
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 118

**The Social Security Benefits Up-
rating Order (Northern Ireland) 2010**

PART 2

SOCIAL SECURITY BENEFITS AND PENSIONS

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

6.—(1) Paragraphs (2) to (8), which are subject to the provisions of paragraph (9), specify the date on which the changes made by this Order in the sums specified for rates or amounts of benefit under the Contributions and Benefits Act shall take effect for each case.

(2) Subject to paragraph (3), any increases in the sums mentioned in Articles 3 and 4 for Category A and Category B retirement pension shall take effect on 12th April 2010.

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

- (a) whose entitlement to a Category A retirement pension is deferred; and
- (b) for whom the rate of short-term incapacity benefit falls to be calculated in accordance with section 30B(3) of the Contributions and Benefits Act⁽¹⁾,

any increases in the sums mentioned in Articles 3 and 4 for Category A and Category B retirement pensions shall take effect on 15th April 2010.

(4) Any increases in the sums specified for the rates of—

- (a) Category C and Category D retirement pensions;
- (b) attendance allowance; and
- (c) carer's allowance (except in a case where the Department has made arrangements for it to be paid on a Wednesday),

shall in all cases take effect on 12th April 2010.

(5) Any increases in the sums specified for—

- (a) the rate of—
 - (i) carer's allowance in a case where the Department has made arrangements for it to be paid on a Wednesday,
 - (ii) disablement benefit,
 - (iii) maximum disablement gratuity under paragraph 9(2) of Schedule 7 to the Contributions and Benefits Act,

(1) Section 30B was inserted by Article 4(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and amended by paragraph 18(3) of Schedule 2 to the Pensions (Northern Ireland) Order 1995, paragraph 21 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999, paragraph 69 of Schedule 24 to the Civil Partnership Act 2004 (c. 33) and Schedule 6 to the Pensions Act (Northern Ireland) 2008 (c. 1)

- (iv) industrial death benefit by way of widow's and widower's pension and allowance in respect of children and qualifying young persons,
 - (v) the maximum of the aggregate of weekly benefit payable for successive accidents under section 107(1) of the Contributions and Benefits Act; and
- (b) any increases in—
- (i) the benefits referred to in sub-paragraph (a)(i), (iii) and (iv) in respect of dependants, and
 - (ii) disablement pension,

shall in all cases take effect on 14th April 2010.

(6) 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⁽²⁾, by reference to the weekly rate of invalidity allowance or age addition to long-term incapacity benefit to which they were previously entitled, any increase in such sum shall take effect on 12th April 2010.

(7) The changes in the sums specified for the rate of incapacity benefit and severe disablement allowance shall take effect in all cases on 15th April 2010.

(8) 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 14th April 2010.

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

- (a) except in a case where sub-paragraph (b) applies, on the first day of the first benefit week to commence for the beneficiary on or after 12th April 2010;
- (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 2010,

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

(2) Section 47(1) was amended by paragraph 13 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994; *see also* regulation 23 of S.R. 1995 No. 35; section 48C was inserted by paragraph 3(1) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 and amended by paragraph 6 of Schedule 8 and paragraph 11 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999, sections 33(12) and 35(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, paragraph 2 of the Schedule to S.R. 2005 No. 434 and paragraph 10 of Schedule 2 to the Pensions Act (Northern Ireland) 2008