

---

STATUTORY RULES OF NORTHERN IRELAND

---

**1993 No. 159**

**SOCIAL SECURITY**

**The Social Security Benefits Up-rating  
Regulations (Northern Ireland) 1993**

*Made* - - - - *31st March 1993*

*Coming into operation* *12th April 1993*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 57(1)(a), 90(b) and 113(1) of, and paragraph 2(3) of Schedule 7 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(1)</sup> and section 135(3) of the Social Security Administration (Northern Ireland) Act 1992<sup>(2)</sup> and of all other powers enabling it in that behalf, hereby makes the following regulations which contain only provisions in consequence of an order<sup>(3)</sup> under section 132 of the Social Security Administration (Northern Ireland) Act 1992:

**Citation, commencement and interpretation**

**1.**—(1) These regulations may be cited as the Social Security Benefits Up-rating Regulations (Northern Ireland) 1993 and shall come into operation on 12th April 1993.

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

“the Administration Act” means the Social Security Administration (Northern Ireland) Act 1992;

“the up-rating order” means the Social Security Benefits Up-rating Order (Northern Ireland) 1993<sup>(4)</sup>.

**Exceptions relating to payment of additional benefit under awards made before the commencing date**

**2.** Section 135(3) of the Administration Act 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,

---

(1) 1992 c. 7  
(2) 1992 c. 8  
(3) S.R. 1993 No. 150  
(4) S.R. 1993 No. 150

until the question has been determined in accordance with the provisions of the Administration Act.

### **Persons not ordinarily resident in Northern Ireland**

3. Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978<sup>(5)</sup> (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**

4. In regulation 3(3) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984<sup>(6)</sup> (persons deemed to be incapable of work) for “£40.50” there shall be substituted “£42.00”.

### **Amendment of the Social Security (General Benefit) Regulations**

5. In regulation 14 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984<sup>(7)</sup> (earnings level for the purpose of unemployability supplement) for “£2,106” there shall be substituted “£2,184”.

### **Earnings limit**

6. The sums specified in paragraph 2B of Schedule 2 to the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977<sup>(8)</sup> (prescribed circumstances for increase of an invalid care allowance) shall be increased from £115, £15 and £115 to £120, £16 and £120 respectively.

### **Revocation**

7. The Social Security Benefits Up-rating Regulations (Northern Ireland) 1992<sup>(9)</sup> are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland  
on

L.S.

31st March 1993.

*A. Devlin*  
Assistant Secretary

---

(5) [S.R. 1978 No. 114](#); relevant amending regulations are [S.R. 1979 No. 392](#), [S.R. 1988 No. 77](#), [S.R. 1989 No. 373](#), [S.R. 1990 No. 123](#) and [S.R. 1992 No. 330](#)

(6) [S.R. 1984 No. 245](#); relevant amending regulations are [S.R. 1987 No. 221](#), [S.R. 1992 Nos. 112 and 146](#)

(7) [S.R. 1984 No. 92](#); relevant amending regulations are [S.R. 1992 No. 112](#)

(8) [S.R. 1977 No. 74](#); relevant amending regulations are [S.R. 1984 No. 382](#) and [S.R. 1992 No. 112](#)

(9) [S.R. 1992 No. 112](#)

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

Regulation 2 provides that where a question has arisen about the effect of the Social Security Benefits Up-rating Order (Northern Ireland) 1993 (“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 £40.50 to £42.00 the earnings limit which applies to those undertaking work in certain circumstances while receiving sickness or invalidity benefit.

Regulation 5 raises from £2,106 to £2,184 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 a revocation consequential upon the coming into operation of these 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 149(3) of, and paragraph 3 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.