1991 No. 78

SOCIAL SECURITY

The Social Security Benefits Up-rating Regulations (Northern Ireland) 1991

Made . . . . . *11th March 1991*

Coming into operation . . *8th April 1991*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 17(1)(*a*), 49(*b*), 58(3) and 126 of the Social Security (Northern Ireland) Act 1975(**a**) and Article 65(2) of the Social Security (Northern Ireland) Order 1986(**b**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security Benefits Up-rating Regulations (Northern Ireland) 1991 and shall come into operation on 8th April 1991.

(2) In these regulations, unless the context otherwise requires—

"the principal Act" means the Social Security (Northern Ireland) Act 1975;

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

"the up-rating order" means the Social Security Benefits Up-rating Order (Northern Ireland) 1991(**c**);

and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number.

(3) The Interpretation Act 1978(**d**) shall apply to these regulations as it applies to an Act of the United Kingdom Parliament.

Conditions relating to payment of additional benefit under awards made before the appointed or prescribed day

2.—(1) This regulation applies to a case where—

(*a*) either—

(**a**) 1975 c. 15; section 17(1)(*a*) was amended by Article 12(2) of the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)). Section 58(3) ceased to have effect on 6th April 1987 except for beneficiaries in receipt of unemployability supplement immediately before that date; *see* paragraph 4 of Schedule 3 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

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

(**c**) S.R. 1991 No. 77

(**d**) 1978 c. 30

(i) an award of any benefit under Chapters I to III of Part II of the principal Act has been made before the day appointed or prescribed for the payment of the benefit in question at a higher rate provided in or by virtue of the up-rating order, or

(ii) an award of any benefit under Part II of the principal Act has been made before the day appointed or prescribed for the payment of the benefit in question at a lower rate provided in or by virtue of the up-rating order;

(*b*) the period to which the award relates has not ended before that day; and

(*c*) the award does not, in accordance with the provisions of Article 65(3) of the 1986 Order, provide for the payment of the benefit at the higher or lower rate (as the case may be) as from that day.

(2) In a case to which this regulation applies, Article 65(2) of the 1986 Order shall have effect subject to the condition that if a question arises as to either—

(*a*) the weekly rate at which the benefit is payable by virtue of the up-rating order; or

(*b*) whether the conditions for the receipt of the benefit at the altered rate are satisfied,

the benefit shall, until the question has been determined in accordance with the provisions of the principal Act, be or continue to be payable at the weekly rate specified in paragraph (3).

(3) The weekly rate referred to in paragraph (2) is the weekly rate specified in the award or the weekly rate at which the benefit would have been paid if the question had not arisen, whichever is the lower.

Persons not ordinarily resident in Northern Ireland

3. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(**a**) (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 (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984

4. In regulation 3(3) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(**b**) (persons deemed to be incapable of work) for "£35·00" there shall be substituted "£39·00".

Amendment of the Social Security (General Benefit) Regulations (Northern Ireland) 1984

5. In regulation 14 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(**c**) (earnings level for the purpose of unemployability supplement) for "£1,820" there shall be substituted "£2,028".

(**a**) S.R. 1978 No. 114; the relevant amending regulations are S.R. 1979 No. 392, S.R. 1988 No. 77, S.R. 1989 No. 373 and S.R. 1990 No. 123

(**b**) S.R. 1984 No. 245; the relevant amending regulations are S.R. 1987 No. 221 and S.R. 1990 No. 118

(**c**) S.R. 1984 No. 92; the relevant amending regulations are S.R. 1990 No. 118