

1992 No. 112

SOCIAL SECURITY

**The Social Security Benefits Up-rating Regulations
(Northern Ireland) 1992**

Made 11th March 1992

Coming into operation 6th April 1992

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 17(1)(a)(ii), 49(b), 58(3) and 82(5) of the Social Security (Northern Ireland) Act 1975(a) and Article 65(2) of the Social Security (Northern Ireland) Order 1986(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) 1992 and shall come into operation on 6th April 1992.

(2) In these regulations, unless the context otherwise requires—

“the 1986 Order” means the Social Security (Northern Ireland) Order 1986;

“the up-rating order” means the Social Security Benefits Up-rating Order (Northern Ireland) 1992(c).

(3) The Interpretation Act 1978(d) shall apply to these regulations as it applies to an Act of the United Kingdom Parliament.

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

2. Article 65(2) of the 1986 Order shall not apply 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,

until the question has been determined in accordance with the provisions of the Social Security (Northern Ireland) Act 1975.

(a) 1975 c. 15; section 58(3) ceased to have effect on 6th April 1987 except for beneficiaries in receipt of unemployment supplement immediately before that date; see paragraph 4 of Schedule 3 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

(b) S.I. 1986/1888 (N.I. 18)

(c) S.R. 1992 No. 18

(d) 1978 c. 30

Persons not ordinarily resident in Northern Ireland

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

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984

4. In regulation 3(3) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(b) (persons deemed to be incapable of work) for “£39·00” there shall be substituted “£40·50”.

Amendment of the Social Security (General Benefit) Regulations (Northern Ireland) 1984

5. In regulation 14 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(c) (earnings level for the purpose of unemployability supplement) for “£2,028” there shall be substituted “£2,106”.

Earnings limit

6. The sums specified in paragraph 2B of Schedule 2 to the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(d) (prescribed circumstances for increase of an invalid care allowance) shall be increased from £110, £14 and £110 to £115, £15 and £115 respectively.

Revocations

7. Regulation 43 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984 (conditions relating to payment of additional benefit under awards made before the day appointed for an increase of benefit under any Act or Measure amending the Act or under any up-rating order) and the Social Security Benefits Up-rating Regulations (Northern Ireland) 1991(e) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 11th March 1992.

(L.S.)

A. N. Burns

Assistant Secretary

(a) S.R. 1978 No. 114; relevant amending regulations are S.R. 1979 No. 392, S.R. 1988 No. 77, S.R. 1989 No. 373 and S.R. 1990 No. 123
(b) S.R. 1984 No. 245; relevant amending regulations are S.R. 1987 No. 221 and S.R. 1991 No. 78
(c) S.R. 1984 No. 92; relevant amending regulations are S.R. 1991 No. 78
(d) S.R. 1977 No. 74; relevant amending regulations are S.R. 1984 No. 382 and S.R. 1991 No. 78
(e) S.R. 1991 No. 78

(This note is not part of the Regulations.)

These regulations make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

Regulation 2 provides that where a question has arisen about the effect of the Social Security Benefits Up-rating Order (Northern Ireland) 1992 ("the up-rating order") on a benefit already in payment the altered rates will not apply until the question is determined by an adjudicating authority.

Regulation 3 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978 so as to restrict the application of the increases specified in the up-rating order in cases where the beneficiary lives abroad.

Regulation 4 raises from £39.00 to £40.50 the earnings limit which applies to those undertaking work in certain circumstances while receiving sickness or invalidity benefit.

Regulation 5 raises from £2,028 to £2,106 a year the earnings limit which applies to unemployment supplement.

Regulation 6 specifies earnings limits for child dependency increases payable with an invalid care allowance.

Regulation 7 contains revocations consequential upon the coming into operation of these regulations.