1987 No. 458

SOCIAL SECURITY

STATUTORY MATERNITY PAY AND STATUTORY SICK PAY

The Social Security Benefits Up-rating (No. 2) Order (Northern Ireland) 1987

Made . . . . . 21st December 1987

Coming into operation—

for the purposes of Articles 1 and 9	*3rd April 1988*
for the purposes of Articles 8 and 11	*6th April 1988*
for all other purposes	*11th April 1988*

Whereas the Secretary of State for Social Services 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:

Citation, commencement and interpretation

1.—(1) This order may be cited as the Social Security Benefits Up-rating (No. 2) Order (Northern Ireland) 1987 and shall come into operation for the purposes of Articles 1 and 9 on 3rd April 1988, for the purposes of Articles 8 and 11 on 6th April 1988 and for all other purposes on 11th April 1988.

(2) In this order—

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

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

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

(**a**) S.I. 1987/1978
(**b**) 1986 c. 50
(**c**) S.I. 1986/1888 (N.I. 18)
(**d**) 1975 c. 15

Increase in rates or amounts of certain benefits under the Act

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

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

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

(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)(**b**) the rate of sickness benefit, for the sum of £37·85(**c**) there shall be substituted the sum of £39·45; and

(*b*) except so far as mentioned in sub-paragraph (*a*), for the sum of £39·50(**c**) there shall be substituted the sum of £41·15.

(3) It is hereby directed that the sums which are the additional pensions in the rates of long-term benefits calculated by reference to any final relevant year earlier than the tax year 1987/1988 shall be increased by 4.2 per cent. of their amount apart from this order.

(4) It is hereby directed that the sums payable by way of increases of retirement pensions under Schedule 1 to the Pensions Order (increase of pension where pensioner defers retirement) shall be increased by 4.2 per cent.

(5) It is hereby declared that an amount equal to 4.2 per cent. of the aggregate amount of the sums—

(*a*) payable by virtue of Article 37(6) of the Pensions Order(**d**) (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

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(**a**) Schedule 4 was amended by paragraphs 35 and 36 of Schedule 4 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. 22 as amended by S.R. 1987 No. 111

(**b**) 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

(**c**) *See* Article 3(2) of S.R. 1987 No. 22

(**d**) 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))

Category B retirement pension (including sums payable by virtue of Article 38(3) of that Order); and

(*b*) 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(**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 be payable by way of an increase of such a person's Category A or Category B retirement pension.

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

4.—(1) 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 such case in paragraphs (2) to (7).

(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)(**c**), the increases in the sums mentioned in Articles 2, 3 and 6 for Category A and Category B retirement pension and graduated retirement benefit (together with, where appropriate, increases for dependants) shall take effect on 14th April 1988; and in relation to all other cases the increases in such sums shall take effect on 11th April 1988.

(3) The increase mentioned in Article 3(5) shall take effect on 11th April 1988.

(4) The increases in the amounts of maternity allowance(**d**), widow's allowance(**e**), widowed mother's allowance, widow's pension, Category C and Category D retirement pension, child's special allowance(**f**), attendance allowance, invalid care allowance (except in a case where the Department has made arrangements for it to be paid on a Wednesday), guardian's allowance and 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) shall in all cases take effect on 11th April 1988.

(a) 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

(b) 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

(c) 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

(d) *See* 1975 c. 15; section 22 was substituted by paragraph 13 of Schedule 4 to the Social Security (Northern Ireland) Order 1986

(e) Widow's allowance is replaced by widow's payment (Article 37(1) and (2) of the Social Security (Northern Ireland) Order 1986) with effect from 11th April 1988 except in the case of widows whose husbands died before that date. *See* regulation 2 of S.R. 1987 No. 387

(f) 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

(5) The sums specified for the rate of mobility allowance(**a**), invalid care allowance (in a case where the Department has made arrangements for it to be paid on a Wednesday), disablement benefit (together with increases of disablement pension), maximum disablement gratuity under section 57(5)(**b**), increase of unemployability supplement under section 59(**c**) and maximum, under section 91(1)(**d**), of the aggregate of weekly benefit payable for successive accidents, shall be increased in all cases with effect from 13th April 1988.

(6) In relation to the case of a person whose weekly rate of Category A or Category B retirement pension falls to be increased under the provisions of section 28(7)(**e**) or 29(8)(**f**) 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 11th April 1988; and in relation to all other cases the increase in such sum shall take effect on 14th April 1988.

(7) The increases in the rates or amounts of unemployment and sickness benefit, invalidity pension and severe disablement allowance(**g**) (together with, where appropriate, increases for dependants) shall take effect in all cases on 14th April 1988.

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

5. With effect from and including 13th April 1988, for "£23·75" there shall be substituted "£24·75" in section 2(6)(*c*) of the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(**h**) (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation).

Increase in rate of graduated retirement benefit and increments thereof

6.—(1) The sum of 5·17 pence referred to in section 35(1) of the National Insurance Act (Northern Ireland) 1966(**i**) (graduated retirement benefit) shall be increased by 4.2 per cent.; and accordingly, from and including 11th April 1988 the reference in that provision to that sum shall have effect as a reference to 5·39 pence.

(**a**) *See* 1975 c. 15; section 37A was inserted by Article 24(1) of the Social Security Pensions (Northern Ireland) Order 1975 and was amended by Article 4 of the Social Security (Northern Ireland) Order 1979 and Article 72(1) to (3) of the Social Security (Northern Ireland) Order 1986

(**b**) 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

(**c**) Section 59 ceased to have effect, except for existing beneficiaries, by paragraph 4 of Schedule 3 to the Social Security (Northern Ireland) Order 1986 from 6th April 1987

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

(**e**) 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

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

(**g**) *See* 1975 c. 15; 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

(**h**) 1975 c. 17; section 2(6)(*c*) was amended by Article 5 of S.R. 1987 No. 22

(**i**) 1966 c. 6 (N.I.); section 35 was repealed by the Social Security Act 1973 (c. 38) but subsection (1) is now continued in force by regulation 2 of S.R. 1978 No. 105 in the modified form set out in Schedule 1 to those regulations as amended by Article 6 of S.R. 1987 No. 22

(2) It is hereby directed that the aggregate amount of any increases of graduated retirement benefit payable under Schedule 2 to the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978(**a**) (increases for deferred retirement) shall be increased by 4.2 per cent.

Sum specified for child benefit

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

(*a*) in paragraph (1), the sum specified is £7·25; and

(*b*) in paragraph (2), the sum specified shall be increased from £4·70 to £4·90.

Statutory sick pay

8.—(1) The sums specified in Article 9(1) of the Social Security (Northern Ireland) Order 1982(**c**) (relationship between rates of payment of statutory sick pay and employees' normal weekly earnings) shall be increased in accordance with paragraphs (2) and (3) with effect from 6th April 1988.

(2) The sums specified in Article 9(1)(*a*) shall be increased from £47·20 and £76·50 to £49·20 and £79·50 respectively.

(3) The sum specified in Article 9(1)(*b*) shall be increased from £32·85 to £34·25.

Statutory maternity pay

9. The sum specified in regulation 6 of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**d**) (lower rate of statutory maternity pay) shall be increased from £32·85 to £34·25 with effect from 3rd April 1988.

Earnings limits

10.—(1) The sum specified in subsection (1) of section 30 (amount of weekly earnings which must be exceeded before the weekly rate of a Category A or Category B retirement pension is reduced by reference to those earnings) is £75(**e**) and the sums specified—

(*a*) in paragraph (*a*) of that subsection are £4, 5 pence and 10 pence respectively, and

(*b*) in paragraph (*b*) of that subsection are £4, 5 pence, 10 pence, £4, 5 pence and 5 pence respectively.

(2) The sums specified in section 41(2B)(**f**) (earnings limits for child dependency increases) shall be increased from £85, £10 and £85 to £90, £11 and £90 respectively.

(**a**) S.R. 1978 No. 105
(**b**) S.R. 1976 No. 223; the relevant amending rules are S.R. 1977 No. 248, S.R. 1980 No. 37 and S.R. 1987 No. 22
(**c**) S.I. 1982/1084 (N.I. 16); Article 9(1) was substituted by regulation 2 of S.R. 1987 No. 23
(**d**) S.R. 1987 No. 30
(**e**) *See* Article 9 of S.R. 1987 No. 22
(**f**) Section 41(2B) was inserted by paragraph 2(*c*) of Schedule 3 to the Health and Social Security (Northern Ireland) Order 1984 and amended by S.R. 1985 No. 281