1981 No. 345

SOCIAL SECURITY

The Social Security Benefits Up-rating Regulations (Northern Ireland) 1981

Made . . . . . 27th October 1981

Coming into operation . . . 23rd November 1981

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 17(1)(*a*), 36(9)(*b*), 58(3) and 126 of, and paragraph 2(1) of Schedule 14 to, the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations which contain only provisions in consequence of the Social Security Benefits Up-rating Order (Northern Ireland) 1981(**b**) and which accordingly, by virtue of section 10(2) of, and paragraph 12(2) of Schedule 3 to, the Social Security Act 1980(**c**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security Benefits Up-rating Regulations (Northern Ireland) 1981 and shall come into operation on 23rd November 1981.

(2) In these regulations, unless the context otherwise requires—

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

"the up-rating order" means the Social Security Benefits Up-rating Order (Northern Ireland) 1981.

Conditions relating to payment of additional benefit under awards made before the appointed or prescribed day

2.—(1) This regulation applies to a case where—

(*a*) either—

(i) an award of any benefit under Chapters I to III of Part II of the Act has been made before the day appointed or prescribed for the payment of the benefit in question at a higher rate provided in or by virtue of the up-rating order, or

(ii) an award of any benefit under Part II of the Act has been made before the day appointed or prescribed for the payment of the benefit in question at a lower rate provided in or by virtue of the up-rating order;

(*b*) the period to which the award relates has not ended before that day; and

(*c*) the award does not, in accordance with the provisions of paragraph 2(2) of Schedule 14 to the Act, provide for the payment of the benefit at the higher or lower rate (as the case may be) as from that day.

(2) In a case to which this regulation applies, paragraphs 1 and 2 of Schedule 14 to the Act shall have effect subject to the condition that if a question arises as to either—

(**a**) 1975 c. 15
(**b**) S.R. 1981 No. 274
(**c**) 1980 c. 30

(*a*) the weekly rate at which the benefit is payable by virtue of the up-rating order; or

(*b*) whether the conditions for the receipt of the benefit at the altered rate are satisfied,

the benefit shall, until the question has been determined in accordance with the provisions of the Act, be or continue to be payable at the weekly rate specified in paragraph (3).

(3) The weekly rate referred to in paragraph (2) is the weekly rate specified in the award or the weekly rate at which the benefit would have been paid if the question had not arisen, whichever is the lower.

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1979

3. Regulation 2 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1979(**a**) (persons deemed to be incapable of work) shall be further amended by the substitution in paragraph (3) for "£15·00" of "£16·50".

Amendment of the Social Security (Non-Contributory Invalidity Pension) Regulations (Northern Ireland) 1975

4. Regulation 12 of the Social Security (Non-Contributory Invalidity Pension) Regulations (Northern Ireland) 1975(**b**) (disqualification for non-contributory invalidity pension) shall be further amended by the substitution in paragraph (*d*) (iii) for "£15·00" of "£16·50".

Amendment of the Social Security (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1976

5. Regulation 8 of the Social Security (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1976(**c**) (earnings level for the purposes of unemployability supplement under section 58 of the Act) shall be further amended by the substitution for "£780" of "£858".

Persons not ordinarily resident in Northern Ireland

6. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(**d**) (application of disqualification in respect of up-rating of benefit) shall apply to any additional benefit payable by virtue of the up-rating order.

Transitory provision

7.—(1) Where any person is entitled to receive unemployment benefit or sickness benefit, with increases for child dependants and with or without an increase for an adult dependant, for 25th and 26th November 1981, and in his case the aggregate of—

(*a*) the weekly rate specified in paragraph 1 of Part I of Schedule 4 to the Act,

(*b*) (if he is entitled to receive an increase for an adult dependant) the weekly rate specified in column (3) of paragraph 1(*a*) of Part IV of that Schedule, and

(*c*) the weekly rate specified in column (2) of paragraph 1(*a*) of Part IV of that Schedule, multiplied by the number of child dependants in respect of whom he is entitled to receive increases

(reduced or adjusted as appropriate under any provision of the Act or regulations made thereunder), would, apart from this regulation but because of the up-rating

(**a**) S.R. 1979 No. 211; the relevant amending regulations are S.R. 1979 No. 377 and S.R. 1980 No. 357
(**b**) S.R. 1975 No. 202; the relevant amending regulations are S.R. 1979 No. 371 and S.R. 1980 No. 357
(**c**) S.R. 1976 No. 42; the relevant amending regulations are S.R. 1979 No. 371 and S.R. 1980 No. 357
(**d**) S.R. 1978 No. 114; the relevant amending regulations are S.R. 1979 No. 392