Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART IX

ALTERATION OF CONTRIBUTIONS AND BENEFITS

Review and alteration of benefits

132 Annual up-rating of benefits.

(1) Whenever the Secretary of State **[**[F1]or the Treasury**]** makes an order under section 150 of the Great Britain Administration Act the Department may make a corresponding order for Northern Ireland.

(2) An increase in a sum such as is specified in subsection (3)(b) below shall form part of the Category A or Category B retirement pension of the person to whom it is paid and an increase in a sum such as is specified in subsection (3)(a) below shall be added to and form part of that pension but shall not form part of the sum increased.

(3) The sums referred to in subsection (2) above are those which are—

(a) payable by virtue of **[**[F2]section 11(1) of the Pensions Act**]** to a **[**[F3]relevant person**]** (including any sum payable by virtue of **[**[F2]section 13(2) of that Act**]**); or

(b) payable to such a person as part of his Category A or Category B retirement pension by virtue of—

(i) an order made under this section corresponding to an order made under section 150 of the Great Britain Administration Act by virtue of paragraph (e)(ii) of subsection (1) of that section;

(ii) an order made under section 120 of the [M1]1975 Act corresponding to an order made under section 126A of the Social Security Act 1975; or

(iii) an order made under Article 64 of the [M2]1986 Order corresponding to an order made under section 63(1)(d) of the Social Security Act 1986.

Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992, Cross Heading: Review and alteration of benefits is up to date with all changes known to be in force on or before 18 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[[F4](3ZA) In subsection (3)(a) "relevant person" means a person—

(a) who became entitled to a Category A or Category B retirement pension before the day on which section 3(1) of the Pensions Act (Northern Ireland) 2012 comes into operation, and

(b) to whom sums became payable by virtue of section 11(1) of the Pensions Act (including sums payable by virtue of section 13(2) of that Act) before that day.

(3ZB) In subsection (3ZA)—

(a) a reference to becoming entitled to a pension before a day includes a reference to becoming entitled on or after that day to the payment of a pension in respect of a period before that day;

(b) a reference to sums becoming payable before a day includes a reference to sums becoming payable on or after that day in respect of a period before that day.**]**

[[F5](3A) Where a member of **[**[F6]a scheme which was at a time before **[**[F7]7 June 2012 (the date appointed for the commencement of section 13(1) of the Pensions Act (Northern Ireland) 2008)**]]** an appropriate personal pension scheme or a money purchase contracted-out scheme continues in employment after attaining pensionable age and the commencement of his pension under the scheme is postponed, the preceding provisions of this section shall have effect as if—

(a) the guaranteed minimum pension to which he is treated as entitled by virtue of section 44(2)(a) of the Pensions Act were subject to increases in accordance with the provisions of section 11(1) of that Act; and

(b) the amounts of any notional increases referred to in paragraph (a) above were subject to annual up-rating in the same way as if they were sums to which subsection (3)(a) above applied.**]**

[[F8](3B) Subsection (3A) does not have effect unless—

(a) the member became entitled to a Category A or Category B retirement pension before the day on which section 3(2) of the Pensions Act (Northern Ireland) 2012 comes into operation, and

(b) the member's postponed pension under the scheme became payable before that day.

(3C) In subsection (3B)—

(a) a reference to becoming entitled to a pension before a day includes a reference to becoming entitled on or after that day to the payment of a pension in respect of a period before that day;

(b) a reference to a pension becoming payable before a day includes a reference to a pension becoming payable on or after that day in respect of a period before that day.**]**

(4) Where any increment under **[**[F9]section 11(1) of the Pensions Act**]**—

(a) is increased in any tax year by an order under **[**[F9]section 105 of that Act**]**; and

(b) in that tax year also falls to be increased by an order under this section,

the increase under this section shall be the amount that would have been specified in the order, but for this subsection, less the amount of the increase under Article 39A of the Pensions Order.

[F10](5) . . . . . .

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(6) The reference in subsection (1) above to an order made under section 150 of the Great Britain Administration Act includes a reference to an order made in exercise of the powers conferred by regulations made under subsection (11) of that section.

Textual Amendments

F1 Words in s. 132(1) inserted (26.2.2003 for specified purposes, 1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 4 para. 9**; S.I. 2003/392, art. 2 (subject to savings in art. 3)

F2 Words in s. 132(3)(a) substituted (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 41(a)**; S.R. 1994/17, **art. 2**

F3 Words in s. 132(3)(a) substituted (7.6.2012) by Pensions Act (Northern Ireland) 2012 (c. 3), **ss. 3(1)(a)**, 34(3); S.R. 2012/233, art. 2(2)(b)

F4 S. 132(3ZA)-(3ZB) inserted (7.6.2012) by Pensions Act (Northern Ireland) 2012 (c. 3), **ss. 3(1)(b)**, 34(3); S.R. 2012/233, art. 2(2)(b)

F5 S. 132(3A) inserted (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 41(b)**; S.R. 1994/17, **art. 2**

F6 Words in s. 132(3A) inserted (6.4.2012) by The Pensions (2008 Act) (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Provisions) Regulations (Northern Ireland) 2012 (S.R. 2012/120), regs. 1(a), **2(2)**

F7 Words in s. 132(3A) substituted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 13 para. 55**

F8 S. 132(3B)-(3C) inserted (7.6.2012) by Pensions Act (Northern Ireland) 2012 (c. 3), **ss. 3(2)**, 34(3); S.R. 2012/233, art. 2(2)(b)

F9 Words in s. 132(4) substituted (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 41(c)**; S.R. 1994/17, **art. 2**

F10 S. 132(5) omitted (7.6.2012) by virtue of Pensions Act (Northern Ireland) 2012 (c. 3), **ss. 3(3)**, 34(3) (with s. 3(4)); S.R. 2012/233, art. 2(2)(b)

Modifications etc. (not altering text)

C1 S. 132: certain functions of the Secretary of State or the Department of Health and Social Services for Northern Ireland transferred (5.10.1999) to the Treasury by 1999 c. 10, ss. 2, 20(2), **Sch. 2 Pt. I para. 4**

C2 Ss. 132-134: transfer of functions (1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), **ss. 49(4)**, 61 (with s. 54(1)(3)(4)(6)(8)); S.I. 2003/392, art. 2 (subject to savings in art. 3)

C3 S. 132 modified (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(c), **8(2)**

C4 S. 132(2) modified (5.10.1999) by 1999 c. 10, ss. 2, 20(2), **Sch. 2** Pt. Pt. V para. 20(f)

Marginal Citations

M1 1975 c. 14.

M2 1986 c. 50.

[F11 132A Annual up-rating of basic pension etc. and standard minimum guarantee

Whenever the Secretary of State makes an order under section 150A of the Great Britain Administration Act, the Department may make a corresponding order for Northern Ireland.]

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Textual Amendments

F11 S. 132A inserted (with effect in accordance with s. 5(3)(4) of the amending Act) by Pensions Act (Northern Ireland) 2008 (c. 1), **s. 5(1)**

[F12 132B Up-rating of transitional state pensions under Pensions Act (Northern Ireland) 2015

Whenever the Secretary of State makes an order under section 151A of the Great Britain Administration Act (up-rating of transitional state pensions under Pensions Act 2014), the Department may make a corresponding order for Northern Ireland.]

Textual Amendments

F12 S. 132B inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 17**

133 Rectification of mistakes in up-rating orders.

Whenever the Secretary of State [F13 or the Treasury] makes an order under section 152 of the Great Britain Administration Act, the Department may make a corresponding order for Northern Ireland.

Textual Amendments

F13 Words in s. 133 inserted (26.2.2003 for specified purposes, 1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 4 para. 9**; S.I. 2003/392, art. 2 (subject to savings in art. 3)

Modifications etc. (not altering text)

C2 Ss. 132-134: transfer of functions (1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), **ss. 49(4)**, 61 (with s. 54(1)(3)(4)(6)(8)); S.I. 2003/392, art. 2 (subject to savings in art. 3)

134 Social security benefits in respect of children.

(1) Regulations may, with effect from any day on or after that on which there is an increase in the rate or any of the rates of child benefit, reduce any sum specified in any of the provisions mentioned in subsection (2) below to such extent as the Department thinks appropriate having regard to that increase.

(2) The provisions referred to in subsection (1) above are the following provisions of Schedule 4 to the Contributions and Benefits Act—

(a) paragraph 6 of Part I (child's special allowance);

F14 (b) . . . . . .

F14 (c) . . . . . .

(d) paragraph 7 of Part V (increase of weekly rate of disablement pension in respect of child dependants);

(e) paragraph 12 of Part V (allowance in respect of deceased's children).

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Textual Amendments

F14 S. 134(2)(b)(c) repealed (1.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/392, art. 2; (subject to savings in art. 3)

Modifications etc. (not altering text)

C2 Ss. 132-134: transfer of functions (1.4.2003 for specified purposes, 7.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), **ss. 49(4)**, 61 (with s. 54(1)(3)(4)(6)(8)); S.I. 2003/392, art. 2 (subject to savings in art. 3)

Changes to legislation:
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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by S.I. 2018/1125 reg. 8 (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Act modified by S.R. 2019/211 art. 2(2)(a) (This amendment not applied to legislation.gov.uk. Affecting Order revoked (19.12.2020) without ever being in force by S.R. 2020/347, arts. 1(1), 2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 101(1)(4)(5)s. 101(6)(a)(b) words repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 1
- s. 2A(9) added by 2010 c. 13 (N.I.) Sch. 1 para. 24
- s. 2G(1)(d) inserted by S.I. 2015/2006 (N.I.) art. 65(5)
- s. 5(1A)-(1C) inserted by 2010 c. 13 (N.I.) s. 18(2)(c)
- s. 31A(1A) words substituted by S.I. 2015/2006 (N.I.) Sch. 4 para. 11(a)(ii)
- s. 104A(1A)-(1C) inserted by 2007 c. 2 (N.I.) s. 42(3)
- s. 110A inserted by 2007 c. 2 (N.I.) s. 43
- s. 110A repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 1
- s. 110A heading word inserted by S.I. 2015/2006 (N.I.) art. 114(4)
- s. 110A(2) words substituted by S.I. 2015/2006 (N.I.) art. 114(5)(a)
- s. 110A(2)(b) words substituted by S.I. 2015/2006 (N.I.) art. 114(5)(b)
- s. 110A(4)(b) words substituted by S.I. 2015/2006 (N.I.) art. 114(6)
- s. 110ZA inserted by S.I. 2015/2006 (N.I.) art. 114(2)
- s. 110ZA repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 1
- s. 116E and cross-heading inserted by 2010 c. 13 (N.I.) s. 16(3)
- s. 126(2)-(2B) substituted for s. 126(2) by 2007 c. 2 (N.I.) s. 35
- s. 130AB inserted by 2008 c. 13 (N.I.) Sch. 3 para. 14
- s. 140C inserted by S.I. 2015/2006 (N.I.) Sch. 2 para. 20
- s. 166(2)(ac) inserted by 2010 c. 13 (N.I.) s. 17