**1990 No. 70**

# SOCIAL SECURITY

# STATUTORY MATERNITY PAY; STATUTORY SICK PAY; HOUSING

## The Social Security Benefits Up-rating Order (Northern Ireland) 1990

*Made . . . . . 27th February 1990*

*Coming into operation—*
*in accordance with Article 1(1)*

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

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(**c**) and of all other powers enabling it in that behalf, hereby makes the following order:

(**a**) S.I. 1990/320
(**b**) 1986 c. 50
(**c**) S.I. 1986/1888 (N.I. 18)

PART I

INTRODUCTION

*Citation and commencement*

**1.**—(1) This Order may be cited as the Social Security Benefits Up-rating Order (Northern Ireland) 1990 and shall come into operation for the purposes of—

(*a*) Articles 1, 2, 10 and 18 on 1st April 1990;

(*b*) Article 9 on 6th April 1990;

(*c*) Articles 3 to 8 and 11 on 9th April 1990;

(*d*) Articles 12 and 13 on 10th April 1990;

(*e*) Articles 14, 15 and 16, 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 9th April 1990, and 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 17(*d*), 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 9th April 1990;

(*g*) except in a case to which sub-paragraph (*f*) applies, Article 17, in relation to a case where rent is payable at intervals of a week or any multiple thereof, 2nd April 1990, and in relation to any other case, 1st April 1990.

(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(**a**);

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

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

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

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(a) S.R. 1987 No. 463; relevant amending rules are S.R. 1988 Nos. 131, 192, 205, 303 and 423 and S.R. 1989 Nos. 18, 249 and 366

(b) S.R. 1987 No. 459; relevant amending rules are S.R. 1988 Nos. 146, 193, 205, 274, 318, 431 and S.R. 1989 Nos. 18, 139, 249, 326, 366 and 395

(c) S.R. 1987 No. 461; relevant amending rules are S.R. 1988 Nos. 117, 186, 314 and 424 and S.R. 1989 Nos. 18, 125, 260, 366 and 408

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(**a**).

(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 sum specified in the said Part III for age addition.

(4) It is hereby directed that the sums falling to be calculated under section 59B(5)(**b**) (calculation of weekly rate of retirement allowance) shall be increased from a date specified in Article 5 by 7·6 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)(**c**) the rate of sickness benefit, for the sum of £41·80(**d**) there shall be substituted the sum of £45·00; and

(*b*) except so far as mentioned in sub-paragraph (*a*), for the sum of £43·60(**d**) there shall be substituted the sum of £46·90.

(3) 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 1989-1990;

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(**a**) 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 and S.R. 1989 No. 18

(**b**) 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))

(**c**) 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

(**d**) *See* Article 4(2) of S.R. 1989 No. 18

(*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(**a**) 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(**b**) or section 63 of the Social Security Act 1986 respectively,

shall in each case be increased by 7·6 per cent. of their amount apart from this order.

(4) It is hereby directed that sums which are payable by virtue of Article 37(6) of the Pensions Order(**c**) (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)(**d**), shall be increased by 4·6 per cent. of their amount apart from this order(**e**).

*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)(**f**), 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 12th April 1990 and in relation to all other cases the increases in such sums shall take effect on 9th April 1990.

(3) The increase in the sums mentioned in Article 4(3)(*c*) and (4) shall take effect on 9th April 1990.

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(**a**) 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 and Schedule 10 to the Social Security (Northern Ireland) Order 1986

(**b**) 1975 c. 14

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

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

(**e**) *See* Article 64(4) of the Social Security (Northern Ireland) Order 1986 and the Guaranteed Minimum Pensions Increase Order (Northern Ireland) 1990 (S.R. 1990 No. 52)

(**f**) 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