1979 No. 273

SOCIAL SECURITY

The Social Security Benefits Up-rating Order (Northern Ireland) 1979

Made . . . . . 3rd *August* 1979

Coming into operation . . . 12th *November* 1979

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(a), and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance for Northern Ireland(b), hereby makes the following order: which order corresponds to the order(c) made by the Secretary of State for Social Services under sections 124 and 126A of the Social Security Act 1975(d) and section 23(1) of the Social Security Pensions Act 1975(e):

Citation, commencement and interpretation

1.—(1) This order may be cited as the Social Security Benefits Up-rating Order (Northern Ireland) 1979 and shall, subject to Articles 4 and 5 below, come into operation on 12th November 1979.

(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(f).

Increase in rates or amounts of certain benefits under the Act

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

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

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

(b) *See* section 155(5) of the Social Security (Northern Ireland) Act 1975

(c) S.I. 1979/993

(d) 1975 c. 14

(e) 1975 c. 60

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

(g) 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)), Article 24(2) of, and paragraphs 42 and 43 of Schedule 5 to, the Social Security Pensions (Northern Ireland) Order 1975, the Social Security (Mobility Allowance) Up-rating Order (Northern Ireland) 1978 (S.R. 1978 No. 96 (I, p. 271)), the Social Security Benefits Up-rating Order (Northern Ireland) 1978 (S.R. 1978 No. 202 (I, p. 645)) and paragraph 13 of Schedule 1 and paragraph 11 of Schedule 3 to the Social Security (Northern Ireland) Order 1979

(3) The sums mentioned in paragraph (2) above 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.

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

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

(2) In Article 8(1)(*a*) of the Pensions Order for the sum of £19·50 there shall be substituted the sum of £23·30.

(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 1979/1980 shall be increased by 17·5 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), in so far as they are attributable to the additional components in such pensions or to increases in guaranteed minimum pensions, shall be increased by 17·5 per cent. of their amount apart from this order, and that in so far as they are not so attributable they shall be increased by 19·5 per cent.

(5) It is hereby directed that an amount equal to 17·5 per cent. of 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, but excluding any increases under Schedule 1 to that Order which are increased by paragraph (4) above, 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 increased by this order

4.—(1) Subject to paragraph (8) of this Article, 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 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 15th November 1979 and in relation to all other cases the increases in such sums shall take effect on 12th November 1979.

(3) The increase mentioned in Article 3(5) shall take effect on 12th November 1979.

(4) The increases 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 from 12th November 1979.

(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 14th November 1979.

(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 12th November 1979 and in relation to all other cases the increase in such sum shall take effect on 15th November 1979.

(7) The increases 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 15th November 1979.

(8) In the case of a person to whom injury benefit under the Act is payable for 14th November 1979 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 increase in the rates of those benefits took effect on 14th November 1979 and, where appropriate, as if the reference to 15th November 1979 in paragraph (2) of this Article were a reference to 14th November 1979.

Increase in rates of certain benefits under the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975

5. With effect from and including 14th November 1979, for "£11·70" there shall be substituted "£14·00" 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) In the National Insurance Act (Northern Ireland) 1966(**i**) the sum of 2·59 pence referred to in section 35(1) (graduated retirement benefit) shall be increased by 17·5 per cent.; and from and including 12th November 1979 the reference in that provision to that sum shall accordingly have effect as a reference to 3·04 pence.

(**h**) 1975 c. 17; section 2(6)(*c*) was amended by the Social Security Benefits Up-rating Order (Northern Ireland) 1978

(**i**) 1966 c. 6 (N.I.); section 35 was repealed by the Social Security Act 1973 (c. 38) but sub-section (1) is now continued in force by regulation 2 of S.R. 1978 No. 105 (I, p. 301) in the modified form set out in Schedule 1 to those regulations as amended by regulation 8 of S.R. 1978 No. 262 (II, p. 915)

(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(j) (increases for deferred retirement) shall be increased by 17·5 per cent.

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 £52·00.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 3rd August 1979.

(L.S.) *W. J. Sloane*
Senior Assistant Secretary

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 3rd August 1979.

(L.S.) *R. McMurray*
Assistant Secretary

(j) S.R. 1978 No. 105 (I, p. 301)

Article 2(2)

SCHEDULE

Schedule 4 to the Act as amended by this Order

SCHEDULE 4

Rates of Benefits, Grants and Increases for Dependants

PART I

Contributory Periodical Benefits (Sections 14-31)

Description of benefit	Weekly rate
1. Unemployment or sickness benefit (section 14).	£18·50
3. Invalidity allowance (section 16).	(a) higher rate . . . . . £4·90 (b) middle rate . . . . . £3·10 (c) lower rate . . . . . £1·55 (the appropriate rate being determined in accordance with section 16(2)(k))
4. Maternity allowance (section 22).	£18·50
5. Widow's allowance (section 24).	£32·60
9. Category B retirement pension where section 29(7)(a)(i) applies.	£14·00
10. Child's special allowance (section 31).	£7·10

(k) Section 16(2) was amended by paragraph 10 of Schedule 1 to the Social Security (Northern Ireland) Order 1979