

1979 No. 371

SOCIAL SECURITY**The Social Security Benefits Up-rating Regulations
(Northern Ireland) 1979***Made* 11th October 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 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 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) 1979 and shall come into operation on 12th November 1979.

(2) 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) 1979(b).

Conditions relating to payment of additional benefit under awards made before the appointed or prescribed day

2. Where 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 the rate provided in or by virtue of the up-rating order (hereafter in this regulation referred to as “the increased rate”), paragraphs 1 and 2 of Schedule 14 to the Act (effect of any such award) shall, unless the period to which the award relates has ended before that day or the award, in accordance with the provisions of sub-paragraph (2) of the said paragraph 2, provides for the payment of the benefit at the increased rate as from that day, have effect subject to the condition that if a question arises as to—

(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 increased rate are satisfied,

the benefit shall be or continue to be payable at the weekly rate specified in the award until that question shall have been determined in accordance with the provisions of the Act.

(a) 1975 c. 15

(b) S.R. 1979 No. 273

Amendment of the Social Security (Non-Contributory Invalidity Pension) Regulations (Northern Ireland) 1975

3. Regulation 12 of the Social Security (Non-Contributory Invalidity Pension) Regulations (Northern Ireland) 1975(c), (disqualification for non-contributory invalidity pension), shall be further amended by the substitution in paragraph (d)(iii) for "£11.00" of "£13.00".

Amendment of the Social Security (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1976

4. Regulation 8 of the Social Security (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1976(d), (earnings level for the purposes of unemployability supplement under section 58), shall be further amended by the substitution for "£572" of "£676".

Persons not ordinarily resident in Northern Ireland

5. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(e) (application of disqualification in respect of up-rating of benefit), shall apply to any additional benefit payable by virtue of the up-rating order.

Revocation

6. The Social Security Benefits Up-rating Regulations (Northern Ireland) 1978(f) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 11th October 1979.

(L.S.)

W. J. Stoane

Senior Assistant Secretary

(c) S.R. 1975 No. 202 (II, p. 1036); relevant amending regulation is S.R. 1978 No. 262 (II, p. 915)

(d) S.R. 1976 No. 42 (I, p. 194); relevant amending regulation is S.R. 1978 No. 262 (II, p. 915)

(e) S.R. 1978 No. 114 (I, p. 344)

(f) S.R. 1978 No. 262 (II, p. 915)

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations are made in consequence of the Social Security Benefits Up-rating Order (Northern Ireland) 1979 ("the up-rating order"). They specify circumstances in which the award of benefit which has been made before the date from which altered rates become payable, is not automatically altered by virtue of paragraph 2 of Schedule 14 to the Social Security (Northern Ireland) Act 1975. In such cases benefit remains in payment at the existing rate until any question arising in connection with it has been determined.

The regulations apply the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978, relating to the position of persons who are absent from and not ordinarily resident in Northern Ireland when the weekly rate of certain benefits is increased, to the increases of benefit provided by virtue of the up-rating order.

The regulations also amend the Social Security (Non-Contributory Invalidity Pension) Regulations (Northern Ireland) 1975, so as to raise to £13 a week, and the Social Security (Industrial Injuries) (Benefit) Regulations (Northern Ireland) 1976, so as to raise to £676 a year, the earnings limits in respect of work which a person may do in certain circumstances while in receipt of benefit to which those regulations apply.