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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 59**

**SOCIAL SECURITY  
STATUTORY MATERNITY PAY;  
STATUTORY SICK PAY; HOUSING**

The Social Security Benefits Up-rating Order (Northern Ireland) 1998

Made - - - - 2nd March 1998

Coming into operation in accordance with Article 1(1)

Whereas the Secretary of State has made an Order<sup>(1)</sup> under sections 150 and 189(1), (3) and (4) of the Social Security Administration Act 1992<sup>(2)</sup>:

Now, therefore, the Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 132 and 165(1) of the Social Security Administration (Northern Ireland) Act 1992<sup>(3)</sup> and of all other powers enabling it in that behalf, hereby makes the following Order:

**Part I**

**Introduction**

**Citation and commencement**

1.—(1) This Order may be cited as the Social Security Benefits Up-rating Order (Northern Ireland) 1998 and, subject to paragraphs (2) and (3), shall come into operation for the purposes of—

- (a) Articles 1, 2 and 6 on 1st April 1998;
- (b) Article 8, in so far as it relates to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 1st April 1998 and, for the purpose of this sub-paragraph, “benefit week” has the same meaning as in the Computation of Earnings Regulations;
- (c) Article 10 on 5th April 1998;

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(1) S.I. 1998/470

(2) 1992 c. 5

(3) 1992 c. 8; section 132 was amended by paragraph 41 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 (c. 49)

- (d) Articles 3 to 5, 9 and 11 to 13 on 6th April 1998;
  - (e) Articles 16, 17 and 25 on 7th April 1998;
  - (f) Article 7 on 8th April 1998;
  - (g) Articles 14, 15 and 26 on 9th April 1998;
  - (h) Articles 18 to 20, in so far as they relate to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 6th April 1998 and, for the purpose of this sub-paragraph, “benefit week” has the same meaning as in the Income Support Regulations;
  - (i) Article 21, in relation to a case where rent is payable at intervals of a week or any multiple thereof, on 6th April 1998 and, in relation to any other case, on 1st April 1998; and
  - (j) Articles 22 to 24, in so far as they relate to a particular beneficiary, on the first day of the first benefit week to commence for that beneficiary on or after 6th April 1998 and, for the purpose of this sub-paragraph, “benefit week” has the same meaning as in the Jobseeker’s Allowance Regulations.
- (2) The increases made—
- (a) in the sums specified for rates or amounts of benefit under the Contributions and Benefits Act or the Pension Schemes Act; and
  - (b) by Article 22(c), in so far as it is relevant for the purposes referred to in Article 6(11),
- shall take effect for each case on the date specified in relation to that case in Article 6.
- (3) Any provision of this Order which is due to come into operation on the same day as any provision of the Regulations listed in paragraph (4) shall come into operation immediately after that provision of those Regulations.
- (4) The Regulations referred to in paragraph (3) are—
- (a) the Social Security (Non-Dependant Deductions) Regulations (Northern Ireland) 1997(4); and
  - (b) the Social Security (Lone Parents) (Amendment) Regulations (Northern Ireland) 1997(5).

## Interpretation

### 2.—(1) In this Order—

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

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(6);

“the Pension Schemes Act” means the Pension Schemes (Northern Ireland) Act 1993(7);

“the Computation of Earnings Regulations” means the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996(8);

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(9);

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(4) S.R. 1997 No. 3

(5) S.R. 1997 No. 354

(6) 1992 c. 7

(7) 1993 c. 49

(8) S.R. 1996 No. 520

(9) S.R. 1987 No. 459; relevant amending provisions are S.R. 1988 Nos. 146, 274, 318 and 431, S.R. 1989 Nos. 139 and 249, S.R. 1990 Nos. 131, 213 and 346, S.R. 1993 Nos. 149 and 373, S.R. 1994 No. 77, S.R. 1995 Nos. 301 and 434, S.R. 1996 Nos. 199, 288, 449 and 476 and S.R. 1997 Nos. 3, 113, 354 and 476

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(10);

“the Personal Allowances for Children and Young Persons Regulations” means the Income-Related Benefits and Jobseeker’s Allowance (Personal Allowances for Children and Young Persons) (Amendment) Regulations (Northern Ireland) 1996(11).

(2) The Interpretation Act (Northern Ireland) 1954(12) shall apply to this Order as it applies to a Measure of the Assembly.

## Part II

### Social Security Benefits and Pensions

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

3.—(1) The sums specified in paragraph (2) shall be increased from and including the respective dates specified in Article 6 so as to have effect as set out in Schedule 1.

(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 (contributory periodical benefits, non-contributory periodical benefits, increases for dependants and rate of industrial injuries benefit, respectively), except in Part III the sum specified for age addition to a pension of any category, and otherwise under section 79 of that Act.

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

4.—(1) The sums specified in paragraphs (2) to (4) 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 retirement allowance) shall be increased by 3·6 per cent. of their amount apart from this Order.

(3) In section 44(4) of the Contributions and Benefits Act(13) (basic pension of Category A retirement pension)—

- (a) for “£59·90” there shall be substituted “£62·05”; and
- (b) for “£62·45” there shall be substituted “£64·70”.

(4) It is hereby directed that the sums which are—

- (a) the additional pensions in the rates of long-term benefits calculated by reference to any final relevant year earlier than the tax year 1997-98;
- (b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(14) (increase of pension where entitlement is deferred); and

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(10) S.R. 1996 No. 198; relevant amending regulations are S.R. 1996 Nos. 288, 356, 358 and 476 and S.R. 1997 Nos. 3, 113, 130 and 354

(11) S.R. 1996 No. 476, amended by S.R. 1997 No. 152

(12) 1954 c. 33 (N.I.)

(13) Section 44(4) was amended by paragraph 11 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and Article 4(3) of S.R. 1997 No. 113

(14) 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 and paragraph 18(12) to (18) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

- (c) 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<sup>(15)</sup>, Article 64 of the Social Security (Northern Ireland) Order 1986<sup>(16)</sup> or section 132 of the Administration Act,

shall in each case be increased by 3·6 per cent. of their amount apart from this Order.

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

5.—(1) It is hereby 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) 3·6 per cent. of their amount apart from this Order where the increase under section 11(1) is attributable to earnings factors for the tax year 1987-88 and earlier tax years; and
- (b) 0·6 per cent. of their amount apart from this Order where the increase under section 11(1) is attributable to earnings factors for the tax years 1988-89 to 1996-97 inclusive<sup>(17)</sup>.

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

6.—(1) Paragraphs (2) to (9), which are subject to the provisions of paragraphs (10) and (11), specify the date on which the increases 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), the increases in the sums specified in Articles 3, 4 and 11 for the rates of Category A and Category B retirement pension and graduated retirement benefit together with, where appropriate, increases for dependants, shall take effect on 6th April 1998.

(3) In the case of a person over pensionable age whose entitlement to a Category A retirement pension is deferred and 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>(18)</sup>, the increases in the sums mentioned in Articles 3, 4 and 11 for Category A and Category B retirement pension and graduated retirement benefit together with, where appropriate, increases for dependants, shall take effect on 9th April 1998.

(4) The increases in the sums mentioned in Articles 4(4)(c) and 5(2) shall take effect on 6th April 1998.

(5) The increases in the sums specified for the rate of maternity allowance, widowed mother's allowance, widow's pension, Category C and Category D retirement pension, child's special allowance<sup>(19)</sup>, attendance allowance, invalid care allowance (except in a case where the Department has made arrangements for it to be paid on a Wednesday) together with, in each case where

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

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

(17) 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 the Guaranteed Minimum Pensions Increase Order (Northern Ireland) 1998 (S.R. 1998 No. 52)

(18) 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

(19) Child's special allowance was abolished except for existing beneficiaries as from 6th April 1987; see section 56(6) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992

appropriate, increases for dependants, and guardian's allowance shall in all cases take effect on 6th April 1998.

(6) The increases in the sums specified for the rate of invalid care allowance in a case where the Department has made arrangements for it to be paid on a Wednesday together with, where appropriate, increases for dependants, disablement benefit together with increases of disablement pension, maximum disablement gratuity under paragraph 9(2) of Schedule 7 to the Contributions and Benefits Act, industrial death benefit by way of widow's and widower's pension and allowance in respect of children together with, where appropriate, increases for dependants, and the maximum of the aggregate of weekly benefit payable for successive accidents under section 107(1) of that Act, shall in all cases take effect on 8th April 1998.

(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(20), by reference to the weekly rate of invalidity allowance or age addition to long-term incapacity benefit to which he was previously entitled, the increase in such sum shall take effect on 6th April 1998.

(8) The increases in the sums specified for the rate of incapacity benefit and severe disablement allowance together with, where appropriate, increases for dependants, shall in all cases take effect on 9th April 1998.

(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 1998.

(10) In the case of a person who is subject to the provisions of regulations made under section 71(1)(b) of the Administration Act(21) (adjustment of benefit for persons undergoing medical or other treatment as an in-patient in a hospital) the increase in the sum mentioned in Article 4(3)(b) shall take effect in that case on the day on which the increase in the benefit payable to him apart from those regulations takes effect.

(11) The increases in the sums specified in Articles 3 and 22(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 1998;
- (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 1998,

and for the purposes of this paragraph "benefit week" has the same meaning as in the Computation of Earning Regulations.

### **Workmen's compensation**

7. In paragraph 2(6)(c) of Schedule 8 to the Contributions and Benefits Act (maximum weekly rate of lesser incapacity allowance supplementing workmen's compensation) for "£37·35" there shall be substituted "£38·70".

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(20) 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

(21) Section 71(1) was amended by paragraph 32(2) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))

### Earnings limits

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

- (a) in paragraph (a) for “£135” there shall be substituted “£140”; and
- (b) in paragraph (b) for “£17” and “£135” there shall be substituted “£18” and “£140” respectively.

### Statutory sick pay

9. In section 153(1) of the Contributions and Benefits Act (rate of payment) for “£55·70” there shall be substituted “£57·70”.

### Statutory maternity pay

10. In regulation 6 of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(22) (lower rate of statutory maternity pay) for “£55·70” there shall be substituted “£57·70”.

### Graduated retirement benefit

11.—(1) The sum of 8·11 pence referred to in section 35(1) of the National Insurance Act (Northern Ireland) 1966(23) (graduated retirement benefit) shall be increased by 3·6 per cent. and accordingly the reference in that provision to that sum shall have effect as a reference to 8·4 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(24) (increases for deferred entitlement to a Category A or Category B retirement pension) shall be increased by 3·6 per cent. of their amount apart from this Order.

(3) 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 3·6 per cent. of their amount apart from this Order.

### Disability living allowance

12. In regulation 4 of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(25) (rate of benefit)—

- (a) in paragraph (1)(a) for “£49·50” there shall be substituted “£51·30”;
- (b) in paragraph (1)(b) for “£33·10” there shall be substituted “£34·30”;
- (c) in paragraph (1)(c) for “£13·15” there shall be substituted “£13·60”;
- (d) in paragraph (2)(a) for “£34·60” there shall be substituted “£35·85”; and
- (e) in paragraph (2)(b) for “£13·15” there shall be substituted “£13·60”.

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(22) S.R. 1987 No. 30; relevant amending provision is S.R. 1997 No. 113

(23) 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 the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978 (S.R. 1978 No. 105); see also S.R. 1995 No. 483

(24) S.R. 1978 No. 105; relevant amending regulations are S.R. 1989 No. 373

(25) S.R. 1992 No. 32; relevant amending provisions are S.R. 1993 No. 340 and S.R. 1997 No. 113

### **Child benefit**

**13.** In regulation 2(1) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976(26) (weekly rates of child benefit)—

- (a) in sub-paragraph (a)(i) for “£11·05” there shall be substituted “£11·45”;
- (b) in sub-paragraph (a)(ii) the sum specified is £17·10; and
- (c) in sub-paragraph (b) for “£9·00” there shall be substituted “£9·30”.

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

**14.** In regulation 9(2) of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(27) (increase in rate of incapacity benefit where beneficiary is under prescribed age on the qualifying date)—

- (a) in sub-paragraph (a) for “£13·15” there shall be substituted “£13·60”; and
- (b) in sub-paragraph (b) for “£6·60” there shall be substituted “£6·80”.

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

**15.** In regulation 18(2) of the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995(28) (rate of long-term incapacity benefit in transitional cases)—

- (a) in sub-paragraph (a) for “£13·15” there shall be substituted “£13·60”;
- (b) in sub-paragraph (b) for “£8·30” there shall be substituted “£8·60”; and
- (c) in sub-paragraph (c) for “£4·15” there shall be substituted “£4·30”.

## **Part III**

### **Family Credit, Disability Working Allowance, Income Support and Housing Benefit**

#### **Family credit**

**16.** In the Family Credit (General) Regulations (Northern Ireland) 1987(29)—

- (a) in regulation 46(4) (determination of appropriate maximum family credit) the capital sum prescribed is £3,000;
- (b) in regulation 46(4), (5) and (6) the amount specified for the credit in respect of a child or young person is nil;
- (c) in regulation 47(1) (applicable amount) for “£77·15” there shall be substituted “£79·00”;
- (d) subject to paragraph (e), in Schedule 4 (determination of maximum family credit) the sums prescribed shall be as set out in Schedule 2 to this Order; and
- (e) in Schedule 4 as it has effect by virtue of regulation 10(3) of the Personal Allowances for Children and Young Persons Regulations (transitional provisions)—
  - (i) in paragraph 2(b) for “£19·95” there shall be substituted “£20·45”;
  - (ii) in paragraph 3(a) for “£24·80” there shall be substituted “£25·40”, and
  - (iii) in paragraph 3(b) for “£34·70” there shall be substituted “£35·55”.

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(26) S.R. 1976 No. 223; relevant amending provisions are S.R. 1977 No. 248, S.R. 1991 No. 82, S.R. 1996 No. 288 and S.R. 1997 No. 113

(27) S.R. 1994 No. 461; relevant amending provision is S.R. 1997 No. 113

(28) S.R. 1995 No. 35; relevant amending provision is S.R. 1997 No. 113

(29) S.R. 1987 No. 463; relevant amending provisions are S.R. 1992 No. 403, S.R. 1993 No. 373, S.R. 1995 No. 223, S.R. 1996 No. 476 and S.R. 1997 Nos. 113 and 152

### Disability working allowance

17. In the Disability Working Allowance (General) Regulations (Northern Ireland) 1992<sup>(30)</sup>—
- (a) in regulation 51(4) (determination of appropriate maximum disability working allowance) the capital sum prescribed is £3,000;
  - (b) in regulation 51(4), (5) and (6) the amount specified for the allowance in respect of a child or young person is nil;
  - (c) in regulation 52(1) (applicable amount)—
    - (i) in sub-paragraph (a) for “£57·85” there shall be substituted “£59·25”, and
    - (ii) in sub-paragraph (b) for “£77·15” there shall be substituted “£79·00”;
  - (d) subject to paragraph (e), in Schedule 5 (determination of appropriate maximum disability working allowance) the sums prescribed shall be as set out in Schedule 3 to this Order; and
  - (e) in Schedule 5 as it has effect by virtue of regulation 10(3) of the Personal Allowances for Children and Young Persons Regulations (transitional provisions)—
    - (i) in paragraph 3(b) for “£19·95” there shall be substituted “£20·45”,
    - (ii) in paragraph 4(a) for “£24·80” there shall be substituted “£25·40”, and
    - (iii) in paragraph 4(b) for “£34·70” there shall be substituted “£35·55”.

### Applicable amounts for income support

18.—(1) The sums relevant to the calculation of an applicable amount as specified in the Income Support Regulations shall be the sums set out in the following provisions of this Article and Schedules 4 to 8 to this Order; and for this purpose a reference in this Article to a numbered regulation or Schedule is a reference to the regulation of, or Schedule to, the Income Support Regulations bearing that number.

(2) In regulations 17(1)(b), 18(1)(c), 21(1) and 71(1)(a)(ii), (b)(ii) and (iii), (c)(ii) and (d)(i), in paragraph 14(a) of Part III of Schedule 2 and in paragraph 1(2) of Part I of Schedule 4, the sum specified is in each case £3,000.

(3) The sums specified in Part I of Schedule 2 (applicable amounts: personal allowances) shall be as set out in Schedule 4 to this Order.

- (4) In paragraph 3 of Part II of Schedule 2<sup>(31)</sup> (applicable amounts: family premium)—
- (a) in sub-paragraph (1)(a) the sum specified is £15·75; and
  - (b) in sub-paragraph (1)(b) for “£10·80” there shall be substituted “£11·05”.

(5) The sums specified in Part IV of Schedule 2 (applicable amounts: weekly amounts of premiums) shall be as set out in Schedule 5 to this Order.

- (6) In paragraph 18 of Schedule 3<sup>(32)</sup> (housing costs: non-dependant deductions)—
- (a) in sub-paragraph (1)(a) for “£39·00” there shall be substituted “£45·00”;
  - (b) in sub-paragraph (1)(b) the sum specified is “£7·00”;
  - (c) in sub-paragraph (2)(a) the sum specified is “£78·00”;
  - (d) in sub-paragraph (2)(b) for “£13·00” there shall be substituted “£16·00” and the sums of £78·00 and £116·00 remain the same;

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<sup>(30)</sup> S.R. 1992 No. 78; relevant amending provisions are S.R. 1993 No. 373, S.R. 1995 Nos. 67 and 223, S.R. 1996 No. 476 and S.R. 1997 Nos. 113 and 152

<sup>(31)</sup> Paragraph 3 was amended by regulation 18 of S.R. 1988 No. 318 and regulation 5(4)(a) of S.R. 1996 No. 288

<sup>(32)</sup> Schedule 3 was substituted by Schedule 1 to S.R. 1995 No. 301 and paragraph 18 was amended by regulation 2(3)(j)(iii) of S.R. 1995 No. 434 and regulation 3 of S.R. 1997 No. 3



- (e) in sub-paragraph (2)(c) for “£17·00” there shall be substituted “£22·00” and the sums of £116·00 and £152·00 remain the same;
- (f) in sub-paragraph (2)(d) for “£150·00” and “£32·00” there shall be substituted “£152·00” and “£36·00” respectively and the sum of £200·00 remains the same; and
- (g) in sub-paragraph (2)(e) for “£36·00” there shall be substituted “£41·00” and the sums of £200·00 and £250·00 remain the same.

(7) In paragraph 6(2) of Schedule 4 (applicable amounts of persons in homes for persons in need and nursing homes) for “£240·00” there shall be substituted “£247·00” and, subject to paragraph (2), those other sums relevant to the calculation of an applicable amount which are specified in that Schedule shall be as set out in Schedule 6 to this Order.

(8) Those sums relevant to the calculation of an applicable amount which are specified in Schedule 7 (applicable amounts in special cases) shall be as set out in Schedule 7 to this Order.

(9) The sums specified in any provision of the Income Support Regulations set out in column (1) of Schedule 8 to this Order are the sums set out in column (2) of that Schedule.

### **Income support transitional protection**

**19.** Sums which are special transitional additions to income support payable in accordance with regulation 15 of the Income Support (Transitional) Regulations (Northern Ireland) 1987(33) shall be increased by 2·4 per cent. of their amount apart from this Order.

### **Relevant sum for income support**

**20.** In section 125(7) of the Contributions and Benefits Act (trade disputes) for “£26·50” there shall be substituted “£27·00”.

### **Housing benefit**

**21.** In the Housing Benefit (General) Regulations (Northern Ireland) 1987(34)—

- (a) in regulations 16(b) and 17(c) and in paragraph 14(a) of Part III of Schedule 2, in so far as they relate to rent, the sum specified is in each case £3,000;
- (b) in regulation 63 (non-dependant deductions)—
  - (i) in paragraph (1)(a)(i) for “£39·00” there shall be substituted “£45·00”;
  - (ii) in paragraph (2)(b) for “£13·00” there shall be substituted “£16·00”;
  - (iii) in paragraph (2)(c) for “£17·00” there shall be substituted “£22·00”;
  - (iv) in paragraph (2)(ca)(35) for “£33·00” there shall be substituted “£36·00”, and
  - (v) in paragraph (2)(cb) for “£36·00” there shall be substituted “£41·00”; and
- (c) in paragraph 1A of Schedule 1(36) (ineligible service charges) for “£17·55”, “£17·55”, “£8·85”, “£11·65”, “£11·65”, “£5·85” and “£2·10” there shall be substituted “£17·95”, “£17·95”, “£9·05”, “£11·95”, “£11·95”, “£6·00” and “£2·15” respectively.

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(33) S.R. 1987 No. 460; relevant amending regulations are S.R. 1988 Nos. 132 and 153, S.R. 1989 No. 371 and S.R. 1991 No. 341

(34) S.R. 1987 No. 461; relevant amending provisions are S.R. 1988 No. 314, S.R. 1989 No. 125, S.R. 1990 No. 136, S.R. 1992 Nos. 85 and 549, S.R. 1993 No. 381, S.R. 1996 No. 448 and S.R. 1997 Nos. 3, 22 and 113

(35) Sub-paragraphs (ca) and (cb) were inserted by regulation 2(b) of S.R. 1997 No. 3

(36) Paragraph 1A was inserted by regulation 7(b) of S.R. 1988 No. 314 and sub-paragraphs (2) and (3) were amended by regulation 14 of S.R. 1997 No. 22

## Part IV

### Jobseeker's Allowance

#### Age-related amounts of contribution-based jobseeker's allowance

**22.** In regulation 79(1) of the Jobseeker's Allowance Regulations (weekly amounts of contribution-based jobseeker's allowance)—

- (a) in sub-paragraph (a) for "£29·60" there shall be substituted "£30·30";
- (b) in sub-paragraph (b) for "£38·90" there shall be substituted "£39·85"; and
- (c) in sub-paragraph (c) for "£49·15" there shall be substituted "£50·35".

#### Applicable amounts for jobseeker's allowance

**23.**—(1) The sums relevant to the calculation of an applicable amount as specified in the Jobseeker's Allowance Regulations shall be the sums set out in the following provisions of this Article and Schedules 9 to 13 to this Order; and for this purpose a reference in this Article to a numbered regulation or Schedule is a reference to the regulation of, or Schedule to, the Jobseeker's Allowance Regulations bearing that number.

(2) In regulations 83(b), 84(1)(c), 85(1) and 148(1)(a)(ii), (b)(ii) and (iii), (c)(ii) and (d)(i), in paragraph 16(a) of Part III of Schedule 1 and in paragraph 1(2) of Schedule 3 the sum specified is in each case £3,000.

(3) The sums specified in Part I of Schedule 1 (applicable amounts: personal allowances) shall be as set out in Schedule 9 to this Order.

(4) In paragraph 4 of Part II of Schedule 1(37) (applicable amounts: family premium)—

- (a) in sub-paragraph (1)(a) the sum specified is £15·75; and
- (b) in sub-paragraph (1)(b) for "£10·80" there shall be substituted "£11·05".

(5) The sums specified in Part IV of Schedule 1 (applicable amounts: weekly amounts of premiums) shall be as set out in Schedule 10 to this Order.

(6) In paragraph 17 of Schedule 2 (housing costs: non-dependant deductions)—

- (a) in sub-paragraph (1)(a) for "£39·00" there shall be substituted "£45·00";
- (b) in sub-paragraph (1)(b) the sum specified is £7·00;
- (c) in sub-paragraph (2)(a) the sum specified is £78·00;
- (d) in sub-paragraph (2)(b) for "£13·00" there shall be substituted "£16·00" and the sums of £78·00 and £116·00 remain the same;
- (e) in sub-paragraph (2)(c) for "£17·00" there shall be substituted "£22·00" and the sums of £116·00 and £152·00 remain the same;
- (f) in sub-paragraph (2)(d) for "£150·00" and "£32·00" there shall be substituted "£152·00" and "£36·00" respectively and the sum of £200·00 remains the same; and
- (g) in sub-paragraph (2)(e) for "£36·00" there shall be substituted "£41·00" and the sums of £200·00 and £250·00 remain the same.

(7) Subject to paragraph (2), those sums relevant to the calculation of an applicable amount which are specified in Schedule 3 (applicable amounts of persons in residential care and nursing homes) shall be as set out in Schedule 11 to this Order.

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(37) Paragraph 4 was amended by regulation 9(4)(a) of S.R. 1996 No. 288

(8) Those sums relevant to the calculation of an applicable amount which are specified in Schedule 4 (applicable amounts in special cases) shall be as set out in Schedule 12 to this Order.

(9) The sums specified in any provision of the Jobseeker's Allowance Regulations set out in column (1) of Schedule 13 to this Order are the sums set out in column (2) of that Schedule.

#### **Prescribed sum for jobseeker's allowance**

**24.** In regulation 170 of the Jobseeker's Allowance Regulations (trade disputes: prescribed sum) for "£26·50" there shall be substituted "£27·00".

## **Part V**

### **Transitional Provisions and Revocations**

#### **Transitional provisions**

**25.** Notwithstanding the increases of the sums payable in respect of family credit and disability working allowance made by Articles 16 and 17, where a period of entitlement to family credit and disability working allowance is running at 7th April 1998, the rate at which it is payable shall be the weekly rate in force for the period prior to 7th April 1998 until the end of the period of entitlement.

#### **Revocations**

**26.** Articles 3 to 20, 21(a) and (c)(i) and 22 to 26 of, and the Schedules to, the Social Security Benefits Up-rating Order (Northern Ireland) 1997(**38**) are hereby revoked.

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

L.S.

2nd March 1998.

*John O'Neill*  
Assistant Secretary

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## SCHEDULE 1

Article 3(1)

**Schedule 4 to the Contributions and Benefits Act as amended by this Order**

## “SCHEDULE 4

Rates of Benefits, etc.

**Part I****Contributory Periodical Benefits**

<i>Description of benefit</i>	<i>Weekly rate</i>
2. Short-term incapacity benefit.	(a) lower rate ... ..£48·80 (b) higher rate ... ..£57·70.
2A. Long-term incapacity benefit.	£64·70.
4. Maternity allowance (in cases not falling within section 35(1A)(a)).	£50·10.
5. Category B retirement pension where section 48A(3) applies.	£38·70.
6. Child's special allowance.	£11·30.

**Part II****Widow's Payment**

Widow's Payment.	£1,000·00
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**Part III****Non-contributory Periodical Benefits**

<i>Description of benefit</i>	<i>Weekly rate</i>
1. Attendance allowance.	(a) higher rate ... ..£51·30 (b) lower rate ... ..£34·30  (the appropriate rate being determined in accordance with section 65(3)).
2. Severe disablement allowance.	£39·10.
3. Age related addition.	(a) higher rate ... ..£13·60 (b) middle rate ... ..£8·60 (c) lower rate ... ..£4·30

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<i>Description of benefit</i>	<i>Weekly rate</i>
	(the appropriate rate being determined in accordance with section 69(1)).
4. Invalid care allowance.	£38·70.
5. Guardian's allowance.	£11·30.
6. Category C retirement pension.	(a) lower rate ... ..£23·15 (b) higher rate ... ..£38·70
	(the appropriate rate being determined in accordance with section 78(5)).
7. Category D retirement pension.	The higher rate for Category C retirement pensions under paragraph 6 above.
8. Age addition (to a pension of any category, and otherwise under section 79).	£0·25.

## Part IV

### Increases for Dependants

<i>Benefit to which increase applies</i>	<i>Increase for qualifying child</i>	<i>Increase for adult dependant</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
	£	£
1A. <b>(39)</b> Short-term incapacity benefit—	11·30	30·20
(a) where the beneficiary is under pensionable age		
(b) where the beneficiary is over pensionable age.	11·30	37·20
2. Long-term incapacity benefit.	11·30	38·70
3. Maternity allowance.	—	30·20
4. Widowed mother's allowance.	11·30	—
5. Category A or B retirement pension.	11·30	38·70

**(39)** Paragraph 1A was inserted and paragraph 2 substituted by Article 4(5) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

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<i>Benefit to which increase applies</i>	<i>Increase for qualifying child</i>	<i>Increase for adult dependant</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
	<i>£</i>	<i>£</i>
6. Category C retirement pension.	11·30	23·15
7. Child's allowance.	special 11·30	—
8. Severe allowance.	disablement 11·30	23·20
9. Invalid care allowance.	11·30	23·15

## Part V

### Rate of Industrial Injuries Benefit

<i>Description of benefit, etc.</i>	<i>Rate</i>
1. Disablement pension (weekly rates).	For the several degrees of disablement set out in column (1) of the following Table, the respective amounts in that Table, using— (a) column (2) for any period during which the beneficiary is over the age of 18 or is entitled to an increase of benefit in respect of a child or adult dependant; (b) column (3) for any period during which the beneficiary is not over the age of 18 and not so entitled;

TABLE

<i>Degree of disablement</i>	<i>Amount</i>	
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Per cent.</i>	<i>£</i>	<i>£</i>
100	104·70	64·15
90	94·23	57·74
80	83·76	51·32
70	73·29	44·91
60	62·82	38·49
50	52·35	32·08
40	41·88	25·66
30	31·41	19·25
20	20·94	12·83

<i>Description of benefit, etc.</i>	<i>Rate</i>
2. Maximum increase of weekly rate of disablement pension where constant attendance needed.	(a) except in cases of exceptionally severe disablement ... ..£42·00 (b) in any case of exceptionally severe disablement ... ..£84·00
3. Increase of weekly rate of disablement pension (exceptionally severe disablement).	£42·00
4. Maximum of aggregate of weekly benefit payable for successive accidents.	(a) for any period during which the beneficiary is over the age of 18 or is entitled to an increase in benefit in respect of a child or adult dependant ... ..£104·70 (b) for any period during which the beneficiary is not over the age of 18 and not so entitled ... ..£64·15
5. Unemployability supplement under paragraph 2 of Schedule 7.	£64·70
6. Increase under paragraph 3 of Schedule 7 of weekly rate of unemployability supplement.	(a) if on the qualifying date the beneficiary was under the age of 35 or if that date fell before 5th July 1948 ... ..£13·60 (b) if head (a) above does not apply and on the qualifying date the beneficiary was under the age of 40 and he had not attained pensionable age before 6th April 1979 ... ..£13·60 (c) if heads (a) and (b) above do not apply and on the qualifying date the beneficiary was under the age of 45 ... ..£8·60 (d) if heads (a), (b) and (c) above do not apply and on the qualifying date the beneficiary was under the age of 50 and had not attained pensionable age before 6th April 1979 ... ..£8·60 (e) in any other case ... .. £4·30
7. Increase under paragraph 4 of Schedule 7 of weekly rate of disablement pension.	£11·30
8. Increase under paragraph 6 of Schedule 7 of weekly rate of disablement pension.	£38·70
9. Maximum disablement gratuity under paragraph 9 of Schedule 7.	£6,960·00
10. Widow's pension (weekly rates).	(a) initial rate ... ..£57·65 (b) higher permanent rate £64·70

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<i>Description of benefit, etc.</i>	<i>Rate</i>
	(c) lower permanent rate 30 per cent. of the first sum specified in section 44(4) (Category A basic retirement pension) (the appropriate rate being determined in accordance with paragraph 16 of Schedule 7)
11. Widower's pension (weekly rate).	£64·70
12. Weekly rate of allowance in respect of children under paragraph 18 of Schedule 7.	In respect of each qualifying child £11·30."

SCHEDULE 2

Article 16(d)

**Schedule 4 to the Family Credit Regulations as amended by this Order**

“SCHEDULE 4

**Determination of maximum family credit: adult, child and young person credits**

<i>Adult, child, young person</i> (1)	<i>Amount of credit</i> (2)
1. Adult.	1. £48·80.
1A. In the case of an adult or adults to whom regulation 46(1)(aa) applies.	1A. £10·80.
2. Person in respect of the period—	(a) £12·35;
(a) beginning on, and including, that person's date of birth and ending on the day preceding the first Tuesday in September following that person's eleventh birthday;	
(b) beginning on, and including, the first Tuesday in September following that person's eleventh birthday and ending on the day preceding the first Tuesday in September following that person's sixteenth birthday.	(b) £20·45.
3. Person in respect of the period beginning on, and including, the first Tuesday in September following that person's sixteenth birthday and ending on the day preceding that person's nineteenth birthday.	3. £25·40."



## SCHEDULE 3

Article 17(d)

**Schedule 5 to the Disability Working Allowance Regulations as amended by this Order**

## “SCHEDULE 5

**Determination of appropriate maximum disability working allowance: claimant, child and young person allowance**

<i>Claimant, child or young person</i>	<i>Amount of allowance</i>
(1)	(2)
1. Single claimant.	1. £50·75.
2. Claimant who is a member of a married or unmarried couple, or is a lone parent.	2. £79·40.
2A. In the case of a claimant to whom regulation 51(1)(bb) applies.	£10·80.
2A.	
3. Person in respect of the period—	(a) £12·35;
(a) beginning on, and including, that person’s date of birth and ending on the day preceding the first Tuesday in September following that person’s eleventh birthday;	
(b) beginning on, and including, the first Tuesday in September following that person’s eleventh birthday and ending on the day preceding the first Tuesday in September following that person’s sixteenth birthday.	(b) £20·45.
4. Person in respect of the period beginning on, and including, the first Tuesday in September following that person’s sixteenth birthday and ending on the day preceding that person’s nineteenth birthday.	4. £25·40.
5. Child or young person to whom regulation 51(1A) applies (disabled child or young person).	5. £21·45.”

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## SCHEDULE 4

Article 18(3)

**Part I of Schedule 2 to the Income Support Regulations as amended by this Order**

## “SCHEDULE 2

**Applicable Amounts****Part I****Personal Allowances**

1. The weekly amounts specified in column (2) in respect of each person or couple specified in column (1) shall be the weekly amounts specified for the purposes of regulations 17(1)(a) and 18(1)(a) and (b) (applicable amounts and polygamous marriages).

<i>Column (1) Person or Couple</i>	<i>Column (2) Amount</i>
(1) Single claimant aged—	(a) (1) £30·30;
(a) except where head (b) or (c) applies, less than 18;	
(b) less than 18 who falls within any of the circumstances specified in paragraph 1A;	(b) £39·85;
(c) less than 18 who satisfies the condition in paragraph 11(a);	(c) £39·85;
(d) not less than 18 but less than 25;	(d) £39·85;
(e) not less than 25.	(e) £50·35.
(2) Lone parent aged—	(a) (2) £30·30;
(a) except where head (b) or (c) applies, less than 18;	
(b) less than 18 who falls within any of the circumstances specified in paragraph 1A;	(b) £39·85;
(c) less than 18 who satisfies the condition in paragraph 11(a);	(c) £39·85;
(d) not less than 18.	(d) £50·35.
(3) Couple—	(a) (3) £60·10;
(a) where both members are aged less than 18 and—	
(i) at least one of them is treated as responsible for a child,	
(ii) had they not been members of a couple, each would have qualified for income support under regulation 4ZA,	

<i>Column (1)</i> <i>Person or Couple</i>	<i>Column (2)</i> <i>Amount</i>
(iii) the claimant's partner satisfies the requirements of Article 5(1)(f)(iii) of the Jobseekers Order (prescribed circumstances for persons aged 16 but less than 18), or	
(iv) there is in force in respect of the claimant's partner a direction under Article 18 of the Jobseekers Order (persons under 18: severe hardship);	
(b) where both members are aged less than 18 and head (a) does not apply but one member of the couple falls within any of the circumstances specified in paragraph 1A;	(b) £39·85;
(c) where both members are aged less than 18 and heads (a) and (b) do not apply;	(c) £30·30;
(d) where both members are aged not less than 18;	(d) £79·00;
(e) where one member is aged not less than 18 and the other member is a person under 18 who—	(e) £79·00;
(i) qualifies for income support under regulation 4ZA, or who would so qualify if he were not a member of a couple,	
(ii) satisfies the requirements of Article 5(1)(f)(iii) of the Jobseekers Order, or	
(iii) is the subject of a direction under Article 18 of the Jobseekers Order;	
(f) where the claimant is aged not less than 18 but less than 25 and his partner is a person under 18 who—	(f) £39·85;
(i) would not qualify for income support under regulation 4ZA if he were not a member of a couple,	
(ii) does not satisfy the requirements of Article 5(1)(f)(iii) of the Jobseekers Order, and	

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<i>Column (1)</i> <i>Person or Couple</i>	<i>Column (2)</i> <i>Amount</i>
(iii) is not the subject of a direction under Article 18 of the Jobseekers Order;	
(g) where the claimant is aged not less than 25 and his partner is a person under 18 who—	(g) £50·35.
(i) would not qualify for income support under regulation 4ZA if he were not a member of a couple,	
(ii) does not satisfy the requirements of Article 5(1)(f) (iii) of the Jobseekers Order, and	
(iii) is not the subject of a direction under Article 18 of the Jobseekers Order.	

2.—(1) The weekly amounts specified in column (2) in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the weekly amounts specified for the purposes of regulations 17(1)(b) and 18(1)(c).

<i>Column (1)</i> <i>Child or young person</i>	<i>Column (2)</i> <i>Amount</i>
Person in respect of the period—	(a) £17·30;
(a) beginning on, and including, that person’s date of birth and ending on the day preceding the first Monday in September following that person’s eleventh birthday;	
(b) beginning on, and including, the first Monday in September following that person’s eleventh birthday and ending on the day preceding the first Monday in September following that person’s sixteenth birthday;	(b) £25·35;
(c) beginning on, and including, the first Monday in September following that person’s sixteenth birthday and ending on the day preceding that person’s nineteenth birthday.	(c) £30·30.

2A.—(1) The weekly amount for the purposes of regulations 17(1)(bb) and 18(1)(cc) in respect of a person who satisfies the conditions specified in sub-paragraph (2) shall be £57·50.”

## SCHEDULE 5

Article 18(6)

**Part IV of Schedule 2 to the Income Support Regulations as amended by this Order**

## “Part IV

## Weekly Amounts of Premiums Specified in Part III

<i>Premium</i>	<i>Amount</i>
15. —	(a) (2) £20·10;
(2) Pensioner Premium for persons aged under 75—	
(a) where the claimant satisfies the condition in paragraph 9(a);	
(b) where the claimant satisfies the condition in paragraph 9(b).	(b) £30·35.
(2A) Pensioner Premium for persons aged 75 and over—	(a) (2A) £22·35;
(a) where the claimant satisfies the condition in paragraph 9A(a);	
(b) where the claimant satisfies the condition in paragraph 9A(b).	(b) £33·55.
(3) Higher Pensioner Premium—	(a) (3) £27·20;
(a) where the claimant satisfies the condition in paragraph 10(1)(a) or (b);	
(b) where the claimant satisfies the condition in paragraph 10(2)(a) or (b).	(b) £38·90.
(4) Disability Premium—	(a) (4) £21·45;
(a) where the claimant satisfies the condition in paragraph 11(a);	
(b) where the claimant satisfies the condition in paragraph 11(b).	(b) £30·60.
(5) Severe Disability Premium—	(a) (5) £38·50;
(a) where the claimant satisfies the condition in paragraph 13(2)(a);	
(b) where the claimant satisfies the condition in paragraph 13(2)(b)—	(b) (i) £38·50,
(i) if there is someone in receipt of an invalid care allowance or if he or any partner satisfies that condition only by virtue of paragraph 13(3A),	

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<i>Premium</i>	<i>Amount</i>
(ii) if no one is in receipt of such an allowance.	(ii) £77·00.
(6) Disabled Child Premium.	(6) £21·45 in respect of each child or young person in respect of whom the condition specified in paragraph 14 is satisfied.
(7) Carer Premium.	(7) £13·65 in respect of each person who satisfies the condition specified in paragraph 14ZA.”

## SCHEDULE 6

Article 18(9)

**Income Support: Applicable Amounts of Persons  
in Homes for Persons in Need and Nursing Homes**

**Part I**

Provisions in Schedule 4 to the Income Support Regulations as amended by this Order

**Homes for persons in need**

6.—(1) Subject to sub-paragraph (2) and paragraphs 8 to 10, where the accommodation provided for the claimant is a home for persons in need, for persons in need of personal care by virtue of—

- (a) old age and infirmity, the appropriate amount shall be £213·00 per week;
- (b) past or present mental disorder but excluding mental handicap, the appropriate amount shall be £225·00 per week;
- (c) past or present drug or alcohol dependence, the appropriate amount shall be £225·00 per week;
- (d) mental handicap, the appropriate amount shall be £257·00 per week;
- (e) physical disablement, the appropriate amount shall be—
  - (i) in the case of a person to whom paragraph 8 applies, £292·00 per week, or
  - (ii) in any other case, £213·00 per week.

**Nursing homes**

7. Subject to paragraphs 8 to 10, where the accommodation provided for the claimant is a nursing home for persons in need of personal care by virtue of—

- (a) past or present mental disorder but excluding mental handicap, the appropriate amount shall be £319·00 per week;
- (b) mental handicap, the appropriate amount shall be £325·00 per week;
- (c) past or present drug or alcohol dependence, the appropriate amount shall be £319·00 per week;
- (d) physical disablement, the appropriate amount shall be—
  - (i) in the case of a person to whom paragraph 8 applies, £359·00 per week, or

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- (ii) in any other case, £318·00 per week;
- (e) terminal illness, the appropriate amount shall be £318·00 per week; or
- (f) any condition not falling within sub-paragraphs (a) to (e), the appropriate amount shall be £318·00 per week.

**Personal allowances**

12. The allowance for personal expenses for the claimant and each member of his family referred to in paragraph 1(1)(b) shall be—

- (a) for the claimant £14·45; and, if he has a partner, for his partner, £14·45;
- (b) for a young person aged 18, £14·45;
- (c) for a young person aged under 18 but over 16, £10·05;
- (d) for a child aged under 16 but over 11, £8·65;
- (e) for a child aged under 11, £5·95.

**Part II**

Other sums specific in Schedule 4 to the Income Support Regulations

<i>Paragraph in Schedule 4</i>	<i>Specified Sum</i>
2(2)(b)(i) } increases for meals	daily £1·10
2(2)(b)(ii)	daily £1·55
2(2)(b)(iii)	daily £1·55

SCHEDULE 7

Article 18(10)

**Income Support: Applicable Amounts in Special Cases**

**Part I**

Provisions in Schedule 7 to the Income Support Regulations as amended by this Order

<i>Column (1)</i>	<i>Column (2)</i>
<b>Patients</b>	(a) (a) £16·20 plus any amount applicable under regulation 17(1)(e), (f) or (g);
1. Subject to paragraphs 2, 2A, 3 and 16, a person who has been a patient for a period of more than 6 weeks and who is—	
(a) a single claimant;	
(b) (b) a lone parent;	(b) (b) £16·20 plus any amounts applicable to him under regulation 17(1)(b), (c), (e), (f) or (g) or under regulation 17(1)(d) because

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<i>Column (1)</i>	<i>Column (2)</i>
	of paragraph 14 of Schedule 2 (applicable amounts);
(c) (c) a member of a couple—	(c) (i) the amount applicable in respect of both of them under regulation 17(1) (applicable amounts) reduced by £12·95,
(i) where only one of the couple is a patient or, where both members of the couple are patients but only one has been a patient for that period,	
(ii) where both members of the couple have been a patient for that period;	(ii) £32·40 plus any amounts which may be applicable under regulation 17(1)(b), (c), (e), (f) or (g) or under regulation 17(1)(d) because of paragraph 14 of Schedule 2;
(d) (d) a member of a polygamous marriage—	(d) (i) the applicable amount under regulation 18 (polygamous marriages) shall be reduced by £12·95 in respect of each such member who is a patient,
(i) where at least one member of the polygamous marriage is not a patient or has not been a patient for more than that period,	
(ii) where all the members of the polygamous marriage have been patients for more than that period.	(ii) the applicable amount shall be £16·20 in respect of each member plus any amounts applicable under regulation 18(1)(c), (d), (f), (g) or (h), or (e) because of his satisfying the condition specified in paragraph 14 of Schedule 2.
2. A single claimant who has been a patient for a continuous period of more than 52 weeks, where—	(a) (a) Such amount (if any) not exceeding £12·95 as is reasonable having regard to the views of the hospital staff and the patient's relatives if available as to the amount necessary for his personal use; or
(a) the following conditions are satisfied—	
(i) a person has been appointed to act for him under regulation 33 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(40) (persons unable to act),	
(ii) his income support is payable to an administrative officer of the hospital or other institution either as or at the request of the person so appointed, and	
(iii) a registered medical practitioner treating him certifies that all or part of his income support	

(40) S.R. 1987 No. 465; relevant amending regulations are S.R. 1992 No. 7



<i>Column (1)</i>	<i>Column (2)</i>
cannot be used by him or on his behalf; or	
(b) (b) those conditions are not satisfied.	(b) (b) £12·95.
2A. A single claimant who is detained under the provisions of the Mental Health (Northern Ireland) Order 1986(41) and who immediately before his detention under that Order was a prisoner.	2A. £12·95.
3. Subject to paragraph 16—	
(a) a claimant who is not a patient and who is a member of a family of which another member is a child or young person who has been a patient for a period of more than 12 weeks; or	(a) (a) The amount applicable to him under regulation 17(1) or 18 except that the amount applicable under regulation 17(1)(b) or 18(1)(c) in respect of the child or young person referred to in column (1) of this paragraph shall be £12·95 instead of an amount determined in accordance with paragraph 2 of Schedule 2; or
(b) (b) where the person is a member of a family and paragraph 1 applies to him and another member of the family who is a child or young person has been a patient for a period of more than 12 weeks.	(b) (b) the amount applicable to him under paragraph 1 except that the amount applicable under regulation 17(1)(b) or 18(1)(c) in respect of the child or young person referred to in column (1) of this paragraph shall be £12·95 instead of an amount determined in accordance with paragraph 2 of Schedule 2.
<b>Single claimants temporarily in accommodation provided by a Health and Social Services Board</b>	
10A. A single claimant who is temporarily in accommodation referred to in sub-paragraph (a) or (b) (excluding heads (i) and (ii) of those sub-paragraphs) of the definition of “residential accommodation” in regulation 21(3) (special cases).	10A. £64·70 of which £14·45 is for personal expenses plus any amounts applicable under regulation 17(1)(e), (f) or (g).
<b>Couples and members of polygamous marriages where one member is or all are temporarily in accommodation provided by a Health and Social Services Board</b>	
10B. —	10B. —
(1) A claimant who is a member of a couple and temporarily separated from his partner where one of them is living in the home while the other is in accommodation referred	(1) The aggregate of the amount applicable to the member who remains in the home calculated as if he were a single claimant under regulation 17(1), 19 or 21 and in respect of the other member, £64·70 of which £14·45 is for personal expenses.

(41) S.I. 1986/595 (N.I. 4)

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<i>Column (1)</i>	<i>Column (2)</i>
to in sub-paragraph (a) or (b) (excluding heads (i) and (ii) of those sub-paragraphs) of the definition of “residential accommodation” in regulation 21(3).	
(2) A claimant who is a member of a polygamous marriage and who is temporarily separated from a partner of his where one is, or some are, living in the home while one is, or some are, in accommodation referred to in sub-paragraph (1).	(2) The aggregate of the amount applicable for the members of the polygamous marriage who remain in the home under regulation 18 and in respect of each member not in the home £64·70 of which £14·45 is for personal expenses.
(3) A claimant who is a member of a couple or a member of a polygamous marriage where both members of that couple or all the members of that marriage are in accommodation referred to in sub-paragraph (1).	(3) For each member of that couple or marriage £64·70 of which £14·45 is for personal expenses plus, if appropriate, the amount applicable under regulation 17(1)(e), (f) or (g) or 18(1)(f), (g) or (h).
<b>Lone parents who are in residential accommodation temporarily</b>	
10C. A claimant who is a lone parent who has entered residential accommodation temporarily.	10C. £64·70 of which £14·45 is for personal expenses plus— (a) in respect of each child or young person who is a member of his family, the amount in respect of him prescribed in paragraph 2(a), (b), (c) or (d) of Schedule 2 or under this Schedule as appropriate; and (b) any amount which would be applicable to the claimant if he were not temporarily living away from the dwelling occupied as his home, under regulation 17(1)(c), (e), (f) or (g).
<b>Persons in residential accommodation</b>	
13. — (1) Subject to sub-paragraph (2), a person in, or only temporarily absent from, residential accommodation who is— (a) a single claimant; (b) (b) a lone parent; (c) (c) one of a couple; (d) (d) a child or young person; (e) (e) a member of a polygamous marriage.	13. — (1) Any amount applicable under regulation 17(1)(f) or (g) or 18(1)(g) or (h), plus— (a) £64·70 of which £14·45 is for personal expenses; (b) (b) the amount specified in head (a) of this column; (c) (c) twice the amount specified in head (a) of this column; (d) (d) the appropriate amount in respect of him prescribed in paragraph 2 of Schedule 2; (e) (e) the amount specified in head (a) multiplied by the number of members of the polygamous marriage in, or only temporarily absent from, that accommodation.

<i>Column (1)</i>	<i>Column (2)</i>
<p>(2) A single claimant who has become a patient and whose residential accommodation was provided by and managed by the Department.</p>	<p>(2) Any amount applicable under regulation 17(1)(f) or (g), plus £14·45.</p>
<p><b>Persons in homes for persons in need or nursing homes who become patients</b></p> <p>16. A claimant to whom regulation 19 applies immediately before he or a member of his family became a patient where—</p>	<p>(a) (i) The amount which would be applicable under regulation 19 as if the claimant or the member of the family who is a patient were resident in the accommodation to which regulation 19 applies,</p>
<p>(a) he or any member of his family has been a patient for a period of 6 weeks or less and the claimant—</p> <p>(i) continues to be liable to meet the weekly charge for the accommodation without reduction in respect of himself or that member of his family who is a patient,</p>	<p>(ii) the amount which would be applicable under regulation 19 having taken into account the reduced charge, as if the claimant or the member of the family who is a patient were resident in the accommodation to which regulation 19 applies,</p>
<p>(ii) continues to be liable to meet the weekly charge for the accommodation but at a reduced rate,</p>	<p>(iii) the amount applicable to him (if any) under paragraph 2(2) of Schedule 4 plus the amount in respect of him as an allowance for personal expenses prescribed by paragraph 12 of Schedule 4 as if he were residing in the accommodation to which regulation 19 applies plus any amount applicable under regulation 17(1)(f), or</p>
<p>(iii) is a single claimant and is likely to return to the accommodation, but has ceased to be liable to meet the weekly charge for that accommodation, or</p>	<p>(iv) the amount which would be applicable to him under regulation 17(1);</p>
<p>(iv) is a single claimant who ceases to be liable to meet the weekly charge for the accommodation and who is unlikely to return to that accommodation;</p>	<p>(b) (i) £16·20, plus any amount applicable under regulation 17(1)(f), plus either the amount prescribed in paragraph 14 in respect of any retaining fee he is liable to pay for the accommodation or the amount applicable under regulation 17(1)(e), but not both,</p>
<p>(b) (b) he or his partner has been a patient for a period of more than 6 weeks and the patient is—</p> <p>(i) a single claimant,</p>	

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<i>Column (1)</i>	<i>Column (2)</i>
(ii) a lone parent,	<p>(ii) where one or more children or young persons remain in the accommodation, the amount applicable to the family as if regulation 19, having taken into account any reduction in charge, continued to apply to all the members of the family except that where the lone parent is the patient no amount shall be applicable in respect of him under paragraph 2(2) of Schedule 4 and for the amount in respect of the allowance for personal expenses prescribed by paragraph 12 of Schedule 4 there shall be substituted £16·20,</p> <ul style="list-style-type: none"> <li>— where all the children or young persons are absent from the accommodation, £16·20 plus any amounts applicable to him under regulation 17(1)(b), (c), (d) or (f) plus (if appropriate) either the amount applicable under column (2) of paragraph 14(a) or the amount applicable under regulation 17(1) (e), but not both,</li> <li>— where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons remaining in the accommodation and the lone parent patient, the amount specified in case one of column (2) of this head save that the child or young person who has been a patient for more that 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 19, and in respect of each such child or young person there shall be added £16·20,</li> </ul>
(iii) one of a couple or polygamous marriage and one of that couple or marriage is not a patient or has been a patient for 6 weeks or less,	(iii) where the members of the family not patients remain in the accommodation, the amount applicable to the family as if regulation 19, having taken into account any reduction in charge, continued to apply to all the members of the family except that in respect of the member of the couple or polygamous marriage who has been a patient for more than 6 weeks no amount shall be applicable in respect of him under paragraph 2(2) of

<i>Column (1)</i>	<i>Column (2)</i>
	<p>Schedule 4 and for the amount in respect of the allowance for personal expenses prescribed by paragraph 12 of Schedule 4 there shall be substituted £16·20,</p> <ul style="list-style-type: none"><li>— where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons and the member of the couple or polygamous marriage remaining in the accommodation, the amount specified in case one of column (2) of this head save that the child or young person who has been a patient for more than 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 19 and in respect of each such child or young person there shall be added £12·95,</li></ul>
<p>(iv) one of a couple or polygamous marriage where all the members of that couple or marriage are patients and have been so for more than 6 weeks;</p>	<p>(iv) where there is no child or young person in the family, £16·20 in respect of each member of the couple or polygamous marriage, plus any amount applicable under regulation 17(1)(f) or 18(1)(g), plus either the amount prescribed in paragraph 14 in respect of any retaining fee for the accommodation he is liable to pay or the amount applicable under regulation 17(1)(e) or 18(1)(f), but not both,</p> <ul style="list-style-type: none"><li>— where there is a child or young person remaining in the accommodation, the amount which would be applicable in respect of the family as if regulation 19, having taken into account any reduction in charge, continued to apply to all the members of the family except that in respect of each member of the couple or polygamous marriage no amount shall be applicable in respect of him under paragraph 2(2) of Schedule 4 and for the amount in respect of the allowance for personal expenses prescribed by paragraph 12 of Schedule 4 in respect of each member there shall be substituted £16·20,</li></ul>

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<i>Column (1)</i>	<i>Column (2)</i>
	<ul style="list-style-type: none"> <li>— where there is a child or young person in the family but no child or young person remains in the accommodation, the amount applicable under column (2) of paragraph 1(c) or (d), as the case may be, plus either the amount applicable under column (2) of paragraph 14(a) or the amount applicable under regulation 17(1)(e) or 18(1)(f), but not both,</li> <li>— where one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons remaining in the accommodation and the members of the couple or polygamous marriage, the amount specified in case 2 of column (2) of sub-paragraph (b) (iv) save that the child or young person who has been a patient for more than 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 19, and in respect of each such child or young person there shall be added £12·95;</li> </ul>
(c) (c) a child or young person who has been a patient for a period of more than 12 weeks.	(c) (c) the amount applicable under regulation 19 as if that child or young person was not a member of the family plus an amount of £12·95 in respect of that child or young person.

## Part II

### Other sums specified in Schedule 7 to the Income Support Regulations

<i>Paragraph in Schedule 7</i>	<i>Specified Sum</i>
7. Members of religious orders	Nil.
8. Prisoners	Nil.
14. Persons temporarily absent from home for persons in need or nursing home	80 per cent.
15. Persons from abroad	Nil.

## SCHEDULE 8

Article 18(9)

**Other applicable amounts specified in the Income Support Regulations**

<i>Provisions in Income Support Regulations</i>	<i>Specified Sum</i>
Regulation 22A(1)(42)	Applicable amount to be reduced by a sum equivalent to 20 per cent. of the specified amount.
Regulation 71(1)(a)(i)	90 per cent. of the amount applicable or, as the case may be, of the reduced amount.
Regulation 71(1)(b)(i)	90 per cent. of the amount of the allowance for personal expenses or, as the case may be, of the reduced amount.
Regulation 71(1)(c)(i)	98 per cent. of the applicable amount for persons in residential accommodation.
Regulation 71(1)(d)	90 per cent. of the applicable amount.
Schedule 3(43), paragraph 6(1)(b)	Half the amount which would fall to be met by applying the provisions of sub-paragraph (a).
Schedule 3, paragraph 6(1)(c)	Nil.
Schedule 3, paragraph 7(8)	100 per cent. of the eligible interest.
Schedule 3, paragraph 8(1)(b)	Nil.
Schedule 3, paragraph 10(1)	The weekly amount of housing costs is the amount calculated by the formula $\frac{(A \times B) \times C}{52}$
Schedule 3, paragraph 11(5)	£100,000.
Schedule 3, paragraph 11(7)(a)	The alternative appropriate amount shall be calculated using the formula $P \times Q$
Schedule 3, paragraph 11(11)	The qualifying portion of a loan shall be determined by the formula $K \times \frac{S}{T}$
Schedule 3, paragraph 12(1)(a)	7.97 per cent.
Schedule 3, paragraph 12(2) and (3)	5 per cent.

(42) Regulation 22A was inserted by regulation 13 of S.R. 1996 No. 199

(43) Schedule 3 was substituted by Schedule 1 to S.R. 1995 No. 301; relevant amending regulations are S.R. 1995 No. 434 and S.R. 1997 No. 476

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## SCHEDULE 9

Article 23(3)

**Part I of Schedule 1 to the Jobseeker's Allowance Regulations as amended by this Order**

## "SCHEDULE 1

**Applicable Amounts****Part I****Personal Allowances**

1. The weekly amounts specified in column (2) in respect of each person or couple specified in column (1) shall be the weekly amounts specified for the purposes of regulations 83 and 84(1) (applicable amounts and polygamous marriages).

<i>Column (1)</i> <i>Person or Couple</i>	<i>Column (2)</i> <i>Amount</i>
(1) Single claimant aged—	(a) (1) £30·30;
(a) except where head (b) or (c) applies, less than 18;	
(b) less than 18 who falls within regulation 57(2) and who—	(b) £39·85;
(i) is a person to whom regulation 59, 60 or 61 applies, or	
(ii) is the subject of a direction under Article 18 of the Order;	
(c) less than 18 who satisfies the condition in paragraph 13(a) of Part III;	(c) £39·85;
(d) not less than 18 but less than 25;	(d) £39·85;
(e) not less than 25.	(e) £50·35.
(2) Lone parent aged—	(a) (2) £30·30;
(a) except where head (b) or (c) applies, less than 18;	
(b) less than 18 who falls within regulation 57(2) and who—	(b) £39·85;
(i) is a person to whom regulation 59, 60 or 61 applies, or	
(ii) is the subject of a direction under Article 18 of the Order;	
(c) less than 18 who satisfies the condition in paragraph 13(a) of Part III;	(c) £39·85;



<i>Column (1)</i> <i>Person or Couple</i>	<i>Column (2)</i> <i>Amount</i>
(d) not less than 18.	(d) £50·35.
(3) Couple—	(a) (3) £60·10;
(a) where both members are aged less than 18 and—	
(i) at least one of them is treated as responsible for a child;	
(ii) had they not been members of a couple, each would have been a person to whom regulation 59, 60 or 61 applied;	
(iii) had they not been members of a couple, the claimant would have been a person to whom regulation 59, 60 or or 61 applied and his partner satisfies the requirements for entitlement to income support other than the requirement to make a claim for it;	
(iv) they are married and one member of the couple is a person to whom regulation 59, 60 or 61 applies and the other member is registered in accordance with regulation 62;	
(iva) they are married and each member of the couple is a person to whom regulation 59, 60 or 61 applies;	
(v) there is a direction under Article 18 of the Order in respect of each member;	
(vi) there is a direction under Article 18 of the Order in respect of one of them and the other is a person to whom regulation 59, 60 or 61 applies, or	
(vii) there is a direction under Article 18 of the Order in respect of one of them and the other satisfies requirements for entitlement to income support other than the requirement to make a claim for it;	

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<i>Column (1)</i> <i>Person or Couple</i>	<i>Column (2)</i> <i>Amount</i>
<p>(b) where both members are aged less than 18 and sub-paragraph (3)(a) does not apply but one member of the couple falls within regulation 57(2) and either—</p> <p style="padding-left: 40px;">(i) is a person to whom regulation 59, 60 or 61 applies, or</p> <p style="padding-left: 40px;">(ii) is the subject of a direction under Article 18 of the Order;</p>	<p>(b) £39·85;</p>
<p>(c) where both members are aged less than 18 and neither head (a) nor (b) of sub-paragraph (3) applies but one member of the couple—</p> <p style="padding-left: 40px;">(i) is a person to whom regulation 59, 60 or 61 applies, or</p> <p style="padding-left: 40px;">(ii) is the subject of a direction under Article 18 of the Order;</p>	<p>(c) £30·30;</p>
<p>(d) where both members are aged less than 18 and head (a), (b) or (c) of sub-paragraph (3) does not apply but one member of the couple is a person who satisfies the requirements of paragraph 13(a);</p>	<p>(d) £39·85;</p>
<p>(e) where both members are aged not less than 18;</p>	<p>(e) £79·00;</p>
<p>(f) where one member is aged not less than 18 and the other member is a person under 18 who—</p> <p style="padding-left: 40px;">(i) is a person to whom regulation 59, 60 or 61 applies, or</p> <p style="padding-left: 40px;">(ii) is the subject of a direction under Article 18 of the Order, and</p> <p style="padding-left: 40px;">(iii) satisfies requirements for entitlement to income support other than the requirement to make a claim for it;</p>	<p>(f) £79·00;</p>
<p>(g) where one member is aged not less than 18 but less than 25 and the other member is a person under 18—</p> <p style="padding-left: 40px;">(i) to whom none of regulations 59 to 61 applies, or</p>	<p>(g) £39·85;</p>

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<i>Column (1)</i> <i>Person or Couple</i>	<i>Column (2)</i> <i>Amount</i>
(ii) who is not the subject of a direction under Article 18 of the Order, and	
(iii) does not satisfy requirements for entitlement to income support disregarding the requirement to make a claim for it;	
(h) where one member is aged not less than 25 and the other member is a person under 18—	(h) £50·35.
(i) to whom none of regulations 59 to 61 applies, or	
(ii) who is not the subject of a direction under Article 18 of the Order, and	
(iii) does not satisfy requirements for entitlement to income support disregarding the requirement to make a claim for it.	

2.—(1) The weekly amounts specified in column (2) in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the weekly amounts specified for the purposes of regulations 83(b) and 84(1)(c).

<i>Column (1)</i> <i>Child or Young Person</i>	<i>Column (2)</i> <i>Amount</i>
Person in respect of the period—	(a) £17·30;
(a) beginning on, and including, that person's date of birth and ending on the day preceding the first Monday in September following that person's eleventh birthday;	
(b) beginning on, and including, the first Monday in September following that person's eleventh birthday and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	(b) £25·35;
(c) beginning on, and including, the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's nineteenth birthday.	(c) £30·30.

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3.—(1) The weekly amount for the purposes of regulations 83(c) and 84(1)(d) (residential allowance) in respect of a person who satisfies the conditions specified in sub-paragraph (2) shall be £57·50.”

## SCHEDULE 10

Article 23(6)

**Part IV of Schedule 1 to the Jobseeker’s Allowance Regulations as amended by this Order**

## “Part IV

## Weekly Amounts of Premiums Specified in Part III

<i>Premium</i>	<i>Amount</i>
20. —	(a) (2) £20·10;
(2) Pensioner Premium for persons aged over 60—	
(a) where the claimant satisfies the condition in paragraph 10(a);	
(b) where the claimant satisfies the condition in paragraph 10(b);	(b) £30·35;
(c) where the claimant satisfies the condition in paragraph 10(c).	(c) £30·35.
(3) Pensioner Premium for claimants whose partner has attained the age of 75 where the claimant satisfies the condition in paragraph 11.	(3) £33·55.
(4) Higher Pensioner Premium—	(a) (4) £27·20;
(a) where the claimant satisfies the condition in paragraph 12(1)(a);	
(b) where the claimant satisfies the condition in paragraph 12(1)(b) or (c).	(b) £38·90.
(5) Disability Premium—	(a) (5) £21·45;
(a) where the claimant satisfies the condition in paragraph 13(a);	
(b) where the claimant satisfies the condition in paragraph 13(b) or (c).	(b) £30·60.
(6) Severe Disability Premium—	(a) (6) £38·50;
(a) where the claimant satisfies the condition in paragraph 15(1);	
(b) where the claimant satisfies the condition in paragraph 15(2)—	(b) (i) £38·50;
(i) if there is someone in receipt of an invalid care allowance of if any partner of the claimant	

<i>Premium</i>	<i>Amount</i>
satisfies that condition by virtue of paragraph 15(5);	
(ii) if no-one is in receipt of such an allowance.	(ii) £77·00.
(7) Disabled Child Premium.	(7) £21·45 in respect of each child or young person in respect of whom the conditions specified in paragraph 16 are satisfied.
(8) Carer Premium.	(8) £13·65 in respect of each person who satisfied the condition specified in paragraph 17.”

SCHEDULE 11

Article 23(9)

**Jobseeker’s Allowance: Applicable Amounts of Persons in Residential Care and Nursing Homes**

**Part I**

**Provisions in Schedule 3 to the Jobseeker’s Allowance Regulations as amended by this Order**

**Residential care homes**

5. Subject to paragraphs 7 and 8, where the accommodation provided for the claimant is a residential care home for persons in need of personal care by virtue of—

- (a) past or present mental disorder but excluding mental handicap, the appropriate amount shall be £225·00 per week;
- (b) past or present drug or alcohol dependence, the appropriate amount shall be £225·00 per week;
- (c) mental handicap, the appropriate amount shall be £257·00 per week;
- (d) physical disablement, the appropriate amount shall be £292·00 per week;
- (e) any condition not falling within sub-paragraphs (a) to (d), the appropriate amount shall be £213·00 per week.

**Nursing homes**

6. Subject to paragraphs 7 and 8, where the accommodation provided for the claimant is a nursing home for persons in need of personal care by virtue of—

- (a) past or present mental disorder but excluding mental handicap, the appropriate amount shall be £319·00 per week;
- (b) mental handicap, the appropriate amount shall be £325·00 per week;
- (c) past or present drug or alcohol dependence, the appropriate amount shall be £319·00 per week;
- (d) physical disablement, the appropriate amount shall be £359·00 per week;

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- (e) terminal illness, the appropriate amount shall be £318·00 per week;
- (f) any condition not falling within sub-paragraphs (a) to (e), the appropriate amount shall be £318·00 per week.

**Personal allowances**

10. The allowance for personal expenses for the claimant and each member of his family referred to in paragraph 1(1)(b) shall be—

- (a) for the claimant £14·45, and if he has a partner, for his partner, £14·45;
- (b) for a young person aged 18, £14·45;
- (c) for a young person aged under 18 but over 16, £10·05;
- (d) for a child aged under 16 but over 11, £8·65;
- (e) for a child aged under 11, £5·95.

**Part II**

**Other sums specified in Schedule 3 to the Jobseeker’s Allowance Regulations**

<i>Paragraph in Schedule 3</i>	<i>Specified Sum</i>
2(2)(b)(i) } increases for meals	daily £1·10
2(2)(b)(ii)	daily £1·55
2(2)(b)(iii)	daily £1·55

SCHEDULE 12

Article 23(10)

**Jobseeker’s Allowance: Applicable Amounts in Special Cases**

**Part I**

**Provisions in Schedule 4 to the Jobseeker’s Allowance Regulations as amended by this Order**

<i>Column (1)</i>	<i>Column (2)</i>
<b>Person other than claimant who is a patient</b>	(a) (a) The applicable amount for a couple under regulation 83 reduced by £12·95;
1. Subject to paragraphs 2, 15 and 17, a person who has been a patient for more than 6 weeks and who is—	
(a) a member of a couple and the other member is the claimant, or	
(b) (b) a member of a polygamous marriage and the claimant is a member of the marriage but not a patient.	(b) (b) the applicable amount under regulation 84 (polygamous marriages)

<i>Column (1)</i>	<i>Column (2)</i>
	reduced by £12.95 in respect of each member who is a patient.
(a) (a) A claimant who is not a patient and who is a member of a family of which another member is a child or young person who has been a patient for a period of more than 12 weeks, or	(a) (a) The amount applicable to him under regulation 83 or 84 except that the amount applicable under regulation 83(b) or 84(1)(c) in respect of the child or young person referred to in column (1) shall be £12.95 instead of an amount determined in accordance with paragraph 2 of Schedule 1, or
(b) (b) where the person is a member of a family and paragraph 1 applies to him and another member of the family who is a child or young person has been a patient for a period of more than 12 weeks.	(b) (b) the amount applicable to him under paragraph 1 except that the amount applicable under regulation 83(b) or 84(1)(c) in respect of the child or young person referred to in column (1) shall be £12.95 instead of an amount determined in accordance with paragraph 2 of Schedule 1.
<b>Single claimants temporarily in accommodation provided by a Health and Social Services Board or an HSS trust</b>	7. £64.70 of which £14.45 is for personal expenses plus any amounts applicable under regulations 83(f) and 87(2) and (3).
7. A single claimant who is temporarily in accommodation provided by a Health and Social Services Board or an HSS trust of a kind specified in the definition of residential accommodation in regulation 85 (special cases).	
<b>Couples and members of polygamous marriages where one member is or all are temporarily in accommodation provided by a Health and Social Services Board or an HSS trust</b>	8. —
8. —	(1) The aggregate of the amount applicable for the member who remains in the home calculated as if he were a single claimant under regulation 83, 85 or 86 and in respect of the other member £64.70 of which £14.45 is for personal expenses.
(1) A claimant who is a member of a couple and temporarily separated from his partner where one of them is living in the home while the other is in accommodation provided by a Health and Social Services Board or an HSS trust of a kind specified in the definition of residential accommodation in regulation 85.	
(2) A claimant who is a member of a polygamous marriage and who is temporarily separated from a partner of his where one is, or some are, living in the home while one is, or some are, in accommodation referred to in sub-paragraph (1).	(2) The aggregate of the amount applicable, for the members of the polygamous marriage who remain in the home, under regulation 84 and in respect of each member not in the home £64.70 of which £14.45 is for personal expenses.

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<i>Column (1)</i>	<i>Column (2)</i>
<p>(3) A claimant who is a member of a couple or a member of a polygamous marriage where both members of that couple or all the members of that marriage are in accommodation referred to in sub-paragraph (1).</p>	<p>(3) For each member of that couple or marriage £64·70 of which £14·45 is for personal expenses plus, if appropriate, the amount applicable under regulations 83(f), 84(1)(g) and 87(2) and (3).</p>
<p><b>Lone parents who are in residential accommodation temporarily</b></p> <p>9. A claimant who is a lone parent who has entered residential accommodation temporarily.</p>	<p>9. £64·70 of which £14·45 is for personal expenses, plus—</p> <p>(a) in respect of each child or young person who is a member of his family, the amount in respect of him prescribed in paragraph 2(a), (b), (c) or (d) of Schedule 1 or under this Schedule as appropriate, and</p> <p>(b) any amount which would be applicable to the claimant if he were not temporarily living away from the dwelling occupied as his home, under regulation 83(d) or (f) or under regulation 87(2) or (3).</p>
<p><b>Persons in residential accommodation</b></p> <p>15. —</p> <p>(1) Subject to sub-paragraph (2), a person in or only temporarily absent from residential accommodation who is—</p> <p>(a) a single claimant;</p> <p>(b) (b) a lone parent;</p> <p>(c) (c) one of a couple;</p> <p>(d) (d) a child or young person;</p> <p>(e) (e) a member of a polygamous marriage.</p> <p>(2) A single claimant who has become a patient and whose residential accommodation was provided by and managed by the Department.</p>	<p>15. —</p> <p>(1) Any amount applicable under regulation 87(2) and (3), plus—</p> <p>(a) £64·70 of which £14·45 is for personal expenses;</p> <p>(b) (b) the amount specified in head (a);</p> <p>(c) (c) twice the amount specified in head (a);</p> <p>(d) (d) the appropriate amount in respect of him prescribed in paragraph 2 of Schedule 1 (applicable amounts);</p> <p>(e) (e) the amount specified in head (a) multiplied by the number of members of the polygamous marriage in or only temporarily absent from that accommodation.</p> <p>(2) Any amount applicable under regulation 87(2) and (3), plus £14·45.</p>
<p><b>Persons in residential care or nursing homes who become patients</b></p> <p>17. A claimant to whom regulation 86 (persons in residential care or nursing homes)</p>	<p>(a) (i) The amount which would be applicable under regulation 86 as if the claimant or the member of the family who is a patient were resident in</p>



<i>Column (1)</i>	<i>Column (2)</i>
applies immediately before he or a member of his family became a patient where—	the accommodation to which regulation 86 applies;
(a) he has been a patient for not more than 2 weeks or any member of his family has been a patient for not more than 6 weeks and the claimant—	
(i) continues to be liable to meet the weekly charge for the accommodation without reduction in respect of himself or that member of his family who is a patient;	
(ii) continues to be liable to meet the weekly charge for the accommodation but at a reduced rate;	(ii) the amount which would be applicable under regulation 86 having taken into account the reduced charge, as if the claimant or the member of the family who is a patient were resident in the accommodation to which regulation 86 applies;
(iii) is a single claimant who has been a patient for not more than 2 weeks and is likely to return to the accommodation, but has ceased to be liable to meet the weekly charge for that accommodation, or	(iii) the amount applicable to him (if any) under paragraph 2(2) of Schedule 3 (meal allowances) plus the amount in respect of him as an allowance for personal expenses under paragraph 10 of Schedule 3 as if he were residing in the accommodation to which regulation 86 applies plus any amount applicable under regulation 87(3);
(iv) is a single claimant who has been a patient for not more than 2 weeks and who ceases to be liable to meet the weekly charge for the accommodation, and who is unlikely to return to the accommodation;	(iv) the amount which would be applicable to him under regulation 83;
(b) (b) the claimant is one of a couple or polygamous marriage and either—	(b) (b) where—
(i) the claimant is not a patient and the other member of the couple or one or more members of the marriage has been a patient for a period of more than 6 weeks, or	(i) the members of the family not patients remain in the accommodation, the amount applicable to the family as if regulation 86 having taken into account any reduction in charge, continued to apply to all members of the family except that in respect of the member of the couple or polygamous marriage who has been a patient for more than 6 weeks no amount shall

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<i>Column (1)</i>	<i>Column (2)</i>
	be applicable in respect of him under paragraph 2(2) of Schedule 3 and for the amount in respect of the allowance for personal expenses prescribed by paragraph 10 of Schedule 3 there shall be substituted the amount of £16·20;
(ii) the claimant is a patient but has not been a patient for more than 2 weeks and the other member of the couple or one or more members of the marriage has been a patient for more than 6 weeks;	(ii) one or more children or young persons are also patients and have been so for more than 12 weeks, in respect of those children and young persons and the member of the couple or polygamous marriage remaining in the accommodation the amount specified in column (2) of sub-paragraph (b)(i) save that the child or young person who has been a patient for more than 12 weeks shall be disregarded as a member of the family in assessing the amount applicable under regulation 86 and in respect of each such child or young person there shall be added the amount of £12·95;
(c) (c) a child or young person who has been a patient for a period of more than 12 weeks.	(c) (c) the amount applicable under regulation 85 as if that child or young person was not a member of the family plus an amount of £12·95 in respect of that child or young person.

## Part II

### Other sums specified in Schedule 4 to the Jobseeker's Allowance Regulations

<i>Paragraph in Schedule 4</i>	<i>Specified Sum</i>
4. Members of religious orders	Nil.
14. Persons from abroad	Nil.
16. Persons temporarily absent from a hostel, residential care or nursing home	80 per cent.

## SCHEDULE 13

Article 23(11)

**Other applicable amounts specified in the Jobseeker's Allowance Regulations**

<i>Provisions in Jobseeker's Allowance Regulations</i>	<i>Specified Sum</i>
Regulation 145(1)	Applicable amount to be reduced by a sum equivalent to 40 per cent. or, as the case may be, 20 per cent. of the specified amount.
Regulation 148(1)(a)(i)	90 per cent. of the amount applicable or, as the case may be, of the reduced amount.
Regulation 148(1)(b)(i)	90 per cent. of the amount of the allowance for personal expenses or, as the case may be, of the reduced amount.
Regulation 148(1)(c)(i)	98 per cent. of the applicable amount for persons in residential accommodation.
Regulation 148(1)(d)	90 per cent. of the applicable amount.
Schedule 2, paragraph 6(1)(b)	Half the amount which would fall to be met by applying the provisions of sub-paragraph (a).
Schedule 2, paragraph 6(1)(c)	Nil.
Schedule 2, paragraph 7(1)(b)	Nil.
Schedule 2, paragraph 9(1)	The weekly amount of housing costs is the amount calculated by the formula $\frac{(A \times B) \times C}{52}$
Schedule 2, paragraph 10(4)	£100,000.
Schedule 2, paragraph 10(6)(a)	The alternative appropriate amount shall be calculated using the formula $P \times Q$
Schedule 2, paragraph 10(10)	The qualifying portion of a loan shall be determined by the formula $R \times \frac{S}{T}$
Schedule 2, paragraph 11(2) and (3)	5 per cent.

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## EXPLANATORY NOTE

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

This Order, which corresponds to an Order (S.I. 1998/470) made by the Secretary of State for Social Security under section 150 of the Social Security Administration Act 1992, increases the rates and amounts of certain social security benefits and other sums.

Part I relates to citation, commencement and interpretation.

Part II relates to non income-related benefits other than jobseeker's allowance.

Article 3 and Schedule 1 increase the rates of benefits and increases of benefit (except over 80 age addition) specified in Parts I, III, IV and V of Schedule 4 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 ("the Contributions and Benefits Act").

Article 4 increases the rates and amounts of certain pensions and allowances under the Contributions and Benefits Act.

Article 5 increases the sums payable as part of a Category A or Category B retirement pension under sections 11(1) and 13(2) and (3) of the Pension Schemes (Northern Ireland) Act 1993 ("the Pension Schemes Act") on account of increases in guaranteed minimum pensions.

Article 6 specifies the dates from which the sums specified for rates or amounts of benefit under the Contributions and Benefits Act or the Pension Schemes Act are increased.

Article 7 increases the rate of certain workmen's compensation in respect of employment before 5th July 1948.

Article 8 specifies earnings limits for child dependency increases.

Article 9 increases the rate of statutory sick pay.

Article 10 increases the lower rate of statutory maternity pay.

Article 11 increases the rate of graduated retirement benefit.

Article 12 increases the rates of disability living allowance.

Article 13 increases the rates of child benefit except the rate payable in respect of an only, elder or eldest child of a lone parent.

Article 14 increases the rates of age addition to long-term incapacity benefit.

Article 15 increases the rates of transitional invalidity allowance to long-term incapacity benefit cases.

Part III relates to income-related benefits.

Article 16 and Schedule 2 specify the applicable amount for family credit and the amount of the credits for an adult, child or young person which determines a family's maximum family credit and other miscellaneous amounts.

Article 17 and Schedule 3 specify the applicable amount for disability working allowance and the amount of the allowance for a claimant, child or young person which determines the appropriate maximum disability working allowance and other miscellaneous amounts.

Article 18 sets out the sums relevant to the applicable amount for the purposes of income support. Article 18(3) and Schedule 4 set out the personal allowances; Article 18(4) and (5) and Schedule 5 set out the premiums; Article 18(7) and Schedule 6 set out the amounts relevant to beneficiaries in

homes for persons in need and nursing homes; Article 18(8) and Schedule 7 set out the amounts relevant to special cases; and Article 18(9) and Schedule 8 set out other miscellaneous amounts.

Article 19 provides for the percentage increase of sums payable by way of special transitional additions to income support.

Article 20 increases the sum by which any income support of a person involved in a trade dispute is reduced.

Article 21 sets out various sums relevant to the calculation of housing benefit.

Part IV relates to jobseeker's allowance.

Article 22 increases the age-related amounts of contribution-based jobseeker's allowance.

Article 23 sets out the sums relevant to the applicable amount for the purposes of income-based jobseeker's allowance. Article 23(3) and Schedule 9 set out the personal allowances; Article 23(4) and (5) and Schedule 10 set out the premiums; Article 23(7) and Schedule 11 set out the amounts relevant to beneficiaries in residential care and nursing homes; Article 23(8) and Schedule 12 set out the amounts relevant to special cases; and Article 23(9) and Schedule 13 set out other miscellaneous amounts.

Article 24 specifies the sum by which any income-based jobseeker's allowance of a person involved in a trade dispute is reduced.

Part V relates to transitional provisions and revocations.

Article 25 contains transitional provisions for family credit and disability working allowance.

Article 26 partially revokes the Social Security Benefits Up-rating Order (Northern Ireland) 1997.