1978 No. 262

SOCIAL SECURITY

The Social Security Benefits Up-rating Regulations (Northern Ireland) 1978

Made . . . . . *5th September* 1978

Coming into operation—

except regulation 8 . . . *13th November* 1978

regulation 8 . . . . . *6th April* 1979

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 17(2)(*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 section 2(1) of, and paragraph 7 of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975(**b**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security Benefits Up-rating Regulations (Northern Ireland) 1978.

(2) Regulation 8 shall come into operation on 6th April 1979 and the remainder of these regulations on 13th November 1978.

(3) 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) 1978(**c**).

(4) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(5) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**d**) shall apply in relation to this statutory rule and in relation to the revocations effected by it as if this statutory rule and the regulations revoked were Acts of Parliament and as if each revocation were a repeal.

Conditions relating to payment of 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

(a) 1975 c. 15
(b) 1975 c. 18
(c) S.R. 1978 No. 202
(d) 1889 c. 63

(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*) 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) below.

(3) The weekly rate referred to in paragraph (2) above 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) 1975

3. Regulation 7 of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1975(**e**), as amended(**f**) (days not to be treated as days of unemployment or incapacity for work), shall be further amended by the substitution in paragraph (1)(*g*) for "£10·00" of "£11·00".

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(**g**), as amended (**f**) (disqualification for non-contributory invalidity pension), shall be further amended by the substitution in paragraph (*d*)(iii) for "£10·00" of "£11·00".

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(**h**), as amended(**i**) (earnings level for the purposes of unemployability supplement under section 58), shall be further amended by the substitution for "£520" of "£572".

(e) S.R. 1975 No. 86 (I, p. 504) as applied by s. 56(6) of the Social Security (Northern Ireland) Act 1975
(f) The relevant amending regulation is S.R. 1977 No. 258 (II, p. 1370)
(g) S.R. 1975 No. 202 (II, p. 1036)
(h) S.R. 1976 No. 42 (I, p. 194)
(i) The relevant amending regulation is S.R. 1977 No. 258 (II, p. 1370)