1987 No. 22

SOCIAL SECURITY

The Social Security Benefits Up-rating Order (Northern Ireland) 1987

Made	*26th January 1987*
Coming into operation—	
Articles 1(1), 8 and 10(2) . .	*1st April 1987*
Remainder	*6th April 1987*

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 Order (Northern Ireland) 1987 and shall come into operation in the case of Articles 1(1), 8 and 10(2) on 1st April 1987 and in the case of all other Articles on 6th April 1987.

(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.

Increase in rates or amounts of certain benefits under the Act

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

(a) S.I. 1987/45
(b) 1986 c. 50
(c) S.I. 1986/1888 (N.I. 18)
(d) 1975 c. 15
(e) 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 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)); the Social Security Benefits Up-rating Order (Northern Ireland) 1986 (S.R. 1986 No. 211) and Schedule 10 to the Social Security (Northern Ireland) Order 1986

(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—

(*a*) in the said Part I the sum specified for child's special allowance(**a**);

(*b*) in the said Part III the sums specified for guardian's allowance and age addition;

(*c*) in column (2) of the said Part IV the sums specified by way of increase for a dependent child; and

(*d*) in the said Part V sums specified in respect of a dependent child.

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 component 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 £37·05(**c**) there shall be substituted the sum of £37·85; and

(*b*) except so far as mentioned in sub-paragraph (*a*), for the sum of £38·70(**c**) there shall be substituted the sum of £39·50.

(3) It is hereby directed that the sums are the additional components in the rates of long-term benefits calculated by reference to any final relevant year earlier than the tax year 1986/1987 shall be increased by 2·1 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 2·1 per cent.

(5) It is hereby declared that an amount equal to 2.1 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 Category B retirement pension (including sums payable by virtue of Article 38(3) of that Order); and

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(**a**) *See* Article 41 of the Social Security (Northern Ireland) Order 1986

(**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. 1986 No. 211

(**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))

(*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 9th April 1987; and in relation to all other cases the increases in such sums shall take effect on 6th April 1987.

(3) The increase mentioned in Article 3(5) shall take effect on 6th April 1987.

(4) The increases in the amounts of maternity allowance(**d**), widow's allowance, widowed mother's allowance, widow's pension, Category C and Category D retirement pension, attendance allowance, invalid care allowance (except in a case where the Department has made arrangements for it to be paid on a Wednesday) and industrial death benefit by way of widow's and widower's pension (together with, where appropriate, increases for dependants) shall in all cases take effect on 6th April 1987.

(5) The sums specified for the rate of mobility allowance(**e**), 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)(**f**), increase of unemployability supplement under section 59(**g**) and maximum,

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(**a**) Section 120 was amended by Article 18(17) of 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**) *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) 1986

(**f**) *See* paragraph 3(3) of Schedule 3 to the Social Security (Northern Ireland) Order 1986

(**g**) Section 59 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(4) of the Social Security (Northern Ireland) Order 1985

under section 91(1)(**a**), of the aggregate of weekly benefit payable for successive accidents, shall be increased in all cases with effect from 8th April 1987.

(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)(**b**) or 29(8)(**c**) 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 1987; and in relation to all other cases the increase in such sum shall take effect on 9th April 1987.

(7) The increases in the rates or amounts of unemployment and sickness benefit, invalidity pension and severe disablement allowance(**d**) (together with, where appropriate, increases for dependants) shall take effect in all cases on 9th April 1987.

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

5. With effect from and including 8th April 1987, for "£23·25" there shall be substituted "£23·75" in section 2(6)(*c*) of the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(**e**) (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 5·06 pence referred to in section 35(1) of the National Insurance Act (Northern Ireland) 1966(**f**) (graduated retirement benefit) shall be increased by 2.1 per cent.; and accordingly, from and including 6th April 1987 the reference in that provision to that sum shall have effect as a reference to 5·17 pence.

(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(**g**) (increases for deferred retirement) shall be increased by 2·1 per cent.

Increase in the rate of child benefit

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

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

(**b**) Section 28(7) was amended by Article 3(3) of the Social Security (No. 2) (Northern Ireland) Order 1980 and Article 11(2)(*a*) and (*b*) of the Social Security (Northern Ireland) Order 1985

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

(**d**) *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

(**e**) 1975 c. 17; section 2(6)(*c*) was amended by Article 5 of S.R. 1986 No. 211

(**f**) 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. 1986 No. 211

(**g**) S.R. 1978 No. 105

(**h**) S.R. 1976 No. 223; the relevant amending regulations are S.R. 1977 No. 248, S.R. 1980 No. 37 and S.R. 1986 No. 221

(*a*) in paragraph (1) for "£7·10" there shall be substituted "£7·25";

(*b*) in paragraph (2) for "£4·60" there shall be substituted "£4·70".

Statutory Sick Pay

8. The sums specified in Article 9(1) of the Social Security (Northern Ireland) Order 1982(**a**) (relationship between rates of payment of statutory sick pay and employees' normal weekly earnings) are—

(*a*) in sub-paragraph (*a*), £46·75 and £74·50 respectively;

(*b*) in sub-paragraph (*b*), £39·20, £74·50 and £55·50 respectively;

(*c*) in sub-paragraph (*c*), £31·60.

Earnings Limits

9.—(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(**b**) 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)(**c**) (level at which child additions payable with long-term benefits are affected by earnings of claimant's spouse or partner) are £85, £10 and £85 respectively.

Revocations

10.—(1) The Social Security Benefits Up-rating Order (Northern Ireland) 1985(**d**) and the Social Security Benefits Up-rating Order (Northern Ireland) 1986(**e**) are hereby revoked.

(2) Articles 2 and 3(*b*) of the Statutory Sick Pay Up-rating Order (Northern Ireland) 1986(**f**) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 26th January 1987.

(L.S.) *A. N. Burns*
Assistant Secretary

(**a**) S.I. 1982/1084 (N.I. 16); the sums specified in Article 9(1) were last increased by S.R. 1986 No. 23
(**b**) *See* Article 7 of S.R. 1985 No. 230
(**c**) 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
(**d**) S.R. 1985 No. 230; the relevant amending regulations are S.R. 1986 No. 211
(**e**) S.R. 1986 No. 211
(**f**) S.R. 1986 No. 23