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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 89**

**The Social Security Benefits Up-rating Order (Northern Ireland) 2009**

**PART II**

**SOCIAL SECURITY BENEFITS AND PENSIONS**

**Rates or amounts of certain benefits under the Contributions and Benefits Act**

**3.—**(1) From and including the respective dates specified in Article 6—

- (a) the sums specified in paragraph (2) shall be increased; and
- (b) the sums specified in paragraph 3 (age related addition) of Part III of Schedule 4 to the Contributions and Benefits Act (rates of benefit, etc.) shall be reduced,

so that that Schedule, except paragraph 5 of Part III (guardian's allowance), has effect as set out in Schedule 1 to this Order.

(2) The sums mentioned in paragraph (1) are the sums specified in Parts I, III, IV and V of Schedule 4 to the Contributions and Benefits Act except, in—

- (a) Part III, the sums specified for—
  - (i) age related addition, and
  - (ii) age addition to a pension of any category, and otherwise under section 79 of that Act;
- (b) Part IV, the sums specified in column (2) (increase for qualifying child); and
- (c) Part V(1), the sums specified for the increase in disablement pension for dependent children, widow's pension (initial rate) and death benefit allowance in respect of children and qualifying young persons.

**Rates or amounts of certain pensions or allowances under the Contributions and Benefits Act**

**4.—**(1) The sums specified in paragraphs (2) to (5) shall be increased from and including the respective dates specified in Article 6.

(2) The sums falling to be calculated under paragraph 13(4) of Schedule 7 to the Contributions and Benefits Act (calculation of weekly rate of a beneficiary's retirement allowance) shall be increased by 5·0 per cent.

(3) In section 44(4) of the Contributions and Benefits Act(2) (basic pension of Category A retirement pension)—

- (a) for "£81·10" substitute "£86·20"; and

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(1) Part V was amended by paragraph 41 of Schedule 1 to the Child Benefit Act 2005 (c. 6)

(2) Section 44(4) was substituted by Article 64 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and amended by Article 4(3) of S.R. 2008 No. 92

- (b) for “£90·70” substitute “£95·25”.
- (4) It is directed that the sums which are—
- (a) the additional pensions in long-term benefits calculated by reference to any final relevant year earlier than the tax year 2008-09;
  - (b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(3) (pension increase or lump sum where entitlement to retirement pension is deferred);
  - (c) lump sums to which surviving spouses or civil partners will become entitled under paragraph 7A of that Schedule on becoming entitled to a Category A or Category B retirement pension; and
  - (d) payable to a pensioner as part of his Category A or Category B retirement pension by virtue of an order made under section 120 of the Social Security (Northern Ireland) Act 1975(4), Article 64 of the Social Security (Northern Ireland) Order 1986(5) or section 132 of the Administration Act,

shall in each case be increased by 5·0 per cent.

(5) The sums which are shared additional pensions under section 55A of the Contributions and Benefits Act(6), and the sums which are increases in the rates of such pensions under paragraph 2 of Schedule 5A to that Act(7), shall in each case be increased by 5·0 per cent.

#### **Rates or amounts of certain benefits under the Pension Schemes Act**

5.—(1) It is directed that the sums specified in paragraph (2) shall be increased from and including the respective dates specified in Article 6.

(2) Sums which are payable by virtue of section 11(1) of the Pension Schemes Act (increase of guaranteed minimum where commencement of guaranteed minimum pension is postponed) to a person who is also entitled to a Category A or Category B retirement pension (including sums payable by virtue of section 13(2) and (3) of that Act) shall be increased by—

- (a) 5·0 per cent. where the increase under section 11(1) is attributable to earnings factors for the tax year 1987-88 and earlier tax years(8); and
- (b) 2·0 per cent. where the increase under section 11(1) is attributable to earnings factors for the tax years 1988-89 to 1996-97 inclusive.

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(3) Schedule 5 was amended by paragraph 36 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993, paragraph 40 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)), paragraph 18(15) and (18) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)), section 35(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)), paragraphs 2 to 13 of Schedule 9 to the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), paragraph 6 of the Schedule to S.R. 2005 No. 434 and paragraphs 19 and 20 of Schedule 1 and Part 3 of Schedule 6 to the Pensions Act (Northern Ireland) 2008

(4) 1975 c. 15; section 120 was repealed by Schedule 1 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)

(5) S.I. 1986/1888 (N.I. 18); Article 64 was repealed by Schedule 1 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992

(6) Section 55A was inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and amended by section 37(3) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(7) Schedule 5A was inserted by paragraph 14 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

(8) See section 132(4) of the Social Security Administration (Northern Ireland) Act 1992 as amended by paragraph 41(c) of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993; see also S.R. 2009 No. 80

**Dates on which sums specified for rates or amounts of benefit under the Contributions and Benefits Act or the Pension Schemes Act are changed by this Order**

6.—(1) Paragraphs (2) to (9), which are subject to the provisions of paragraph (10), specify the date on which the changes made by this Order in the sums specified for rates or amounts of benefit under the Contributions and Benefits Act or the Pension Schemes Act shall take effect for each case.

(2) Subject to paragraph (3), any increases in the sums mentioned in Articles 3, 4 and 12 for Category A and Category B retirement pension and graduated retirement benefit together with, where appropriate, any increases for dependants, shall take effect on 6th April 2009.

(3) In the case of a person over pensionable age—

- (a) whose entitlement to a Category A retirement pension is deferred; and
- (b) for whom the rate of short-term incapacity benefit falls to be calculated in accordance with section 30B(3) of the Contributions and Benefits Act<sup>(9)</sup>,

any increases in the sums mentioned in Articles 3, 4 and 12 for Category A and Category B retirement pension and graduated retirement benefit together with, where appropriate, any increases for dependants, shall take effect on 9th April 2009.

(4) The increases in the sums mentioned in Articles 4(4)(d) and 5(2) shall take effect on 6th April 2009.

(5) Any increases in the sums specified for—

- (a) the rate of—
  - (i) Category C and Category D retirement pension,
  - (ii) attendance allowance, and
  - (iii) carer's allowance (except in a case where the Department has made arrangements for it to be paid on a Wednesday); and
- (b) any increases in—
  - (i) Category C retirement pension and carer's allowance referred to in sub-paragraph (a) (i) and (iii), and
  - (ii) maternity allowance, widowed mother's allowance and widowed parent's allowance,in respect of dependants,

shall in all cases take effect on 6th April 2009.

(6) Any increases in the sums specified for—

- (a) the rate of—
  - (i) carer's allowance in a case where the Department has made arrangements for it to be paid on a Wednesday,
  - (ii) disablement benefit,
  - (iii) maximum disablement gratuity under paragraph 9(2) of Schedule 7 to the Contributions and Benefits Act,
  - (iv) industrial death benefit by way of widow's and widower's pension and allowance in respect of children and qualifying young persons,

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(9) Section 30B was inserted by Article 4(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and amended by paragraph 18(3) of Schedule 2 to the Pensions (Northern Ireland) Order 1995, paragraph 21 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and paragraph 69 of Schedule 24 to the Civil Partnership Act 2004 (c. 33)

- (v) the maximum of the aggregate of weekly benefit payable for successive accidents under section 107(1) of the Contributions and Benefits Act; and
- (b) any increases in—
  - (i) the benefits referred to in sub-paragraph (a)(i), (iii) and (iv) in respect of dependants, and
  - (ii) disablement pension,

shall in all cases take effect on 8th April 2009.

(7) In any case where a person's weekly rate of Category A or Category B retirement pension falls to be increased under the provisions of section 47(1) or 48C(2) of the Contributions and Benefits Act(10), by reference to the weekly rate of invalidity allowance or age addition to long-term incapacity benefit to which he was previously entitled, any increase in such sum shall take effect on 6th April 2009.

(8) The changes in the sums specified for the rate of incapacity benefit and severe disablement allowance together with, where appropriate, any increases for dependants, shall take effect in all cases on 9th April 2009.

(9) The increases in the sums falling to be calculated in accordance with paragraph 13(4) of Schedule 7 to the Contributions and Benefits Act (retirement allowance) shall take effect on 8th April 2009.

(10) Any increases in the sums specified in Articles 3 and 21(c), in so far as those sums are relevant for the purposes of establishing whether the rate of any benefit is not to be increased in respect of an adult dependant because the earnings of the dependant exceed a specified amount, shall take effect—

- (a) except in a case where sub-paragraph (b) applies, on the first day of the first benefit week to commence for the beneficiary on or after 6th April 2009;
- (b) in a case where regulation 7(b) of the Computation of Earnings Regulations (date on which earnings are treated as paid) applies, on the first day of the first benefit week to commence for the beneficiary on or after 1st April 2009,

and for the purposes of this paragraph “benefit week” has the same meaning as in regulation 2(1) of the Computation of Earnings Regulations.

### **Workmen's compensation**

7. In paragraph 2(6)(c) of Schedule 8 to the Contributions and Benefits Act(11) (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation) for “£50·55” substitute “£53·10”.

### **Earnings limits**

8. In section 80(4) of the Contributions and Benefits Act(12) (earnings limits in respect of child dependency increases)—

- (a) in paragraph (a) for “£185” substitute “£195”; and

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(10) Section 47(1) was amended by paragraph 13 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994; *see also* regulation 23 of S.R. 1995 No. 35; section 48C was inserted by paragraph 3(1) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 and amended by paragraph 6 of Schedule 8 and paragraph 11 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999, sections 33(12) and 35(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and paragraph 2 of the Schedule to S.R. 2005 No. 434

(11) Paragraph 2(6)(c) was amended by Article 7 of S.R. 2008 No. 92

(12) Section 80 was repealed by Schedule 6 to the Tax Credits Act 2002 (c. 21); *see also* Article 2 of S.R. 2003 No. 212 which saves the repealed provision in certain circumstances. Section 80(4) was amended by Article 8 of S.R. 2008 No. 92

(b) in paragraph (b) for “£185” and “£25” substitute “£195” and “£26” respectively.

### **Statutory sick pay**

**9.** In section 153(1) of the Contributions and Benefits Act(**13**) (rate of payment) for “£75·40” substitute “£79·15”.

### **Statutory maternity pay**

**10.** In regulation 6 of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**14**) (prescribed rate of statutory maternity pay) for “£117·18” substitute “£123·06”.

### **Statutory paternity pay and statutory adoption pay**

**11.** In the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations (Northern Ireland) 2002(**15**)—

- (a) in regulation 2(a) (weekly rate of payment of statutory paternity pay) for “£117·18” substitute “£123·06”; and
- (b) in regulation 3(a) (weekly rate of payment of statutory adoption pay) for “£117·18” substitute “£123·06”.

### **Graduated retirement benefit**

**12.**—(1) In section 35(1) of the National Insurance Act (Northern Ireland) 1966(**16**) (graduated retirement benefit)—

- (a) the sum of 10·98 pence shall be increased by 5·0 per cent.; and
- (b) the reference in that provision to that sum shall have effect as a reference to 11·53 pence.

(2) The sums which are the increases of graduated retirement benefit under Schedule 2 to the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978(**17**) (increases for deferred entitlement to a Category A or Category B retirement pension) shall be increased by 5·0 per cent.

(3) The sums which are lump sums to which surviving spouses or civil partners will become entitled under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations (Northern Ireland) 2005(**18**) (increases of graduated retirement benefit and lump sums) shall be increased by 5·0 per cent.

(4) The sums which are the additions under section 36(1) of the National Insurance Act (Northern Ireland) 1966 (special provision as to graduated retirement benefit for widows and widowers) shall be increased by 5·0 per cent.

### **Disability living allowance**

**13.** In regulation 4 of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(**19**) (rate of benefit)—

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(13) Section 153(1) was amended by Article 10(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and Article 9 of [S.R. 2008 No. 92](#)

(14) [S.R. 1987 No. 30](#); regulation 6 was substituted by regulation 2(3) of [S.R. 2002 No. 354](#) and amended by Article 10 of [S.R. 2008 No. 92](#)

(15) [S.R. 2002 No. 380](#); relevant amending Rules are [S.R. 2004 No. 111](#) and [S.R. 2008 No. 92](#)

(16) [1966 c. 6 \(N.I.\)](#); sections 35 and 36 were repealed by the Social Security Act 1973 ([c. 38](#)) but are continued in force by regulation 2 of [S.R. 1978 No. 105](#)

(17) [S.R. 1978 No. 105](#); relevant amending Regulations are [S.R. 1989 No. 373](#) and [S.R. 2005 Nos. 121 and 541](#)

(18) [S.R. 2005 No. 121](#); relevant amending Regulations are [S.R. 2005 No. 541](#) and [S.R. 2006 No. 104](#)

(19) [S.R. 1992 No. 32](#); relevant amending Rules are [S.R. 1993 No. 340](#) and [S.R. 2008 No. 92](#)

- (a) in paragraph (1)(a) for “£67·00” substitute “£70·35”;
- (b) in paragraph (1)(b) for “£44·85” substitute “£47·10”;
- (c) in paragraph (1)(c) for “£17·75” substitute “£18·65”;
- (d) in paragraph (2)(a) for “£46·75” substitute “£49·10”; and
- (e) in paragraph (2)(b) for “£17·75” substitute “£18·65”.

#### **Age addition to long-term incapacity benefit**

**14.** In regulation 9(2) of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994<sup>(20)</sup> (increase in rate of incapacity benefit where beneficiary is under prescribed age on the qualifying date)—

- (a) in sub-paragraph (a) for “£17·75” substitute “£15·65”; and
- (b) in sub-paragraph (b) for “£8·90” substitute “£6·55”.

#### **Transitional invalidity allowance in long-term incapacity benefit cases**

**15.**—(1) Subject to paragraph (2), in regulation 18(2) of the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995<sup>(21)</sup> (rate of long-term incapacity benefit in transitional cases)—

- (a) in sub-paragraph (a) for “£17·75” substitute “£18·65”;
- (b) in sub-paragraph (b) for “£11·40” substitute “£12·00”; and
- (c) in sub-paragraph (c) for “£5·70” substitute “£6·00”.

(2) In the case of a claimant entitled to long-term incapacity benefit, the sums specified in regulation 18(2)(a), (b) and (c) shall be reduced to “£15·65”, “£9·10” and “£5·35” respectively.

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<sup>(20)</sup> S.R. 1994 No. 461; relevant amending Rule is S.R. 2008 No. 92

<sup>(21)</sup> S.R. 1995 No. 35; relevant amending Rule is S.R. 2008 No. 92