragraph 2 of Schedule 2 to, and Part II of Schedule 6 to, the Health and Social Security (Northern Ireland) Order 1984 (S. I. 1984/1158 (N. I. 8)); Article 14(2) of, and Schedule 6 to, the Social Security (Northern Ireland) Order 1985 (S. I. 1985/1209 (N. I. 16)); Article 37(2) of, and Schedule 10 to, the Social Security (Northern Ireland) Order 1986; Article 4(2) of the Social Security (Northern Ireland) Order 1990 (S. I. 1990/1511 (N. I. 15)); Schedule 4 to the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 (S. I. 1991/1712 (N. I. 17)) and S. R. 1991 No. 77

(4) The sums falling to be calculated under section 59B(5)(**8**) (calculation of weekly rate of retirement allowance) shall be increased from a date specified in Article 5 by 4.1 per cent. of their amount apart from this order.

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

4.—(1) The sums specified in paragraphs (2) and (3) shall be increased from and including the respective dates specified in Article 5.

(2) In Article 8(1)(a) of the Pensions Order (basic pension of Category A retirement pension)—

(a) so far as the sum is relevant for the purpose of calculating under section 14(6)(**9**) the rate of sickness benefit, for the sum of £49.90(**10**) there shall be substituted the sum of £51.95; and

(b) except so far as mentioned in sub-paragraph (a), for the sum of £52.00(**10**) there shall be substituted the sum of £54.15.

(3) It is hereby directed that the sums which are—

(a) the additional pensions in the rates of long-term benefit calculated by reference to any final relevant year earlier than the tax year 1991/1992;

(b) the increases in the rates of retirement pensions under Schedule 1 to the Pensions Order (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(**11**) or Article 64 of the Order, corresponding to an order made by the Secretary of State under section 126A of the Social Security Act 1975(**12**) or section 63 of the Social Security Act 1986 respectively,

shall in each case be increased by 4.1 per cent. of their amount apart from this order.

(4) 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) 4.1 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) 1.1 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**)

(**8**) Section 59B was inserted by Article 4(1) of the Social Security (Northern Ireland) Order 1988 (S. I. 1988/594 (N. I. 2)); subsection (5) was amended by paragraph 8(5) of Schedule 1 to the Social Security (Northern Ireland) Order 1989 (S. I. 1989/1342 (N. I. 13))

(**9**) Section 14(6) was amended by paragraph 21(b) of Schedule 5 to the Social Security Pensions (Northern Ireland) Order 1975, paragraph 5 of Schedule 3 to the Social Security (Northern Ireland) Order 1979, paragraph 53 of Schedule 9 to the Social Security (Northern Ireland) Order 1986 and Schedule 9 to the Social Security (Northern Ireland) Order 1989

(**10**) *See*Article 4(2) of S. R. 1991 No. 77

(**10**) *See*Article 4(2) of S. R. 1991 No. 77

(**11**) 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))

(**12**) 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

(**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*Article 64(2) and (4) of the Social Security (Northern Ireland) Order 1986 and the Guaranteed Minimum Pensions Increase (No. 2) Order (Northern Ireland) 1991 (S. R. 1991 No. 538). Paragraph (2) provides for the increases to be paid as part of a Category A or Category B retirement pension

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

5.—(1) Paragraphs (2) to (8), which are subject to the provisions of paragraph (9), specify the date on which the increases made by this order in the sums specified for rates or amounts of benefit under the principal 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 section 14(6) or 15(4)(**16**), the increases in the sums mentioned in Articles 3, 4 and 7 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 1992 and in relation to all other cases the increases in such sums shall take effect on 6th April 1992.

(3) The increases in the sums mentioned in Article 4(3)(c) and (4) shall take effect on 6th April 1992.

(4) The increases in the sums specified for the rate of maternity allowance(**17**), widowed mother's allowance, widow's pension, Category C and Category D retirement pension, child's special allowance(**18**), 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 6th April 1992.

(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 section 57(5)(**19**), 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 maximum, under section 91(1)(**20**), of the aggregate of weekly benefit payable for successive accidents, shall take effect in all cases from and including 8th April 1992.

(6) Where a person's weekly rate of Category A or Category B retirement pension falls to be increased under the provisions of section 28(7)(**21**) or 29(8)(**22**), 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 6th April 1992; and where it does not fall to be so increased the sum so specified shall take effect on 9th April 1992.

(7) The increases in the sums specified for the rate of unemployment and sickness benefit, invalidity pension and severe disablement allowance(**23**) (together with, where appropriate, increases for dependants) shall take effect in all cases on 9th April 1992.

(**16**) Section 15(4) was amended by paragraph 22(c) of Schedule 5 to the Social Security Pensions (Northern Ireland) Order 1975, paragraph 1 of Schedule 1 to, and paragraph 6 of Schedule 3 to, the Social Security (Northern Ireland) Order 1979 and paragraph 53 of Schedule 9 to the Social Security (Northern Ireland) Order 1986

(**17**) Section 22 was substituted by paragraph 13 of Schedule 4 to the Social Security (Northern Ireland) Order 1986 and amended by paragraph 2 of Schedule 4 to the Social Security (Northern Ireland) Order 1988

(**18**) Child's special allowance is abolished except for existing beneficiaries as from 6th April 1987. See Article 41 of the Social Security (Northern Ireland) Order 1986

(**19**) Section 57(5) was repealed by Schedule 10 to the Social Security (Northern Ireland) Order 1986; but saved in certain circumstances by regulation 13 of S. R. 1986 No. 340

(**20**) Section 91(1) was amended by paragraph 11 of Schedule 4 to, and Schedule 5 to, the Social Security (Northern Ireland) Order 1982

(**21**) Section 28(7) was amended by Article 3(3) of the Social Security (No. 2) (Northern Ireland) Order 1980 (S. I. 1980/1087 (N. I. 13)) and Article 11(2)(a) and (b) of the Social Security (Northern Ireland) Order 1985

(**22**) Section 29(8) was amended by Article 11(3) of the Social Security (Northern Ireland) Order 1985

(**23**) Section 36 was substituted by Article 5(1) of the Health and Social Security (Northern Ireland) Order 1984 and amended by paragraph 2 of Schedule 4 to the Social Security (Northern Ireland) Order 1985, paragraphs 2(5) and 6 of Schedule 8 to, and Schedule 9 to, the Social Security (Northern Ireland) Order 1989 and paragraph 19(4) of Schedule 6 to the Social Security (Northern Ireland) Order 1990

(8) The increase in the sums falling to be calculated in accordance with section 59B(5) shall take effect on 8th April 1992.

(9) In the case of a person who is subject to the provisions of regulations made under section 85(1)(b)(**24**) (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(2)(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.

Increase in rate of benefit under the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975

6. With effect from and including 8th April 1992 in section 2(6)(c) of the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(**25**) (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation) for the sum of £31.25 there shall be substituted the sum of £32.55.

Increase in rate of graduated retirement benefit and increments thereof

7.—(1) The sum of 6.81 pence referred to in section 35(1) of the National Insurance Act (Northern Ireland) 1966(**26**) (graduated retirement benefit) shall be increased by 4.1 per cent.; and accordingly, from and including 6th April 1992 the reference in that provision to that sum shall have effect as a reference to 7.09 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(**27**) (increases for deferred entitlement to a Category A or Category B retirement pension) shall be increased by 4.1 per cent. of their amount apart from this order.

Sum specified for child benefit

8. In regulation 2 of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976(**28**) (weekly rates of child benefit)—

(a) in paragraph (1)(a), the sum specified is £9.65;

(b) in paragraph (1)(b), the sum specified is £7.80; and

(c) in paragraph (2), the sum specified is £5.85.

Statutory sick pay

9. In Article 9(1) of the Social Security (Northern Ireland) Order 1982(**29**) (relationship between rates of statutory sick pay and employee's normal weekly earnings) the sums specified in paragraph (a) are £52.50 and £185.00 respectively and the sum specified in paragraph (b) is £43.50.

Statutory maternity pay

10. In regulation 6 of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**30**) (lower rate of statutory maternity pay) for the sum of £44.50 there shall be substituted the sum of £46.30.

(**24**) Section 85(1) was amended by paragraph 29 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975
(**25**) 1975 c. 17; see Article 6 of S. R. 1991 No. 77
(**26**) 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. 1991 No. 77
(**27**) S. R. 1978 No. 105; relevant amending regulations are S. R. 1989 No. 373
(**28**) S. R. 1976 No. 223; relevant amending rules are S. R. 1977 No. 248, S. R. 1980 No. 37 and S. R. 1991 Nos. 77, 82 and 309
(**29**) S. I. 1982/1084 (N. I. 16); Article 9(1) was substituted by Article 2 of S. R. 1991 No. 87
(**30**) S. R. 1987 No. 30; relevant amending rule is S. R. 1991 No. 77