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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 58**

**The Social Security Benefits Up-rating Order (Northern Ireland) 2019**

**PART 2**

**SOCIAL SECURITY BENEFITS AND PENSIONS**

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

**3.—**(1) From and including the respective dates specified in Article 7, the sums specified in paragraph (2) shall be increased so that Schedule 4 to the Contributions and Benefits Act (rates of benefits, etc.), except paragraph 5 of Part III (guardian's allowance) of that Schedule, has effect as set out in Schedule 1 to this Order.

(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 except, in—

- (a) Part III, the sum specified for age addition to a pension of any category, and otherwise under section 79 of that Act;
- (b) Part IV, the sums specified in column (2) (increase for qualifying child); and
- (c) Part V(1), the sums specified for the increase in disablement pension for dependent children and death benefit allowance in respect of children and qualifying young persons.

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

**4.—**(1) The sums specified in paragraphs (2) to (5) shall be increased from and including the respective dates specified in Article 7.

(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 a beneficiary's retirement allowance) shall be increased by 2.4 per cent.

(3) In section 44(4) of the Contributions and Benefits Act(2) (basic pension of Category A retirement pension)—

- (a) for "£105.15" substitute "£107.65"; and
- (b) for "£125.95" substitute "£129.20".

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

- (a) the additional pensions in long-term benefits calculated by reference to any final relevant year earlier than the tax year 2018-19;

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(1) Part V was amended by paragraph 41 of Schedule 1 to the Child Benefit Act 2005 (c. 6) and Article 71 of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1))

(2) Section 44(4) was substituted by Article 64 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and amended by S.R. 2019 No. 46

- (b) the increases in the rates of retirement pensions under Schedule 5 to the Contributions and Benefits Act(3) (pension increase or lump sum where entitlement to retirement pension is deferred);
- (c) lump sums to which surviving spouses or civil partners will become entitled under paragraph 7A of that Schedule on becoming entitled to a Category A or Category B retirement pension (entitlement to lump sum where pensioner's deceased spouse or civil partner has deferred entitlement); and
- (d) payable to a pensioner as part of their Category A or Category B retirement pension by virtue of an order made under section 120 of the Social Security (Northern Ireland) Act 1975(4), Article 64 of the Social Security (Northern Ireland) Order 1986(5) or section 132 of the Administration Act,

shall in each case be increased by 2.4 per cent.

(5) The sums which are shared additional pensions under section 55A and 55AA of the Contributions and Benefits Act(6), and the sums which are increases in the rates of such pensions under paragraph 2 of Schedule 5A to that Act(7), shall in each case be increased by 2.4 per cent.

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

5.—(1) It is directed that the sums specified in paragraph (2) shall be increased from and including the respective dates specified in Article 7.

(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 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(8)) shall be increased by 2.4 per cent. where the increase under section 11(1) is attributable to earnings factors for the tax year 1987-88 and earlier tax years(9).

#### **Rates or amounts of certain pensions under Part 1 of the Pensions Act**

6.—(1) The sums specified in paragraphs (2) to (4) shall be increased from and including the date specified in Article 7(10).

(2) In regulation 1A of the State Pension Regulations (Northern Ireland) 2015(10) (full rate of state pension) for “£164.35” substitute “£168.60”.

(3) It is directed that the sums which are increases under section 17 of the Pensions Act in the rates of state pensions under Part 1 of that Act shall be increased by 2.4 per cent.

(4) The amounts which, under—

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- (3) Schedule 5 was amended by paragraph 36 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993, paragraphs 6(2) to (4) and 18(12) to (17) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)), section 35(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)), paragraphs 2 to 13 of Schedule 9 to the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)), paragraph 6 of the Schedule to S.R. 2005 No. 434 and paragraph 19 of Schedule 1 to the Pensions Act (Northern Ireland) 2008
  - (4) 1975 c. 15; section 120 was amended by paragraph 9 of Schedule 3 to the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)) and repealed by Schedule 1 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)
  - (5) S.I. 1986/1888 (N.I. 18); Article 64 was repealed by Schedule 1 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992
  - (6) Section 55A was inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and amended by section 37(3) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and paragraph 4 of Schedule 11 to the Pensions Act (Northern Ireland) 2015, and section 55AA was inserted by paragraph 5 of Schedule 11 to that Act
  - (7) Schedule 5A was inserted by paragraph 14 of Schedule 9 to the Pensions (Northern Ireland) Order 2005
  - (8) Section 13(2) was amended by paragraph 5(b) of Schedule 1 to S.R. 2005 No. 433
  - (9) 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 S.R. 2019 No. 25
  - (10) S.R. 2015 No. 315; regulation 1A was inserted by regulation 2 of S.R. 2016 No. 88 and amended by S.R. 2019 No. 46

- (a) section 9 of the Pensions Act, are survivor's pensions based on inheritance of deferred old state pension;
- (b) paragraph 4(3) of Schedule 2 to the Pensions Act, are the amounts of state pensions under Part 1 of the Pensions Act at the transitional rate which exceed the full rate;
- (c) paragraphs 5(3) and 6 of Schedule 4 to the Pensions Act, are the amounts of survivor's pensions which either alone or in combination with one or more other pensions under Part 1 of that Act exceed the full rate; and
- (d) paragraphs 5(3) and 6 of Schedule 9 to the Pensions Act, are the amounts of shared state pensions under Part 1 of the Pensions Act which either alone or in combination with one or more other pensions under Part 1 of that Act exceed the full rate,

shall in each case be increased by 2.4 per cent.

(5) For the purpose of this Article, "old state pension" has the same meaning as in section 22 of the Pensions Act.

**Dates on which sums specified for rates or amounts of benefits in Articles 3, 4, 5, 6, 12, 13 and 14 are changed by this Order**

7.—(1) Paragraphs (2) to (8), which are subject to the provisions of paragraphs (9), (10) and (11) specify the date on which the changes made by this Order in the sums specified for rates or amounts of benefit in Articles 3, 4, 5, 6, 12, 13 and 14 shall take effect for each case.

(2) Any increases in the sums mentioned in Articles 3, 4, 12 and 13 for Category A, Category B, Category C and Category D retirement pension and graduated retirement benefit together with, where appropriate, any increases for dependants, shall take effect on 8th April 2019.

(3) The increases in the sums mentioned in Article 5(2) shall take effect on 8th April 2019.

(4) Any increases in the sums specified for—

(a) the rate of—

(i) attendance allowance, and

(ii) carer's allowance (except in a case where the Department has made arrangements for it to be paid on a Wednesday); and

(b) any increases in—

(i) carer's allowance referred to in sub-paragraph (a)(ii), and

(ii) widowed mother's allowance and widowed parent's allowance,

in respect of dependants,

shall take effect on 8th April 2019.

(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,

(iv) industrial death benefit by way of widow's and widower's pension, and

(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), (ii) and (iv) in respect of dependants, and
- (ii) disablement pension,

shall take effect on 10th April 2019.

(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(11) by reference to the weekly rate of invalidity allowance or age addition to long-term incapacity benefit to which the person was previously entitled, any increase in such sum shall take effect on 8th April 2019.

(7) The changes in the sums specified for the rate of incapacity benefit and severe disablement allowance together with, where appropriate, any increases for dependants, shall take effect on 11th April 2019.

(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 10th April 2019.

(9) Any increases in the sums specified in Article 3, 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 8th April 2019;
- (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 2019,

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

(10) Any increases in the sums mentioned in Article 6 for state pension under Part 1 of the Pensions Act shall take effect on 8th April 2019.

(11) The increase in the sum mentioned in Article 14 shall take effect on 8th April 2019.

### **Earnings limits**

**8.** In section 80(4) of the Contributions and Benefits Act(12) (earnings limits in respect of child dependency increases)—

- (a) for "£235·00", in both places where it occurs, substitute "£240·00"; and
- (b) for "£31·00" substitute "£32·00".

(11) Section 47(1) was amended by paragraph 13 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) (see also regulation 23 of S.R. 1995 No. 35) and 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, paragraph 10 of Schedule 2 to the Pensions Act (Northern Ireland) 2008 and paragraph 55 of Schedule 12 to the Pensions Act (Northern Ireland) 2015

(12) Section 80 was repealed by Schedule 6 to the Tax Credits Act 2002; see also Article 2 of S.R. 2003 No. 212 which saves the repealed provision in certain circumstances. Section 80(4) was amended by Article 7 of S.R. 2019 No. 46

### **Statutory sick pay**

**9.** In section 153(1) of the Contributions and Benefits Act(**13**) (rate of payment) for “£92·05” substitute “£94·25”.

### **Statutory maternity pay**

**10.** In regulation 6 of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**14**) (prescribed rate of statutory maternity pay) for “£145·18” substitute “£148·68”.

### **Statutory paternity pay, statutory adoption pay and statutory shared parental pay**

**11.**—(1) In the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations (Northern Ireland) 2002(**15**)—

- (a) in regulation 2(a) (weekly rate of payment of statutory paternity pay) for “£145·18” substitute “£148·68”; and
- (b) in regulation 3(a) (weekly rate of payment of statutory adoption pay) for “£145·18” substitute “£148·68”.

(2) In regulation 40(1)(a) of the Statutory Shared Parental Pay (General) Regulations (Northern Ireland) 2015(**16**) (weekly rate of payment of statutory shared parental pay) for “£145·18” substitute “£148·68”.

### **Graduated retirement benefit**

**12.**—(1) In section 35(1) of the National Insurance Act (Northern Ireland) 1966(**17**) (graduated retirement benefit)—

- (a) the sum of 13·83 pence shall be increased by 2·4 per cent.; and
- (b) the reference in that provision to that sum shall have effect as a reference to 14·16 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(**18**) (increases for deferred entitlement to a Category A or Category B retirement pension) shall be increased by 2·4 per cent.

(3) The sums which are lump sums to which surviving spouses or civil partners will become entitled under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations (Northern Ireland) 2005(**19**) (increases of graduated retirement benefit and lump sums) shall be increased by 2·4 per cent.

(4) 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 2·4 per cent.

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(13) Section 153(1) was amended by Article 10(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and Article 8 of S.R. 2019 No. 46

(14) S.R. 1987 No. 30; relevant amending Rules are S.R. 2002 No. 354 and S.R. 2019 No. 46

(15) S.R. 2002 No. 380; relevant amending Rules are S.R. 2004 No. 111 and S.R. 2019 No. 46

(16) S.R. 2015 No. 94; relevant amending Rule is S.R. 2019 No. 46

(17) 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 S.R. 1978 No. 105. Relevant amending Rule is S.R. 2019 No. 46

(18) S.R. 1978 No. 105; relevant amending Rules are S.R. 1989 No. 373, S.R. 2005 No. 121 and S.R. 2019 No. 46

(19) S.R. 2005 No. 121; relevant amending Rules are S.R. 2005 No. 541, S.R. 2006 No. 104 and S.R. 2019 No. 46

**Amount of Category C retirement pension under the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979**

13. In regulation 11(3) of the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(20) (Category C retirement pension for widows of men over pensionable age on 5<sup>th</sup> July 1948) for "£75·50" substitute "£77·45".

**Maximum additional pension**

14. In regulation 2A of the Social Security (Maximum Additional Pension) Regulations (Northern Ireland) 2010(21) (prescribed maximum additional pension for survivors who become entitled on or after 6<sup>th</sup> April 2016) for "£172·28" substitute "£176·41".

**Disability living allowance**

15. In regulation 4 of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(22) (rate of benefit)—

- (a) in paragraph (1)(a) for "£85·60" substitute "£87·65";
- (b) in paragraph (1)(b) for "£57·30" substitute "£58·70";
- (c) in paragraph (1)(c) for "£22·65" substitute "£23·20";
- (d) in paragraph (2)(a) for "£59·75" substitute "£61·20"; and
- (e) in paragraph (2)(b) for "£22·65" substitute "£23·20".

**Personal independence payment**

16. In regulation 24 of the Personal Independence Payment Regulations (Northern Ireland) 2016(23) (rate of personal independence payment)—

- (a) in paragraph (1)(a) for "£57·30" substitute "£58·70";
- (b) in paragraph (1)(b) for "£85·60" substitute "£87·65";
- (c) in paragraph (2)(a) for "£22·65" substitute "£23·20"; and
- (d) in paragraph (2)(b) for "£59·75" substitute "£61·20".

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

17.—(1) Subject to paragraph (2), in regulation 9(2) of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(24) (increase in rate of incapacity benefit where beneficiary is under prescribed age on the qualifying date)—

- (a) in sub-paragraph (a) for "£22·35" substitute "£22·90"; and
- (b) in sub-paragraph (b) for "£11·25" substitute "£11·50".

(2) In so far as a claimant entitled to long-term incapacity benefit corresponds to a claimant under Article 17(2) of the Great Britain Up-rating Order, the sums specified in regulation 9(2)(a) and (b) of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994 shall be increased to £11·90 and £6·60 respectively.

(20) S.R. 1979 No. 243; regulation 11(3) was amended by regulation 2(4) of S.R. 1987 No. 404, regulation 8(7) of S.R. 1989 No. 373, Article 5(5) of S.R. 2015 No. 411 and Article 12 of S.R. 2019 No. 46

(21) S.R. 2010 No. 62; regulation 2A was inserted by Article 26(4) of S.R. 2015 No. 411 and amended by Article 13 of S.R. 2019 No. 46

(22) S.R. 1992 No. 32; regulation 4 was amended by regulation 2(5) of S.R. 1993 No. 340 and Article 14 of S.R. 2019 No. 46

(23) S.R. 2016 No. 217; regulation 24 was amended by Article 15 of S.R. 2019 No. 46

(24) S.R. 1994 No. 461; regulation 9(2) was amended by Article 16 of S.R. 2019 No. 46

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

**18.**—(1) Subject to paragraph (2), in regulation 18(2) of the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995<sup>(25)</sup> (rate of long-term incapacity benefit in transitional cases)—

- (a) in sub-paragraph (a) for “£22·35” substitute “£22·90”;
- (b) in sub-paragraph (b) for “£14·40” substitute “£14·70”; and
- (c) in sub-paragraph (c) for “£7·20” substitute “£7·35”.

(2) In so far as a claimant entitled to long-term incapacity benefit corresponds to a claimant under Article 18(2) of the Great Britain Up-rating Order, the sums specified in regulation 18(2)(a), (b) and (c) of the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995 shall be increased to £11·90, £6·60 and £6·60 respectively.

### **Bereavement benefits**

**19.** In the Rate of Bereavement Benefits Regulations (Northern Ireland) 2010<sup>(26)</sup>—

- (a) in regulation 2 (rate of widowed mother’s allowance and widow’s pension) for “£117·10” substitute “£119·90”; and
- (b) in regulation 3 (rate of widowed parent’s allowance) for “£117·10” substitute “£119·90”.

### **Bereavement support payment**

**20.** In regulation 3 of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2018<sup>(27)</sup> (rate of bereavement support payment)—

- (a) in paragraph (1) the sum of £350 remains the same;
- (b) in paragraph (2) the sum of £3,500 remains the same;
- (c) in paragraph (4) the sum of £100 remains the same; and
- (d) in paragraph (5) the sum of £2,500 remains the same.

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<sup>(25)</sup> S.R. 1995 No. 35; regulation 18(2) was amended by Article 17 of S.R. 2019 No. 46

<sup>(26)</sup> S.R. 2010 No. 407; regulation 3 was amended by Article 23 of S.R. 2017 No. 66 and regulations 2 and 3 were amended by Article 18 of S.R. 2019 No. 46

<sup>(27)</sup> S.R. 2018 No. 166