1989 No. 18

SOCIAL SECURITY

STATUTORY MATERNITY PAY; STATUTORY SICK PAY; HOUSING; RATES

The Social Security Benefits Up-rating Order (Northern Ireland) 1989

Made	*20th January 1989*
Coming into operation—	
for the purposes of Articles 1 and 2	*1st April 1989*
for the purposes of Article 18	*1st or 3rd April 1989*
for the purposes of Article 10	*2nd April 1989*
for the purposes of Articles 9 and 12	*6th April 1989*
for the purposes of Articles 13 and 14	*11th April 1989*
for all other purposes . . .	*10th April 1989*

ARRANGEMENT OF ARTICLES

PART I

INTRODUCTION

1. Citation and commencement.
2. Interpretation.

PART II

SOCIAL SECURITY BENEFITS

3. Increase in rates or amounts of certain benefits under the Act.
4. Increase in rates or amounts of certain benefits under the Pensions Order.
5. Dates on which sums specified for rates or amounts of benefit under the Act or the Pensions Order are increased by this order.
6. Increase in rate of benefit under the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975.
7. Increase in rate of graduated retirement benefit and increments thereof.
8. Sum specified for child benefit.
9. Statutory sick pay.

10. Statutory maternity pay.
11. Earnings limits.
12. Statutory sick pay transitional provision.

PART III

FAMILY CREDIT, INCOME SUPPORT AND HOUSING BENEFIT

13. Family credit.
14. Sums prescribed for the purpose of family credit.
15. Applicable amounts for income support.
16. Income support transitional protection.
17. The relevant sum for income support.
18. Applicable amounts for housing benefit (housing costs).
19. Transitional.

PART IV

REVOCATIONS

20. Revocations.

SCHEDULES

1. Schedule 4 to the Act as amended by this order.
2. Schedule 4 to the Family Credit Regulations as amended by this order.
3. Part I of Schedule 2 to the Income Support Regulations as amended by this order.
4. Part IV of Schedule 2 to the Income Support Regulations as amended by this order.
5. Applicable amounts of persons in homes for persons in need and nursing homes.
6. Applicable amounts of persons in hostels.
7. Applicable amounts in special cases.
8. Other applicable amounts specified in the Income Support Regulations.
9. Part I of Schedule 2 to the Housing Benefit Regulations as amended by this order.
10. Part IV of Schedule 2 to the Housing Benefit Regulations as amended by this order.

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

(**a**) S.I. 1989/43
(**b**) 1986 c. 50

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(**a**) 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) 1989.

(2) Subject to paragraphs (3) to (6), this order shall come into operation for the purposes of Articles 1 and 2 on 1st April 1989, for the purposes of Article 10 on 2nd April 1989, for the purposes of Articles 9 and 12 on 6th April 1989, for the purposes of Articles 13 and 14 on 11th April 1989, and for all other purposes on 10th April 1989.

(3) Articles 15, 16 and 17 of this order shall come into operation in relation to any particular beneficiary at the beginning of the first benefit week to commence for that beneficiary on or after 10th April 1989, and for this purpose "benefit week" has the same meaning as in the Income Support Regulations(**b**).

(4) Article 18 of this order shall come into operation in relation to any case to which paragraph (5) applies on 1st April 1989, and in any other case on 3rd April 1989.

(5) This paragraph applies in any case where—

(*a*) rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof; or

(*b*) payments by way of rates are not made together with payments of rent at weekly intervals or multiples thereof.

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

Interpretation

2.—(1) In this order—

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

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

"the Pensions Order" means the Social Security Pensions (Northern Ireland) Order 1975(**d**);

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

(**a**) S.I. 1986/1888 (N.I. 18)
(**b**) S.R. 1987 No. 459; the relevant amending regulations are S.R. 1988 No. 318
(**c**) 1975 c. 15
(**d**) S.I. 1975/1503 (N.I. 15)
(**e**) S.R. 1987 No. 463; as amended by S.R. 1988 Nos. 131, 192, 205, 303 and 423

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

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

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

PART II

SOCIAL SECURITY BENEFITS

Increase in rates or amounts of certain benefits under the Act

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

(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 to this order.

(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.

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

4.—(1) The sums mentioned 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)(**d**) the rate of sickness benefit, for the sum of £39·45(**e**) there shall be substituted the sum of £41·80; and

(*b*) except so far as mentioned in sub-paragraph (*a*), for the sum of £41·15(**e**) there shall be substituted the sum of £43·60.

(**a**) S.R. 1987 No. 459; as amended by S.R. 1988 Nos. 146, 193, 205, 274, 318 and 431

(**b**) S.R. 1987 No. 461; as amended by S.R. 1988 Nos. 117, 186, 314 and 424

(**c**) Schedule 4 was amended by 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)); Article 24(2) of, and paragraphs 42 and 43 of Schedule 5 to, and Schedule 6 to the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)); 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, paragraph 5 of Schedule 3 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. 1987 No. 458

(**d**) 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 and paragraph 53 of Schedule 9 to the Social Security (Northern Ireland) Order 1986

(**e**) *See* Article 3(2) of S.R. 1987 No. 458

(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 1988/1989,

(*b*) the increases in the rates of retirement pensions under Schedule 1 to the Pensions Order (increase of pension where pensioner defers retirement), and

(*c*) (i) payable by virtue of Article 37(6) of the Pensions Order(**a**) (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)(**b**); and

(ii) payable to such a person as part of his Category A or Category B retirement pension by virtue of an order made under section 120(**c**) 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(**d**) or section 63 of the Social Security Act 1986 respectively,

shall in each case be increased by 5·9 per cent. of their amount apart from this order.

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

5.—(1) The following provisions of this Article specify the date on which the increases made by this order in the sums specified for rates or amounts of benefit under the Act or the Pensions Order shall take effect for each case.

(2) In relation to the case of a person over pensionable age who has not retired from regular employment 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)(**e**), 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 13th April 1989; and in relation to all other cases the increases in such sums shall take effect on 10th April 1989.

(3) The increase in the sums mentioned in Article 4(3)(*c*) shall take effect on 10th April 1989.

(**a**) Article 37(6) was amended by Article 4(2) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11))

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

(**c**) Section 120 was amended by the Schedule to the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977, 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

(**d**) 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

(**e**) 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