1978 No. 202

SOCIAL SECURITY

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

Made . . . . . *20th July* 1978

Coming into operation . . . *13th November* 1978

The Department of Health and Social Services for Northern Ireland, in conjunction with the Department of Finance for Northern Ireland(**a**), in exercise of the powers conferred on it by section 120 of the Social Security (Northern Ireland) Act 1975(**b**), as extended by Article 25 of the Social Security Pensions (Northern Ireland) Order 1975(**c**), and of all other powers enabling it in that behalf, hereby makes the following order: which order corresponds to the order(**d**) made by the Secretary of State for Social Services under section 124 of the Social Security Act 1975(**e**):

Citation, interpretation and commencement

1.—(1) This order may be cited as the Social Security Benefits Up-rating Order (Northern Ireland) 1978 and shall, subject to Articles 3 and 4 below, come into operation on 13th November 1978.

(2) In this order, unless the context otherwise requires, "the Act" means the Social Security (Northern Ireland) Act 1975.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**f**) shall apply in relation to this instrument and in relation to the revocation effected by it as if this instrument and the order so revoked were Acts of Parliament and as if the revocation were a repeal.

Alterations in rates or amounts of certain benefits under the Act

2.—(1) In this Article, "Schedule 4" means Schedule 4 to the Act, as amended by Article 23(1) and (2) of, and Schedules 4 and 5 to, the Child Benefit (Northern Ireland) Order 1975(**g**), by the Social Security Benefits Up-rating Order (Northern Ireland) 1977(**h**), and by the Social Security (Mobility Allowance) Up-rating Order (Northern Ireland) 1978(**i**).

(2) The sums specified in paragraph (3)(*a*) below shall be altered from and including the respective dates specified in Article 3 below; the sums specified in paragraph (3)(*b*) below shall be altered from and including 2nd April 1979; and Schedule 4 shall accordingly have effect as set out in the Schedule to this order.

(**a**) *See* section 155(5) of the Social Security (Northern Ireland) Act 1975
(**b**) 1975 c. 15; *see* also Art. 19(4) of S.I. 1975/1504 (N.I. 16)
(**c**) S.I. 1975/1503 (N.I. 15)
(**d**) S.I. 1978/912
(**e**) 1975 c. 14
(**f**) 1889 c. 63
(**g**) S.I. 1975/1504 (N.I. 16)
(**h**) S.R. 1977 No. 246
(**i**) S.R. 1978 No. 96

(3) The sums mentioned in paragraph (2) above are—

(*a*) 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), reduced where appropriate by the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976(**j**), as amended(**k**), except the sums specified in the said Part III for mobility allowance and age addition; and

(*b*) the sums specified in paragraph 10 of Part I, paragraph 4 of Part III, Part IV, and paragraphs 9, 10 and 15 of Part V of Schedule 4 (child's special allowance, guardian's allowance, increase of benefit for dependants, increase of injury benefit for dependent children, increase of disablement pension for dependent children and industrial death benefit by way of an allowance in respect of children respectively).

Dates on which sums specified for rates or amounts of benefit under the Act are altered by this order

3.—(1) Subject to paragraph (7) of this Article, the alterations made by this order in the sums specified for rates or amounts of benefit under the Act 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 benefit falls to be calculated in accordance with section 14(6) or 15(4) of the Act, the alteration in the sum specified in Schedule 4 to the Act for the rate of Category A or B retirement pension (including where appropriate increases for dependants), shall take effect on 16th November 1978 and in relation to all other cases the alteration in such sum shall take effect on 13th November 1978.

(3) The sums specified for the rate of maternity allowance, widow's and 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 (including where appropriate increases for dependants), shall be altered in all cases with effect from 13th November 1978.

(4) The sums specified for the rate of invalid care allowance (in a case where the Department has made arrangements for it to be paid on a Wednesday), disablement benefit (including 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 altered in all cases with effect from 15th November 1978.

(5) 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) or (11) of the Act by reference to the weekly rate of invalidity allowance to which he was previously entitled, the alteration in the sum specified for the rate of invalidity allowance shall take effect on 13th November 1978 and in relation to all other cases the alteration in such sum shall take effect on 16th November 1978.

(**j**) S.R. 1976 No. 223 (I, p. 1022)
(**k**) The relevant amending regulation is S.R. 1977 No. 248

(6) The alteration in the sum specified for the rate of unemployment and sickness benefit, invalidity pension, non-contributory invalidity pension and injury benefit (including where appropriate increases for dependants), shall take effect in all cases on 16th November 1978.

(7) In the case of a person to whom injury benefit under the Act is payable for 15th November 1978 at a reduced weekly rate by virtue of the provisions of section 91(1) of the Act (aggregate of weekly benefit payable for successive accidents), the rate of that benefit or of any sickness benefit or invalidity pension under the Act shall be determined as if the alteration in the rates of those benefits took effect on 15th November 1978 and, where appropriate, as if the reference to 16th November 1978 in paragraph (2) of this Article were a reference to 15th November 1978.

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

4. With effect from and including 15th November 1978, for "£10·50" there shall be substituted "£11·70" in section 2(6)(*c*) of the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(**l**) (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation), as amended by the Social Security Benefits Up-rating Order (Northern Ireland) 1977.

Increase in rate of graduated retirement benefit

5. In the National Insurance Act (Northern Ireland) 1966(**m**) the sum of 2½ pence referred to in section 35(1) (graduated retirement benefit) shall be increased by 3·6 per cent.; and from and including 13th November 1978 the reference in that provision to that sum shall accordingly have effect as a reference to 2·59 pence.

Increase of amount specified in sections 30(1), 45(3) and 66(4) of the Act

6. The amount specified in sections 30(1), 45(3) and 66(4) of the Act, excluding paragraphs (*a*) and (*b*) of those provisions (amount of weekly earnings which must be exceeded before certain benefits are reduced by reference to earnings) shall be increased to £45.

Increase of sum specified in Article 8(1)(a) of the Social Security Pensions (Northern Ireland) Order 1975

7. With effect from 13th November 1978 for "£17·50" there shall be substituted "£19·50" in Article 8(1)(*a*) of the Social Security Pensions (Northern Ireland) Order 1975 (weekly rate of basic component of Category A retirement pension).

Revocation

8. The Social Security Benefits Up-rating Order (Northern Ireland) 1977 is hereby revoked.

(**l**) 1975 c. 17

(**m**) 1966 c. 6 (N.I.) (Section 35 was repealed by the Social Security Act 1973 (c. 38) but was continued in force in a modified form by regulation 2 of the Social Security (Graduated Retirement Benefit) Regulations (Northern Ireland) 1975 [S.R. 1975 No. 96 (I, p. 574)]).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 20th July 1978.

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

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 20th July 1978.

(L.S.) *R. J. Anderson*
Assistant Secretary

SCHEDULE Article 2(1)

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 (ss. 14-31)

Description of benefit	*Weekly rate*
1. Unemployment or sickness benefit (section 14).	£15·75
2. Invalidity pension (section 15).	£19·50
3. Invalidity allowance (section 16).	(*a*) higher rate .. .. .. £4·15 (*b*) middle rate .. .. .. £2·60 (*c*) lower rate .. .. .. £1·30 (the appropriate rate being determined in accordance with section 16(2)).
4. Maternity allowance (section 22).	£15·75
5. Widow's allowance (section 24).	£27·30
6. Widowed mother's allowance (section 25).	£19·50
7. Widow's pension (section 26).	£19·50
8. Category A retirement pension (section 28).	£19·50
9. Category B retirement pension (section 29).	(*a*) lower rate .. .. .. £11·70 (*b*) higher rate .. .. .. £19·50 (the appropriate rate being determined in accordance with section 29(7)).
10. Child's special allowance (section 31).	(*a*) before 2nd April 1979 .. £6·35 (*b*) on and after 2nd April 1979 £5·35