1971. No. 224 **[C]**

SOCIAL SERVICES

Parity

ORDER IN COUNCIL*, DATED 16TH JULY 1971, MADE UNDER THE SOCIAL SERVICES (PARITY) ACT (NORTHERN IRELAND) 1971.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

GREY OF NAUNTON

WHEREAS by section 1 of the Social Services (Parity) Act (Northern Ireland) 1971(**a**) it is provided that, where both Houses of Parliament have passed resolutions resolving that a change corresponding to any change in the law of Great Britain relating to certain social services should be made in the law of Northern Ireland, the Governor of Northern Ireland may by Order in Council make provision for the purposes of securing that there are made in the law of Northern Ireland such changes as appear necessary or expedient to give effect to those resolutions:

AND WHEREAS by the National Insurance Act 1971(**b**) the Parliament of the United Kingdom has enacted provisions amending the National Insurance Acts 1965 to 1970, the National Insurance (Industrial Injuries) Acts 1965 to 1969 and the Industrial Injuries and Diseases (Old Cases) Acts 1967 and 1969 as to contributions and benefits; made provision for invalidity benefit for the chronic sick and for a retirement pension and age addition for certain persons over the age of eighty; made new provision in relation to polygamous marriages for the purposes of any of those Acts or of the Family Allowances Act 1965(**c**) and made provision for connected purposes:

AND WHEREAS on 29th June 1971 it was resolved by the Senate that changes, with such modifications as are necessary or expedient, corresponding to the changes to be made in the law of Great Britain by the aforesaid Act should be made by Order in Council in the law of Northern Ireland and on 1st July 1971 the House of Commons passed a resolution to the like effect:

NOW, THEREFORE, I, RALPH FRANCIS ALNWICK, BARON GREY OF NAUNTON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Officer of the Most Excellent Order of the British Empire, Governor of Northern Ireland, by virtue of the powers conferred on me by the said Social Services (Parity) Act, and in pursuance of the said resolutions, by and with the advice of the Privy Council of Northern Ireland, do hereby order as follows:

(**a**) 1971. c. 21 (N.I.).
(**b**) 1971. c. 50.
(**c**) 1965. c. 53.

*This Order was approved by a resolution of the House of Commons on 13th October 1971, and by a resolution of the Senate on 19th October 1971.

NATIONAL INSURANCE

Revision of contributions under Insurance Act

1.—(1) In the Insurance Act(**d**) for the provisions of Schedule 1 (weekly rate of contributions under that Act) there shall be substituted the provisions set out in Schedule 1 to this Order (being provisions revising the rates of contributions).

(2) In section 4(1)(*c*) of the Insurance Act (aggregate amount of graduated contributions) for the proportion "3¼ per cent." (aggregate contribution payable in respect of any amount, up to £12, by which a person's weekly remuneration exceeds £18) there shall be substituted the proportion "4·35 per cent." and for the sum of £12 there shall be substituted the sum of £24.

(3) In section 10 of the Insurance Act (exception from liability for, and crediting of, contributions)—

(*a*) in subsection (1)(*a*)(iii) (regulations may except persons whose annual income does not exceed £312 or such higher amount as may be prescribed) for the sum of £312 there shall be substituted the sum of £468; and

(*b*) in subsection (2) (persons excepted under subsection (1)(*a*)(iii) to be credited with contributions only for the purposes of entitlement to unemployment benefit and sickness benefit) for the words "by virtue of subsection (1)(*a*)(iii)" there shall be substituted the words "by virtue only of sub-paragraph (iii) (and no other sub-paragraph) of subsection (1)(*a*)";

and the like substitution as is specified in sub-paragraph (*a*) shall be made in any regulations made under the said subsection (1)(*a*)(iii) which are in force at the commencement of this paragraph.

(4) The contributions to be paid under the Insurance Act out of money provided by Parliament may include, in addition to the Exchequer supplements,—

(*a*) in respect of the financial year 1971-72, the sum of £1·4 million;

(*b*) in respect of the financial year 1972-73, the sum of £1·4 million; and

(*c*) in respect of each subsequent financial year the sum of £2·4 million;

and those contributions may be paid in such manner and at such times as the Ministry of Finance may determine.

Revision of benefits under Insurance Act

2.—(1) For the provisions of Schedule 3 to the Insurance Act (rates of benefit) there shall be substituted the provisions set out in Schedule 2 to this Order (being provisions giving effect to increases in the rates of benefit and to the following provisions of this Order).

(2) For section 29(7) of the Insurance Act there shall be substituted—

"(7) Subject to any regulations under section 43(*a*), where the earnings of a beneficiary who is less than five years over pensionable age have exceeded £9·50 for the calendar week ending last before any week for which he is entitled to a retirement pension, the weekly rate of his pension shall for the last-mentioned week be reduced—

(**d**) 1966. c. 6 (N.I.).

(*a*) where the excess is less than £2·00, by 5 new pence for each complete 10 new pence of the excess, and

(*b*) where the excess is not less than £2·00, by 5 new pence for each complete 10 new pence of the excess up to £2·00 and by 5 new pence for each complete 5 new pence of any further excess;

but this subsection shall not affect the rate of the pension for the first week after the date of the beneficiary's retirement."

(3) In section 30(1) of the Insurance Act (increase of 5 new pence in a person's retirement pension in respect of every nine contributions paid by him after attaining pensionable age) for the words "by 5 new pence" there shall be substituted the words "by 6 new pence", and in paragraphs (*a*) and (*b*) of section 33(1) of that Act (retirement pension of the wife or widow of such a person to be increased by 2½ new pence for every nine contributions) for the words "2½ new pence", in each place where they occur, there shall be substituted the words "3 new pence".

Invalidity benefit for chronic sick

3.—(1) Subject to the following provisions of this Article where, in respect of any period of interruption of employment, a person has been entitled to sickness benefit for 168 days, then—

(*a*) he shall cease to be entitled to that benefit for any subsequent day of incapacity for work falling within that period; and

(*b*) unless he is over pensionable age and has retired from regular employment, he shall be entitled to an invalidity pension for any day of incapacity for work in that period for which, by virtue of subparagraph (*a*), he is not entitled to sickness benefit;

and any day in the first three days of a period of interruption of employment which was a day of incapacity for work but for which the person concerned was not entitled to sickness benefit shall be treated for the purposes of this paragraph as a day on which he was so entitled.

(2) Paragraph (1) shall not apply in relation to any day of incapacity for work (beginning after the expiry of the 168 days referred to in that paragraph) if the person concerned has paid, in respect of the period between his entry into insurance and that day, less than 156 contributions of the appropriate class, and accordingly, subject to the provisions of the Insurance Act, that person shall continue to be entitled to sickness benefit for that day.

(3) Subject to paragraph (4), invalidity pension shall be payable at the weekly rate specified in relation thereto in Part I of Schedule 3 to the Insurance Act.

(4) If a person claiming invalidity pension for any day—

(*a*) is over pensionable age but has not retired from regular employment; and

(*b*) would on that day be entitled to a retirement pension if he had retired from regular employment on attaining pensionable age and made the necessary claim,

the invalidity pension shall be payable at the weekly rate at which, disregarding any increase by virtue of any provision of the Insurance Act (but having regard to paragraph (6)), the retirement pension would have been payable. . .

(5) If a person is more than five years below pensionable age on the qualifying date in any period of interruption of employment then, in respect of every day of that period in respect of which he is entitled to an invalidity pension, he shall also be entitled to an invalidity allowance at the weekly rate specified in relation thereto in Part I of Schedule 3 to the Insurance Act: and for the purposes of invalidity allowance, "the qualifying date", in relation to a period of interruption of employment, means the first day in that period (whether before the making of this Order or later) which is a day of incapacity for work or such earlier day as may be prescribed.

(6) Subject to paragraph (7), if a person is entitled to invalidity allowance in respect of—

(*a*) any day falling within the period of 13 weeks ending immediately before the day on which he attains pensionable age, or

(*b*) the last day before the beginning of that period,

the weekly rate of the retirement pension payable to him shall be increased by an amount equal to the weekly rate of the invalidity allowance to which he was entitled on that day.

(7) Paragraph (6) shall not apply to the retirement pension payable to a woman by virtue of her husband's insurance except in a case where, apart from an election under section 32 of the Insurance Act, she would have been entitled to a retirement pension by virtue of her own insurance.

(8) In a case where section 18(3) of the Insurance Act applies (rate of unemployment and sickness benefit for persons over pensionable age limited to amount of potential retirement pension) an increase in a retirement pension by virtue of paragraph (6) (unlike increases by virtue of other provisions) shall be taken into account for the purpose of determining the weekly rate of sickness benefit.

(9) The amount payable by way of benefit under this Article for any day of incapacity for work shall be one-sixth of the appropriate weekly rate.

Increase of retirement pension or invalidity pension for adult dependants

4. After section 42 of the Insurance Act there shall be inserted the following section—

"**42A.**—(1) Subject to the provisions of this section, the weekly rate of a retirement pension or invalidity pension shall be increased by the amount respectively specified in relation to the benefit in question in column 5 of Part II of Schedule 3—

(*a*) for any period during which the beneficiary is residing with his wife, or

(*b*) for any period during which the beneficiary is contributing to the maintenance of his wife at a weekly rate of not less than the said amount, and his wife is not engaged in any gainful occupation or occupations from which her weekly earnings exceed that amount.

(2) Subject to subsection (3), where the beneficiary is residing with his wife, and the earnings of his wife for the calendar week ending last before any week for which he is entitled to benefit under this section exceeded £9·50, the weekly rate of benefit under this section shall for the last-mentioned week be reduced—

(*a*) where the excess is less than £2·00, by 5 new pence for each complete 10 new pence of the excess, and

(*b*) where the excess is not less than £2·00, by 5 new pence for each complete 10 new pence of the excess up to £2·00 and by 5 new pence for each complete 5 new pence of any further excess.

(3) If regulations under section 43(*a*) make any alteration, or further alteration, in section 29(7) (which provides for a reduction in respect of earnings comparable to the reduction under subsection (2) of this section), those regulations shall make a corresponding alteration, or further alteration, in the reduction to be made under subsection (2).

(4) Subject to the following provisions of this section, the weekly rate of a retirement pension or invalidity pension shall be increased by the amount specified as aforesaid for any period during which some female person (not being a child) has the care of a child or children of the beneficiary's family, or of a child or children treated as such for the purposes of section 39.

(5) Subsection (4) shall not apply if the beneficiary—

(*a*) is a man whose wife is entitled to a retirement pension by virtue of his insurance, or

(*b*) is a woman entitled to the pension by virtue of her husband's insurance,

or in such other cases as may be prescribed.

(6) Regulations may, in a case within subsection (4) in which the female person is residing with the beneficiary, and fulfils such further conditions as may be prescribed, authorise an increase of benefit under this section, but subject to a reduction in respect of the female person's earnings, other than such of her earnings from employment by the beneficiary as may be prescribed, comparable to the reduction under subsection (2).

(7) Subject to subsection (8), the weekly rate of invalidity pension shall be increased by the amount specified as aforesaid—

(*a*) for any period during which the beneficiary's husband is incapable of self-support and either they are residing together or she is contributing to his maintenance at a weekly rate not less than the amount so specified, or

(*b*) for any period during which the beneficiary has residing with him and is wholly or mainly maintaining any such relative as may be prescribed, being a relative in relation to whom such further conditions as may be prescribed are fulfilled.

In this subsection the expression "relative" does not include any person who is a child, but includes a person who is a relative by marriage or adoption and a person who would be a relative if some person born illegitimate had been born legitimate.

(8) Where a person is entitled to invalidity pension at a weekly rate determined under Article 3(4) of the Social Services (Parity) Order (Northern Ireland) 1971—

(*a*) subsection (7) shall not apply, and

(*b*) if the beneficiary would have been entitled only by virtue of section 44 to the retirement pension by reference to which the weekly rate of the invalidity pension is determined, the amount of any increase under this section of that weekly rate shall be that which would have been applicable by virtue of section 44 in the case of such an increase of the weekly rate of that pension.