
STATUTORY INSTRUMENTS

1989 No. 1342

The Social Security(Northern Ireland) Order 1989

Up-rating

Rectification of mistakes in up-rating orders

19.—(1) After Article 64 of the 1986 Order (up-rating of certain sums) there shall be inserted the following Article—

“Rectification of mistakes in orders under Article 64

64A. Whenever the Secretary of State makes an order under section 63A (rectification of mistakes) of the Social Security Act 1986(1)the Department may make a corresponding order for Northern Ireland.”.

(2) In the 1986 Order—

- (a) in paragraph (1)(b) of Article 65 (effect of alteration of rates of benefit), after the words “Article 64” there shall be inserted the words “or 64A”;
- (b) in paragraph (3) of Article 81 (orders and regulations), after sub-paragraph (c) there shall be inserted the following sub-paragraph—
 - “(cc) an order under Article 64A;”.

(3) In section 59B of the principal Act (retirement allowance) after subsection (5) there shall be inserted the following subsection—

“(5A) For the purpose of determining under subsection (5) above the weekly rate of retirement allowance in the case of a beneficiary who—

- (a) retires or is deemed to have retired on 10th April 1989, and
- (b) on 9th April 1989 was entitled to reduced earnings allowance at a rate which was restricted under section 59A(8) above by reference to 40 per cent. of the maximum rate of disablement pension,

it shall be assumed that the weekly rate of reduced earnings allowance to which he was entitled on 9th April 1989 was £26.96.”.

(4) Article 4 of the Social Security (Northern Ireland) Order 1988(2) (certain persons to be entitled to reduced earnings allowance after introduction of retirement allowance etc.) shall have effect with the amendments specified in paragraphs (5) and (6).

(5) After paragraph (4) there shall be inserted the following paragraphs—

“(4A) For the purpose of determining under paragraph (4) the weekly rate of reduced earnings allowance payable in the case of a qualifying beneficiary, it shall be assumed that the weekly rate at which the allowance was payable to him on the relevant date was—

- (a) £25.84, where that date is 10th April 1988, or

(b) £26.96, where that date is 9th April 1989.

(4B) In paragraph (4A) “qualifying beneficiary” means a person entitled to reduced earnings allowance by virtue of paragraph (3) who—

(a) did not attain pensionable age before 6th April 1987, or

(b) did not retire from regular employment before that date,

and who, on the relevant date, was entitled to the allowance at a rate which was restricted under section 59A(8) of the principal Act by reference to 40 per cent. of the maximum rate of disablement pension.”.

(6) In paragraph (6) (relevant date for persons entitled to the allowance by virtue of paragraph (3) (b)) after the words “by virtue” there shall be inserted the word “only”.

(7) Paragraphs (3) to (6) shall be deemed to have come into operation on 10th April 1989.

Effect of alteration in the component rates of income support

20. After Article 65 of the 1986 Order (effect of alteration of rates of benefit) there shall be inserted the following Article—

“Effect of alteration in the component rates of income support

65A.—(1) Subject to such exceptions and conditions as may be prescribed, where—

(a) an award of income support is in force in favour of any person (“the recipient”), and

(b) there is an alteration in any of the relevant amounts, that is to say—

(i) any of the component rates of income support,

(ii) any of the other sums specified in regulations under Part III, or

(iii) the recipient’s benefit income, and

(c) the alteration affects the computation of the amount of income support to which the recipient is entitled,

then paragraph (2) or (3) (as the case may be) shall have effect.

(2) Where, in consequence of the alteration in question, the recipient becomes entitled to an increased or reduced amount of income support (“the new amount”), then, as from the commencing date, the amount of income support payable to or for the recipient under the award shall be the new amount, without any further decision of an adjudication officer, and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration in question, the recipient continues on and after the commencing date to be entitled to the same amount of income support as before, the award shall continue in force accordingly.

(4) In any case where—

(a) there is an alteration in any of the relevant amounts, and

(b) before the commencing date (but after that date is fixed) an award of income support is made in favour of a person,

the award either may provide for income support to be paid as from the commencing date, in which case the amount shall be determined by reference to the relevant amounts which will be in force on that date, or may provide for an amount determined by reference to the amounts in force at the date of the award.

(5) In this Article—

“alteration” means—

(a) in relation to—

- (i) the component rates of income support, or
- (ii) any other sums specified in regulations under Part III,

their alteration by or under any statutory provision whether or not contained in that Part; and

(b) in relation to a person’s benefit income, the alteration of any of the applicable sums—

- (i) by any statutory provision, or
- (ii) by an order under Article 64 or 64A,

to the extent that any such alteration affects the amount of his benefit income;

“applicable sums” means sums to which an order made under Article 64 corresponding to an order made under section 63 of the Social Security Act 1986 by virtue of subsection (1) of that section may apply;

“benefit income”, in relation to any person, means so much of his income as consists of—

- (a) benefit under the benefit Acts, other than income support; or
- (b) a war disablement pension or war widow’s pension;

“the commencing date”, in relation to an alteration, means the date on which the alteration comes into operation in the case of the person in question;

“component rate”, in relation to income support, means the amount of—

- (a) any of the sums specified in regulations under Article 23(1); or
- (b) the sum referred to in Article 24(5)(b)(i) and (ii);

“relevant amounts” has the meaning given by paragraph (1)(b).”.