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STATUTORY INSTRUMENTS

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**1993 No. 592 (N.I. 2)**

**NORTHERN IRELAND**

**The Social Security (Northern Ireland) Order 1993**

*Made - - - - 10th March 1993*

*Laid before Parliament 15th March 1993*

*Coming into operation in accordance with Article 1*

At the Court at Buckingham Palace, the 10th day of March 1993

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of the Social Security Act 1993<sup>(1)</sup>:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974<sup>(2)</sup> (as modified by section 3 of the said Act of 1993) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**Title and commencement**

1.—(1) This Order may be cited as the Social Security (Northern Ireland) Order 1993.

(2) Subject to paragraph (3), this Order shall come into operation on the seventh day after the day on which it is made.

(3) Article 3(1) and (2) and Article 5 shall not have effect with respect to any tax year before the tax year 1993-94.

(4) Article 3(3) shall be deemed always to have had effect.

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>(3)</sup> shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

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(1) 1993 c. 3

(2) 1974 c. 28

(3) 1954 c. 33 (N.I.)

(2) In this Order—

“the 1986 Order” means the Social Security (Northern Ireland) Order 1986<sup>(4)</sup>;

“tax year” means the twelve months beginning with 6th April in any year; and “the tax year 1993-94” and “the tax year 1994-95” mean respectively the tax year beginning with 6th April 1993 and the tax year beginning with 6th April 1994.

### **Pension schemes: payments by Department under Part II of 1986 Order**

3.—(1) In Article 5 of the 1986 Order (amount of minimum contributions to personal pension schemes), in paragraph (1) (calculation of contributions)—

(a) after sub-paragraph (a) there shall be inserted the following sub-paragraph—

“(aa) where—

(i) the tax year in which the tax week falls ends before such date as may be prescribed, and

(ii) the earner was over the age of 30 on the 6th April with which the tax year began,

1 per cent. of any such earnings.”, and

(b) sub-paragraph (b) (which does not have effect in relation to tax weeks ending after 5th April 1993) shall be omitted.

(2) In paragraph (5) of that Article (provision that may be made by regulations), after sub-paragraph (c) there shall be inserted the following sub-paragraph—

“(cc) for the manner in which an earner’s age is to be verified for the purposes of paragraph (1)(aa);”.

(3) In Article 82 of that Order (financial provision), after paragraph (6) there shall be inserted the following paragraph—

“(6A) There shall be paid out of the National Insurance Fund into the Consolidated Fund, at such times and in such manner as the Department of Finance and Personnel may direct, such sums as the Department may estimate (in accordance with any directions given by the Department of Finance and Personnel) to be the amount of the administrative expenses incurred by the Department in exercising its functions relating to—

(a) minimum contributions paid by it under Part II; and

(b) payments by it under Article 9.”.

### **Payments into National Insurance Fund out of appropriated money**

4.—(1) In this Article—

“the Administration Act” means the Social Security Administration (Northern Ireland) Act 1992<sup>(5)</sup>;

“the Department” means the Department of Health and Social Services;

“estimated benefit expenditure”, in relation to a financial year, means the amount estimated by the Department, before the beginning of that financial year, to be that of the aggregate of the amounts that may be expected to be paid out of the National Insurance Fund in that financial year—

(a) under paragraphs (a), (b), (c) and (d) of section 143(1) of the Administration Act, and

(4) 1986 NI 18

(5) 1992 c. 8

- (b) under section 42(2) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965<sup>(6)</sup> and Articles 42(1) and 43(1) of the Industrial Relations (Northern Ireland) Order 1976<sup>(7)</sup>;

“the National Insurance Fund” means the Northern Ireland National Insurance Fund.

(2) During the tax year 1993-94 there shall be paid into the National Insurance Fund out of money appropriated by Measure such amounts as the Department may determine, not exceeding in aggregate 20 per cent. of estimated benefit expenditure for the financial year ending in that tax year.

(3) If, before the beginning of the tax year 1994-95 or any subsequent tax year, the Department with the consent of the Department of Finance and Personnel by order provides that this paragraph is to have effect with respect to that tax year, there shall during that tax year be paid into the National Insurance Fund out of money appropriated by Measure such amounts as the Department may determine, not exceeding in aggregate the prescribed percentage of estimated benefit expenditure for the financial year ending in that tax year.

(4) In paragraph (3) “the prescribed percentage” means such percentage, not exceeding 17 per cent., as may be specified in the order under that paragraph.

(5) The Department may exercise the power to make a determination under paragraph (2) or an order or determination under paragraph (3) only if the Department thinks it expedient to do so with a view to adjusting the level at which the National Insurance Fund stands for the time being and having regard to estimated benefit expenditure for the financial year ending in the tax year to which the determination or order is to relate.

(6) The Department shall consult the Department of Finance and Personnel before making any determination under paragraph (2) or (3).

(7) Amounts payable under this Article shall be paid at such times and in such manner as the Department of Finance and Personnel may direct.

(8) Section 166(1) of the Administration Act (confirmatory procedure) shall apply to any order made under paragraph (3) and to any order contained in a statutory rule which includes any order under that paragraph.

(9) In section 1 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(8)</sup> (outline of contributory system), at the end of subsection (1) there shall be added the words “and amounts payable under Article 4 of the Social Security (Northern Ireland) Order 1993”.

## **Repeals**

5. The following provisions of Article 5 of the 1986 Order are hereby repealed—
- (a) in paragraph (1) the words “Subject to paragraph (2),” and sub-paragraph (b);
  - (b) paragraph (2); and
  - (c) in paragraph (5)(d) the words from “and as if” to the end.

*N. H. Nicholls*  
Clerk of the Privy Council

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<sup>(6)</sup> 1965 c. 19 (N.I.)  
<sup>(7)</sup> 1976 NI 16  
<sup>(8)</sup> 1992 c. 7

**Status:** This is the original version (as it was originally made).

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## **EXPLANATORY NOTE**

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

This Order is made only for purposes corresponding to those of the Social Security Act 1993.

Article 3 introduces with effect from 6th April 1993 a 1 per cent. additional rebate for certain personal pension holders by amending Article 5(1) of the Social Security (Northern Ireland) Order 1986 (amount of minimum contributions paid by the Department of Health and Social Services to personal pension schemes).

Article 4 provides for payments out of appropriated money into the Northern Ireland National Insurance Fund, subject to a limit calculated as a percentage of estimated benefit expenditure from the Fund in each financial year.