1982 No. 241

SOCIAL SECURITY

The Social Security Benefits Up-rating Order (Northern Ireland) 1982

Made . . . . . *3rd August 1982*

Coming into operation . . . *22nd November 1982*

Whereas the Secretary of State for Social Services has made an order(a) under sections 124 and 126A of the Social Security Act 1975(b):

Now, therefore, the Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 120 of the Social Security (Northern Ireland) Act 1975(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) 1982 and shall come into operation on 22nd November 1982.

(2) In this order, unless the context otherwise requires—

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

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

Alteration in rates or amounts of certain benefits under the Act

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

(2) The sums specified in paragraph (3) shall be altered 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 of benefits for dependants and rate or amount of industrial injuries benefits, respectively), except the sum specified in the said Part III for age addition.

(a) S.I. 1982/1130

(b) 1975 c. 14; section 124 was modified in application by section 17(4) of the Child Benefit Act 1975 c. 61 and by section 1(3) of the Social Security (No. 2) Act 1980 c. 39 and amended by section 5(1) of the Social Security (Miscellaneous Provisions) Act 1977 c. 5 and by section 7(6) of, and the Schedule to, the Social Security (No. 2) Act 1980. Section 124 was also extended in application by section 23(1) of the Social Security Pensions Act 1975 c. 60, which was itself amended by section 21(4) of, and Schedule 3 to, the Social Security Act 1979 c. 18, and by section 21(4) of, and Part I of Schedule 5 to, the Social Security Act 1980 c. 30. Section 126A was inserted by section 12 of the Social Security Act 1979 and amended by section 1(2) of the Social Security Act 1981 c. 33

(c) 1975 c. 15; section 120 was extended in application by Article 25 of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) and amended by Article 18(17) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11)) and by Article 16 of, and paragraph 9 of Schedule 3 to, the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))

(d) S.I. 1975/1503 (N.I. 15)

(e) Schedule 4 was amended by Article 23(1) and (2) of, and Schedules 4 and 5 to, the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)), Articles 24(2), 74(1) and 74(2) of, and paragraphs 42 and 43 of Schedule 5, and Schedule 6 to, the Social Security Pensions (Northern Ireland) Order 1975, Article 6 of, and paragraph 13 of Schedule 1 to, the Social Security (Northern Ireland) Order 1979, and the Social Security Benefits Up-rating Order (Northern Ireland) 1981 (S.R. 1981 No. 274)

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) of the Act the rate of unemployment or sickness benefit and of calculating under section 15(4) of the Act or Article 16, 17 or 18 of the Pensions Order the rate of an invalidity pension, for the sum of £28·35(a) there shall be substituted the sum of £31·45; and

(*b*) except so far as mentioned in sub-paragraph (*a*), for the sum of £29·60(a) there shall be substituted the sum of £32·85.

(3) It is hereby directed that the sums which are the additional components in the rates of long-term benefits calculated by reference to any final relevant year earlier than the tax year 1982/1983 shall be increased by 11 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 11 per cent.

(5) It is hereby directed that an amount equal to 11 per cent. of—

(*a*) the aggregate amount of the sums payable to a person by virtue of Article 37(6) of the Pensions Order (which provides for increases in a person's guaranteed minimum pension if payment of his occupational pension is postponed after he attains pensionable age), including such sums which are payable by virtue of Article 38(3) of that Order; and

(*b*) the amount by which that person's Category A or Category B retirement pension has been increased by an order under section 120 of the Act corresponding to an order made by the Secretary of State under section 126A of the Social Security Act 1975 by virtue of sub-section (1)(*b*) of that section (up-rating of increments in guaranteed minimum pensions),

but excluding, in either case, any increases under Schedule 1 to the Pensions Order which are increased by paragraph (4), shall be payable by way of an increase of his 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 altered by this order

4.—(1) Subject to paragraph (8), the alterations 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 the following provisions of this Article.

(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) of the Act, the increases in the sums mentioned in Articles 2, 3 and 6 for Category A and B retirement pension and graduated retirement benefit (together with, where appropriate, increases for dependants) shall take effect on 25th November 1982 and in relation to all other cases the increases in such sums shall take effect on 22nd November 1982.

(3) The increase mentioned in Article 3(5) shall take effect on 22nd November 1982.

(a) *See* Article 3(2) of S.R. 1981 No. 274

(4) The alterations in the amounts of maternity allowance, widow's allowance, widowed mother's allowance, widow's pension, Category C and D retirement pension, child's special allowance, 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 22nd November 1982.

(5) The sums specified for the rate of mobility allowance, 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) of the Act, increase of unemployability supplement under section 59 of the Act and maximum, under section 91(1) of the Act, of aggregate of weekly benefit payable for successive accidents, shall be increased in all cases with effect from 24th November 1982.

(6) In relation to the case of a person whose weekly rate of Category A or B retirement pension falls to be increased under the provisions of section 28(7) or 29(8) of the Act 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 22nd November 1982 and in relation to all other cases the increase in such sum shall take effect on 25th November 1982.

(7) The alterations in the rates or amounts of unemployment and sickness benefit, invalidity pension, non-contributory invalidity pension and injury benefit (together with, where appropriate, increases for dependants), shall take effect in all cases on 25th November 1982.

(8) In the case of a person to whom injury benefit under the Act is payable for 24th November 1982 at a reduced weekly rate by virtue of the provisions of section 91(1) of the Act (maximum aggregate of weekly benefit payable for successive accidents), the rate of that benefit or of any sickness benefit or invalidity pension under the Act or the Pensions Order shall be determined as if the alteration in the rates of those benefits took effect on 24th November 1982 and, where appropriate, as if the reference to 25th November 1982 in paragraph (2) of this Article were a reference to 24th November 1982.

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

5. With effect from and including 24th November 1982, for "£17·75" there shall be substituted "£19·70" in section 2(6)(*c*) of the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(**a**) (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation).

Increase in rate of graduated retirement benefit and increments thereof

6.—(1) In the National Insurance Act (Northern Ireland) 1966(**b**) the sum of 3·86 pence referred to in section 35(1) (graduated retirement benefit) shall be increased by 11 per cent.; and from and including 22nd November 1982 the reference in that provision to that sum shall accordingly have effect as a reference to 4·28 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(**c**) (increases for deferred retirement) shall be increased by 11 per cent.

(**a**) 1975 c. 17; section 2(6)(*c*) was amended by S.R. 1981 No. 274

(**b**) 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. 1981 No. 274

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

Increase of amount specified in section 30(1) of the Act

7. The amount specified in section 30(1) of the Act, excluding paragraphs (*a*) and (*b*) of that provision (amount of weekly earnings which must be exceeded before a Category A or Category B retirement pension is reduced by reference to earnings), shall be increased to £57·00.

Revocations

8. The Social Security Benefits Up-rating Order (Northern Ireland) 1979(**a**) and the Social Security Benefits Up-rating Order (Northern Ireland) 1981(**b**) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 3rd August 1982.

(L.S.) *E. H. Elliott*
Assistant Secretary

(**a**) S.R. 1979 No. 273; partially revoked by S.R. 1980 No. 294
(**b**) S.R. 1981 No. 274